



**PLANNING COMMISSION  
REGULAR MEETING  
ANOKA CITY HALL  
Tuesday, August 2, 2016  
7:00 P.M.**

**AGENDA**

- 1. Call to Order.**
- 2. Approval of Minutes:**
  - a. Approval of July 6, 2016 Regular Meeting Minutes
  - b. Approval of July 19, 2016 Work Session Meeting Minutes
- 3. New Business:**
  - a. None
- 4. Old Business:**
  - a. A2016-17  
Site Plan Amendment  
3201 & 3215 Round Lake Boulevard
- 5. Public Hearings on Applications:**
  - a. A2016-16  
Zoning Ordinance Amendment  
Chapter 74, Article V, Division 2  
Section 74-211 Home Occupations
- 6. Miscellaneous:**
  - a. Upcoming meetings:  
Work Session - Tuesday, August 16 at 6:00 pm  
Regular Meeting – Wednesday, September 7 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, JULY 6, 2016  
7:00 P.M.**

CALL TO ORDER:

The regular meeting of the Anoka Planning Commission was called to order at 7:00 p.m.

ROLL CALL:

Planning Commissioners present: Chair Don Kjonaas, Peter Rech, Karna Brewer, and Borgie Bonthuis.

Planning Commissioners absent: Commissioners Cook and Herrala.

Staff present: Associate Planner Darnell

APPROVAL OF MINUTES:

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

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

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

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

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

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

5 ayes – 0 nays. Motion carried.

NEW BUSINESS:

None.

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OLD BUSINESS:

None.

PUBLIC HEARINGS ON NEW APPLICATIONS:

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

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

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

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

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

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

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

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

Associate Planner Darnell read the proposed ordinance language:

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

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

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

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

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

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

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

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

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

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

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

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

5 ayes – 0 nays. Motion carried.

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

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

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

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

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

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

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

Associate Planner Darnell read the proposed ordinance language:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 ayes – 0 nays. Motion carried.

MISCELLANEOUS:

Next work session will be Tuesday, July 19, 2016 at 6:00 p.m.  
Next regular meeting will be Tuesday, August 2, 2016 at 7:00 p.m.

ADJOURNMENT:

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

5 ayes – 0 nays. Motion carried.

Time of adjournment: 7:30 p.m.

Submitted by Chuck Darnell, Associate Planner



**DRAFT MINUTES  
PLANNING COMMISSION  
WORK SESSION  
ANOKA CITY HALL COMMITTEE ROOM  
Tuesday, July 19, 2016  
6:00 P.M.**

**CALL TO ORDER:**

The Work Session of the Anoka Planning Commission was called to order at 6:02 p.m.

**ROLL CALL:**

Commissioners present: Chair Don Kjonaas, Borgie Bonthuis, Sandy Herrala, Karna Brewer and James Cook.

Commissioners absent: Peter Rech and Manley Brahs.

Staff present: Chuck Darnell, Associate Planner.

**DISCUSSION ITEMS:**

**1. Discussion – Cottage Food Law & Home Occupations**

Associate Planner Darnell introduced the topic, and explained that at a recent City Council meeting, a resident brought to the Council's attention a new law that was enacted by the state that would allow individuals to prepare and sell food from their home. The law 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.

Associate Planner Darnell also explained that 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. 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

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to the consumer, to the extent allowed by local ordinance. The Cottage Food Law requires that individuals register with the Department of Agriculture.

Associate Planner Darnell stated that currently the City of Anoka prohibits “preparation of food for sale” as a home occupation. An ordinance amendment would be required to allow for the type of food production activity that is allowed under the Cottage Food Law.

Chair Kjonaas asked whether sellers of products at the Anoka Farmers Market would be in violation. Staff stated that if the seller lives in Anoka and produces their products in their home, technically they would be in violation of the home occupation regulations.

Commissioner Brewer stated that the Cottage Food Law regulations would be difficult to enforce, and was concerned about how anyone would ensure that the food producers were following all of the requirements, including the income restrictions, labeling, and packaging requirements. Staff stated that the City would not be enforcing any of the actual Cottage Food Law regulations, and the Department of Agriculture would be responsible for that.

Commissioner Brewer asked how the City would enforce the sales of the food products. Staff stated that anyone producing food in their home, if permitted, would still need to follow the City’s home occupation performance standards.

Commissioner Herrala asked why the preparation of food for sale was originally included on the list of prohibited home occupations. Staff stated that they could not find any record of why that particular home occupation was prohibited, but that it must have been related to how that type of activity would impact the health, safety, and welfare of the surrounding neighborhood.

Commissioner Brewer stated that the City could possibly allow only the type of food production that is allowed under the Cottage Food Law exemption. Staff stated that this is likely what staff would recommend if the Planning Commission and City Council want to move forward with amending the permitted and prohibited home occupations.

Commissioner Bonthuis asked if the City could be found liable if someone gets sick from purchasing food products from someone in the City of Anoka. Staff stated that they would investigate that further and receive guidance from the City Attorney.

Commissioner Cook stated that once the consumer purchases the food products from the person that produced the food, they would have the ability to share or sell those products to anyone else. Staff stated that technically that was true, as the Cottage Food Law requires that the food producer only sell their products directly to the ultimate consumer. However, the food producer would not be able to control what happens after they sell their products to

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what they think is the ultimate consumer.

Commissioner Bonthuis asked whether the City could be more restrictive than the regulations under the Cottage Food Law. Staff stated that the City could be more restrictive, as the Statute allows for local ordinances to preempt the Statute language.

Chair Kjonaas stated that as the zoning ordinance is currently written, a Dayton resident could produce food products and sell them in Anoka or directly to Anoka residents.

However, an Anoka resident would not be able to produce food products and sell them in Anoka or to anyone from their property. Chair Kjonaas stated that he felt this was restrictive and didn't really protect Anoka residents that could be consumers.

Associate Planner Darnell stated that the consumer or buyer would take on some risk in purchasing and consuming products from someone that operated under the Cottage Food Law exemption. However, the food producer would be required to label and package their foods properly, and a consumer could report any suspected violation to the Department of Agriculture.

Commissioner Cook stated that it would be easier to continue to not allow this type of food production activity to occur in Anoka's residential neighborhoods.

Commissioner Herrala stated that the safety concerns may have been the original reason for the preparation of food for sale to be placed on the list of prohibited home occupations. She also suggested that staff investigate how other cities are handling the new Cottage Food Law, and whether other cities prohibit this type of activity as a home occupation.

Commissioner Bonthuis clarified that by allowing this type of activity as a home occupation, the City would be regulating the production of the food within the City's residential neighborhoods. The City would have no involvement or role in regulating the sale of the food products.

Commissioner Cook stated that it would be difficult for staff to enforce and determine whether residents were in compliance with the Cottage Food Law regulations. Staff agreed, but also stated that the City would get involved with enforcement if they became aware that any performance standard was being violated.

Commissioner Cook stated that the City could require that residents producing food under the Cottage Food Law be required to hold product liability insurance.

Chair Kjonaas asked the other Planning Commissioners whether they were closer to allowing this type of home occupation, or whether there were too many concerns.

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Commissioner Bonthuis asked whether the City should be more restrictive and only allow some types of non-potentially hazardous foods to be produced as a home occupation, such as canned goods.

Chair Kjonaas asked whether we could permit only the type of food production allowed under the Cottage Food Law, and still prohibit other types of food production. Staff stated that this is what staff would likely recommend.

Commissioner Bonthuis also asked whether the City should be more restrictive on how the sales of food products could occur, such as allowing only the sale of goods at community events and not directly from the home.

Commissioner Herrala stated that she was comfortable with allowing sales from home, as long as all of the other home occupation performance standards were being abided by.

Commissioner Brewer stated that she did not think that sales from the home should be allowed. Chair Kjonaas stated that the City allows for other type of home occupations to sell their goods from the home, so the Planning Commission would need findings of fact to support restricting the sale of food products more so than other types of home occupation products or goods.

