

**ANOKA PLANNING COMMISSION
REGULAR MEETING
ANOKA CITY HALL
TUESDAY, OCTOBER 4, 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, and Manley Brahs.

Planning Commissioners absent: Commissioners Herrala and Bonthuis.

Staff present: Associate Planner Rouse and Community Development Director Borglund

APPROVAL OF MINUTES:

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

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

5 ayes – 0 nays. Motion carried.

- b. Approval of September 20, 2016 Work Session Minutes

Commissioner Brewer referred to page 19 of the meeting packet, second paragraph under item No. 2, and requested the second sentence state, “She said she would not want to see nice/high-end tobacco and liquor stores ~~from being~~ prohibited.”

MOTION WAS MADE BY COMMISSIONER RECH, SECONDED BY COMMISSIONER BREWER, TO APPROVE THE WORK SESSION MINUTES OF SEPTEMBER 20, 2016

5 ayes – 0 nays. Motion carried.

NEW BUSINESS:

- a. **Variance Extension Request for Paige Swanson at 840 River Lane**

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Associate Planner Rouse reported the applicant, Paige Swanson, received a variance to exceed the maximum 1,200 square feet in total area of accessory buildings permitted for property located at 840 River Lane. The approved variance allows up to 1,440 square feet of accessory buildings. The applicant received a second variance to reduce the 100-foot front yard setback. The approved variance limits the total square footage to 2,473 square feet with a minimum distance of 53 feet to the Ordinary High Water Line (OWHL). This variance will expire if the applicant fails to initiate construction within one year from the date of its authorization. The applicant was granted a one-year extension on September 21, 2015 for the Accessory Building variance.

Associate Planner Rouse reported the applicant submitted a written request on September 16, 2016 for an extension of the Front Yard Setback Variance (approved September 21, 2015) and a second extension of the Accessory Building Variance (approved September 22, 2014).

Commissioner Brewer inquired what the reasons were for the extension request. Associate Planner Rouse responded an email stated circumstances had changed, but no specifics were provided.

Chair Kjonaas asked if it could be limited to just one more year and if the variance goes with the property if it were sold. Associate Planner Rouse confirmed the variance does go with the property, but is tied to setback requirements. A new owner could do a slightly different shaped house, as long as it still meets the zoning code or reduced requirements that were approved.

The applicant advised the Planning Commission her name has changed to Paige Carlson since she was married 15 months ago. She explained they were going to obtain a neighboring property and live there until the new house was built on the property associated with this application, but that has changed. They just purchased another property they plan to move into in the spring, and then they will begin construction at 840 River Lane. They did put a new roof on the home and stained it to make it more attractive.

Commissioner Rech inquired when the constructions will begin. Mrs. Carlson stated she is unsure and may be back next year requesting another variance extension.

Chair Kjonaas asked if the garage will be built at the same time as the house. Mrs. Carlson stated the variances go together and the structures will be built together.

Commissioner Brewer commented there is nothing in the City ordinance that limits how many times an extension can be granted and it is up to the Planning Commission make that determination. The original reason for getting this application approved quickly was so the applicant could get some reinforcement work done on the riverbank to avoid more restrictions from the DNR. It is hard to see any improvement on the property. If the applicant can demonstrate they are serious about improving the property, she would support approving the

variance extension.

Commissioner Brahs commented the evidence that the applicant intends to follow through on their plans is the fact that they bought another house in the area in order to supervise the project. There are no changes to the original application and he supports the variance extension.

Commissioner Rech commented he supports the variance extension, but would like to see some evidence of moving forward with the project. He expressed concern with the project taking a long time.

Mrs. Carlson advised she hopes to start renovation on the temporary house on November 1, 2016 and it should take six to eight months to complete. She will then move into that house. At that time, she plans to move forward with construction on the property at 840 River Lane, but has been told that it will take at least a year to build.

Mrs. Carlson further explained the original plan that was submitted two years ago included joining two properties and removing a tennis court. The plan now is to only have the original property. The variance was needed because they wanted to shift the house ten feet off of the original footprint due to challenges with the placement of their neighbor's sauna structure.

Chair Kjonaas stated there is no guarantee on the timeline or site plan with the new home. He supports the variance extension for one year. If the applicant requires another extension, he suggested requiring the applicant to reapply so that the Planning Commission could see a current site plan and blue print of what will finally be built.

