

NOT APPROVED
**ANOKA PLANNING COMMISSION
REGULAR MEETING
ANOKA CITY HALL
TUESDAY, AUGUST 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, James Cook, Sandy Herrala, Manley Brahs, and Borgie Bonthuis.

Planning Commissioners absent: none

Staff present: Associate Planner Darnell

APPROVAL OF MINUTES:

- a. Approval of July 6, 2016 Regular Meeting Minutes

Chair Kjonaas requested the minutes reflect that Manley Brahs was at the July 6 meeting under Roll Call.

MOTION WAS MADE BY COMMISSIONER BREWER, SECONDED BY COMMISSIONER BONTHUIS, TO APPROVE THE AMENDED REGULAR MEETING MINUTES OF JULY 6, 2016

7 ayes – 0 nays. Motion carried.

- b. Approval of July 19, 2016 Work Session Minutes

MOTION WAS MADE BY COMMISSIONER BONTHUIS, SECONDED BY COMMISSIONER BREWER, TO APPROVE THE WORK SESSION MINUTES OF JULY 19, 2016

5 ayes – 0 nays – 2 abstain (Brahs and Rech). Motion carried.

NEW BUSINESS:

None.

OLD BUSINESS:

a. A2016-17, Site Plan Amendment, 3201 & 3215 Round Lake Boulevard

Associate Planner Darnell reported the applicant, Brad Dunham, is requesting a site plan amendment for the originally approved site plan at 3201 and 3215 Round Lake Boulevard. This is the location of the Top Wash Car Wash, as well as a pad for another smaller retail building. The applicant has installed landscaping on the site, but has made some changes from what was originally shown on the approved landscape plan.

Associate Planner Darnell reported on the changes to the landscaping. The applicant met with City staff after the original site plan approval, and had proposed to retain some trees on the site rather than removing them to make room for proposed trees from the landscape plan. This resulted in the retention of 26 trees on the north side of the site and 17 trees on the west side of the site. The original removals plan (dated March 28, 2013) that was included with the original site plan approval did not include the removal of any of these trees.

Associate Planner Darnell reported the applicant also added additional fence paneling along the west side of the site, instead of planting shrubs between some of the fence panels as shown on the original landscape plan. The additional fence panels were more desirable to the residents in the townhome association to the west, and the applicant installed the fence panels to provide for screening that was more desirable to those residents.

Associate Planner Darnell outlined the changes on the north side of the site. In the planting area on the northeast corner of the site, the applicant installed the eight (8) shrubs as shown on the original landscape plan, but did not plant the proposed crabapple tree or any sedum. Along the north side of the site, the applicant had proposed to plant eleven (11) spruce trees that would be 8-12 feet in height. The height of these trees was also specifically called out as a condition of approval in RES-13-55. The reason for the height of these trees was to provide for screening between the car wash and the town home units to the north. The applicant ended up installing only five (5) spruce trees that are about 6 feet in height. In the planting area on the northwest corner of the site, the applicant installed the rain garden plantings as shown on the original landscape plan, and those plantings still appear to be in good condition. The applicant did not plant the three (3) river birch trees that were shown on the original landscape plan.

Associate Planner Darnell outlined the changes on the west side of the site. The applicant did not install the northernmost fence panel. The original landscape plan included eleven (11) river birch trees along the west side of the site. The applicant installed five (5) river birch trees along the west side of the site, from the north corner of the site down to the north side of the car wash building. There are no trees or shrubs planted along the west side of the car wash building. The applicant had originally proposed 72 feet of fence panels along the west side of the site. After discussing the landscaping with the townhome association, the applicant decided to add additional fence paneling to provide a solid screening wall along most of the west side of the site.

Planning Commission Meeting Minutes

August 2, 2016

Page 3 of 15

The applicant added 60 additional feet of fence paneling, for a total of 132 feet of fencing providing screening to the townhome properties to the west. The original landscape plan had shown shrubs ('medora' junipers) between all of the fence panels, and smaller shrubs (spirea) in front of each fence panel. None of these plantings were installed on the site. The planting island immediately to the east of the car wash entrance was reduced in size to allow a drive aisle to cut through to the other side of the parking lot. This reduced the area for landscaping. The applicant installed one (1) tree and four (4) shrubs, instead of the three (3) trees and twenty (20) shrubs on the original landscape plan. The original landscape plan had also included a native seed mix between the fence panels and the property lines. This native seed mix was installed, and has grown in well and is in condition. The rain garden on the southwest corner of the site was also installed as shown on the original landscape plan, and has grown in well and is in good condition.