Staff stated that they would investigate some of the concerns raised further, and that they would investigate how other cities are handling the new Cottage Food Law exemption. Staff also stated that the City Council would be discussing this same item at their upcoming work session meeting.

Chair Kjonaas advised staff to complete the additional research, and depending on direction from the City Council, to bring forward staff recommendations at a future meeting.

## 2. **Other Staff Updates**

Associate Planner Darnell provided an update on other development projects occurring across the City, including the Walker Plaza Gardens, Gladstone Cooperative, Vista Outdoors, and Eagle Brook Church projects.

Time of adjournment 7:05 p.m.

Submitted by: Chuck Darnell, Associate Planner

# STAFF REPORT



Application A2016-17  
Site Plan Amendment  
Brad Dunham  
3201 & 3215 Round Lake Boulevard

## **BACKGROUND**

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.

The property is located in the B-1 Highway Business zoning district.

Enclosed for your review:

- Site Location Map
- Original Landscape Plan
- Original Removals Plan
- Amended Landscape Plan
- Figures Describing Changes Between Plans
  - Figure 1 - North Side of Site
  - Figure 2 - West Side of Site
  - Figure 3 - South/East Side of Site
  - Figure 4 - Vacant Retail Lot
- Figure 5 - Amended Landscape Plan Recommended by Staff

## **SITE PLAN ANALYSIS**

The applicant is requesting an amendment to the landscape plan, so this review will focus on that aspect of the site plan.

### **Landscaping**

The applicant developed the site in 2013-2014, and during construction made some changes to the landscaping of the site that are different than what was proposed in the original landscape plan. The changes are described below, and are also documented in the figures attached to the staff report.

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.

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.

### **North Side of 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.

### **West Side of Site**

The differences on the west side of the site will be described from north to south. 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. 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.

### **South/East Side of 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.

### **Vacant Retail Lot**

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.

### **RECOMMENDATION**

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. Staff is recommending that the following changes be made to the amended landscape plan, and be completed by the applicant:

### **North Side of Site**

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.

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**

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.

Staff is also recommending the 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. 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**

Staff is recommending that two (2) additional spruce trees be planted on the south side of the site, consistent with the original landscape plan.

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.

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.

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:

- 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.

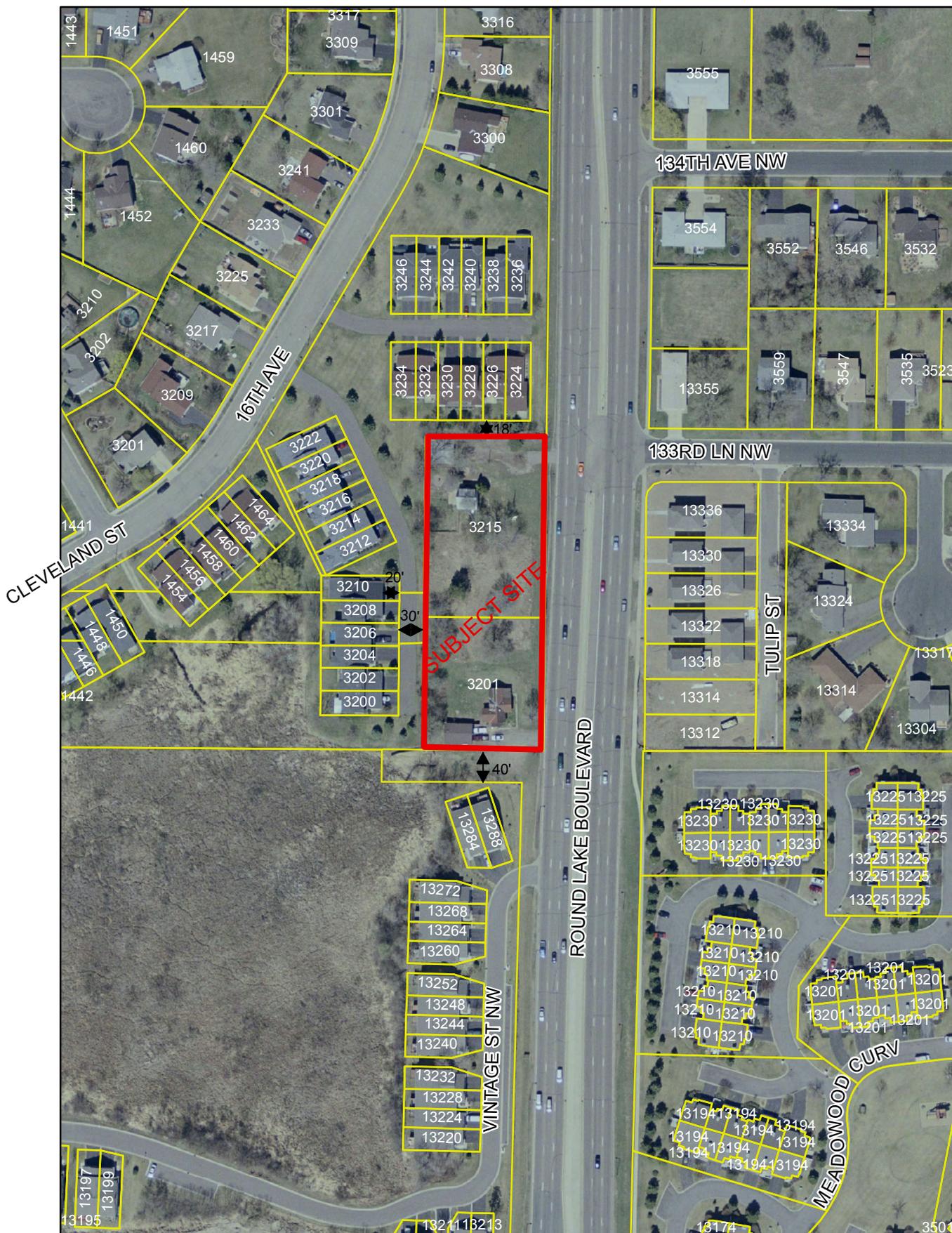
11) All other conditions of approval set forth in RES-2013-55 and RES-2014-083 shall be adhered to.

**COMMISSION ACTION**

- The Commission may recommend approval of the site plan amendment, with any necessary conditions
- The Commission may recommend denial of the site plan amendment with required findings.
- The Commission may postpone the application with reason, such as the need for additional information.

Chuck Darnell  
Associate Planner

# ROUND LAKE COMMONS





Project No: NNNNNN

Revisions

No	Date	Description

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly registered landscape architect in the State of Minnesota.

