



**PLANNING COMMISSION  
REGULAR MEETING  
ANOKA CITY HALL  
Tuesday, October 4, 2016  
7:00 P.M.**

**AGENDA**

**1. Call to Order.**

**2. Approval of Minutes:**

- a. Approval of August 2, 2016 Regular Meeting Minutes
- b. Approval of September 20, 2016 Work Session Meeting Minutes

**3. New Business:**

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

**4. Old Business:**

- a. None

**5. Public Hearings on Applications:**

- a. A-2016-18  
Zoning Map Amendment/Rezoning and Variance  
Krelando Ristani  
2520 North Ferry Street
- b. A-2016-19  
Variance  
Mike and Heidi Wolff  
3401 Quarry Avenue
- c. A-2016-20  
Zoning Ordinance Text Amendment  
City of Anoka  
Chapter 74, Article V, Division 1  
Section 54-265 Main Street Mixed Use District (MS)

**6. Miscellaneous:**

- a. Upcoming meetings:  
Work Session - Tuesday, October 18, 2016 at 6:00 pm  
Regular Meeting – Tuesday, November 1, 2016 at 7:00pm

**7. Adjourn.**

Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please call the City Manager's office at (763) 576-2710 to make arrangements.



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.

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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:

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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, they 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.

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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

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.

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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**

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

NOT  
APPROVED



**PLANNING COMMISSION  
WORK SESSION  
ANOKA CITY HALL COMMITTEE ROOM  
Tuesday, September 20, 2016  
6:00 P.M.**

**CALL TO ORDER:**

The Work Session of the Anoka Planning Commission was called to order at 6:01 p.m.

**ROLL CALL:**

Commissioners present:

Chair Don Kjonaas, Borgie Bonthuis, Manley Brahs, Karna Brewer, James Cook, Peter Rech

Commissioners absent: Sandy Herrala

Staff present:

Doug Borglund, Deputy Community Development Director; Clark Palmer, Associate Planner

**DISCUSSION ITEMS:**

**1. Discussion – Fence Materials Zoning Ordinance Text Amendment**

Deputy Community Development Director Borglund introduced the topic. Mr. Borglund began by saying fence permits are required for residents who wish to erect a fence on their property. He said most applicants propose constructing fences made out of wood or chain linked. He explained that sometimes the City receives applications for fences constructed from unique materials. He said staff decided to bring to the Planning Commission the issue of looking at standards that would regulate fence type and materials. Mr. Borglund pointed out photos in the packet that illustrated someone using interesting fence materials.

Commissioner Brewer asked what the materials seen in the photos are. Mr. Borglund responded by saying there is a mix of a wire mesh fence with plywood that has been painted and that are supported by green metal stakes.

Commissioner Brahs asked if they got a permit. Mr. Borglund said they did but there were concerns in the neighborhood about how the fence looked.

Mr. Borglund next discussed what types of materials are currently prohibited by ordinance

including cloth or canvas like fence materials, and barb wire.

Commissioner Brewer noted that the prohibited materials currently included in the ordinance were crossed out in the packet. She asked if the intent was to remove the list of prohibited materials and amend the ordinance to only include a list of allowed materials. Mr. Borglund said yes, that was the intent.

Commissioner Brahs asked why they got a permit. Associate Planner Palmer advised that the fence was constructed without a permit and through enforcement action the property owner was ordered to apply for a permit. Mr. Palmer said the fence permit has not received its final inspection and that staff has some concerns on the workmanship of the fence.

Commissioner Brewer asked if plastic fences would be allowed. Mr. Borglund said that composite materials are similar to plastic.

The Commission briefly discussed construction materials intended for fences and those ordinarily not used.

Chair Kjonaas said materials used for fences should be identified as fencing material.

Commissioner Cook expressed concerns about fences that are solid that may act as a wing in strong winds. He suggested having spacing requirements for the fence materials so that wind could pass through

Chair Kjonaas said fence panels purchased at home improvement stores often are solid with no spacing. Mr. Borglund said composite materials are often solid, say in a 4 ft by 6 ft section.

Chair Kjonaas asked if a panel for screening a patio, for example, would be considered a fence. Staff and the Commission reviewed the definition of a fence.

Commissioner Bonthuis asked, when looking at the fence photos included in the packet, why the subject would have constructed two fences. Mr. Palmer said that the chicken wire fence was constructed first, and the second wooden fence was constructed later to provide screening for the yard.

Commissioner Brahs asked if fences were required to be painted or coated. Mr. Palmer responded that this was not a requirement.

The Commission discussed how the State Building Code relates to fences. Mr. Palmer advised that fences fewer than 7 ft are exempt by the State from needing a building permit, and that the City's fence permit is more of a zoning permit.

The Commission discussed setbacks for fences and what is required. Advantages and disadvantages to fence placement were discussed.

Fences and footings were discussed. Mr. Palmer advised that, per the Building Official, footings are not required but that posts must adequately support the weight of the fence.

**2. Discussion – MS Main Street Mixed Use District Sub District EM-1 Historic Downtown Core Permitted and Prohibited Uses Zoning Text Amendment**

Deputy Community Development Director Borglund introduced the topic. He summarized a draft ordinance amendment that would prohibit tobacco shops, liquor stores, stores that sell drug paraphernalia and marijuana dispensaries from locating in downtown Anoka.

Commissioner Brewer expressed dissatisfaction with the proposed text amendment. She said she would not want to see nice/high-end tobacco and liquor stores from being prohibited. She said the nice shops are not a detriment. She said when you paint with a broad brush you may eliminate things you don't want but also hurt some things that you do want. She said she would not like to see these uses prohibited because there are good shops.

The Commission discussed what would happen if the City wanted to move one of its liquor stores to within downtown.

Commissioner Brahs asked how downtown Anoka was defined for purposes of the ordinance. Mr. Borglund advised that the boundaries are from the river (Rum River) to 5<sup>th</sup> Ave. and Van Buren St. to Monroe St.

The Commission discussed the current list of permitted and prohibited uses within downtown Anoka.

Mr. Borglund asked if there were other uses the Commission would like to see added to the list of prohibited uses.

Commissioner Cook asked that "dry-cleaning pick-up" be moved and combined with "retail services" and that "photo pick-up stations" be removed.

Other potential changes to particular uses were considered.

Commissioner Rech said because the City has municipal liquor stores and that a private store could not locate in the City, adding it as prohibited use did not seem to make sense.

After further discussion, Mr. Borglund said liquor stores can be kept as a permitted use.

3. **Other staff updates**

Mr. Borglund talked briefly about the new Associate Planner, Stephanie Rouse, recently hired by the City. He said she would attend the next meeting to introduce herself.

Time of adjournment 7:09 p.m.

Submitted by: Clark Palmer, Associate Planner

# STAFF REPORT



Application A-2014-17  
Variance Extension  
Paige Swenson  
840 River Lane

## **BACKGROUND**

The applicant, Paige Swenson, 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 (OHWL).

A Variance shall expire if the applicant fails to utilize such variance by initiation of 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.

On September 16, 2016, the applicant submitted a written request 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).

Enclosed for your review:

- Site Location Map
- RES-2014-105 (Approval of Accessory Building Variance)
- RES-2015-097 (Approval of Front Yard Setback Variance)

## **RECOMMENDATION**

Staff recommends approval of the variance extension to allow 1,440 square feet of accessory buildings and a 53 foot front yard setback on the property located at 840 River Lane with the following findings:

1. The interest of the owners of neighboring properties will not be adversely affected by such extension.
2. This extension shall expire within one year from the date of its authorization, in compliance with City Code; Chapter 74; Article II Section 74-37(c5) *Time Limitations*.

## **COMMISSION ACTION**

The Commission may recommend approval of the variance extension with any necessary conditions; or the Commission may recommend denial of the variance extension with required findings; or the Commission may postpone the application with reason.

Stephanie Rouse  
Associate Planner

# Site Location





2015 First Avenue, Anoka, MN 55303  
Phone: (763) 576-2700 Website: [www.ci.anoka.mn.us](http://www.ci.anoka.mn.us)

CITY OF ANOKA, MINNESOTA  
RESOLUTION

RES-2015-097

VARIANCE TO FRONT YARD SETBACK  
840 RIVER LANE

Property Owner: William Carlson

Legal Description: LOT 8 AUDITORS SUBDIVISION NO 13, ANOKA COUNTY, MN

WHEREAS, Paige Carlson (Swenson) has applied for a variance to the front yard setback of the OHWL of the Mississippi River (OHWL = 840.1' elevation, per *Flood Insurance Study, City of Anoka, MN*, September 1973, p. 9, cross section A) to construct a new single-family detached dwelling on property legally described as follows:

LOT 8 AUDITORS SUBDIVISION NO 13, ANOKA COUNTY, MN

WHEREAS, the property is located in the R-1 Single-Family Residential District; and

WHEREAS, Anoka City Code, Chapter 74, Article V, Division 2, Section 74-213 (h1c) *Front yard regulations*, requires that riparian lots shall have front yards of 100' from the ordinary water level. On riparian lots, the front yard is defined as the area which abuts the water; and

WHEREAS, the lot includes an existing single-family detached dwelling located 44' from the OHWL, and therefore is a non-conforming structure, and that portion of the existing dwelling encroaching into the 100' setback includes 2,513 square feet (sf) in area; and

WHEREAS, the applicant proposes to remove the existing dwelling and construct a new dwelling to be no closer than 53' measured perpendicular to the OHWL at its nearest point as illustrated in Exhibit A, requiring a 47' variance, and that portion of the proposed dwelling to encroach into the 100' setback includes 2,473 sf in area; and,

WHEREAS, the Planning Commission held a Public Hearing on September 1, 2015 and recommended approval of the variance with the following findings of fact:

1. The proposed dwelling would have a greater distance setback and lesser area encroachment than the existing dwelling, and therefore would decrease the non-conformity.