Associate Planner Darnell outlined the changes on the south and east side of the site. The original landscape plan included five (5) spruce trees along the south side of the site, as well as one (1) crabapple tree and shrubs in a planting area on the southeast corner of the site. The applicant installed three (3) spruce trees along the south side of the site, and did not include any of the other plantings on the southeast corner of the site. Just east of the exit from the car wash building, the applicant installed one (1) tree and seven (7) shrubs on a small planting island. This is consistent with the original landscape plan, except that the original plans had shown daylilies instead of spirea. On the east side of the site, the applicant installed eleven (11) shrubs (mix of hydrangea and spirea) in front of the parking stalls that front onto Round Lake Boulevard. The original landscape plan showed nineteen (19) plantings in this area. The rain garden on the east side of the site was installed, but upon inspection only fourth-four (44) plantings were observed, when the original landscape plan included seventy-two (72). The original landscape plan also included thirteen (13) spirea along the east edge of the rain garden, which were not installed.

Associate Planner Darnell reported the vacant portion of the site is the lot that was separated during the original site plan approval for a retail lot. The retail building has not yet been developed, so the applicant has not installed any landscaping on this lot. The applicant has stated that the landscaping will be installed as it was shown on the original landscape plan once the retail building is constructed.

Based on the changes that have already occurred on the site, staff is recommending that an amended landscape plan be approved by the Planning Commission, with the following changes:

North Side of Site:

1. Staff is recommending that the spruce trees along the north side of the site be replaced with trees that are 8-12 feet in height, as was originally required as a condition of approval in RES-13-55. The original landscape plan included eleven (11) spruce trees and only five (5) were planted. Staff is recommending that eleven (11)

- spruce trees 8-12 feet in height be planted in this area to be consistent with the original landscape plan.
2. Staff is also recommending that the smaller perennial plantings be installed in the planting area on the northwest corner of the site.

West Side of Site:

1. Staff is recommending that the 'medora' juniper shrubs be installed in the areas between all fence panels to create a full screening wall as was shown in the original landscape plan. The areas that have been filled in with additional fence panels could remain as installed.
2. Staff is also recommending the forty-eight (48) shrubs (spirea) be installed in front of the fence panels as was shown in the original landscape plan. On the west side of the car wash building, staff is recommending that additional trees be installed in a line along the top of the hill. This would provide for screening of the car wash building from the townhome units to the west.
3. Staff is recommending that the five (5) spruce trees currently located on the north side of the site be relocated to the west side of the car wash building. Staff does not feel that any changes are needed in the rain garden on the southwest corner of the site or in the native seed area along the entire west side of the site.

South/East Side of Site:

1. Staff is recommending that two (2) additional spruce trees be planted on the south side of the site, consistent with the original landscape plan.
2. Staff is also recommending that the planting area on the southeast corner of the site be installed as was shown on the original landscape plan.
3. Additional plantings should be added to the rain garden on the east side of the site to reach the originally required number of plantings. The original landscape plan showed seventy-two (72) plantings, and only fourth-four (44) were identified upon recent inspection. This would require that an additional twenty-eight (28) plantings be added to the rain garden.
4. Staff feels that the shrubs installed along the east side of the site in front of the parking stalls are adequate, considering the amount of space in that area. Staff is recommending that the applicant install the shrubs that were originally proposed on the east side of the rain garden.

Vacant Retail Lot:

Staff is not recommending any changes at this point in time. However, staff is recommending that the landscaping be installed as shown on the original landscape plan when the retail building is constructed.