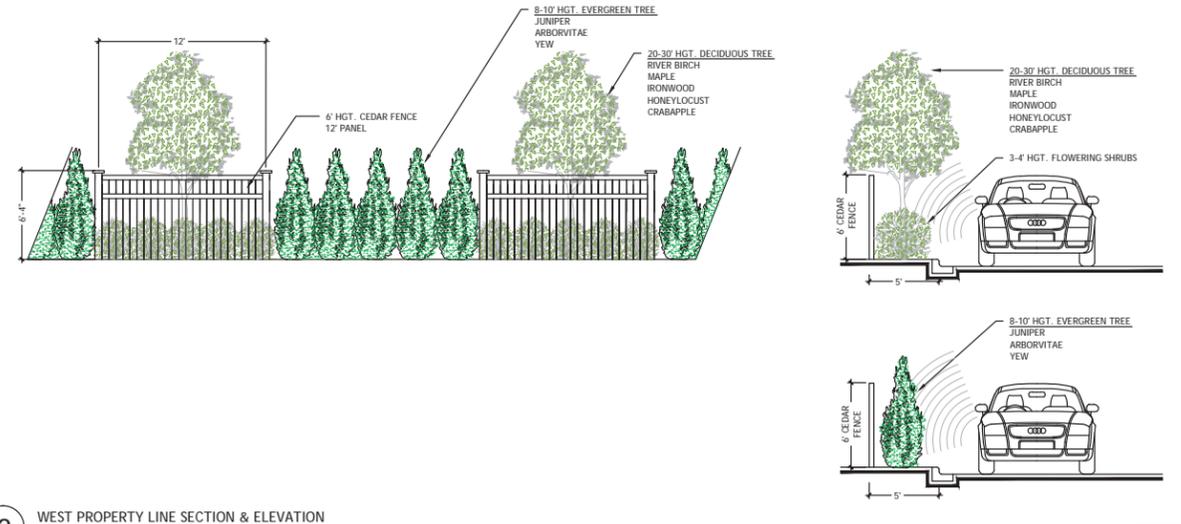
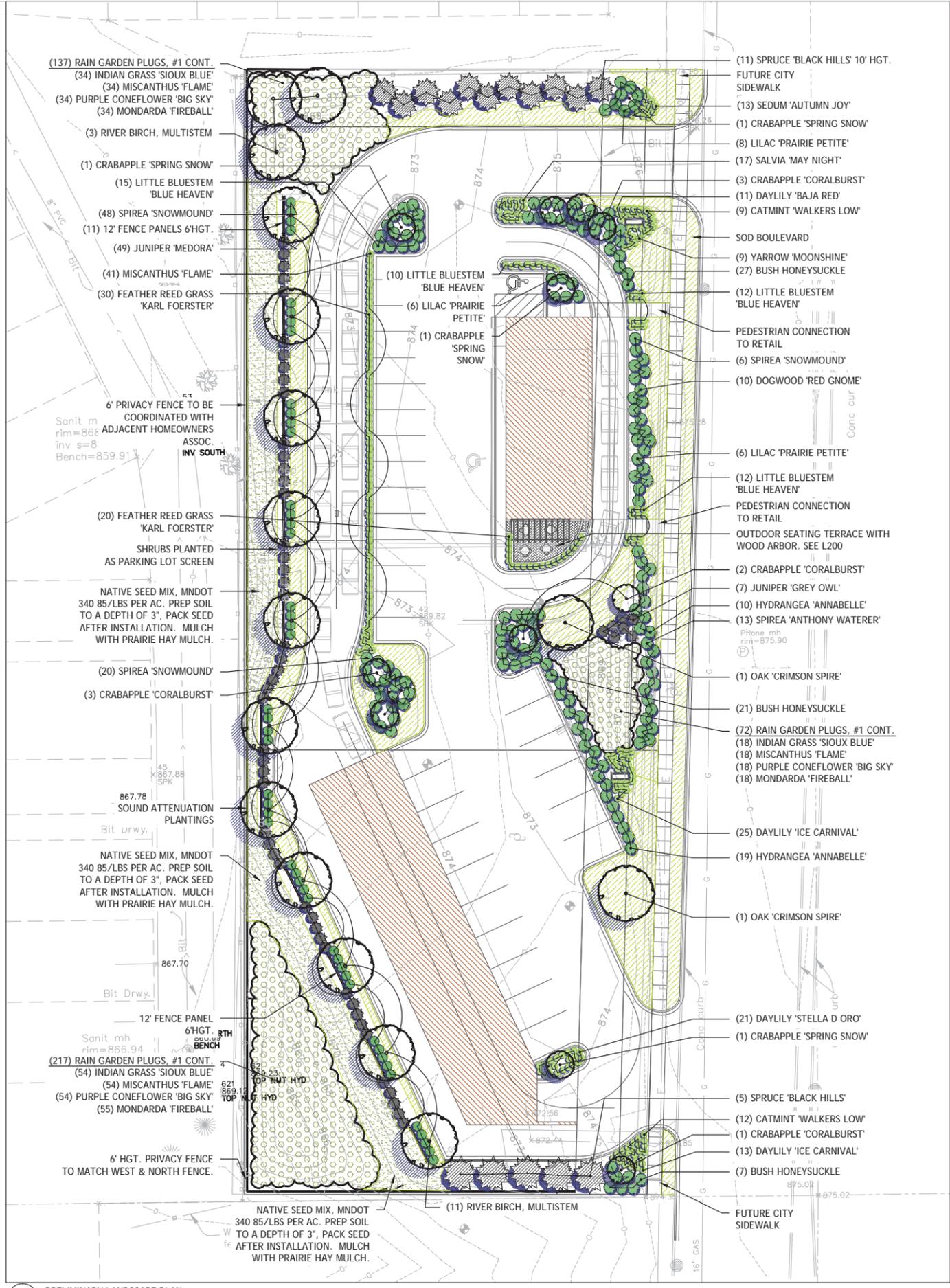
Signature: *[Signature]*