2. The use of this property for the proposed dwelling is consistent with the Comprehensive Plan. The existing dwelling appears dilapidated. Removing the existing dwelling and replacing it with the proposed dwelling would maintain the stability of the neighborhood.
3. The proposed dwelling will increase the setback by 9' from the OHWL compared to the existing dwelling. The proposed encroachment will not alter the existing character of the neighborhood.
4. The use of the property as a single-family detached dwelling is a reasonable and permitted use of this property. The proposed encroachment into the 100' setback from the OHWL is less in area (2,473 sq ft) than the existing dwelling (2,513 sq ft).
5. The non-conformity of the existing dwelling is unique to the property, and was not created by the current landowner.
6. Considering that the existing dwelling is setback 44' from the OHWL; and that the proposed dwelling would be setback 53' from the OHWL, the proposed dwelling's encroachment will not alter the character of the locality.

**NOW, THEREFORE, BE IT RESOLVED** that the proposed dwelling's encroachment into the 100' setback from the OHWL does not exceed in area (2,473' sf), dimension, or distance (53') to the OHWL as shown on the site plan, date stamped Aug. 5, 2015 (Exhibit A).

Adopted by the Anoka City Council this the 21<sup>st</sup> day of September 2015.

ATTEST:



\_\_\_\_\_  
Amy T. Oehlers, City Clerk



\_\_\_\_\_  
Phil Rice, Mayor



2015 First Avenue, Anoka, MN 55303  
Phone: (763) 576-2700 Website: [www.ci.anoka.mn.us](http://www.ci.anoka.mn.us)

**CITY OF ANOKA, MINNESOTA  
RESOLUTION**

**RES-2014-105**

**VARIANCE  
840 RIVER LANE**

**WHEREAS**, Paige Swenson, applicant, has applied for a 240 square foot variance to increase the accessory building size for the property located at 840 River Lane to 1,440 square feet; and

**WHEREAS**, the property is zoned R-1 Single Family Residential and is 40,488 square feet (0.93 acres); and

**WHEREAS**, Anoka City Code Chapter 74, Article V, Division 2, Section 74-213 requires for residential uses, the total area of all accessory buildings, included attached garages, shall not exceed 1,200 square feet; and

**WHEREAS**, the property owner plans to demolish the existing house/garage and build a new house/garage and the new, proposed attached garage/accessory building will be constructed as part of the new house; and

**WHEREAS**, part of the accessory building includes an area for storage and a workshop; and

**WHEREAS**, the Planning Commission held a public hearing for this item on September 4, 2014 and recommended approval of the variance with the following findings of fact:

1. The subject lot is larger than the typical lot in the R-1 district and is larger than an average river lot which is a half-acre. The request surpasses the general purpose and intent of the zoning ordinance by providing adequate light, air, open space and separation of uses.
2. Granting the variance is consistent with the 2030 Comprehensive Plan in that it protects and maintains the stability and diversity of the City's neighborhoods and it recognizes and supports the unique physical character and development patterns of neighborhoods.
3. The proposed accessory building allows for enclosed storage on the property. The new house plan does not include building a full basement because of close proximity to the 100 year floodplain. Traditional storage must be accommodated elsewhere and there are no plans to have basement storage.

4. The City Code does not address circumstances for larger lots and larger accessory buildings; therefore the variance request is reasonable.
5. Based on the ratio between the lot size and the accessory building size, the accessory building will be 3.5 % of the lot verses 12% for a standard 10,000 square foot lot. The building will meet the minimum requirements for side and rear setback and height. The proposed garage/accessory building will be attached to the house. The variance request is compatible with the scale and physical character of the neighborhood.

**NOW, THEREFORE, BE IT RESOLVED** that based on the findings above, the Anoka City Council hereby approves the variance to allow 1,440 square feet of accessory building on the property located at 840 River Lane as approved by the Planning Commission.

Adopted by the Anoka City Council this the 22<sup>nd</sup> day of September 2014.

ATTEST:



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Amy T. Oehlers, City Clerk



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Phil Rice, Mayor

# STAFF REPORT



Application A-2016-18  
Zoning Map Amendment/Rezoning & Variance  
Krelando Ristani  
2520 North Ferry Street

## **BACKGROUND**

The Applicant Krelando Ristani having real estate interest in the property 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 subject property.

The property is a former gas station that is currently not in operation on North Ferry Street.

The B-1 zoning district permits the establishment of service and limited retail businesses that are motorist related. This 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 area.

In 2014-2015 the City undertook a land use study. The City amended its Comprehensive Plan and amended its Zoning Ordinance and official map. The Comprehensive Plan and Zoning were changed from Highway Commercial to Neighborhood Commercial.

The Applicant is also requesting a variance to the required lot size for a used automobile sales lot from the 1.5 acre required minimum lot size to 0.51 acres or 22,215 square feet in the B-1 if the rezoning request is approved.

The Applicant at this time has not submitted an application for a Comprehensive Plan Amendment, Site Plan Review, or a Conditional Use Permit.

Enclosed for your review:

- Site Location Map
- Pictures of the Site
- Summary of the B-1 Highway Business District Study and Aerial
- Ordinance Approving and Amending the Zoning classification from B-1 Highway Commercial to B-6 Neighborhood Commercial Business for the subject property in January of 2015

## **REZONING/ZONING MAP AMENDMENT**

The property is currently zoned B6 Neighborhood Commercial Business. The Planning Commission and City Council must consider the following criteria when considering a change to the zoning classification of a property:

***1. Whether the proposed amendment corrects an error or addresses a changing condition, trend or fact.***

Findings: The proposed amendment does not correct an error or address a changing condition, trend, or fact.

***2. Whether the proposed amendment is consistent with the Comprehensive Plan policies.***

Findings: The property is currently designated on the 2030 Comprehensive Plan Land Use Map as Neighborhood Commercial. Minnesota State Statutes require the Comprehensive Plan designation to be consistent with zoning classification. The proposed amendment is not consistent with the Comprehensive Plan policies as follows:

- Maintain the visual environment of the City, protect the general welfare, and ensure that the City's property values, buildings, designs, appearance, character, and economic well-being are preserved and respected through minimum **design and appearance standards**;
- Reinforce and support a healthy development pattern in which new buildings and building modifications maintain the City's **unique character and heritage** through complementary and appropriate use of building materials, massing and architectural details;
- Encourage a diversity of uses and activities that promote **pedestrian activity**;
- Promote the use of **quality** construction;
- Enhance the **visual and aesthetic appeal of the corridor**;
- Group **compatible business uses** that will draw trade that is naturally compatible and promotes the business prosperity and public convenience;
- Protect the **private investors** who commit to **redevelopment**;
- Encourage creativity, imagination, innovation, and variety in architectural design and building composition through design principles that promote **harmony in the physical relationships between residential and commercial structures and compatible land uses**.

**3. *Whether the proposed amendment will protect the health, safety and welfare of the public.***

Findings: The proposed amendment goes against the City's land use plan to improve the neighborhood. A used automobile sales lot does not add value or carry out intentions to redirect land use in this area to support low-intensity neighborhood commercial services to improve the health, safety, and welfare for those who live in this neighborhood.

**4. *Whether the City and other service providers will be able to provide sufficient public safety, transportation and utility facilities and services to the subject property, while maintaining sufficient levels of service to existing development.***

Findings: The site, regardless of the zoning, will be served appropriately.

**5. *Whether the proposed rezoning will have significant adverse impacts on the natural environment, including air, water, noise, storm water management and vegetation.***

Staff Findings: The site, regardless of the zoning, will generally stay the same and have little impacts to the natural environment.

**6. *Whether the proposed amendment will have significant adverse impacts on other property in the vicinity of the subject tract.***

Staff Findings: The proposed rezoning goes against the City's vision to encourage new neighborhood type commercial development that will improve the area. Allowing a used automobile sales use will not positively improve the area or carry out the vision for the neighborhood supported by the current comprehensive plan and current zoning.

**7. *The suitability of the subject property for the existing zoning classification and proposed zoning classification.***

Staff Findings: The property was rezoned by the City to B6 Neighborhood Commercial Business to allow for uses that are more neighborhood friendly and less automobile orientated type uses. The City wants to see commercial development that benefits the neighborhood and specifically through the existing zoning classification restricts new automobile sales businesses in this area.

**8. *The need for the proposed use at the proposed location.***

Staff Finding: There is no specific need for this use at this location. The long term vision is not supporting new or used car lots in this area of the City.

### **VARIANCE REVIEW**

Variances should only be considered by the City when:

***1. The proposed variance is in harmony with the general purpose and intent of the zoning ordinance.***

- The proposed variance is not in harmony with the current Zoning Ordinance. The property was rezoned in 2015 to B6 Neighborhood Commercial Business and specifically does not allow for new and used automobile sales.

***2. The proposed variance is consistent with the comprehensive plan.***

- The proposed variance is not consistent with the goals of the land use plan as this specific site is guided Neighborhood Commercial by the land use plan and implemented by the B6 Neighborhood Commercial Business District, which specifically does not allow for a new or used automobile sales use.