The staff recommendations can be summarized as follows:

Planning Commission Meeting Minutes

August 2, 2016

Page 5 of 15

1. Applicant shall replace the five (5) existing spruce trees along the north side of the site with eleven (11) spruce trees that are 8-12 feet in height.
2. Applicant shall install the perennial plants in the planting area on the northeast corner of the site to be consistent with the original landscape plan.
3. Applicant shall install 'medora' juniper shrubs between all fence panels to create screening along the entire west side of the site.
4. Applicant shall install spirea shrubs in front of the fence panels to be consistent with the original landscape plan.
5. Applicant shall install five (5) additional spruce trees on the west side of the car wash building, in a line along the top of the hill consistent with the original landscape plan.
6. Applicant shall install two (2) additional spruce trees along the south side of the site to be consistent with the original landscape plan.
7. Applicant shall install landscaping in the planting area on the southeast corner of the site to be consistent with the original landscape plan.
8. Applicant shall install an additional twenty-eight (28) plantings in the rain garden on the east side of the site, as well as thirteen (13) shrubs along the east side of the rain garden to be consistent with the original landscape plan.
9. Upon construction of a retail building on the existing vacant retail lot, applicant shall install landscaping on the lot to be consistent with the original landscape plan.
10. The City shall hold the remaining escrow deposit, which was last amended on April 29, 2015, until the landscaping is installed on the property as required above.
11. All other conditions of approval set forth in RES-2013-55 and RES-2014-083 shall be adhered to.

City Planner Darnell advised if the amendment is granted, the applicant would have a year to complete the work.

Chair Kjonaas asked if it would be appropriate to recommend this be completed 30 to 45 days from the time of City Council approval. City Planner Darnell stated that condition could be added.

Commissioner Herrala asked if City staff had talked with the townhouse association. City Planner Darnell stated he emailed them, but did not receive a response. The applicant received an email confirmation from the townhome association president that their board approved the revised landscape plan, without the Planning Commission recommendations. He has also heard from a couple of residents regarding noise and screening.

Commissioner Brahs asked for clarification on Condition No. 10. Associate Planner Chuck Darnell explained the City requires a performance bond be submitted in the amount of 125 percent of the cost for all site improvements. It was reduced down to a smaller amount on April 29, 2015 because some things were not completed. The amount still held in escrow still contains the full amount of the landscaping.

Planning Commission Meeting Minutes

August 2, 2016

Page 6 of 15

Commissioner Brewer commented nothing is being screened with the fence and inquired why more shrubs and trees are required since no one is going to benefit from them.

Commissioner Brewer commented she called the person who designed the landscaping and asked him if he took into consideration that trees expand and crowd each other out and if he chose plants that could survive without an additional watering system. He told her he chose plants that would survive in normal conditions. Additionally, she mentioned to him the plan to transplant the smaller trees that had already been planted. He stated trying to transplant them was not the best plan. She stated this plan was created in cooperation between the applicant and the townhouse residents and she is not ready to vote on this application until more information can be provided.

Associate Planner Darnell stated there is grade change on the site around the white fence. The white panels provide screening from the people in the townhomes viewing the cars. The plantings along the west side may be difficult to maintain and the fencing may provide enough screening in that area. If it is not recommended to replace the five trees because they will not survive, staff will still recommend adding the taller trees.

Commissioner Brahs asked if the applicant met with staff about the changes he wanted to make to the landscape plan. Associate Planner Darnell stated the applicant did meet with staff about the changes over a year ago. Staff does not have the authority to make site plan amendments and that is why it is before the Planning Commission.

Associate Planner Darnell stated the applicant requested the amended landscape plan be approved and staff has included additional recommendations. The renderings show what has already been completed on the site, and the conditions recommended by staff are not yet completed.

Commissioner Herrala inquired about complaints by residents regarding noise and visual screening. Associate Planner Darnell stated he has received two complaints. Both are residents on the north side. There is no public hearing requirement for a site plan amendment.

Commissioner Brahs inquired if the applicant had seen the additional conditions recommended by staff. Associate Planner Darnell stated he just saw them today and is prepared to speak about some of them.

Mr. Brad Dunham, owner of Top Wash, 3201 Round Lake Boulevard, commented he did not build this arbitrarily without getting approval. He brought it to City staff, walked the lot with them, tagged trees, and got a verbal approval that his plan was acceptable. He agrees with a lot of the additional conditions and understands there is a process. He spoke with the townhome residents and made changes based on their concerns. He expressed concern of having so many

Planning Commission Meeting Minutes

August 2, 2016

Page 7 of 15

trees on the north side with the existing large trees and the trees being replanted. He does not want to put plantings in between the new fences because the salt runoff may make it difficult to maintain them, and the neighbors are fine with the way it is.