Registration number: 50130 Date: 4/26/13

Date issued: 4/26/13

Drawn by: BE

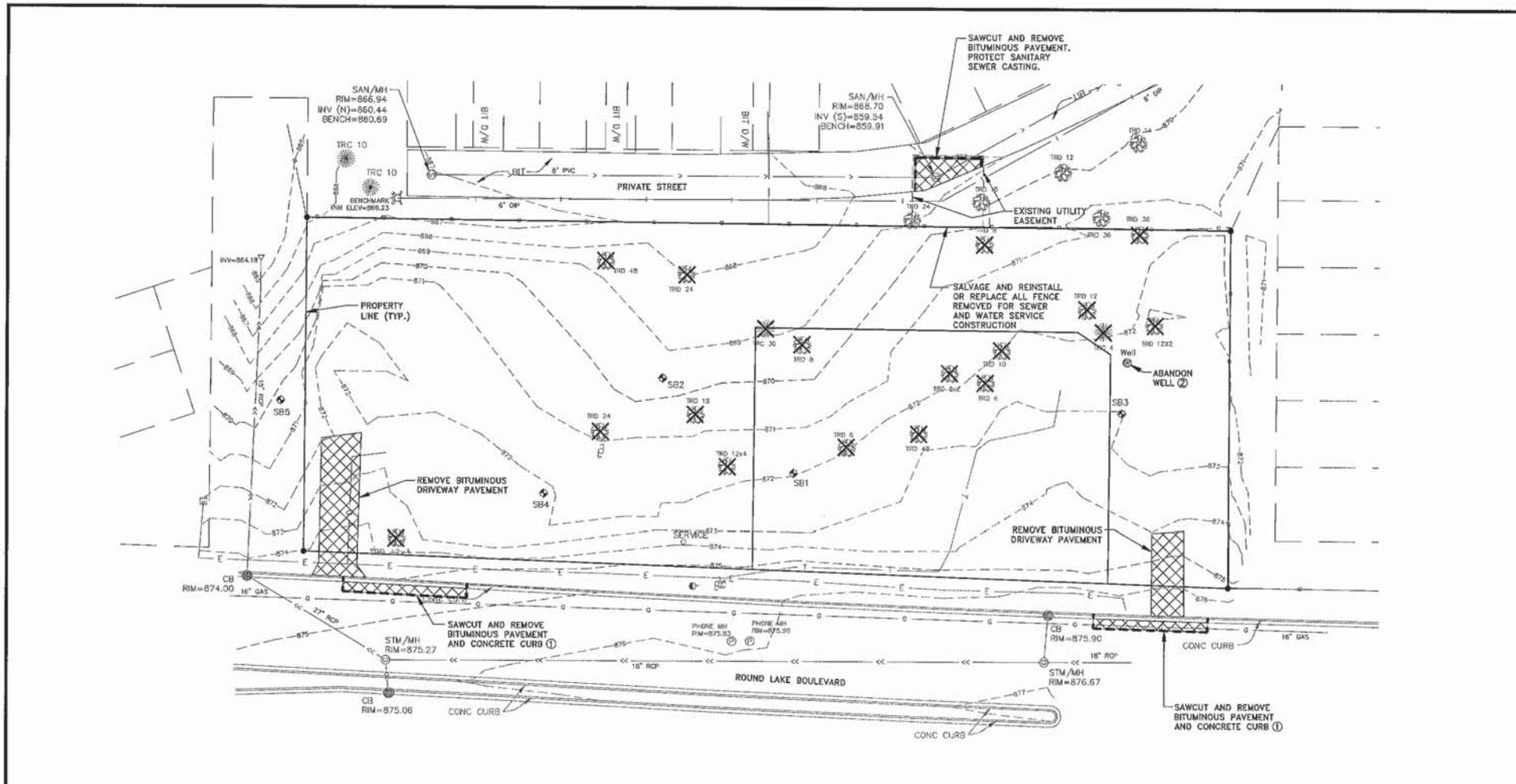
PRELIMINARY LANDSCAPE PLAN



**Round Lake Commons - Plant Schedule & Replacement Trees**

QTY	COMMON NAME	BOTANICAL NAME	SIZE	CONT	REMARKS
16	Existing Deciduous Trees	Removed			
2	Existing Coniferous Trees	Removed			
18	Large Deciduous Trees				
2	Oak 'Crimson Spire'	Quercus robur x alba 'Crimson Spire'	2.5'	bb	
9	Hackberry	Celtis occidentalis	2.5'	bb	
14	River Birch	Betula nigra	2.5'	bb	
13	Ornamental Trees				
4	Crabapple 'Spring Snow'	Malus sp 'Spring Snow'	2.5'	bb	
9	Crabapple 'Coralburst'				
215	Deciduous Shrubs				
55	Dwarf Bush Honeysuckle	Dierilla sp	#5	cont	
10	Dogwood 'Red Gnome'	Cornus sp 'Red Gnome'	#5	cont	
29	Hydrangea 'Annabelle'	Hydrangea sp 'Annabelle'	#5	cont	
74	Spirea 'Snowmound'	Spiraea sp 'Snowmound'	#5	cont	
13	Spiraea 'Anthony Waterer'	Spiraea sp 'Anthony Waterer'	#5	cont	
14	Lilac 'Prairie Petal'	Syringa sp 'Prairie Petal'	#5	cont	
20	Lilac 'Miss Kim'	Syringa sp 'Miss Kim'	#5	cont	
45	Evergreen Trees				
16	Spruce 'Black Hills'	Picea glauca 'Black Hills'	10' HGT	bb	
49	Juniper 'Medora'	Juniperus sp 'Medora'	6'	bb	
7	Juniper 'Grey Owl'	Juniperus sp 'Grey Owl'			
685	Perennials				
11	Daylily 'Baja Red'	Hemerocallis sp 'Baja Red'	#1	cont	
38	Daylily 'Ice Carnival'	Hemerocallis sp 'Ice Carnival'	#1	cont	
21	Daylily 'Stella d'Oro'	Hemerocallis sp 'Stella d'Oro'	#1	cont	
21	Catmint 'Walkers Low'	Nepeta x faasseni	#1	cont	
50	Feather Reed Grass 'Karl Foerster'	Calamagrostis acutiflora	#1	cont	
100	Indian Grass 'Sioux Blue'	Sorghastrum nutans 'Sioux Blue'	#1	cont	
49	Little Bluestem 'Blue Heaven'	Schizachyrium scoparium 'Blue Heaven'	#1	cont	
147	Miscanthus 'Flame'	Miscanthus sinensis 'Flame'	#1	cont	
107	Mondarda 'Fireball'	Mondarda didyma 'Fireball'	#1	cont	
100	Purple Coneflower 'Big Sky'	Echinacea purpurea 'Big Sky'	#1	cont	
17	Salvia 'May Night'	Salvia nemorosa 'May Night'	#1	cont	
13	Sedum 'Autumn Joy'	Sedum sp 'Autumn Joy'	#1	cont	
9	Yarrow 'Moonshine'	Achillea millefolium 'Moonshine'	#1	cont	
0	Vines				
0	Boston Ivy	Parthenocissus tricuspidata	#1	cont	
0	Virginia Creeper	Parthenocissus quinquefolia	#1	cont	
0	Honeysuckle	Lonicera x borealis 'Honeybella'	#1	cont	

**5 PLANT SCHEDULE**  
SCALE= NTS



REFERENCE NOTES:

- ① CONTRACTOR SHALL CLOSE THE WEST, SOUTHBOUND LANE OF ROUND LAKE BOULEVARD TO CONSTRUCT THE TWO ENTRANCES. ROAD CLOSURE SHALL CONFORM TO THE FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS FROM THE ANOKA COUNTY HIGHWAY DEPARTMENT.
- ② CONTRACTOR SHALL BE RESPONSIBLE FOR ABANDONING EXISTING WELLS ON SITE. WELL ABANDONMENT SHALL FOLLOW ALL LOCAL, STATE AND FEDERAL LAWS.

LEGEND

✕ CLEAR AND GRUB TREE



DATE	REVISION

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
 Date 3/28/13  
 Lic. No. 23461

DESIGN BY: TAE  
 DRAWN BY: TAE  
 CHECKED BY: C.J.J.

**Hakanson Anderson**  
 Civil Engineers and Land Surveyors  
 3601 Thurston Ave., Anoka, Minnesota 55303  
 763-427-5560 FAX 763-427-0510  
 www.hakanson-anderson.com

ROUND LAKE COMMONS

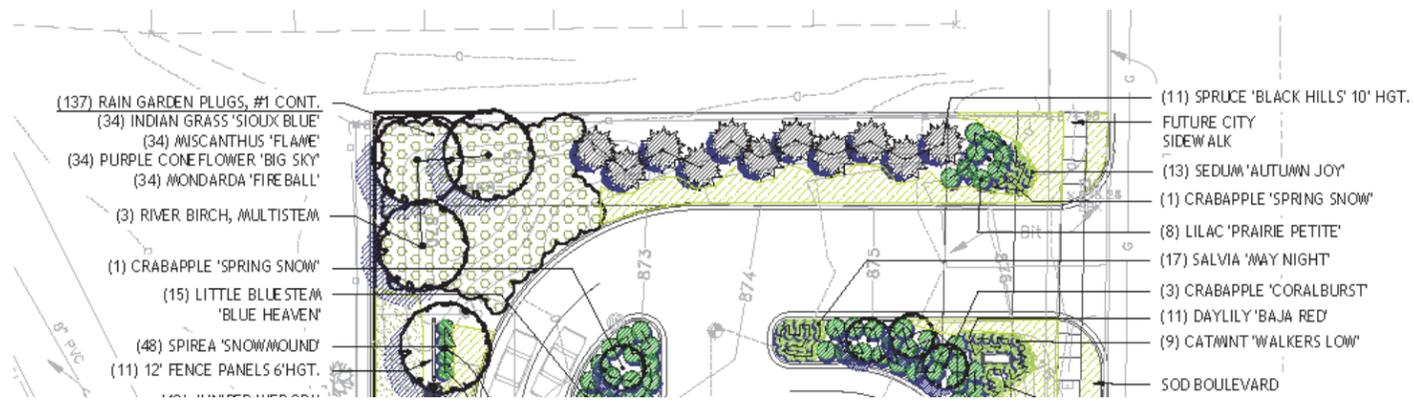
EXISTING TOPOGRAPHY AND REMOVALS PLAN  
 CITY OF ANOKA, MINNESOTA

SHEET 4 OF 6 SHEETS



# North Side of Site

## Original Landscape Plan



Canopy of 26 retained trees on north side of site.



Five (5) coniferous trees planted on north side of site. Trees are about 6' tall. RES-2013-55 required that these trees be 8-12 feet in height.



Rain garden plantings planted as shown on original landscape plan.