### **PRACTICAL DIFFICULTIES**

Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. To constitute practical difficulties all 3 factors must be satisfied.

***1. Reasonableness: That the property owner proposes to use the property in a reasonable manner not permitted by this ordinance.***

- The property is zoned B6 Neighborhood Commercial Business, which does not allow for an automobile sales use on the subject property. The request is not reasonable.

***2. Uniqueness: That the plight of the landowners is due to physical circumstances unique to the property not created by the landowner.***

- The property is zoned B6 Neighborhood Commercial Business, which does not allow for an automobile sales use. There is nothing unique about the site that supports the request to reduce the required lot size.

3. *Essential Character: The proposed variance, if granted, will not alter the essential character of the locality.*

- The City's B6 Neighborhood Commercial Business requirements does not allow for used automobile sales as a use on small commercial lots. The Applicant's request would alter the character of the locality.

**RECOMMENDATION**

Staff believes the request for a rezoning of the subject property from B6-Neighborhood Commercial to B-1 Highway Commercial does not fit the City's long range vision for this area as it redevelops. The request is inconsistent with the Comprehensive Plan. Staff is recommending the Planning Commission recommend denial of the proposed rezoning request.

Staff believes the variance request does not meet the criteria required to grant a variance based on the findings stated above. The Variance request is inconsistent with the comprehensive plan and current zoning. Staff also believes there is not a practical difficulty present therefore further supports denial of the variance based on the findings stated above.

**COMMISSION ACTION**

- The Commission may recommend approval of rezoning.
- The Commission may recommend denial of the rezoning request with required findings.
- The Commission may table the application with reason.
  
- The Commission may recommend approval of variance with any necessary conditions.
- The Commission may recommend denial of the variance with required findings.
- The Commission may table the application with reason.



August 26, 2016

**Via Personal Delivery**

City of Anoka Planning Department  
2015 First Avenue North  
Anoka Minnesota 55303

**RE: PLANNING AND ZONING APPLICATION**  
**PROPERTY ADDRESS: 2520 Ferry Street, Anoka MN 55303**

Dear City of Anoka Planning Department Representative,

Our client Mr. Ristani would like to submit attached Planning and Zoning Application to apply for Rezoning and Variance of the above referenced property. As a prospective owner of the property he would like to change the zoning designation on this property which is located within the city of Anoka boundaries. The property has been formerly used a gas station under 3A-Commercial/Industrial/Public Utility property classification. Mr. Ristani would like to open a Pre-owned Auto Sales business in this location and is applying for rezoning of this property to B-1 Highway Business District property classification. The Pre-owned Auto Sales business establishment will be in full compliance with City Code provisions enumerated in Chapter 74; Article V, Division 3 (2) and 74-112(b).

Since the lot size is presently recorded as "irregular ," a variance is required to have a size changed to be in compliance with City code provision of "an used car lot shall have a total area of not less than 1.5 acres."



Attached as Exhibit 1 for reference is a picture of location currently depicted and Exhibit 2, is a proposed illustration on how the Pre-owned Auto Sales will most likely look like when the rezoning and variance applications are approved.

I thank you for your attention to this matter. If you need any additional documentation to adjudicate the above application, please contact me at the address or telephone number below. Site plans and any additional documentation will be provided upon request.

With kind regards,

Aneta Lennartson, Esq.  
TOP LAW PLLC

cc: Krelando Ristani (Enclosures)

CURRENT  
Exhibit 1

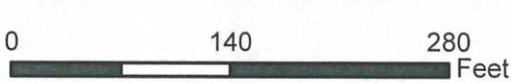


Exhibit 2.

PROPOSED  
USED CAR SALES LOT



# Site Map 2520 N Ferry St







2015 First Avenue, Anoka, MN 55303  
 Phone: (763) 576-2700 Website: [www.ci.anoka.mn.us](http://www.ci.anoka.mn.us)

**CITY OF ANOKA, MINNESOTA  
 ORDINANCE**

**ORD-2015-1587**

AN ORDINANCE AMENDING CHAPTER 74, ARTICLE III, SECTION 74-62 OF THE ANOKA CITY CODE REGARDING THE CITY OF ANOKA ZONING MAP.

The Council of the City of Anoka ordains:

SECTION 1. This ordinance applies to the subject properties legally described as follows:

PIN	ADDRESS	CITY	STA	ZONING DISTRICT	PROPERTY DESCRIPTION
02-31-25-12-0017	3067 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 9 BLOCK 1 CIC NO 210 CUTTERS GROVE 3RD ADD, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-12-0016	3065 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 8 BLOCK 1 CIC NO 210 CUTTERS GROVE 3RD ADD, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-12-0015	3063 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 7 BLOCK 1 CIC NO 210 CUTTERS GROVE 3RD ADD, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-12-0014	3061 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 6 BLOCK 1 CIC NO 210 CUTTERS GROVE 3RD ADD, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-11-0019	3059 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 10 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-11-0020	3057 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 11 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-11-0021	3055 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 12 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC

02-31-25-11-0022	3053 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 13 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-11-0023	3051 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 14 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-11-0027	3045 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 18 BLOCK 1 CUTTERS GROVE 3 <sup>RD</sup> ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-11-0026	3043 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 17 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-11-0025	3041 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 16 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-11-0024	3039 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 15 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-11-0028	3037 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 19 BLOCK 1 CUTTERS GROVE 3 <sup>RD</sup> ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-11-0029	3035 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 20 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-11-0030	3033 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 21 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-11-0031	3031 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 22 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-12-0013	3029 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 5 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-12-0012	3027 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 4 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC

02-31-25-12-0011	3025 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 3 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-12-0010	3025 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 2 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-12-0009	3021 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 1 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-12-0022	3019 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 30 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-12-0025	3017 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 31 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-12-0024	3015 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 32 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-12-0021	3013 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 29 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-12-0020	3011 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 28 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-12-0019	3009 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 27 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-12-0018	3007 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 26 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-11-0034	3005 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 25 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-11-0033	3003 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 24 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC

02-31-25-11-0032	3001 Cutters Grove Avenue	Anoka	MN	R-3 Medium and High Density Residential	LOT 23 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
02-31-25-12-0025	<i>Unassigned Situs</i>	Anoka	MN	R-3 Medium and High Density Residential	LOT 33 BLOCK 1 CUTTERS GROVE 3RD ADD CIC NO 210, COMMON ELEMENT, SUBJ TO EASE OF REC
31-32-24-13-0002	3834 7 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	UNPLATTED CITY OF ANOKA THE N 100 FT OF S 200 FT OF W 233 FT OF TH PT OF NE1/4 OF SEC 31-32-24 LYING N OF S 53 1/3 ACRES THEREOF-THE N LINE OF SD S 53 1/3 ACRES IS PARA WITH THE S LINE OF SD NE1/4-SD PROPERTY IS SUBJ TO RD EASE OVER THE W 33 FT THEREOF
31-32-24-13-0003	3824 7 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	UNPLATTED CITY OF ANOKA TH S 100 FT OF THE W 233 FT OF TH PT OF THE NE1/4 OF SEC 31-32- 24 LYING N OF THE S 53 1/3 ACRES THEREOF-THE N LINE OF SAID S 53 1/3 ACRES IS PARA WITH THE S LINE OF SD NE1/4-SAID PROPERTY IS SUBJ TO ROAD EASE OVER THE W 33 FT THEREOF
31-32-24-13-0004	3814 7 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	THE N 150 FT OF W 183 FT OF SLY 53-1/3 ACRES OF NE1/4 OF SEC 31-32-24; EX RD; SUBJ TO EASE OF REC
31-32-24-13-0015	728 38 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	E 120 FT OF S 150 FT OF N 366 FT OF W 333 FT OF SLY 53 1/3 ACRES OF NE1/4 OF SEC 31 TWP 32 RGE 24, EX RD SUBJ TO EASE OF REC
31-32-24-13-0010	3770 7 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	THE W 213 FT OF S 150 FT OF N 366 FT OF SLY 531/3 ACRES OF NE1/4 OF SEC 31 TWP 32 RGE 24, EX RDS, SUBJ TO EASE OF REC
31-32-24-13-0087	3730 7 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 1 BLOCK 1 BRYANT PARK
06-31-24-31-0072	649 Polk Street	Anoka	MN	B-6 Neighborhood Commercial Business	E 25 FT OF LOT 28, ALL OF 29 & PRT OF LOT 30 BLK 10 SLAUGHTER & CREIGHTONS ADD, LYG WLY OF LINE DESC AS FOL: BEG AT NW COR OF SD LOT 29, TH ELY TO NE COR OF SD LOT 29, TH SELY TO PT ON LINE PRLL/W 25 FT ELY OF W LINE OF SD LOT 30, 10 FT SLY OF INTER/W N LINE OF SD LOT 30, TH SLY ON SD 25 FT PRLL LINE TO S LINE OF SD LOT 30 & THERE TERM, EX RD SUBJ TO EASE OF REC
06-31-24-42-0067	707 Polk Street	Anoka	MN	B-6 Neighborhood Commercial Business	LOTS 13 & 14 AUD SUB NO 90, EX RD, SUBJ TO EASE OF REC
06-31-24-31-0075	3371 7 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	SLAUGHTER & CREIGHTONS ADDITION TO ANOKA LOTS 2,3,4 & 5- EX PT OF LOT 2 TAKEN BY ST OF MINN FOR HWY PER L P FILED 6-17-63- BLK 11, SLAUGHTER & CREIGHTONS ADD