Commissioner Herrala asked for clarity the original plan was approved in 2013. Mr. Dunham stated the updated plan that is before the Commission tonight was approved by a former City Planner. He also spoke with the neighbor to the south and he said no additional trees were needed.

Associate Planner Darnell stated the applicant expressed concern with Condition Nos. 3, 4, and 5.

Commissioner Herrala asked the applicant why he does not agree with Condition No. 5. Mr. Dunham said the neighbor cannot see the trees and when he originally talked with the former City Planner about it, she said they did not have to be put in because they cannot be seen. In order to get back there now to put in the trees, a lot of fencing would have to be removed. Associate Planner Darnell commented Condition No. 5 was included because it would screen the back side of the building.

Chair Kjonaas said there has been some confusion and this is an opportunity to agree on a plan and move forward. Mr. Dunham agreed.

Commissioner Brewer referred to Condition No.1 and suggested the five existing established trees remain there and add six additional trees. Associate Planner Darnell commented they wanted the trees to meet the height requirement and it is hard to space them appropriately. It may be easier to start over with the right height of trees and space them appropriately.

Mr. Dunham stated he will put in the trees with the required height, but he has concern with having 11 trees in that area.

Commissioner Brahs asked if it was possible to use the existing trees and space them appropriately with the newer trees. Mr. Dunham stated he was told by his landscape designer if the five trees are dug up, they cannot be saved.

Commissioner Brewer withdrew her suggestion of keeping the five remaining trees.

Commissioner Cook suggested they find 15 to 20 foot trees and stagger them between the existing five trees and blend the species.

Commissioner Bonthuis referred to the picture on page 24 and stated the existing trees are planted right in the middle and there is no space to stagger additional trees. They are not needed behind the building, but should be planted on the south east side of the site.

After discussion, the Commission agreed to some changes with the conditions and Mr. Dunham agreed to complete the plan within 90 days.

MOTION WAS MADE BY COMMISSIONER BONTHUIS, SECONDED BY COMMISSIONER BRAHS, TO APPROVE APPLICATION A2016-17, SITE PLAN AMENDMENT, 3201 & 3215 ROUND LAKE BOULEVARD, WITH THE FOLLOWING CONDITIONS:

1. Applicant shall replace the five (5) existing spruce trees along the north side of the site with eleven (11) spruce trees that are 8-12 feet in height.
2. Applicant shall install the perennial plants in the planting area on the northeast corner of the site to be consistent with the original landscape plan.
3. ~~Applicant shall install 'medora' juniper shrubs between all fence panels to create screening along the entire west side of the site.~~
4. ~~Applicant shall install spirea shrubs in front of the fence panels to be consistent with the original landscape plan.~~
5. ~~Applicant shall install five (5) additional spruce trees on the west side of the car wash building, in a line along the top of the hill consistent with the original landscape plan.~~
6. Applicant shall install two (2) additional spruce trees along the south side of the site to be consistent with the original landscape plan, and relocate five (5) trees from the north side of the site, if possible.
7. Applicant shall install landscaping in the planting area on the southeast corner of the site to be consistent with the original landscape plan.
8. Applicant shall install an additional twenty-eight (28) plantings in the rain garden on the east side of the site, as well as thirteen (13) shrubs along the east side of the rain garden to be consistent with the original landscape plan.
9. Upon construction of a retail building on the existing vacant retail lot, applicant shall install landscaping on the lot to be consistent with the original landscape plan.
10. The City shall hold the remaining escrow deposit, which was last amended on April 29, 2015, until the landscaping is installed on the property as required above.
11. All other conditions of approval set forth in RES-2013-55 and RES-2014-083 shall be adhered to.
12. Applicant shall complete the landscaping of the site as described above within 90 days of the August 2, 2016 Planning Commission regular meeting.

7 ayes - 0 nays. Motion carried.

