

**ANOKA PLANNING COMMISSION  
REGULAR MEETING  
ANOKA CITY HALL  
TUESDAY, JULY 6, 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, Manley Brahs, Peter Rech, Karna Brewer, and Borgie Bonthuis.

Planning Commissioners absent: Commissioners Cook and Herrala.

Staff present: Associate Planner Darnell

APPROVAL OF MINUTES:

- a. Approval of June 7, 2016 Regular Meeting Minutes

Commissioner Brewer referred to page 7 of the minutes, in the fourth paragraph, and stated that the phrase “condition of approval a proof of parking...” should read “condition of approval and proof of parking...” and asked that the minutes be amended.

**MOTION WAS MADE BY COMMISSIONER BONTHUIS, SECONDED BY COMMISSIONER BREWER, TO APPROVE THE AMENDED REGULAR MEETING MINUTES OF JUNE 7, 2016**

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

- b. Approval of June 21, 2016 Work Session Minutes

**MOTION WAS MADE BY COMMISSIONER BONTHUIS, SECONDED BY COMMISSIONER BREWER, TO APPROVE THE WORK SESSION MINUTES OF JUNE 21, 2016**

5 ayes – 0 nays. Motion carried.

NEW BUSINESS:

None.

OLD BUSINESS:

None.

PUBLIC HEARINGS ON NEW APPLICATIONS:

**a. A2016-14, Zoning Ordinance Amendment, Chapter 74, Article V, Division 1, Section 74-192 Planned Unit Developments**

Associate Planner Darnell reported the City has been considering drafting an ordinance amendment regarding the minimum size required for planned unit development districts. The current zoning ordinance requires that the minimum district area be not less than five acres. This intent of including this size requirement was likely to meet the purpose and intent of the planned unit developments and to take advantage of large-scale site planning. However, the five-acre minimum size no longer accurately reflects the types of developments and redevelopment sites that are available in the City of Anoka. The Planning Commission discussed this at the May 17, 2106 work session meeting and directed staff to bring forth proposed amendments regarding the minimum size required for planned unit development districts.

Associate Planner Darnell stated based on the purpose and intent of the City's planned unit development districts, the size is only one of the factors that should be considered when evaluating the overall qualities of any proposed planned unit development.

Associate Planner Darnell stated as a community that is almost fully developed, much of the development and redevelopment that will occur in the City of Anoka will be at a scale smaller than five acres. The City has compiled marketing information for a number of city-owned and private sites currently available for development, and many of the development sites are much smaller than five acres. Of the 24 sites that are currently available for development, 18 are smaller than five acres and would not be eligible for a planned unit development.

Associate Planner Darnell reported staff believes that the minimum district area could be reduced to better reflect the development opportunities that exist in the City of Anoka, and is proposing that the minimum district area be reduced to two acres in size. If the minimum size was reduced to two acres, 14 of the 24 development sites mentioned above would be eligible for a planned unit development district.

Associate Planner Darnell reported staff is also proposing that the zoning ordinance allow for flexibility in allowing planned unit development districts at smaller sizes if certain criteria are met, such as demonstrating that a project of superior design can be achieved or that greater compliance with comprehensive plan goals and policies or adopted master plans can be attained through the creation of a planned unit development.

Associate Planner Darnell stated the development sites eligible for a planned unit development currently and with the proposed reduction in minimum size are as follows:

<b>Available Development Sites in Anoka</b>	
Total Number of Sites	24
Number Smaller than 5 Acres	18 (75%)
Number Smaller than 2 Acres	10 (42%)
Sites Available for PUD Currently	6 (25%)
Sites Available for PUD is Size Reduced	14 (58%)

Associate Planner Darnell read the proposed ordinance language:

(5) Minimum district area. ~~The minimum total district area shall be not less than five acres.~~ Planned unit development districts (PCD, PID, PRD, PTOD), which may consist of a parcel or contiguous parcels of land, shall be not less than two acres in size. Tracts of less than two acres may be approved only if the Applicant can demonstrate that a project of superior design can be achieved or that greater compliance with comprehensive plan goals and policies or adopted master plans can be attained through the creation of a PUD district.

Commissioner Brewer asked if the ramifications have been considered of where these new areas are located in the City. By reducing the acreage to two acres, it opens up more areas that could qualify for this type of application. She expressed concern that the wording seems very generic and broad in nature, and not specific enough to guide a developer. Additionally, what guideline does the City have in denying an application. Associate Planner Darnell stated while the size requirement is reduced, all the other requirements for a PUD will still be in place. It still has to be substantially consistent with the underlying zoning district, the required findings would be the same, the proposed development would still have to conform with the City's goals and objectives with the City's Comprehensive Plan, it would have to conform with the purpose and intent of the original district, and any departures from the district would have to be justified by the development. If these are not met, they application could be denied.

Chair Kjonaas stated they have granted variances over the past several years because the five acres was the minimum. This allows developers to come in, yet operate under the City's conditions.