06-31-24-31-0089	2353 7 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	SLAUGHTER & CREIGHTONS ADDITION TO ANOKA LOTS 30 & 31 BLK 11 SLAUGHTER & CREIGHTONS ADDITION TO ANOKA ACCORDING TO THE MAP OR PLAT THEREOF ON FILE & OF RECORD IN THE OFF OF THE REG OF DEEDS IN & FOR ANOKA CNTY, MN & THAT PART OF LOT 29 BLK 11 SLAUGHTER & CREIGHTONS ADD TO ANOKA ACCORDING TO THE MAP OR PLAT THEREOF ON FILE & OF RECORD IN THE OFF OF THE REG OF DEEDS IN & FOR ANOKA CNTY, MN(EX THAT PART THEREOF LYING WLY & SWLY OF A LINE PRL WITH & DIST 40 FT ELY & NELY OF THE HEREINAFTER DESC CENTER LINE OF SPUR TRACK AS FORMERLY LOCATED & ESTABLISHED THE SAID CENTER LINE OF SPUR TRACK AS FORMERLY ESTABLISHED BEING MORE PARTICULARLY DESC AS FOL-COM AT THE CTR OF SEC 6-31-24 ANOKA CNTY, MN SAID POINT ALSO BEING THE INTER- SECTION OF THE CENTER LINES OF NORTH ST & 7TH AVE IN ANOKA-THS ALONG THE QUARTER LINE OF SAID SEC 6 1000 FT TO THE S LINE OF TYLER ST EXTENDED AS SAID ST IS LOCATED TO THE W OF SAID QUARTERLINE-TH W ALONG SAID S LINE OF TYLER ST & SAID EXTENSION THEREOF 164 FT TO A POINT 26 FT E OF THE W LINE OF LOT 5 BLK 14 SLAUGHTER & CREIGHTONS ADD TO ANOKA BEING THE TRUE POINT OF BEG-TH N PRL WITH THE EXTENSION NLY OF SAID W LINE OF LOT 5 163.4 FT-TH NWLY ALONG A 3 DEG 00 MIN C URVE TO THE LEFT THE TANGEN T TOWHICH IS THE LAST DESC COURSE 1000 FT)
06-31-24-31-0125	2321 7 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 2 BLK 14 EX E 3 FT THEREOF & LOT 3 SD BLK 14 BOTH IN SLAUGHTER & CREIGHTONS ADD, SUBJ TO EASE OF REC
06-31-24-42-0042	2370 7 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	LOTS 1 THRU 4 INCL BLK 3 DUNN MANOR, SUBJ TO EASE OF REC
06-31-24-42-0043	2354 7 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	LOTS 5 & 6 BLOCK 3, DUNN MANOR, SUBJ TO EASE OF REC
06-31-24-42-0066	2350 7 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	LOTS 7 & 8 BLK 3 DUNN MANOR, SUBJ TO EASE OF REC
07-31-24-23-0008	1423 5 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	THAT PRT OF LOT 3 AUDITORS SUBDIVION NO 11 REV, LYG ELY OF LINE PRL/W & 128 FT WLY OF ELY LINE OF SD LOT

07-31-24-23-0076	1415 5 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 32 AUDITORS SUBDIVISION NO 11 REV , EX PRT OF LYG SLY OF LINE DRAWN FROM PT ON E LINE OF SD LOT 8 FT NLY OF MOST SLY COR TO PT ON SWLY LINE OF SD LOT 21.05 FT NWLY OF SD MOST SLY COR THEREOF
07-31-24-23-0009	422 Washington Street	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 3 AUDITORS SUBDIVISION NO 11 REV , DESC AS FOL: COM ON N LINE OF SD LOT 128 FT W OF NE COR THEREOF, TH S & PRL/W E LINE OF SD LOT 180.1 FT FT TO SWLY LINE OF SD LOT, TH NWLY ON SD SWLY LINE 70.5 FT, TH N PRL/W FIRST LINE 135.5 FT TO N LINE OF SD LOT, TH E 50 FT TO POC
07-31-24-23-0010	416 Washington Street	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 3 AUDITORS SUBDIVISION NO 11 REV , LYG W OF LINE PRL/W & 178 FT W OF E LINE THEREOF
07-31-24-32-0001	1333 5 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 4 AUDITORS SUBDIVISION NO 11 REV
07-31-24-31-0069	504 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	LOTS 1, 24 & 25 AUDITORS SUBDIVISION NO 12 REV
07-31-24-31-0075	540 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	E 25 FT LYG S OF N 70 FT OF LOT 2, & LOT 10, EX S 85 FT OF W 187.5 FT THEREOF & THAT PRT OF LOT 3 AUDITORS SUBDIVISION NO 12 REV LYG NWLY OF FOL DESC LINE: BEG AT PT 132 FT NW OF MOST ELY COR OF SD LOT 3, TH SWLY 242 FT +OR- TO PT 42.7 FT S OF NE COR OF SD LOT 10 & SD LINE THERE TERM
07-31-24-31-0004	552 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	THAT PRT OF LOT 3 AUDITORS SUBDIVISION NO 12 REV, LYG ELY & SLY OF FOL DESC TRACT: COM ON NELY LINE OF SD LOT 3, 132 FT NW OF MOST ELY COR, TH CONT NWLY ON SD NELY LINE 99 FT, TH SWLY 226 FT +OR- TO PT 32.5 FT N OF SE COR OF LOT 2 SD PLAT (LINE A), TH S 32.5 FT TO SE COR OF SD LOT 2, TH E 66 FT TO NE COR OF LOT 10, SD PLAT, TH S 42.7 FT +OR- PT ON LINE PRL/W & 99 FT SELY AT RT ANG TO LINE A, TH NELY PRL/W LINE A, 242 FT +OR- TO POC
07-31-24-31-0056	620 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 4 AUDITORS SUBDIVISION NO 12 REV EX SWLY 30 FT THEREOF
07-31-24-31-0009	626 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 5 AUDITORS SUBDIVISION NO 12 REV DESC AS FOL; COM AT MOST NLY PT OF SD LOT 5, TH SELY ALG NLY LINE OF SD LOT 5, 140 FT, TH SWLY TO PT ON SLY LINE OF SD LOT 5, 153.3 FT SELY FROM WLY COR OF SD LOT 5, TH NWLY ON SWLY LINE TO WLY COR OF SD LOT 5, TH NELY TO POB

07-31-24-31-0008	630 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 5 AUDITORS SUBDIVISION NO 11 REV DESC AS FOL: COM AT PT 140 FT SELY FROM MOST NLY COR OF SD LOT 5, TH SWLY TO PT ON MOST SLY LINE OF SD LOT 5, 153.3 FT SELY FROM MOST WLY COR OF SD LOT 5 TOPT ON THIS LINE 100 FT NELY OF SLY LINE OF SD LOT 5, TH SELY TO PT ON E LINE OF SD LOT 5, 100 FT NELY OF SE COR THEREOF, TH NELY ALG SD E LINE TO MOST NE COR SD LOT 5, TH NWLY ON NLY LINE TO PT OFCOM.
07-31-24-31-0067		Anoka	MN	B-6 Neighborhood Commercial Business	LOT 1 BLOCK 1 AUD SUB NO 158
07-31-24-31-0068	632 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 2 BLOCK 1 AUD SUB NO 158
07-31-24-31-0060	646 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	THAT PRT OF LOT 3 BLK 1, AUDITORS SUBDIVISION NO 158 LYG NELY OF THE SWLY 20.00 FT (AS MEAS AT A RT ANG TO THE SWLY LINE) OF SD LOT 3 SUBJ TO EASE OF REC
07-31-24-31-0048	700 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	AUDITORS SUBDIVISION NO 158 LOTS 1 & 2 BLK 3 AUD SUB 158
07-31-24-42-0013	710 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	AUDITOR'S SUBDIVISION NO 158 LOTS 3, 4, & 5, BLK 3, AUD SUB NO 158
07-31-24-42-0014	736 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 6 BLOCK 3 OAKWOOD ADDITION, EX THAT PRT DESC AS FOL: COM AT SE COR OF SD LOT 6, TH WLY ON S BDRY OF SD LOT TO SW COR OF SD LOT, TH NLY ON W BDRY OF SD LOT 6, 10 FT, TH ELY & PRL/W S LINE OFSD LOT 6, 150 FT +OR- TO E BDRY LINE OF SD LOT 6, TH SLY ON E BDRY OF SD LOT 6, 10 FT TO POC. AKA LOT 6 BLOCK 3 AUDITORS SUBDIVISION NO 158, EX RD SUBJ TO EASE OF REC
07-31-24-43-0014	802 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 1 EX E 90 FT BLOCK 5 AUD SUB 158, EX RD SUBJ TO EASE OF REC
07-31-24-43-0015	814 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 2 BLK 5 AUD SUB NO 158, TOG/W ELY 90 FT OF LOT 1 SD BLK, AS MEAS PRL/W ELY R/W LINE OF KINGS LN, SUBJ TO EASE OF REC
07-31-24-43-0016	822 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 3 BLOCK 5 AUD SUB NO 158