Existing Landscape Plan

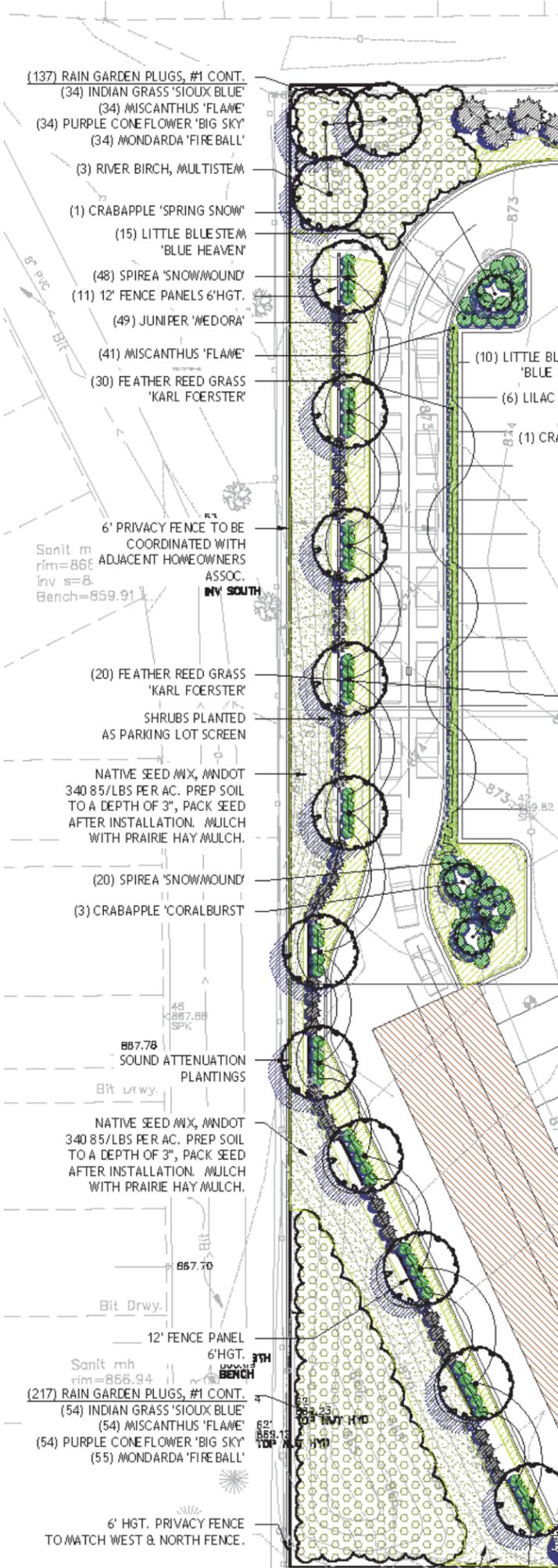


Eight (8) Lilac 'Prairie Petite' planted. No sedum or crabapple tree planted.

# West Side of Site

## Original Landscape Plan

## Existing Landscape Plan



Five (5) multi-stem River Birch planted. Original plan showed eleven (11).



Additional 60' of fence panels added to the site, for a total of 132' of fence panels. Fence panels used instead of shrubs between panels. Spirea 'Snowmound' shown on original landscape plan not planted.



Native seed mix fully grown in on bank behind fence panels, as was shown on original landscape plan.



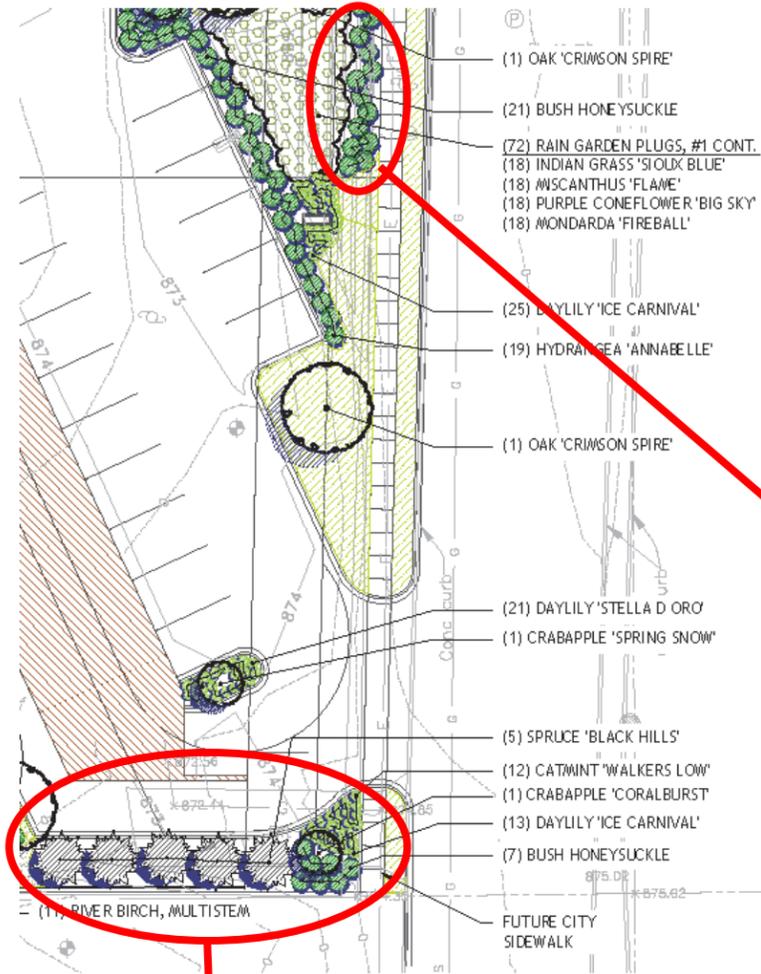
Rain garden plantings planted as shown on original landscape plan.



Island reduced in size to allow for drive lane. Landscaping reduced from three (3) trees and twenty (20) spirea to one (1) tree and four (4) spirea.

# South/East Side of Site

## Original Landscape Plan



## Existing Landscape Plan



Rain garden with forty-four (44) plantings. Original plan showed seventy-two (72) plantings.



Five (5) hydrangea and six (6) spirea planted along west edge of rain garden. Original plan showed nineteen (19) hydrangea along west edge, and thirteen (13) spirea along east edge.