Community Development Director Borglund commented the approved variance is tied to a specific site plan that the applicant needs to abide by. Chair Kjonaas pointed out there has already been a change to the original plan because the applicant is no longer combining two lots.

Mrs. Carlson explained the original site plan that was submitted did not include anything on the secondary lot that is now not included in the current plan.

Associate Planner Rouse pointed out that the current site plan does not include exact dimensions. It could vary a few feet, but any significant changes would need to come back for approval.

Chair Kjonaas commented he will not approve another extension unless there is proof of progress being made on the site.

MOTION WAS MADE BY COMMISSIONER BRAHS, SECONDED BY COMMISSIONER BREWER, TO APPROVE A VARIANCE EXTENSION FOR PAIGE SWANSON LOCATED AT 840 RIVER LANE, ONLY FOR ONE YEAR, WITH THE FOLLOWING CONDITIONS:

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1. The applicant shall show proof of progress if another variance extension is requested.
2. The site plan shall remain consistent with the original variance approved.

Chair Kjonaas commented this variance has never been a comfortable item. He understands the applicant's desire and the unique property, but the Planning Commission has an obligation to the river setback.

5 ayes - 0 nays. Motion carried.

Chair Kjonaas commented it would have been helpful for the Planning Commission to have the site plan in their packets. He also suggested it be required that the applicant get the extension request in and before the Planning Commission before it expires.

Associate Planner Rouse stated a text amendment would be needed and staff will look into it.

OLD BUSINESS:

None.

PUBLIC HEARINGS ON NEW APPLICATIONS:

a. A2016-18, Zoning Map Amendment/Rezoning and Variance, Krelando Ristani, 2520 North Ferry Street

Community Development Director Borglund reported the applicant Krelando Ristani has requested a rezoning of the subject property from B6 Neighborhood Commercial Business to B-1 Highway Business to allow a used automobile sales business on the property. The property is a former gas station that is currently not in operation.

Community Development Director Borglund reported the B-1 zoning district permits the establishment of service and limited retail businesses that are motorist related. The zoning classification change would allow the applicant to pursue a CUP for the property and existing building for a used automobile sales business. The B6 zoning district generally allows for low intensity retail stores, offices and personal service establishments patronized by residents on the neighborhood areas.

Community Development Director Borglund reported the applicant is also requesting a variance on the required lot size for a used automobile sales lot from 1.5 acre required minimum to .51 acres or 22,215 square feet in the B-1 zoning district if the rezoning request is approved.

Commissioner Brewer commented the area is mostly neighborhood business already. If this was approved, it would constitute spot zoning.

Commissioner Brahs stated the reason it was zoned to B6 is because it is all residential in that area.

Commissioner Brewer stated the buildings to the north look like homes, but were converted to businesses.

Community Development Director Borglund pointed out the car lot to the north is grandfathered and nonconforming. If it were to close, it would have to convert to a more conforming use.

Commissioner Brewer stated the applicant was ambitious in requesting approval, but it is not allowed in two of the areas they are requesting changes made. There is plenty of documentation to support denial of this application.

Chair Kjonaas opened the public hearing at 7:50 p.m.

Chair Kjonaas closed the public hearing at 7:51 p.m.

MOTION WAS MADE BY COMMISSIONER BREWER, SECONDED BY COMMISSIONER BRAHS, TO DENY APPLICATION A2016-18, ZONING MAP AMENDMENT/REZONING, KRELANDO RISTANI, 2520 NORTH FERRY STREET.

5 ayes - 0 nays. Motion carried.

MOTION MADE BY COMMISSIONER RECH, SECONDED BY COMMISSIONER COOK, TO DENY APPLICATION A2016-18, VARIANCE, KRELANDO RISTANI, 2520 NORTH FERRY STREET.

5 ayes - 0 nays. Motion carried.

b. A2016-19, Variance, Mike and Heidi Wolff, 3401 Quarry Avenue

Community Development Director Borglund reported the applicants Mike and Heidi Wolff are requesting a variance to allow construction of a six-foot tall wooden privacy fence in the front, rear, and side yard area on the subject property located at 3401 Quarry Street. The property is zoned R-1 Single Family Residential. A variance is being requested because the current zoning regulations limit the height of any fence in the required front yard to be four feet.