07-31-24-43-0043	840 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	AUDITORS SUBDIVISION NO 158 LOT 1 BLK 8 AUD SUB 158, TOGETHER WITH SEWER EASE OVER W 10 FT OF LOT 4, BLK 8, 12/29/66.
07-31-24-43-0044	846 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	AUDITORS SUBDIVISION NO 158 LOT 2 BLK 8 AUD SUB 158
07-31-24-43-0045	848 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	AUDITORS SUBDIVISION NO 158 LOT 3 BLK 8 AUD SUB 158
07-31-24-43-0065	854 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	WLY 130 FT OF NLY 100 FT AS MEAS ALG NLY & WLY LINES OF LOT 1 BLOCK 1 BROWNS OAKWOOD ADDITION
07-31-24-24-0082	1428 5 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	S 38.15 FT OF LOT 8, S 38 FT OF LOTS 9, 10 & 11, W 6 FT OF N 97 FT OF LOT 11, ALL OF LOTS 12, 13, 18, 19, 20, 21, 22 & 23 BLOCK 64 MAP OF ANOKA (SLAUGHTER AND BRISBIN) EX THAT PRT OF SD LOTS 19 THRU 23 LYG S OF LINE DRAWN PRL/W & 40 FT N OF S LINE OF SOUTH ST, ALSO EX THAT PRT OF LOTS 19 & 20 DESC AS FOL: COM AT INTER OF E LINE OF CSAH NO 1 & LINE PRL/W & 40 FT N OF S LINE OF SOUTH ST, TH EALG SD PRL LINE 30 FT TO POB, TH N AT RT ANG 5 FT, TH E AT RT ANG 10 FT, TH S AT RT ANG 5 FT TO SD PRL LINE, TH W ALG SD PRL LINE 10 FT TO POB
07-31-24-24-0074	<i>Unassigned Situs</i>	Anoka	MN	B-6 Neighborhood Commercial Business	THAT PRT OF LOTS 19 THRU 23 BLK 64 SLAUGHTER & BRISBINS ADD LYG S OF A LINE DRAWN PRL/W & 40 FT N OF THE S LINE OF SOUTH ST TOG/W THAT PRT OF SD BLK 64 DESC AS FOL: COM AT THE INTER OF THE E LINE OF CSAH NO 1 & A LINE DRAWN PRL/W & 40 FT N OF THE S LINE OF SOUTH ST, TH E ALG SD PRL LINE 30 FT TO THE POB, TH N AT RT ANG 5 FT, TH E AT RT ANG 10 FT, TH S AT RT ANG 5 FT TO SD PRL LINE, TH W ALG SDPRL LINE 10 FT TO THE POB; EX RD; SUBJ TO EASE OF REC
07-31-24-31-0032	540 South Street	Anoka	MN	B-6 Neighborhood Commercial Business	THAT PRT OF LOTS 1 & 2 AUDITORS SUBDIVISION NO 14 REV, LYG W OF LINE PRL/W & 350.14 FT W OF WLY R/W LINE OF 7TH AVE
07-31-24-31-0058	625 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	THOSE PRTS OF LOTS 2, 3 & 5 AUDITORS SUBDIVISION NO 14 REV DESC AS FOL: BEG AT PT 403.60 FT S ON WLY R/W LINE OF 7TH AVE, TH S 0 DEG 10 MIN 23 SEC W ALG SD R/W 488 FT TO INTER/W NELY R/W LINE OF ERIVER RD, TH N 63 DEG 48 MIN 16 SEC W ALG SD NELY R/W LINE 389.64 FT TO INTER/ W LINE PRL/W & 350.14 FT W OF WLY R/W LINE OF 7TH AVE, TH N 00 DEG 10 MIN 23 SEC E ALG SD PRL LINE 316 FT, TH E 350.14 FT TO POB EX E 249 FT THEREOF

07-31-24-31-0035	1235 7 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	E 249 FT OF N 75 FT OF S 150 FT OF LOT 3 AUDITORS SUBDIVISION NO 14 REV
07-31-24-31-0034	1231 7 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	E 249 FT OF S 75 FT OF LOT 3 AUDITORS SUBDIVISION NO 14 REV
07-31-24-31-0059	637 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 4 AUDITORS SUBDIVISION NO 14 REV
07-31-24-42-0003	703 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 10 AUDITORS SUBDIVISION NO 14 REV LYG NWLY OF LINE DESC AS FOL: COM AT PT ON E LINE OF SD LOT 210 FT S OF N LINE OF SD LOT, TH W PRL/W SD N LINE 7.5 FT TO POB, TH SWLY TO PT ON SWLY LINE OF SD LOT 100 FT NWLY OF SE COR OF SD LOT & SD LINE THERE TERM
07-31-24-42-0004	711 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	THAT PRT OF LOT 10 AUDITORS SUBDIVISION NO 14 REV DESC AS FOL: BEG AT SE COR OF SD LOT 10, TH N ALONG E LINE OF SD LOT 10 TO PT OF INTER/W LINE DRAWN PRL/W & 210 FT S OF N LINE OF SD LOT 10, TH WPRL/W SD N LINE 7.5 FT, TH SWLY TO PT IN SWLY LINE OF SD LOT 10, 100 FT NWLY OF THE SE COR OF SD LOT 10, TH SELY ALG SD SWLY LINE 100 FT TO POB
07-31-24-42-0006	721 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 12 AUDITORS SUBDIVISION NO 14 REV
07-31-24-42-0091	733 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 3 BLK 1 CARLSON & KINGS SOUTHVIEW TERRACE EX THAT PRT OF THE N 37 FT OF SD LOT 3 LYG W OF THE E 96 FT THEREOF SUBJ TO EASE OF REC
07-31-24-42-0021	743 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	CARLSON & KINGS SOUTHVIEW TERRACE LOT 4 BLK 1 CARLSON & KINGS SOUTHVIEW TERRACE-SUBJ TO UTIL EASE OVER E 10 FT-
07-31-24-42-0093	749 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 1 BLK 1 FRISKYS 2ND ADD SUBJ TO EASE OF REC
07-31-24-42-0094	801 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 2 BLK 1 FRISKYS 2ND ADD SUBJ TO EASE OF REC
07-31-24-42-0095	821 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 3 BLOCK 1 FRISKYS 2ND ADD , EX RD SUBJ TO EASE OF REC

07-31-24-42-0012	839 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 18 AUDITORS SUBDIVISION NO 14 REV
07-31-24-43-0088	847 East River Road	Anoka	MN	B-6 Neighborhood Commercial Business	SOUTHVIEW 2ND ADDITION LOT 9 BLK 2 SOUTHVIEW 2ND ADD(EX THAT PART OF LOT 9 BLK 2 SOUTH-VIEW 2ND ADD ANOKA CNTY, MN DESC AS FOL-BEG AT A POINT ON THE W LINE OF LOT 14 NINTH AVE ADD DIST 48.65 FT S OF THE NW CORNER THEREOF-TH SLY ON THE E LINE OF SAID LOT 9 & TO THE MOST SLY CORNER THEREOF- TH NWLY ON THE SWLY LINE OF SAID LOT 9 A DIST OF 6.82 FT-TH NELY TO THE POINT OF BEG) & ALSO THAT PART OF LOTS 13& 14 NINTH AVE ADD ANOKA CNTY, MN DESC AS FOL-BEG AT A POINT ON THE W LINE OF SAID LOT 14 DIST 48.65 FT S OF THE NW CORNER THEREOF-TH NLY ON THE W LINES OF SAID 14 & 13 & TO THE NW CORNER OF SAIDLOT 13-TH E ON THE N LINE OF SAID LOT 13 A DIST OF 10 FT-THSLY TO THE POINT OF BE G
07-31-24-43-0107	1201 9 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	UNIT 1 CIC NO 152 CHATEAU VILLAGE, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
07-31-24-43-0108	1203 9 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	UNIT 2 CIC NO 152 CHATEAU VILLAGE, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
07-31-24-43-0109	1205 9 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	UNIT 3 CIC NO 152 CHATEAU VILLAGE, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
07-31-24-43-0110	1209 9 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	UNIT 4 CIC NO 152 CHATEAU VILLAGE, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
07-31-24-43-0111	1211 9 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	UNIT 5 CIC NO 152 CHATEAU VILLAGE, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
07-31-24-43-0112	1213 9 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	UNIT 6 CIC NO 152 CHATEAU VILLAGE, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
07-31-24-42-0116	1217 9 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	UNIT 7 CIC NO 152 CHATEAU VILLAGE, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
07-31-24-42-0117	1219 9 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	UNIT 8 CIC NO 152 CHATEAU VILLAGE, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC

07-31-24-42-0118	1221 9 <sup>th</sup> Avenue	Anoka	MN	B-6 Neighborhood Commercial Business	UNIT 9 CIC NO 152 CHATEAU VILLAGE, TOG/W COMMON ELEMENT, SUBJ TO EASE OF REC
07-31-24-43-3CIC	<i>Unassigned Situs</i>	Anoka	MN	B-6 Neighborhood Commercial Business	LOT 4, BLOCK 1, CHATEAU VILLAGE
01-31-25-14-0017	2633 Ferry Street	Anoka	MN	R-1 Single Family Residential	MARTINS ADDITION TO ANOKA LOT 1 BLK 3 MARTINS ADD
01-31-25-14-0018	2627 Ferry Street	Anoka	MN	R-1 Single Family Residential	MARTINS ADDITION TO ANOKA LOT 2, BLOCK 3, MARTINS ADD
01-31-25-14-0019	2621 Ferry Street	Anoka	MN	R-1 Single Family Residential	LOT 3 BLOCK 3 MARTINS ADD TO ANOKA
01-31-25-14-0020	2615 Ferry Street	Anoka	MN	R-1 Single Family Residential	LOT 4 BLOCK 3 MARTINS ADD TO ANOKA, EX RD SUBJ TO EASE OF REC
01-31-25-14-0021	2605 Ferry Street	Anoka	MN	R-1 Single Family Residential	LOT 5 BLOCK 3 MARTINS ADD TO ANOKA
01-31-25-14-0022	103 Pleasant Street	Anoka	MN	B-6 Neighborhood Commercial Business	MARTINS ADDITION TO ANOKA LOT 6 BLK 3 MARTINS ADD
01-31-25-14-0028	128 Pleasant Street	Anoka	MN	B-6 Neighborhood Commercial Business	MARTINS ADDITION TO ANOKA LOTS 1 & 2, BLK 4, MARTINS ADD. -EX E 100.82 FT OF LOTS 1 & 2-
01-31-25-14-0029	2535 Ferry Street	Anoka	MN	B-6 Neighborhood Commercial Business	THE E 100.82 FT OF LOTS 1 & 2 BLK 4 MARTINS ADD TO ANOKA, SUBJ TO EASE OF REC
01-31-25-14-0030	2527 Ferry Street	Anoka	MN	R-1 Single Family Residential	MARTINS ADDITION TO ANOKA LOT 3 BLK 4 MARTINS ADD
01-31-25-14-0031	2521 Ferry Street	Anoka	MN	R-1 Single Family Residential	MARTINS ADDITION TO ANOKA LOT 4 BLK 4 MARTINS ADD
01-31-25-14-0032	2515 Ferry Street	Anoka	MN	R-1 Single Family Residential	LOT 5 BLK 4 MARTINS ADD TO ANOKA; EX RD; SUBJ TO EASE OF REC
01-31-25-14-0010	2632 Ferry Street	Anoka	MN	R-1 Single Family Residential	MARTINS ADDITION TO ANOKA LOT 1 BLK 2 MARTINS ADD TO ANOKA(SUBJ TO EASE RESTRICTIONS & RESERVATIONS OF RECORD IF ANY)

01-31-25-14-0011	2622 Ferry Street	Anoka	MN	R-1 Single Family Residential	MARTINS ADDITION TO ANOKA THE W 98.15 FT OF LOT 2 BLK 2 MARTINS ADD TO ANOKA ANOKA CNTY, MN(SUBJ TO EASE OF RECORD)(SUBJ TO EASE RESTRICTIONS & RESERV- ATIONS OF RECORD IF ANY)
01-31-25-14-0012	2627 Front Street	Anoka	MN	R-1 Single Family Residential	LOT 2 BLK 2 MARTINS ADD TO ANOKA, EX W 98.15 FT THEREOF, SUBJ TO EASE OF REC
01-31-25-14-0013	2620 Ferry Street	Anoka	MN	R-1 Single Family Residential	MARTINS ADDITION TO ANOKA LOT 3 BLK 2 MARTINS ADD
01-31-25-14-0014	2614 Ferry Street	Anoka	MN	R-1 Single Family Residential	LOT 4 BLOCK 2 MARTINS ADD TO ANOKA EX RD SUBJ TO EASE OF REC
01-31-25-14-0015	2606 Ferry Street	Anoka	MN	R-1 Single Family Residential	LOT 5 BLOCK 2 MARTINS ADD TO ANOKA , EX RD SUBJ TO EASE OF REC
01-31-25-14-0016	2600 Ferry Street	Anoka	MN	R-1 Single Family Residential	LOT 6 BLOCK 2 MARTINS ADD TO ANOKA
01-31-25-14-0004	2540 Ferry Street	Anoka	MN	B-6 Neighborhood Commercial Business	MARTINS ADDITION TO ANOKA LOT 1 BLK 1 MARTINS ADD
01-31-25-14-0005	2532 Ferry Street	Anoka	MN	B-6 Neighborhood Commercial Business	MARTINS ADDITION TO ANOKA LOT 2 BLK 1 MARTINS ADD
01-31-25-14-0006	2526 Ferry Street	Anoka	MN	B-6 Neighborhood Commercial Business	MARTINS ADDITION TO ANOKA LOT 3 BLK 1 MARTINS ADD
01-31-25-14-0090	2520 Ferry Street	Anoka	MN	B-6 Neighborhood Commercial Business	LOTS 4 & 5 BLOCK 1 MARTINS ADD TO ANOKA, EX RD, TOG/W THAT PRT OF LOT 6 SD BLK 1 LYG NLY OF NLY R/W LINE OF T H NO 10, SUBJ TO EASE OF REC



**SECTION 2.** The City Council finds in support of rezoning the property described in SECTION 1 of this ordinance.

**SECTION 3.** The subject property legally described in SECTION 1 shall hereafter have the zoning classification as designated in the chart above.

**SECTION 4.** The Zoning Administrator is hereby authorized and directed to record said amendments to the Official Zoning Map.

**SECTION 5.** This Ordinance shall be in full force and effective upon passage and seven days after publication.



ATTEST:



Phil Rice, Mayor

Introduced: December 15, 2014  
Adopted: January 5, 2015  
Published: Summary Publication  
Effective: January 16, 2015 \*



Amy T. Oehlers, City Clerk

	Aye	Nay	Abstain	Absent
Rice	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Anderson	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Freeburg	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Schmidt	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Weaver	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

# Summary B-1 Highway Business District Study

December 8, 2014

## **BACKGROUND INFORMATION**

In March 2014, the City Council adopted an interim ordinance prohibiting the review and processing of any permit applications or requests for new construction or expansion of buildings or structures within the B-1 Highway Business District. The current B-1 district consists of 115 properties; 49 properties have conditional use permits (42%). In response to the interim ordinance, the Planning Commission has been working on the study. The goals of the study are:

1. To analyze the official controls of architectural and performance standards including, but not limited to, lighting, landscaping, parking, lot coverage, and architectural standards in the B-1 Highway Business District.
2. To analyze the uses allowed in the B-1 Highway Business District and make amendments to the zoning district if determined appropriate.
3. To protect the planning process and the public health, safety and welfare of the citizens of Anoka in relation to the appearance of building and site development and construction, and redevelopment in the B-1 Highway Business zoning district.

## **SUMMARY OUTLINE**

- Items 7.1.D—7.1.K are related to the B-1 Study
- The Planning Commission held a public hearing on December 2, 2014 for all the items related to the land use study.
- The B-1 land use study is City-wide; there are five neighborhoods:
  - Highway 10/Cutters Grove Avenue
  - 7<sup>th</sup> Avenue and 38<sup>th</sup> Avenue
  - 7<sup>th</sup> Avenue and Polk Street
  - East River Road
  - Ferry Street
- 115 properties currently zoned B-1; 49 properties have CUPs (42%)
- Revoke two existing Conditional Use Permits (CUPs)
  - 1423 5<sup>th</sup> Avenue-CUP issued in 1965 for drive-in restaurant, now bakery
  - 721 East River Road-CUP issued in 1987 for used car sales, now beauty salon
- Text Amendment to B-1 Highway Business District
  - Updated uses
  - Allowed outdoor seating and added standards
  - Added lighting, architectural standards, landscaping
    - Architectural standards for commercial uses same as Main Street district
    - Multiple family same as TOD district
  - Added provisions for large vehicle parking

## Summary B-1 Highway Business District Study

December 8, 2014

- General standards for uses adjacent to residential instead of requiring a CUP
- **Creation of new B-6 Neighborhood Commercial Business District**
  - Applies to the following areas:
    - North Ferry Street
    - East River Road
    - 7<sup>th</sup> Avenue and Polk Street
    - 7<sup>th</sup> Avenue and 38<sup>th</sup> Street
  - Detailed purpose and intent statement
  - Uses similar to Main Street Mixed Use District
    - Added standards for auto repair and car wash/vacuum
    - **Removed new and used car sales as allowed use**
  - Minimum and maximum setbacks. Did not change minimum setbacks from existing.
  - Architectural standards same as MS district
  - Add outdoor seating with standards
  - General standards for uses adjacent to residential instead of requiring a CUP
  - Parking requirements consistent with MS district
- Comprehensive Plan Amendment
  - Land Use Map Amendment for 132 properties; includes 11 properties currently guided Low Density Residential and changing land use to Riverfront Transit Development
  - Comprehensive Plan Text Amendment creating two new land use categories—Riverfront Transit Development and Neighborhood Commercial
- Rezone 121 properties to:
  - Existing districts (R-1, R-3)
    - R-1 (15)
    - R-3 (33) Cutters Grove Townhomes
  - New B-6 Neighborhood Commercial Business District (73)

# Ferry Street and Pleasant Street

2727

2708

MARTIN

BRANCH

FERRY

PLEASANT

MAPLE

FRONT

B-1 Highway Business



# STAFF REPORT



Application A-2016-19  
Fence Height Variance  
Mike and Heidi Wolff  
3401 Quarry Avenue

## BACKGROUND

The Applicants, Mike and Michelle 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 four feet.

The subject property is a corner lot. The existing single family house faces Quarry Avenue to the east and is bordered by an existing single family home to the north, George Enloe Park to the west, and McKinley Street to the south. For zoning purposes, the south and west sides of the lot are considered front yards, because they abut road right-of-way.

The Applicant plans to construct a 6-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.