Associate Planner Darnell commented of the five PUDs the City has, two are below five acres.

Chair Kjonaas opened the public hearing at 7:10 p.m.

Chair Kjonaas closed the public hearing at 7:11 p.m.

Associate Planner Darnell advised there has been no correspondence from the public on this matter.

Commissioner Brewer asked if there have been any requests to develop a PUD, but because the acreage was too small, they were not able to do so. Associate Planner Darnell responded there has been one request.

Commissioner Brahs commented the smaller size allowance will make the land more saleable. Associate Planner Darnell stated the intent is not to encourage a PUD. However, if the opportunity is there, it would allow it to occur if there is justification for it.

Commissioner Brewer referred to page 4 and the proposed ordinance language. She stated the word “shall” in the first sentence is binding and suggested changing it to “will”. It would read, “...consist of a parcel or contiguous parcels of land, ~~shall~~ will not be less than two acres in size.” In the second sentence she suggested changing the word “may” to “shall”. It would read, “Tracts of less than two acres ~~may~~ shall be approved...” Associate Planner Darnell advised he would make the change.

**MOTION WAS MADE BY COMMISSIONER BRAH, SECONDED BY COMMISSIONER BREWER, TO APPROVE APPLICATION A2016-14, ZONING ORDINANCE AMENDMENT, CHAPTER 74, ARTICLE V, DIVISION 1, SECTION 74-192 PLANNED UNIT DEVELOPMENT, WRITTEN AS FOLLOWS:**

(5) Minimum district area. ~~The minimum total district area shall be not less than five acres.~~ Planned unit development districts (PCD, PID, PRD, PTOD), which may consist of a parcel or contiguous parcels of land, ~~shall~~ will be not less than two acres in size. Tracts of less than two acres ~~may~~ shall be approved only if the Applicant can demonstrate that a project of superior design can be achieved or that greater compliance with comprehensive plan goals and policies or adopted master plans can be attained through the creation of a PUD district.

5 ayes – 0 nays. Motion carried.

**b. A2016-15, Zoning Ordinance Amendment, Chapter 74, Article IX, Division 1, Section 74-492 Accessory Structure Administrative Site Plan Approval**

Associate Planner Darnell reported the Minnesota State Building Code was amended to allow for buildings of 200 square feet or less to be constructed without a building permit. Previously, buildings of 120 square feet or less did not require a building permit, and the City of Anoka had not previously reviewed or permitted buildings smaller than 120 square feet in size.

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Associate Planner Darnell reported with the change in the State Building Code, the City can no longer require that a building permit be obtained for accessory buildings smaller than 200 square feet in size. Therefore, the City has no way to monitor the placement of these types of buildings for compliance with zoning code requirements. Proposed buildings larger than 120 square feet were previously reviewed by staff to ensure that they complied with height, setback, impervious surface coverage, and size/number of accessory structure requirements.

Associate Planner Darnell commented staff has been discussing the addition of an accessory building review process to the City Code. This review process would be specifically for accessory structures less than 200 square feet, as any building larger than 200 square feet would require a building permit and would be reviewed by both planning staff and the building official. The Planning Commission discussed this item at the May 17, 2016 work session meeting, and recommended that staff bring forward proposed amendments to the zoning ordinance regarding a review and approval process for these types of accessory structures.

Associate Planner Darnell stated one option that had been discussed was to have an accessory structure permit requirement. This would require a permit to be pulled for the placement of any accessory structure less than 200 square feet in size. This permit would allow for staff to complete a zoning review to ensure that the placement of the accessory structure meets zoning requirements.

Associate Planner Darnell stated upon further review, staff is proposing that the review and approval of these structures be completed in the same manner that an administrative site plan approval would be completed. This would not require an actual permit, but would require written approval by the zoning administrator. An applicant would be required to submit a site plan showing the proposed location of the accessory building, a narrative describing how the structure will be use, a signed statement by the applicant stating that they are aware that Anoka City Code prohibits residential occupancy and home occupations in accessory structures, and any other information requested by staff in order to review the application.

Associate Planner Darnell stated staff is also proposing that the fee for requesting the accessory structure administrative approval be \$25, which is the same as the fee required to apply for a fence or sign permit. This lower cost would not be burdensome for applicants and would be equivalent to the amount of staff time required to review and investigate any applications.

Associate Planner Darnell read the proposed ordinance language:

**Section 74-492. Accessory Structure Administrative Site Plan Approval Required.**

- a) For the purpose of enforcing this Chapter, an accessory structure site plan approval shall be required of all persons intending to erect, alter, or move any building or structure that is otherwise exempt from needing a building permit under MN Statute 1300.0120, Subp. 4, A.(1).