Community Development Director Borglund reported the property is on a corner lot and the house faces Quarry Avenue to the east and is bordered by an existing single family home to the north. George Enloe Park is to the west of the property and McKinley Street is to the south. For

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zoning purposes, the south and west sides of the lot are considered front yards because they abut road right-of-way.

Community Development Director Borglund reported the applicant plans to construct a six-foot fence enclosing the rear yard area including the southern lot line fronting on McKinley Street and along the western property line bordering the existing City Park in order to screen the view of traffic, provide privacy for the rear yard, and cut down on pedestrians trespassing from the City park into their yard to retrieve basketballs.

Community Development Director Borglund advised the applicant has constructed a six-foot fence up to the area that would require a variance for a six-foot fence. They are pursuing this request so that the entire fence around the entire back yard would be a six-foot fence.

Commissioner Brewer inquired why the construction of the six-foot fence has stopped. Community Development Director Borglund stated the applicant was aware of the process and decided to pursue a variance for the remainder of the fence to see if they could have it be six feet in height. They did have a permit to begin the original construction.

Commissioner Brahs inquired if the applicant was open to the idea of having a six-foot fence along western property line and a four-foot fence along McKinley. Community Development Director Borglund stated it was discussed with the applicant.

Commissioner Brewer inquired if the applicant could put a six-foot fence along McKinley parallel to their house. Community Development Director Borglund responded they could, but they could not extend it into the required front yard.

Community Development Director advised he spoke with the Park Board and was told there could be changes with the park that would possibly remove the play equipment and reconfigure the area. The four-foot requirement has to do with community policing and is consistent throughout the neighborhood.

Commissioner Brahs commented a six-foot fence along McKinley would look out of place.

Chair Kjonaas opened the public hearing at 8:05 p.m.

Mrs. Heidi Wolff, 3401 Quarry Avenue, stated they have lived in the home for three years. They have resided the house, replaced the windows, deck, and landscaping. The invasion of the public traffic was not known until after they purchased the home and that is why they need to put up a fence. They are requesting a six-foot fence for consistency with the rest of the fence, to keep stray basketballs and children retrieving them out of their yard, and for privacy due to the amount of traffic that goes by their property. The property is unique due to the amount of traffic that goes by and the park that is right next to their property.

Mrs. Wolff commented she understands she is allowed to plant a row of 10 to 12-foot arborvitae trees, but not a six-foot fence. In her opinion, a fence looks cleaner and less obtrusive than a wall of potentially untrimmed trees.

Commissioner Brahs commented the trees would not look like a wall and they could put up a fence by their deck for privacy. Mrs. Wolff stated if the fence was put off of the deck, it would cut into their yard space and privacy is only one aspect of the need for the fence. It is still a real possibility if a basketball goes into her yard, someone could still jump a four-foot fence to enter her yard to retrieve it. There is also a bus stop there and she has had students jumping on the egress window cover.

Commissioner Brewer inquired if the applicant would still go ahead with a fence if it was a four-foot fence. Mrs. Wolff responded they would still pursue a fence because they want to have a clear, defined boundary of their property.

Mr. Tom Loeffler, 9750 93rd Avenue, Maple Grove, stated he is a general contractor and he decided to put all the posts in at six feet and cut them down to four feet if the variance was not granted. It was done due to timing and convenience and not because they assumed they were going to be granted the variance.

Chair Kjonaas closed the public hearing at 8:18 p.m.

Commissioner Brewer stated this is a tough application because it is a corner lot. This property is unique because it has three sides that are open and right across the street is a house on the corner that has a six-foot fence that is similar to what is being requested.

Commissioner Rech inquired how long the four-foot high front yard fence rule has been around. The option of having the fence be six feet across the western lot and then four feet along McKinley seems to be a good compromise. Community Development Director Borglund said there was a denial for a higher fence in this area on another property in 2007.

Chair Kjonaas stated he agrees with Commissioner Rech and since the park may be reconfigured, there is an opportunity for the Planning Commission to contact the Park Department tell them they should not have to violate their ordinances to protect homeowners from park equipment. Also, the applicant should be involved in redesigning the park so that it does not violate their property.