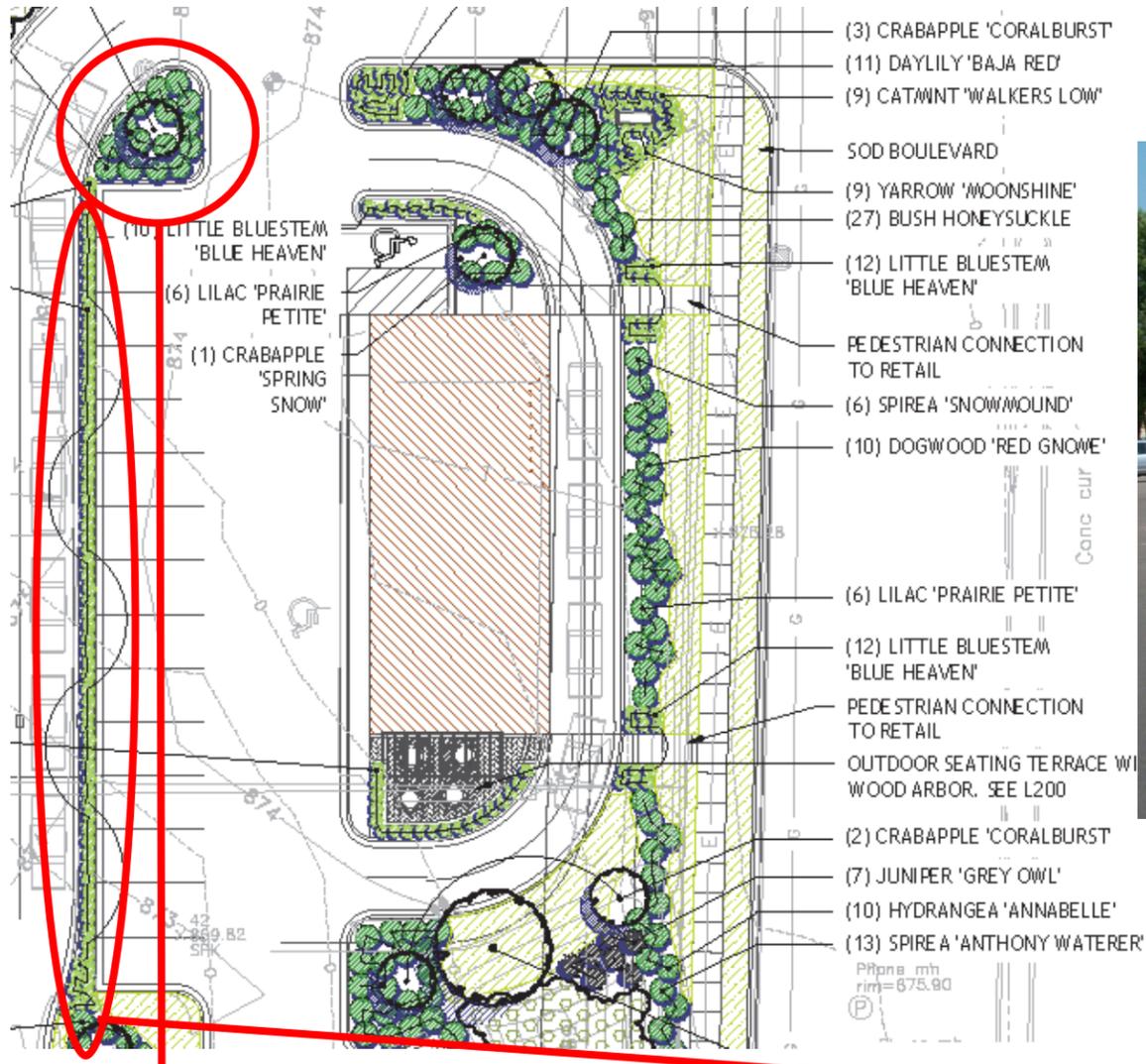


Three (3) coniferous trees planted. Original landscape plan showed five (5) trees, and plantings in the southeaster corner of the lot. No plantings in southeastern corner.



One (1) crabapple and seven (7) spirea planed in this island. Original plan had one (1) tree and some daylillys.

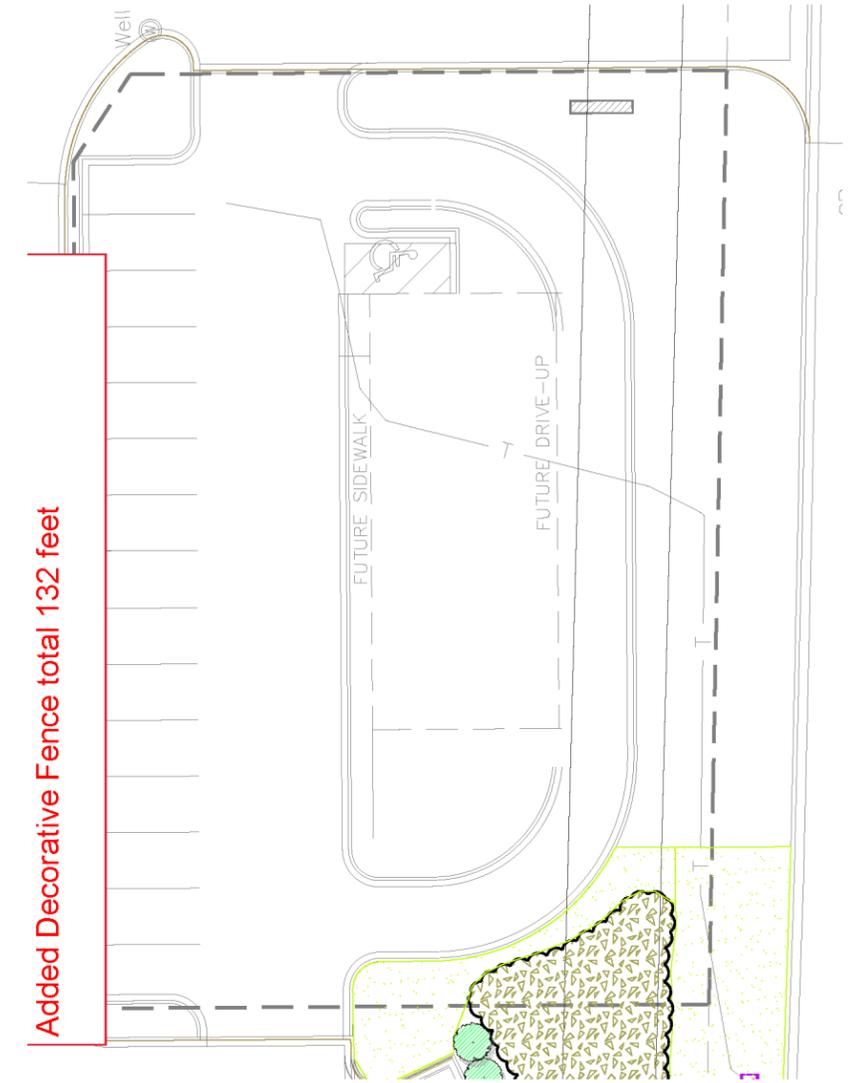
Original Landscape Plan



Vacant Retail Lot



Existing Landscape Plan



Rock mulch installed in planting island on northwest corner of retail lot.