- b) The accessory structure site plan review shall be approved by the zoning administrator or their designee upon a written finding that the proposal meets the requirements of the applicable zoning district and is in compliance with the relevant ordinance standards.
- c) Administrative site plan approval shall be processed according to the procedures and criteria set forth in City Code Chapter 74, Section 74-38 (g).
- d) Application materials. The person seeking site plan approval must fill out and submit to the zoning administrator a completed application. The review fee shall be established by the City Council and recorded in the Anoka Fee Schedule. The applicant shall submit the following information as part of the application:
  - (1) A site plan showing the following information:
    - a. Location and dimensions of lot lines, buildings, driveways, off-street parking spaces, sidewalks, patios, or other forms of impervious lot coverage as determined by the zoning administrator.
    - b. Distances between buildings.
    - c. Front, side, and rear lot lines with dimensions.
    - d. ~~Principal buildings and accessory buildings.~~
    - e. Location of any easements or underground utilities.
    - f. Other information deemed necessary to determine compliance with City Code.
  - ~~(2) A narrative describing how the structure will be used.~~
  - (3) A signed statement by the applicant stating that they are aware that Anoka City Code prohibits residential occupancy and home occupations in accessory structures.
  - (4) Any other information requested by the zoning administrator in order to allow a reasonable review of the requested proposal.

Commissioner Brewer referred to the ordinance language, section A(1)a, and stated the word “or” should be “and”. She referred to the first paragraph, section A, and suggested adding the word “acquire”. Commissioner Rech recommended using the word “place” instead of “acquire”. The Planning Commission agreed. It would then read, “...required of all persons intending to erect, alter, or ~~move~~ place any building...”

Commissioner Brewer asked why it is important to know how the structure will be used since the use could change. Associate Planner Darnell stated how the structure is used is not important to the City as long as the applicant knows how they cannot be using the structure.

Chair Kjonaas stated it is better to have on file the intended use in the event the applicant gets caught using it in an illegal manner.

Commissioner Rech asked if there a comprehensive list of what is allowed to be stored in the accessory structures. Associate Planner Darnell stated the code does not have a list of what can be stored, other than a few things that are not allowed to be stored.

Commissioner Bonthuis noted it is not stated in the text that only two accessory buildings are allowed. Associate Planner Darnell advised it is stated in the accessory building regulations.

Chair Kjonaas opened the public hearing at 7:27 p.m.

Chair Kjonaas closed the public hearing at 7:28 p.m.

Associate Planner Darnell advised there had been no correspondence from the public on this matter.

**MOTION WAS MADE BY COMMISSIONER BONTHUIS, SECONDED BY COMMISSIONER RECH, TO APPROVE APPLICATION A2016-15, ZONING ORDINANCE AMENDMENT, CHAPTER 74, ARTICLE IX, DIVISION 1, SECTION 74-492, ACCESSORY STRUCTURE ADMINISTRATIVE SITE PLAN APPROVAL, WRITTEN AS FOLLOWS:**

**Section 74-492. Accessory Structure Administrative Site Plan Approval Required.**

- a) For the purpose of enforcing this Chapter, an accessory structure site plan approval shall be required of all persons intending to erect, alter, or ~~move~~ place any building or structure that is otherwise exempt from needing a building permit under MN Statute 1300.0120, Subp. 4, A.(1).
- b) The accessory structure site plan review shall be approved by the zoning administrator or their designee upon a written finding that the proposal meets the requirements of the applicable zoning district and is in compliance with the relevant ordinance standards.
- c) Administrative site plan approval shall be processed according to the procedures and criteria set forth in City Code Chapter 74, Section 74-38 (g).
- d) Application materials. The person seeking site plan approval must fill out and submit to the zoning administrator a completed application. The review fee shall be established by the City Council and recorded in the Anoka Fee Schedule. The applicant shall submit the following information as part of the application:
  - (1) A site plan showing the following information:
    - a. Location and dimensions of lot lines, buildings, driveways, off-street parking spaces, sidewalks, patios, ~~or~~ and other forms of impervious lot coverage as determined by the zoning administrator.
    - b. Distances between buildings.
    - c. Front, side, and rear lot lines with dimensions.
    - ~~d. Principal buildings and accessory buildings.~~
    - e. Location of any easements or underground utilities.
    - f. Other information deemed necessary to determine compliance with City Code.
  - (2) A narrative describing how the structure will be used.

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- (3) A signed statement by the applicant stating that they are aware that Anoka City Code prohibits residential occupancy and home occupations in accessory structures.
- (4) Any other information requested by the zoning administrator in order to allow a reasonable review of the requested proposal.

5 ayes – 0 nays. Motion carried.

MISCELLANEOUS:

Next work session will be Tuesday, July 19, 2016 at 6:00 p.m.

Next regular meeting will be Tuesday, August 2, 2016 at 7:00 p.m.

ADJOURNMENT:

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

5 ayes – 0 nays. Motion carried.

Time of adjournment: 7:30 p.m.

Submitted by Chuck Darnell, Associate Planner