MOTION WAS MADE BY COMMISSIONER COOK, SECONDED BY COMMISSIONER BREWER, TO ALLOW FOR A SIX-FOOT FENCE ACROSS THE ENTIRE WESTERN LOT LINE BACKING UP TO THE PARK AND A FOUR-FOOT FENCE ALONG MCKINLEY AND TO APPROVE APPLICATION A2016-19

VARIANCE, MIKE AND HEIDI WOLFF, 3401 QUARRY AVENUE WITH CONDITIONS, BASED ON THE FOLLOWING FINDINGS OF FACT:

1. The proposed request does not satisfy the three elements of practical difficulty.
2. The site has no unique physical characteristics that would cause the applicant to no be able to install the fence as required by the ordinance.
3. The fence being constructed at six feet in the required front yard would be out of character with the neighborhood.
4. The six-foot fence is blocking a public playground, as opposed to being another residential area which is unusual.

5 ayes - 0 nays. Motion carried.

Community Development Director Borglund advised this will go before the City Council on October 17, 2016.

c. A2016-20, Zoning Text Amendment, City of Anoka, Chapter 74, Article V, Division 1, Section 54-265 Main Street Mixed Use District (MS)

Community Development Director Borglund reported the City of Anoka is proposing a Zoning Text Amendment to Chapter 74, Article V, Division 1, Section 74-265 Main Street Mixed Use District (MS) addressing uses in the historic downtown core. Recent discussion has been centered around prohibiting uses in the downtown area that can take away from the area's character and charm creating adverse impacts on the business climate and the perception of those who visit Anoka. Staff has reviewed the current uses allowed and prohibited in the MS Main Street Mixed Use District Sub District EM-1 Historic Downtown Core and proposed the following amendment(s) be made to the MS EM-1 Zoning District:

Proposed to be added as a permitted use:

- Attorneys

Proposed to become a prohibited use:

- Tobacco Shops (currently allowed)
- Any commercial use selling drug paraphernalia
- Medical or recreational marijuana dispensaries
- Tattoo shops
- Body piercing shops
- Pawn shops

Commissioner Brewer inquired if a primary use was allowed and a secondary use was not allowed, would this still apply. Community Development Director Borglund stated some legal interpretation could be followed up with the City Attorney.

Commissioner Rech asked if it would be a problem if a hair salon does ear piercing. Community Development Director Borglund stated a definition would need to be added to define body piercing. Chair Kjonaas pointed out body piercing requires a license and would be denied.

Community Development Director Borglund reported these uses have been discussed with ABLA and the City Council. It is still unknown as to how the use of medical or recreational dispensaries will be addressed in Minnesota, but it could not be established in this part of the City of Anoka.

Community Development Director Borglund referred to page 65 of the staff report, and pointed out that photo pick-up stations were also going to be eliminated from permitted uses.

Community Development Director Borglund stated staff is recommending the proposed Zoning Ordinance Text Amendment and any additional changes as discussed, and recommends approval to the City Council.

Chair Kjonaas referred to page 68 of the staff report, No. 2, and inquired what a beverage distribution station was. He advised it may need to be taken out or defined before it goes before the Council. Community Development Director Borglund stated he is still unsure. Commissioner Cook advised there used to be a bottling plant in the area.

Chair Kjonaas opened the public hearing at 8:40 p.m.

Chair Kjonaas closed the public hearing at 8:41 p.m.

MOTION BY COMMISSIONER BREWER, SECONDED BY COMMISSIONER BRAHS, TO RECOMMEND APPROVAL OF A2016-20, ZONING TEXT AMENDMENT, CITY OF ANOKA, CHAPTER 74, ARTICLE V, DIVISION 1, SECTION 54-265, MAIN STREET MIXED USE DISTRICT (MS), WITH THE DELETION OF DISTRIBUTION STATION FOR BEVERAGES UNDER PROHIBITED USES.

5 ayes - 0 nays. Motion carried.

MISCELLANEOUS:

Next work session will be Tuesday, October 18 at 6:00 p.m.

Next regular meeting will be Tuesday, November 1, 2016 at 7:00 p.m.

The Planning Commission welcomed Associate Planner Rouse and thanked Community Development Director Borglund for helping out.

ADJOURNMENT:

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

5 ayes – 0 nays. Motion carried.

Time of adjournment: 8:43 p.m.

Submitted by Stephanie Rouse, Associate Planner