PUBLIC HEARINGS ON NEW APPLICATIONS:

- a. **A2016-16, Zoning Ordinance Amendment, Chapter 74, Article V, Division 2, Section 74-211 Home Occupation**

Associate Planner Darnell reported the City has been considering some potential changes to the home occupations ordinance of the Anoka City Code. The changes have been discussed at previous Planning Commission and City Council work sessions. The changes being considered include amending the home occupation performance standards to not allow for home occupations to be conducted in accessory structures, and amending the permitted and prohibited home occupations to allow for food production now allowed by Minnesota State Statute.

Associate Planner Darnell reported the Planning Commission and City Council discussed this topic at previous work session meetings. Some of the items of concern regarding Home Occupations in Accessory Structures that were discussed at the work session meetings included:

1. Original Purpose & Intent

The original purpose and intent of allowing home occupations in residential neighborhoods was to provide for opportunities for small businesses, but prevent competition with established business districts. Another purpose was to establish specific standards by which a home occupation could be conducted in a residential neighborhood without jeopardizing the health, safety, and general welfare of the surrounding neighborhood.

Based on the existing performance standards, the intent of the home occupation ordinance was that home occupations be conducted entirely within a dwelling unit and not in an accessory structure. The interim use permit option was likely included for rare circumstances that may have required temporary use of an accessory structure, but the City of Anoka has never actually granted an interim use permit to operate a home occupation in an accessory structure.

2. Size of Residential Lots

In a fully developed and urbanized city such as Anoka, many lots are small in size and some lots are less than 10,000 square feet. Allowing home occupations in accessory structures could cause noise and nuisance issues between property owners, especially when lots are so small and accessory structures can be placed only five feet from property lines.

3. Commercial Uses

The purpose of the home occupation language in the zoning ordinance is to allow for some types of home occupations, but to not compete with other existing commercial areas in the City of Anoka. Businesses in commercially-zoned areas pay commercial property tax. Allowing a home owner to conduct a home occupation in an accessory structure would provide an unfair advantage to that business by allowing that business owner to only pay residential property taxes.

Also, if home occupations were allowed in accessory structures, property owners would have the ability to construct a detached accessory structure specifically to conduct a home occupation within it. This would essentially allow for a small commercial structure to be constructed in a residentially zoned area. This is not consistent with the purpose and intent of the home occupation language in the zoning ordinance, in that the home occupation should be secondary to the residential use of the property. It also violates a performance standard required of all home occupations in the City, which is that no home occupation shall involve construction of feature not customarily found in residential dwellings.

4. Code Enforcement Issues

There is a concern that allowing home occupations to occur in accessory structures could lead to code enforcement issues at properties within the city. If a home occupation was conducted within an accessory structure, that accessory structure may not be used for its intended purpose which would be to store vehicles or other normal household items. This could result in an increase in vehicle storage or outdoor storage violations, both of which are defined as blight in the Anoka City Code.

Also, allowing for home occupations in accessory structures could provide an opportunity for a property owner to rent out their accessory structure for another person to conduct a home occupation within it. This would be a violation of the home occupation performance standards, as only the person occupying the dwelling unit on a property may carry on a home occupation on the property. This would also be difficult for staff to enforce.

Associate Planner Darnell stated staff is proposing that the home occupations ordinance language be amended as follows:

Home Occupation Performance Standards - Section 74-211 (d)(7)(l): All home occupations shall be conducted entirely within the dwelling and not in an attached or detached garage or in an accessory building ~~unless upon approval of an interim use permit by the City Council after recommendation by the planning commission.~~

Associate Planner Darnell reported on a law that is referred to as the Cottage Food Law or Cottage Food Exemption, and is included in Minnesota Statutes 28A.152. The law allows for individuals to be exempt from normal food handling and food production licensure processes. It does not allow for businesses to operate under the exemption, which would include firms, partnerships, cooperatives, societies, associations, companies, and corporations. It allows solely for individuals or individuals registered as a sole proprietorship to operate under the exemption.

Planning Commission Meeting Minutes

August 2, 2016

Page 11 of 15

Associate Planner Darnell reported the Cottage Food Law only allows for production and sale of food that is not defined as “potentially hazardous”, such as baked goods, jams, jellies, pickled items, and canned items with pH values of 4.6 or less. A comprehensive list of these non-potentially hazardous (NPH) foods is kept up to date by the Minnesota Farmers’ Market Association. There are also a number of resources available through the Department of Agriculture, the Minnesota Farmers’ Market Association, and the University of Minnesota Extension for individuals that are interested in producing and selling food products under the Cottage Foods Exemption.