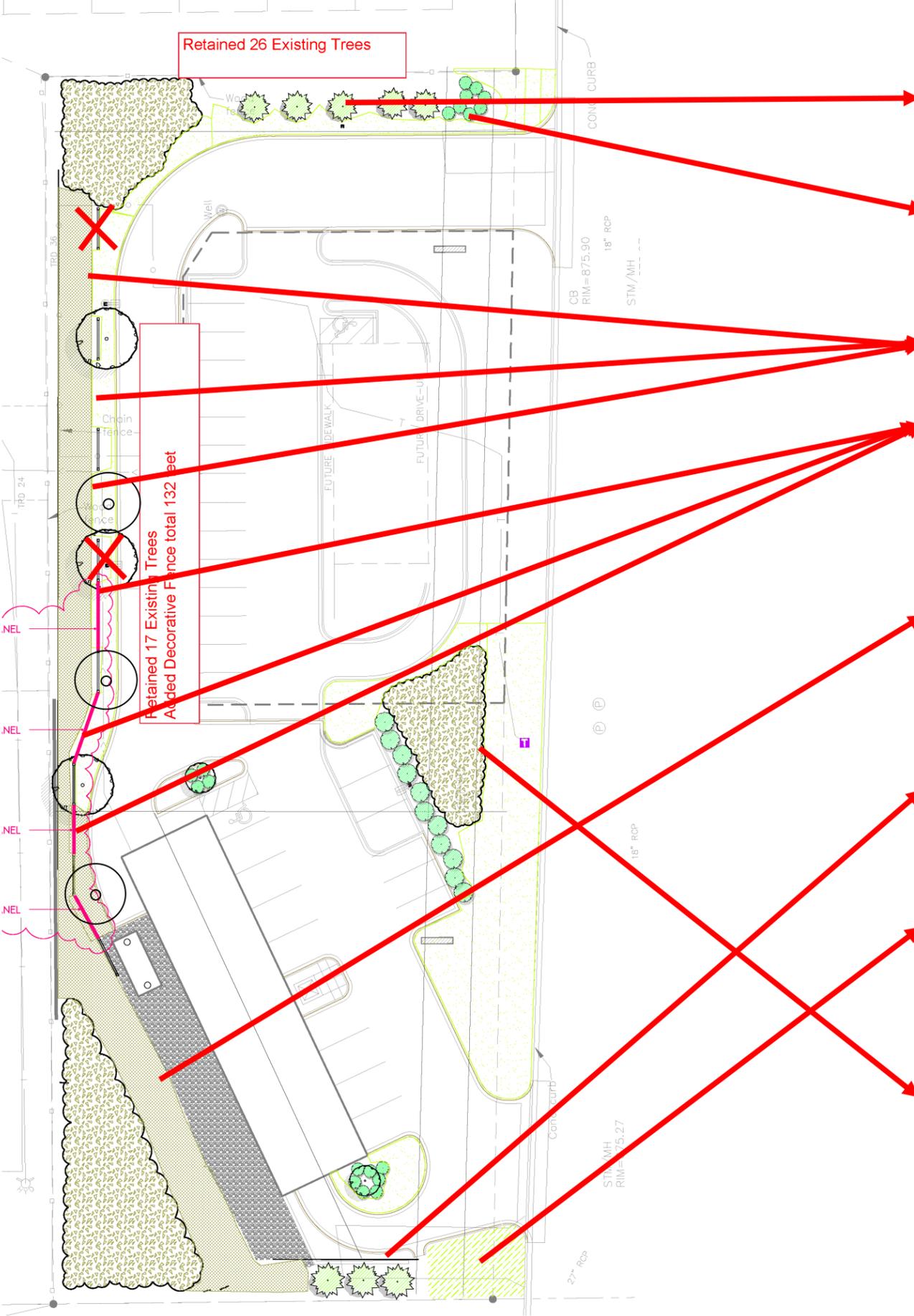


Planting strip between retail lot parking lot and car wash drive-thru aisles. Rock mulch installed.

Planting island near new drive aisle. Plantings in island on south side of drive aisle reduced. Rock mulch installed here.



6/7/20



### Conditions of Approval as Recommended by Staff

- 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 land-
- 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.

# STAFF REPORT



Application A2016-16  
Zoning Ordinance Amendment  
Chapter 74, Article V, Division 2  
Section 74-211 Special Requirements for Residence Districts - Home Occupations

## **BACKGROUND**

Recently, 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.

## **HOME OCCUPATIONS IN ACCESSORY STRUCTURES**

In December of 2015, the City considered a request for an interim use permit to allow a home occupation in a carriage house on the property at 1627 South Ferry Street. The request was denied due to the inability of the applicant to show that the proposed use would be temporary in nature, as required by the zoning ordinance. At that time, the council indicated that they would like to discuss this issue further and discuss whether the zoning ordinance should be amended.

The Planning Commission and City Council discussed this topic at previous work session meetings. The Planning Commission and City Council must determine whether allowing home occupations to be conducted in accessory structures would have any negative impacts on the health, safety, and welfare of the surrounding neighborhood. Some of the items of concern that were discussed at the work session meetings included:

### **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.

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August 2, 2016  
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### **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 5 feet from property lines.

### **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.

### **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.

### **COTTAGE FOOD LAW & PREPARATION OF FOOD FOR SALE**

At a recent City Council meeting, a resident brought to the Council's attention a new law that was enacted by the state that would allow individuals to prepare and sell food from their home.

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The law 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.

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.

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.

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.

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)).

### **Additional Items of Consideration**

#### **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

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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.

### **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.

### **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

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ensure that individuals are abiding by the packaging and labeling requirements under the Cottage Food Law.

### **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.

Staff is investigating this further, and will provide an update at the Planning Commission meeting on August 2, 2016.

### **City Council Discussion**

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.

### **PROPOSED AMENDMENT**

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 also believes that allowing home occupations to be conducted in accessory structures could result in negative impacts on the health, safety, and general welfare of the surrounding neighborhood for the reasons stated above.

Staff is proposing that the home occupations ordinance language be amended as follows:

Home Occupation Performance Standards - Section 74-211 (d)(7)(1): 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.~~

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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.

### **RECOMMENDATION**

Staff recommends that you review the proposed ordinance amendment, propose 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 as presented.
- The Commission may recommend approval of proposed ordinance with changes.
- The Commission may recommend denial of the proposed ordinance.
- The Commission may postpone the item in order to receive additional information.

Chuck Darnell  
Associate Planner

## CHAPTER 74. ZONING

### ARTICLE V. District Regulations.

#### DIVISION 2. Residential Districts.

##### **Section 74-211. Special requirements for residence districts.**

- (a) *Purpose and application.*
- (1) *Purpose.* The purpose of this section is to establish minimum standards for residential use of properties in the City.
  - (2) *Application of this section.* The provisions of this section shall apply to all R-F, R-1, R-2, R-3, R-4, and R-5 residence districts.
- (b) *Floor area requirements.*
- (1) *Single-family dwellings.* For single-family dwellings the minimum ground floor area of the main structure, exclusive of one-story open porches and garages, shall be as follows:
    - a. For single-family dwellings built after July 31, 1982, including manufactured homes built in conformance with Minnesota Statutes, Section 327.31 to 327.35, that are built on a full basement or cellar which is at least 7-1/2 feet from floor to ceiling and underneath the entire structure, excepting garages:
      1. Single-story dwelling, 960 square feet.
      2. Story and one-half dwelling, 960 square feet.
      3. Two or more story dwelling, 832 square feet.
      4. Split entry (or split foyer) dwelling, 960 square feet.
    - b. For single-family dwellings that are not built on a full basement or cellar which is a least 7-1/2 feet from floor to ceiling and underneath the entire structure, excepting garages:
      1. Single-story dwelling, 1,200 square feet.
      2. Story and on-half dwelling, 1,200 square feet.
      3. Two or more story dwelling, 1,040 square feet.
      4. Split entry (or split foyer) dwelling, 1,200 square feet.
  - (2) *Multiple-family dwellings.* For multiple-family dwellings the minimum net floor area shall be as follows:
    - a. Efficiency dwelling unit, 400 square feet.

- b. One bedroom dwelling unit, 600 square feet.
- c. Two bedroom dwelling unit, 800 square feet.
- d. Three or more bedrooms per unit shall have an additional 100 square feet of floor area for each bedroom in excess of two bedrooms.

For purposes of measurement, the net floor area of a dwelling unit shall mean that area within a building used as a single dwelling unit, and shall be measured from the inside walls to the center of partitions bounding the dwelling unit being measured, but shall not include public stairways, public entries, public foyers, public balconies, or unenclosed public porches, separate utility rooms, furnace areas or rooms, storage areas not within the apartment or garages.

(c) *Design and construction requirements in multiple-family residence districts.* The design and construction requirements in multiple-family residence districts shall be as follows:

- (1) *Design review.* A site plan for a multiple-family dwelling must be reviewed by the planning commission and approved by the City Council prior to construction.
- (2) *Accessory buildings.* The City Council may require common walls for accessory buildings where common walls will eliminate unsightly and hazardous areas. Exteriors of accessory buildings shall have the same exterior finish as the main structure or some other compatible finish approved during the site plan review.
- (3) *Recreation and open space.* Multiple-family residential projects shall contain an adequate amount of land for park, recreation or local open space use, exclusive of sump and drainage areas, consistent with the requirements of chapter 54 of this Code.

(d) *Home occupations.*

- (1) *Purpose.* The purpose of this subsection is to prevent competition with business districts and to provide a means, through the establishment of specific standards and procedures, by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surround neighborhood.
- (2) *Application.* Subject to the nonconforming structure and use provisions of this chapter 36, all occupations conducted in the home shall comply with the provisions of this subsection.
- (3) *Inspection.* The City hereby reserves the right, upon approval of any home occupation, to inspect the premises in which an occupation is being conducted to insure compliance with the provisions of this subdivision or any conditions additionally imposed.

