



**PLANNING COMMISSION
WORK SESSION
ANOKA CITY HALL COMMITTEE ROOM
Tuesday, May 17, 2016
6:00 P.M.**

CALL TO ORDER:

The Work Session of the Anoka Planning Commission was called to order at 6:00 p.m.

ROLL CALL:

Commissioners present: Chair Don Kjonaas, Borgie Bonthuis, Manley Brahs, Sandy Herrala, Peter Rech and James Cook.

Commissioners absent: Karna Brewer.

Staff present: Chuck Darnell, Associate Planner.

DISCUSSION ITEMS:

1. Discussion – Planned Unit Development Size

Associate Planner Darnell introduced the topic, reviewing a recent development project that required a variance to create a Planned Unit Development (PUD) smaller in size than the minimum sized PUD that is normally required by City Code. The City Code currently states that a PUD must be at least five acres in size. This initiated a discussion by the City Council on whether that size requirement accurately reflects the types of development and redevelopment sites that are available in the City.

Staff reviewed other development sites available in the City and completed research on other cities that regular PUD size. Based on that information, staff is proposing that the ordinance language related to the five acre minimum PUD size be updated to better reflect the development opportunities in the City of Anoka. Staff proposed that the language be changed as follows: 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 or more 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.

Chair Kjonaas asked what the negative impacts would be ok keeping the minimum size PUD at 5 acres. Staff stated that if smaller development sites were to request a PUD, they would need to request a variance. Staff also stated that the PUD language provides the City with much discretion in reviewing and approving a PUD, and the size allowed would not impact that.

Commissioner Rech shared research that he completed on the size of development sites available in the City of Anoka's Development Opportunities booklet. He determined that only 5 sites were larger than 5 acres, 11 sites were larger than 3 acres, and 16 sites were larger than 2 acres.

Commissioner Bonthuis stated that if the PUD size was reduced to 2 acres, more of the development sites would meet the minimum size requirement.

Commissioner Cook asked what the benefit would be to the City to reduce the size to 2 acres. Staff stated that it would provide more flexibility in the marketing and eventual development of the city-owned development sites. Staff stated again that it would not impact the City's discretion in reviewing and approving a proposed PUD.

The Commissioners discussed the smaller size, and determined that they would find the smaller minimum size requirement for a PUD acceptable. Associate Planner Darnell stated that staff would draft language changes and bring them forward at a future meeting.

2. **Discussion – Home Occupations in Accessory Structures**

Associate Planner Darnell provided an overview of a past request for an interim use permit to operate a home occupation in an accessory structure on a property in Anoka. The request was denied due to the inability of the applicant to show that the proposed use would be temporary in nature, as required by the zoning ordinance.

Staff also updated the Commissioners on a discussion that occurred at a City Council worksession, in which the Council directed staff to draft changes to the ordinance that would not allow for home occupations to be conducted in accessory structures.

Commissioner Rech shared research that he completed on other cities' regulations on home occupations being conducted in accessory structures. Commissioner Rech found that many other communities, especially inner-ring cities, did not allow it.

Commissioner Bonthuis stated that inner-ring cities may not allow them due to the size of their lots and the impacts that home occupations could have on surrounding properties.

Commissioner Herrala stated that she felt that home occupations in accessory structures did

not seem like a good fit for Anoka based on the development pattern of the City.

Chair Kjonaas stated that he would rather see some types of home occupations allowed in accessory structures, rather than to not allow any home occupations at all. He stated that the home occupations could also only be located in detached accessory structures, so that the home occupation does not use up space in an attached garage that should be reserved for vehicles or other normal household storage.

Commissioner Bonthuis stated that outdoor storage around accessory structures and detached accessory structures with home occupations could become an issue. Associate Planner Darnell stated that having home occupations in a detached structure would create a situation where a small commercial building is located on a residential lot. It would also allow for homeowners to specifically construct detached buildings to run a business, which does not necessarily meet the code requirements of the home occupation being accessory or secondary to the principal use of the property as a residence.

Commissioner Brahs stated that he felt that home occupations in accessory structures were not a good fit for properties in Anoka. He also stated that the definition of home occupation implies that the occupation is conducted in the home, not in an accessory structure.

Commissioner Cook stated that the logistics of operating a home occupation outside of a home would be difficult, in terms of heating, electricity, and other amenities normally required to operate an office or a business.

Chair Kjonaas stated that it could be possible that only certain types of home occupations would be allowed in accessory structures, such as those with no loud activities or customers.