Included for your review is a site plan of the property showing where the proposed fence would be located. The aerial photo shaded in blue shows the area that could be enclosed by a six-foot fence without the need of a variance and an area shaded in yellow which would require a variance for a 6-foot fence.

Enclosed for your review:

- Site Location Map
- Aerial of the site
- Certificate of Survey
- Pictures of the Site

## **VARIANCE REVIEW**

Variances should only be considered by the City when:

***1. The proposed variance is in harmony with the general purpose and intent of the zoning ordinance.***

- The proposed variance would be in harmony with the current Zoning Ordinance.

***2. The proposed variance is consistent with the comprehensive plan.***

- The Applicant is proposing a fence to create additional privacy. In general, the 2030 Comprehensive Plan and City goals are to improve residential properties and reduce blight. The variance request does not interfere with the goals and policies of the Comprehensive Plan.

## **PRACTICAL DIFFICULTIES**

Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. To constitute practical difficulties all 3 factors must be satisfied.

***1. Reasonableness: That the property owner proposes to use the property in a reasonable manner not permitted by this ordinance.***

- The Applicant request to construct a 6-foot fence in the required front yard area between the existing park area and along McKinley could be considered reasonable as the Applicant wants to eliminate unwanted activity and increase privacy. On the other hand, the Applicant purchased the subject property knowing the lot was a corner lot, backing up to a public park, adjacent to a neighborhood collector public street, and adjacent to a public sidewalk. Further, the proposed fence along McKinley Street creating an appearance of a wall a lot the sidewalk and street creating visibility concerns.

2. ***Uniqueness: That the plight of the landowners is due to physical circumstances unique to the property not created by the landowner.***

- The lot is a typical corner lot that has no physical circumstances that are unique to the property itself including slope, wetlands, odd lot shape, grouping of significant trees, etc. The current physical constraints of the lot itself does not prohibit the Applicant from constructing a fence meeting the current Zoning regulations.

The Applicant has already constructed a majority of the fence. The remainder of the fence will be constructed at a height of 4 feet or 6 feet based on the outcome of the variance proceedings. The Applicant has stated if they did not receive approval they will cut the posts down and install the fence at 4 feet without issue as required by Ordinance.

3. ***Essential Character: The proposed variance, if granted, will not alter the essential character of the locality.***

- Most existing fences in the City and in the neighborhood meet the requirements of the Zoning Ordinance. Allowing a 6-foot fence in the front yard can be viewed as inconsistent with the character of the neighborhood.

### **RECOMMENDATION**

Staff believes variance request does not meet the criteria required to grant a variance based on the findings listed above. Staff also believes there is not a practical difficulty present therefore further supports denial of the variance based on the findings above.

**Staff recommends denial of the variance request based on the following findings of fact:**

1. The proposed request does not satisfy the 3 elements of practical difficulty.
2. The site has no unique physical characteristics that would cause the Applicant to not be able to install the fence as required by the ordinance.
3. The fence being constructed at 6 feet in the required front yard would be out of character with the neighborhood.

**Option for the Planning Commission to consider:**

The Applicant has stated they are open to the idea of a 6-foot fence across the entire western lot line backing up to the park and a 4-foot fence along McKinley. There is solid wood fence that has 6-foot fence across the rear lot line and 4-foot fence along the street a block away.



This option would have some likeness to neighborhood character, maintain the 4-foot height along McKinley Street supporting the intent of the ordinance, while separating the park use, which has its own unique characteristics itself from the subject residential property.

**COMMISSION ACTION**

- The Commission may recommend approval of variance with any necessary conditions.
- The Commission may recommend denial of the variance with required findings.
- The Commission may table the application with reason.

# Site Map

## 3401 Quarry Ave





25 ft

25 ft

3401

Side Yard

Front Yard

ST

Established in 1962  
**LOT SURVEYS COMPANY, INC.**

LAND SURVEYORS

REGISTERED UNDER LAWS OF STATE OF MINNESOTA  
 7601 - 73rd Avenue North 560-3093

Minneapolis, Minnesota 55428

**Surveyors Certificate**

INVOICE NO. 33536  
 F. B. NO. 537-8  
 SCALE 1" = 20'

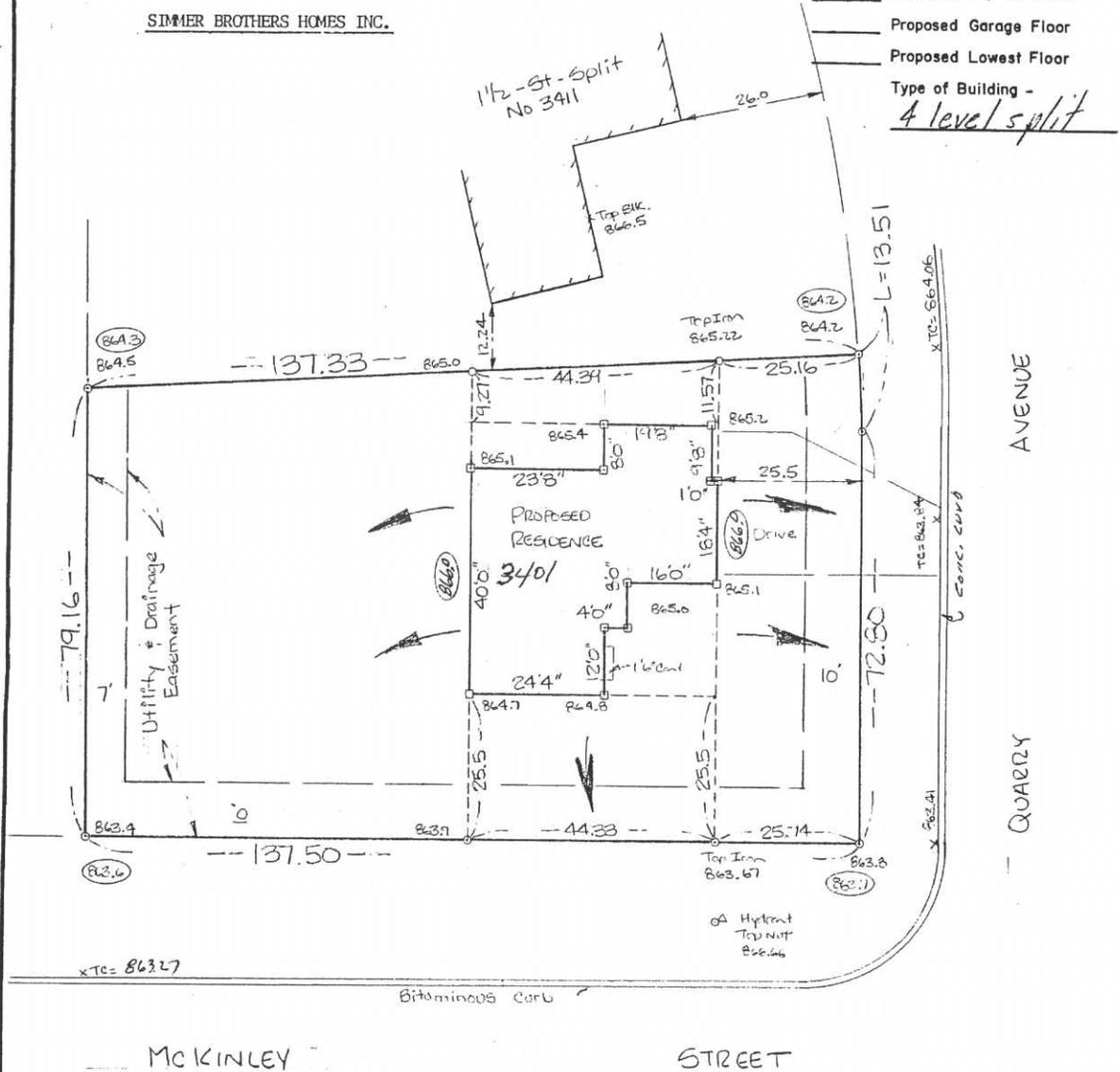
- Denotes Iron Monument
- Denotes Wood Hub Set For Excavation Only
- x000.0 Denotes Existing Elevation
- Denotes Proposed Elevation
- ← Denotes Surface Drainage

- Proposed Top of Block
- Proposed Garage Floor
- Proposed Lowest Floor

Type of Building -  
4 level split



SIMMER BROTHERS HOMES INC.