Associate Planner Darnell reported the Cottage Food Law requires that an individual sell their food products directly to the ultimate consumer. The Law allows for the food products to be sold at a community event or farmers’ market, but also allows for the food products to be sold directly from the individual’s home to the consumer, to the extent allowed by local ordinance.

Associate Planner Darnell stated the Cottage Food Law requires that individuals register with the Department of Agriculture. Individuals must also participate in an approved food safety course, and the Department of Agriculture can request an inspection of the food preparation area at any time if they have suspicion or are aware of any health concern related to a registered individual. There are also strict labeling requirements, and limits on the amount of income that an individual can generate from food sales annually.

Associate Planner Darnell commented Minnesota Statutes 28A.152, subp. 6 states as follows: “This section does not preempt the application of any business licensing requirement or sanitation, public health, or zoning ordinance of a political subdivision”. Therefore, local zoning regulations can still prohibit the type of activity that is allowed by the Cottage Food Laws. That is the case in the City of Anoka, as the current home occupation regulations list “Preparation of food for sale” as a prohibited home occupation (Section 74-211 (d)(10)(k)).

Associate Planner Darnell outlined additional items to consider:

1. Performance Standards

In considering whether to permit the type of activity that is allowed by the Cottage Food Law, the Planning Commission must determine whether this type of activity, if permitted as a home occupation, would have any negative impacts on the health, safety, and general welfare of the surrounding neighborhood. Staff believes that if all other performance standards are abided by, the preparation of food for sale in residential districts would not have any negative impacts on surrounding properties. The Cottage Food Law only allows for individuals to prepare food products, which would not allow for someone to have an outside employee or any other person associated with the preparation of food.

The sale of food from the home could cause an increase in traffic in a residential neighborhood. However, the City allows for other types of home occupations to sell

goods fabricated on the premise of the home occupation. The sale of food products would have to be conducted by appointment only, in order to have only one customer or consumer at the property at a single time. This is a performance standard that applies to all home occupations in the City.

2. Enforceability

The actual rules and regulations in the Cottage Food Law would not be enforced by the City of Anoka. These rules and regulations would be enforced by the Minnesota Department of Agriculture. The City would only be enforcing the home occupation regulations and performance standards in the zoning ordinance. If a resident prepares food products for sale in their home, they would have to abide by the performance standards required of all home occupations in the City of Anoka. The City could require an inspection of the home in which a home occupation is conducted if staff becomes suspicious or aware of a violation of the home occupation regulations in the City's zoning ordinance.

It should be clarified that the City would not have any role in regulating how foods are prepared, packaged, or sold. The City also would not have any role in regulating the sales of food products at any local event, such as a bake sale or a farmers' market. The focus of the Planning Commission should be on whether the production of food for sale should be permitted as a home occupation in the City's residential districts, and whether that production of food for sale could be conducted without negatively impacting the health, safety, and general welfare of the surrounding neighborhood.

3. Health Concerns

During the discussion at the Planning Commission work session on July 19, 2016, the Planning Commission discussed whether the City should consider further regulating the types of food products that would be allowed to be produced. In general, the Planning Commission believed that canned goods would be safer to consume than some of the other types of non-potentially hazardous foods allowed to be produced under the Cottage Food Law. Staff believes that the City should not regulate the types of products any further. The Minnesota Department of Agriculture defined the non-potentially hazardous foods, and staff believes that the City should follow those standards.

The City would be relying on the Department of Agriculture to effectively respond to complaints and complete inspections of individuals producing food under the Cottage Food Law exemption. The Department of Agriculture does have the ability to require an inspection if a health issue is reported, and they will also be completing more routine inspections at community events to ensure that individuals are abiding by the packaging and labeling requirements under the Cottage Food Law.

4. Liability Concerns

Planning Commission Meeting Minutes

August 2, 2016

Page 13 of 15

During the discussion at the Planning Commission work session on July 19, 2016, one question was whether the City of Anoka could be held liable by allowing this type of food production to occur. Specifically, the Planning Commission wanted to verify whether the City, by allowing this type of home occupation to occur, could be liable if a consumer gets sick after purchasing and consuming food products from someone that produced the food products in the City of Anoka. Specific language from the City Attorney was added to the amendment.