Commissioner Rech stated that it would be difficult to determine which home occupation should be permitted and not permitted, and which ones would be better suited in accessory structures. Staff stated that it would also be difficult to enforce, as there would always be requests for home occupations that were not identified on the list as allowable in an accessory structure.

Chair Kjonaas asked whether the City would be restricting small businesses from operating if home occupations were not allowed in accessory structures. Staff stated that the recent request to operate in an accessory structure was the first formal request received, so there haven't been many other small businesses requesting this.

Commissioner Rech stated that the detached accessory structure seems to be more of a commercial use, which does not meet the intent of the home occupation being secondary.

Commissioner Bonthuis stated that allowing home occupations in accessory structures could also create a potential for property owners to rent out their garages or other structures for third parties to run businesses. Staff stated that this would create a difficulty in enforcement of the home occupation code.

Chair Kjonaas stated that the Planning Commission should hold off on providing any guidance to staff, and allow the Commissioners to think about the item further. He suggested that it be brought back again at the next worksession.

3. **Discussion – Accessory Structure Permit Process**

Associate Planner Darnell provided an update on the Minnesota State Building Code, which was recently changed to state that buildings of 200 square feet or less do not require a building permit. Previously, buildings of 120 square feet or less did not require a building permit, and that size is still referenced in the Anoka City Code. With the change in the State Building Code, the City can no longer require that a building permit be obtained for buildings less than 200 square feet. Therefore, the City has no way to monitor the placement of these types of buildings for compliance with zoning code requirements. Buildings of this size used to be reviewed by staff to ensure that they complied with height, setback, impervious surface coverage, and size/number of accessory structure requirements.

Staff stated that they have been considering adding an accessory building review process to the City Code, which would require a review process for any building smaller than 200 square feet. This review would be completed administratively by staff, and the review fee would be similar in cost to a fence or sign permit fee.

Chair Kjonaas stated that the Planning Commission had discussed this briefly when they were considering ordinance language on temporary structures.

Commissioner Cook agreed with Chair Kjonaas, and asked how many requests the City receives for this sized building. Associate Planner Darnell stated that there have been many requests as the building season has begun, and staff has been informally asking people about their property to determine whether the addition of another accessory building would violate any zoning regulations on their property.

Commissioner Bonthuis stated that staff should have an opportunity to review the addition of accessory structures to properties to ensure that zoning regulations are being complied with.

The Commissioners directed staff to draft up a review process, and to bring back to the Planning Commission for consideration at a future meeting.

4. Discussion – Swimming Pools and Impervious Surface Coverage

Associate Planner Darnell introduced the topic, and described some recent scenarios in which property owners were interested in constructing a swimming pool, but the construction was not allowable due to issues with exceeding maximum allowable impervious surface coverage. Staff completed research, and found that some other cities exempt swimming pools from their impervious surface coverage calculations.

Staff listed the reasons for and against counting swimming pools in impervious surface coverage calculations. Staff also stated that the Public Services Department felt that swimming pools should be included in impervious surface coverage calculations, and that has been the City's practice in the past.

Chair Kjonaas stated that he understood the argument for not including the water surface area of swimming pools, as they do not cause an increase in stormwater run-off from a property.

Commissioner Herrala asked what the impact would be of exempting the swimming pool from the calculations. Staff stated that it would allow for a lot to be more fully built out with less actual green space, as a property owner could construct a large pool that would take up space but not be counted toward the impervious surface coverage.

Commissioner Bonthuis stated that a homeowner could add a cover to their pool, and that many pools do have covers, and this would then function as an impervious surface and increase stormwater runoff from the property. For that reason, it should be kept in the calculation of impervious surface coverage.

Staff also stated that one recent request was received to potentially offset the additional square footage of coverage from a swimming pool by adding an engineered rain garden or other storage system to accommodate the same amount of stormwater runoff.

Commissioner Cook and Commissioner Rech discussed the storage capacity of stormwater tanks, and whether the ordinance could be updated to allow tanks or rain gardens to offset the square footage of surface water added by a swimming pool. Staff stated that it may be better to not specifically allow that in the ordinance, but to consider that as a condition of approval on a potential variance request. This would allow for the City to impose conditions that those other technologies or rain gardens are maintained so as to actually function as stormwater management facilities long term.

Commissioner Herrala stated that adding the ordinance language would allow any property to fully build out their lot, regardless of whether a special circumstance existed creating the need to do so.

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The Commissioners determined that a change to the ordinance would not be necessary, and that individual scenarios could be considered on a case-by-case basis. The Commissioners directed staff to continue the practice of counting swimming pools in impervious surface calculations.

Time of adjournment 7: 25 p.m.
Submitted by: Chuck Darnell, Associate Planner