- (4) *Violations.* After two nuisances or Code violation complaints have been made and verified with written notices to the home occupation, a public hearing may be called to reconsider the home occupation within 60 days of the last complaint.
- (5) *Revocation.* An interim use permit for a home occupation may be revoked if (i) the property is found to be in violation of the conditions listed in the interim use permit or (ii) if access to the property for the purpose of making an inspection is refused to the zoning administrator or their designee. The same process established for granting an interim use permit for a home occupation shall be followed when considering revocation of a interim use permit for a home occupation.
- (6) *Penalty.* Violation of the home occupation performance standards shall be subject to the enforcement and penalty provisions as contained in this chapter.
- (7) *Performance standards.* Performance standards for home occupations shall be as follows:
  - a. The home occupation must be clearly incidental and secondary to the residential use of the premises, shall not change the residential character thereof, and shall not result in incompatibility or disturbance to the surrounding residential uses.
  - b. No home occupation shall require external alterations or involve construction of features not customarily found in dwellings except where required to comply with the state fire and building code regulations.
  - c. No retail sales of products fabricated off the premises is allowed except for occasional sales of retail products if the dwelling serves as an office for a person regularly engaged in retail sales outside the dwelling but has no other office and if such occasional sales are incidental to and not the primary purpose of the home occupation.
  - d. No stock in-trade other than that permitted under subsection (d)(7)c of this section shall be kept or sold on the premises.
  - e. Only members of the family occupying the dwelling unit may carry on the home occupation.
  - f. There shall be no exterior display, exterior signs, interior displays or interior signs which are visible from outside the dwelling, unless approved with an interim use permit and the property fronts a road designated as an "A" Minor Arterial by the Future Functional Classification Plan Map in the Anoka Community Plan. Home occupation business signs may be either wall or freestanding-type sign. Freestanding signs shall be a maximum of five square feet in area, a minimum of five feet from property lines, shall not be within the sign triangle of any intersection or driveway, and shall be limited to six feet in overall height.

- g. No outside storage or display is permitted.
  - h. No significant increase in levels of noise, dust, smoke, gas, heat, vibration, glare, fumes, odor or electrical interference shall be detectable to the normal senses off the premises.
  - i. No on street parking of vehicles related to the home occupation is permitted.
  - j. No more than one client or customer may patronize the dwelling unit at one time.
  - k. The space devoted to the occupation shall have an inside entrance into the dwelling area.
  - 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.~~
  - m. No more than 25 percent of the gross floor area of the dwelling unit shall be used for the occupation.
  - n. There is no increase in sewer, water, gas, electricity, or garbage usage in excess of what is normal in a residential neighborhood such that the neighborhood is adversely affected.
  - o. No customer waiting areas are allowed.
  - p. All licenses or permits required to carry on the occupation shall be obtained.
- (8) *Permitted home occupations.* The following home occupations and similar occupations as determined by the City Council are permitted accessory uses in all residential districts only if all conditions in subsection (d)(7) of this section are fully observed.
- a. Artist, author, composer, sculptor.
  - b. Home crafts, such as model making, rug weaving, woodworking, and similar activities, provided that no machinery or equipment shall be used or employed other than that which would customarily be found in the home, including machinery or equipment that would be ordinarily be employed in connection with a hobby or avocation not conducted for gain or profit.
  - c. Dressmakers, seamstresses and tailors.
  - d. Beauticians and barber shops.

- e. Home offices for accountants, architects, engineers, lawyers, realtors, insurance agents, brokers, clergy, consultants, contractors, land surveyors, musicians, salesman, sales representative, manufacturer's representative, travel agent, home builders and home repair contractors.
  - f. Mail order, not including retail sales from the site.
  - g. Music and art teachers or other tutoring services.
  - h. Telephone answering.
  - i. "Work at home" activities where employees of a business, located at another location, perform work for the business in their own residence, provided all physical contact between the business and the employee occurs at the place of business and not the residence, other than the initial installation of any equipment or other work facilities. The work activities of the employee shall conform with all other requirements of this subsection.
  - j. Food preparation for sale, when registered with the Department of Agriculture under the Cottage Food exemption in Minnesota Statute 28A.152.
  - k. Other occupations that fully comply with the standards in subsection (d)(7) of this section.
- (9) *Home occupations allowed with an interim use permit.* The following home occupations are permitted as an accessory use upon approval of an interim use permit by the City Council after recommendation by the planning commission:
- a. Home occupations with the following characteristics:
    - 1. A maximum of one outside employee.
    - 2. Outside parking of no more than one commercial type vehicle identified for business purposes not to exceed one-ton capacity and used for both personal and business transportation. The vehicle is to be owned and registered to an occupant of the property and parked in a screened location.
  - b. Ceramic classes with a kiln up to six cubic feet in size.
  - c. Domestic animal grooming.
  - d. Other home occupations which substantially comply with the standards set forth in subsection (d)(7) of this section.
  - e. Other proposed home occupations that are determined to be similar in character to those listed in subsection (d)(8) of this section of this section.
- (10) *Particular home occupations prohibited.* The following uses, and similar uses, shall not be permitted as a home occupation in any residential district:

- a. Antique shops, boutiques, dress shops, and gift shops.
- b. Photo studio, processing lab, and portrait studios.
- c. Restaurants, coffee shops, and tearooms.
- d. Offices for physicians, dentists, veterinarians, physical or massage therapists, and chiropractors.
- e. Animal hospital or kennel.
- f. Auto repair and painting, including the repair of engines, motor vehicles, motorcycles, and heavy equipment.
- g. Dancing schools and studios.
- h. Dispatching of transfer and moving vans at the site.
- i. Furniture repair and refinishing.
- j. Palm reading or fortune telling.
- k. Preparation of food for sale.
- l. Radio, television and appliance repair shops.
- m. Raising of animals for sale.
- n. Shops for contractors and tradesmen, such as electricians, plumbers and carpenters.
- o. Sign painting.
- p. Boarding and lodging houses, unless specifically permitted by the district regulations.
- q. Tattoo business.
- r. Tanning salons.
- s. Any occupation that requires a federal firearms license, including the sale of firearms; except where each of the following conditions exist:
  - 1. An occupant residing on the premises holds a valid and current federal firearms license and has held the license continuously since December 31, 1995;
  - 2. The occupant had an established occupation at the premises that required a federal firearms license as of December 31, 1995, and has not discontinued such occupation; and

3. At the time of the most recent renewal of the occupant's federal firearms license:
    - i. The premises were inspected by the City and the City certified that the premises (i) were equipped with an adequate security system and (ii) were otherwise adequately protected against theft of firearms from the premises;
    - ii. The occupant has met all the criteria for licensing under the federal firearms code and the individual, in the opinion of the City police department, has been found to be honest, reliable and of good character; and
    - iii. The police department has not received more than three complaints within the past five years related to this use of the premises.
  - t. Trash hauler operations other than a home office.
  - u. Food preparation for sale, unless specifically permitted in this section.
  - v. Any home occupation which does not substantially comply with the standards set forth in subsection (d)(7) of this section.
- (11) *Application materials.* Prior to the issuance of an interim use permit for a home occupation an application must be submitted which contains the following information:
- a. The owner of the property and the person who will be conducting the home occupation.
  - b. The street address of the dwelling.
  - c. The type of home occupation.
  - d. The type of equipment that will be used.
  - e. The days and hours which the home occupation will be conducted.
  - f. A description of any motor vehicles which will be used in connection with the occupation, and whether or not the applicant has had any previous denials for a similar request elsewhere.
  - g. A plan or drawing of the dwelling which shows clearly and in reasonable detail the portion of the dwelling which is to be used for the home occupation, the number of square feet of living area contained in the dwelling, and the number of square feet to be used for the home occupation.

The application for an interim use permit for a home occupation will be processed according to section 74-34.