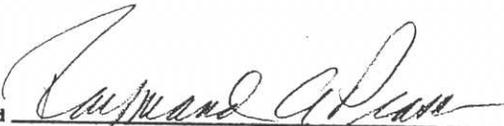
MCKINLEY STREET

Lot 7, Block 1, MINERAL PONDS 4TH ADDITION

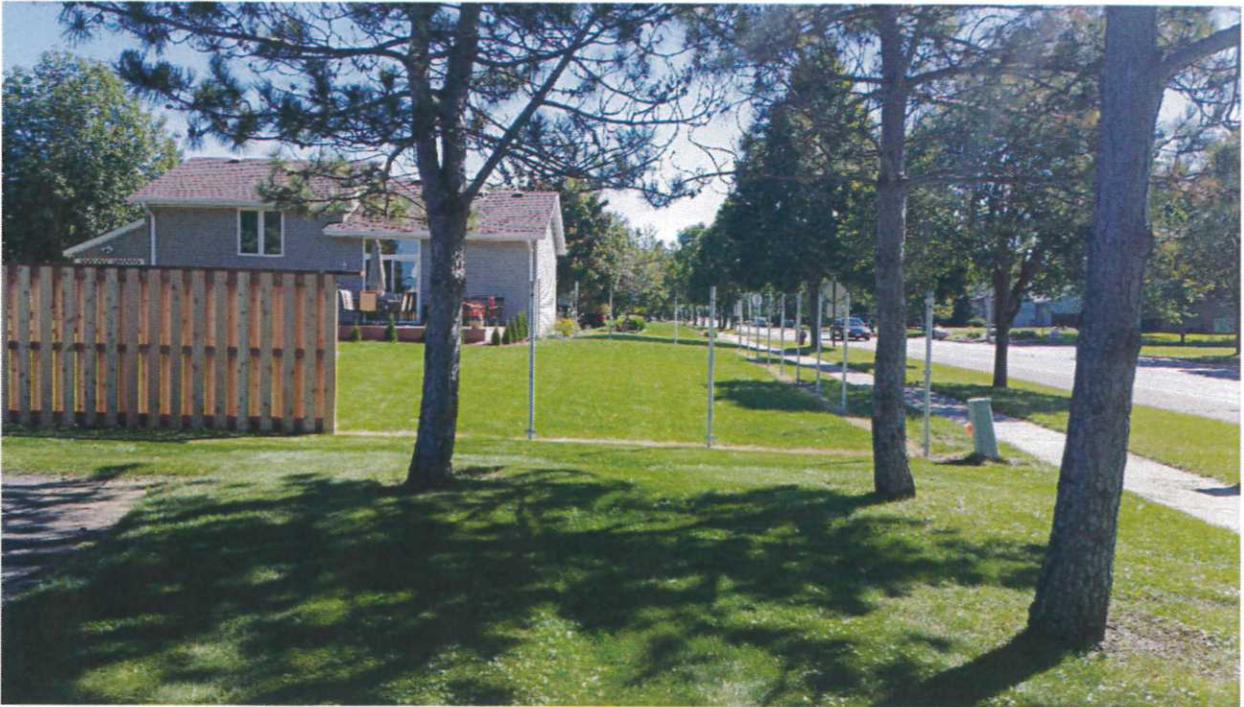
The only easements shown are from plats of record or information provided by client.

We hereby certify that this is a true and correct representation of a survey of the boundaries of the above described land and the location of all buildings and visible encroachments, if any, from or on said land.

Surveyed by us this 12th day of February, 19 93

Signed   
 Raymond A. Prash Minn. Reg. No. 6743





# STAFF REPORT



Application A2016-20  
Zoning Ordinance Amendment  
Chapter 74, Article V, Division 1  
Section 74-265 Main Street Mixed Use District (MS)

## BACKGROUND

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.

The City of Anoka has taken a number of steps to protect the Historic Downtown area over the years. The most recent discussion is centered around prohibiting uses in the downtown area that can take away from the areas character and charm creating adverse impacts on the business climate and the perception of those who visit Anoka. ABLA at their September meeting discussed this issue and supports an amendment to the MS EM-1 Sub-District to prohibit uses that can be viewed as creating a less attractive business and tourism environment. The City Council recently touched on this issue during a discussion at its regular City Council meeting on September 6, 2016 after here hearing concerns from downtown business owners and recent downtown activity.

Staff has reviewed the current uses allowed and prohibited in the MS Main Street Mixed Use District Sub District EM-1 Historic Downtown Core. Staff proposes the following amendment(s) be made to the MS EM-1 Zoning District as follows:

The following permitted uses are proposed to be added as permitted uses:

- Attorneys

The following uses currently permitted in the MS EM-1 sub-district are proposed to become a prohibited use:

- Tobacco Shops

The following new uses are proposed to be added as prohibited uses:

- Any Commercial Use Selling Drug Paraphernalia
- Medical or Recreational Marijuana Dispensaries
- Tattoo Shops
- Body Piercing Shops
- Pawn Shops

The Planning Commission discussed this item at the September 20, 2016 work session meeting, and recommended that staff bring forward proposed Zoning Text Amendments to Chapter 74, Article V, Division 1 Section 74-265 Main Street Mixed Use District (MS).

## PROPOSED AMENDMENT

The proposed amendment as follows:

- (2) East Main Street Sub-District 1 (EM-1) – Historic Downtown Core.
  - a. Permitted Uses. The following uses are permitted in the East Main Street Sub-District 1 (EM-1):

1. Retail stores
2. Retail services such as eyeglass fitting, quick printing, tailor shops, photo pick-up stations, etc.
3. Dine in restaurants
4. Fast-food restaurants without drive-through
5. Convenience stores
6. Offices, such as administrative, executive, professional, governmental, medical, research, without merchandising services
7. Medical and dental clinics
8. Hotels/motels
9. Bakeries
10. Dry-cleaning pick-up
11. Live theatre
12. Multi-family residential buildings
13. Live/work dwellings
14. Assisted living facilities
15. Essential facilities and services, including electrical, gas, water, sewer distribution and collection lines, pumping facilities for water and sewer systems, rights-of-way for transportation modes, and telephone switching lines
16. Police and fire stations
17. Banks, savings and loan, insurance offices
18. Personal service and repair establishments such as barber, beauty shops, shoe repair, etc.
19. Hardware and craftsman shops
20. Grocery stores
21. Parking ramps or lots
22. Coffee shops

23. Brew pubs
24. Liquor stores
25. ~~Tobacco shops~~ Attorneys
26. Professional portrait studios and film shops
27. Specialty food markets
28. Employment agencies
29. Dance and music studios, martial arts, judo, boxing
30. Laundromats
31. Clubs, lodges
32. Wellness centers
33. Parks
34. Microbrewery with taproom, subject to the following standards:
  - aa. The establishment must include a taproom that is open a minimum of 2 days or 8 hours per week.
  - bb. The malt liquor sold for consumption at the business must be produced by the brewer on the licensed premises.
  - cc. The malt liquor may be sold to other bars, restaurants or wholesalers for distribution on a limited scale according to Federal and State regulations.
  - dd. The bottling process shall be manual or semi- automated, not fully automated.
  - ee. The establishment shall obtain all applicable Federal, State, and City licenses.
  - ff. A microbrewery located at street level shall provide at least 50% of the total floor space at the front one- half of the building to be used for sales, tasting, or restaurant purposes.
35. Microdistillery with tasting room/cocktail room, subject to the following standards:
  - aa. The establishment must include a tasting room/cocktail room that is open a minimum of 2 days or 8 hours per week.
  - bb. The distilled spirits sold for consumption at the business must be produced by the brewer on the licensed premises.

- cc. The distilled spirits may be sold to other bars, restaurants or wholesalers for distribution on a limited scale according to Federal and State regulations.
  - dd. The bottling process shall be manual or semi- automated, not fully automated.
  - ee. The establishment shall obtain all applicable Federal, State, and City licenses.
  - ff. A microdistillery located at street level shall provide at least 50% of the total floor space at the front one- half of the building to be used for sales, tasting, or restaurant purposes.
- b. Conditional Uses. The following uses are permitted in the East Main Street Sub-District 1 (EM-1) upon obtaining a conditional use permit:
- 1. Fast food restaurants with drive though
  - 2. Drive-up windows or teller service as accessory use to permitted use
  - 3. Churches, religious institutions
  - 4. Libraries
  - 5. Public or private schools provided they do not include boarding or residential facilities
  - 6. Trade schools
  - 7. Vocational schools
  - 8. Colleges, Universities, Institutions of Higher Learning
  - 9. A State licensed residential facility serving from seven (7) through sixteen (16) persons as allowed under Minnesota Statutes 462.357 Subd. 8, as amended.
  - 10. A State licensed daycare facility serving from thirteen (13) through sixteen (16) persons allowed under Minnesota Statutes 462.357 Subd. 8, as amended.
  - 11. Any other uses found to be of the same general character of the East Main 1 permitted uses
- c. Accessory Uses. The following are permitted accessory uses in the East Main Street Sub-District 1 (EM-1) sub-district:
- 1. Transit facilities
  - 2. Information kiosks

3. Farmer's markets
- d. Prohibited Uses. The following uses are prohibited in the East Main Street Sub-District 1 (EM-1):
  1. Amusement arcades
  2. Distribution station for beverages
  3. Manufacturing/warehousing facilities
  4. Yards for storage, sale and distribution of building materials
  5. Multi-screen movie theatres with more than five screens
  6. Hospitals
  7. Gas or service stations

8. Tobacco Shops

9. Any Commercial Use Selling Drug Paraphernalia

10. Medical or Recreational Marijuana Dispensaries

11. Tattoo Shops

12. Body Piercing Shops

13. Pawn Shops

~~8.~~ 14. Any uses not specifically listed as permitted, conditionally permitted, permitted with an interim use permit, or as allowed elsewhere in the City Code, shall be considered prohibited. A prohibited use may be changed to a permitted, conditionally permitted or interim use upon amendment of this Chapter

**RECOMMENDATION**

Staff is recommending the Planning Commission review the proposed Zoning Ordinance Text amendment and discuss any additional changes, and recommend approval of the proposed ordinance amendment to the City Council.

**COMMISSION ACTION**

- The Commission may recommend approval of proposed ordinance text amendment as presented.
- The Commission may recommend approval of proposed ordinance text amendment with changes.
- The Commission may recommend denial of the proposed ordinance text amendment.
- The Commission may postpone the item in order to receive additional information.