Associate Planner Darnell stated the City Council discussed this topic at their July 25, 2016 work session. In general, the City Council was supportive of allowing the preparation of food for sale as a home occupation. They were supportive, as long as the person preparing the food was properly registered with the Department of Agriculture under the Cottage Food Law exemption. They also were supportive of allowing for residents of Anoka to participate in an activity that provided for economic opportunity.

Associate Planner Darnell reported staff believes that the preparation of food for sale, if completed properly and as described under the Cottage Food Law requirements, could be conducted within residential neighborhoods without causing negative impacts on the health, safety, and general welfare of the surrounding neighborhood.

Staff is proposing the ordinance language be amended as follows:

Permitted Home Occupations – Section 74-211 (d)(8)(j): Food preparation for sale, when registered with the Department of Agriculture under the Cottage Food exemption in Minnesota Statute 28A.152.

Particular Home Occupations Prohibited – Section 74-211 (d)(10)(u): Food preparation for sale, unless specifically permitted in this section.

The City Attorney is proposing the following ordinance language be added for any home occupation:

Section 74-211 (d)(7)(q): All home occupations shall be conducted at the sole risk of the dwelling occupants conducting the home occupation. The City shall not be responsible or liable to the dwelling occupants or any third party as a result of the home occupation, and the occupants conducting the home occupation shall indemnify and hold the City harmless from all claims and causes of action associated with the home occupation.

Commissioner Brewer inquired how other cities were addressing these issues. City Planner Darnell stated he did not find a city that has started to address this topic.

Commissioner Rech referred to page 40, letter (k) Preparation of food for sale, and asked if it was a duplication. Associate Planner Darnell stated it was. He suggested eliminating letter (u) Food Preparation for sale, unless specifically permitted in this section and having letter (k) read, "Preparation of food for sale, unless specifically permitted in this section".

Chair Kjonaas opened the public hearing at 8:10 p.m.

Chair Kjonaas closed the public hearing at 8:11 p.m.

Associate Planner Darnell stated he spoke with the resident that originally contact the City and she was happy to hear the recommendations made by staff.

MOTION WAS MADE BY COMMISSIONER BONTHUIS, SECONDED BY COMMISSIONER BREWER, TO APPROVE APPLICATION A2016-16, ZONING ORDINANCE AMENDMENT, CHAPTER 74, ARTICLE V, DIVISION 2, SECTION 74-211 HOME OCCUPATION WRITTEN AS FOLLOWS:

Home Occupation Performance Standards - Section 74-211 (d)(7)(l): All home occupations shall be conducted entirely within the dwelling and not in an attached or detached garage or in an accessory building ~~unless upon approval of an interim use permit by the City Council after recommendation by the planning commission.~~

Permitted Home Occupations – Section 74-211 (d)(8)(j): Food preparation for sale, when registered with the Department of Agriculture under the Cottage Food exemption in Minnesota Statute 28A.152.

Particular Home Occupations Prohibited – Section 74-211 (d)(10)(u): Food preparation for sale, unless specifically permitted in this section.

Section 74-211 (d)(7)(q): All home occupations shall be conducted at the sole risk of the dwelling occupants conducting the home occupation. The City shall not be responsible or liable to the dwelling occupants or any third party as a result of the home occupation, and the occupants conducting the home occupation shall indemnify and hold the City harmless from all claims and causes of action associated with the home occupation.

7 ayes - 0 nays. Motion carried.

MISCELLANEOUS:

Next work session will be Tuesday, August 16, 2016 at 6:00 p.m.

Next regular meeting will be Wednesday, September 7, 2016 at 7:00 p.m.

Planning Commission Meeting Minutes
August 2, 2016
Page 15 of 15

ADJOURNMENT:

**MOTION WAS MADE BY COMMISSIONER COOK, SECONDED BY
COMMISSIONER BRAHS, TO ADJOURN THE MEETING.**

7 ayes – 0 nays. Motion carried.

Time of adjournment: 8:14 p.m.

Submitted by Chuck Darnell, Associate Planner