

**CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
October 14, 2008**

1. Meeting Opening

A. Call to Order

Commissioner Lorinser called the meeting to order at 7:00 pm.

B. Pledge of Allegiance

All rose for the pledge of allegiance.

C. Roll Call

Members present: Dave Englund, Ralph Johnson, Steven Rask, Ross Lorinser, Jeff Kolb and Sean Stevens.

Members absent: Jeff Duncan

Staff present: Lisa Krause, City Planner; Carla Vita, Community Development Director; Brad DeWolf, City Engineer; Clark Joslin, City Attorney; Don Lorsung, City Administrator and Trudi Breuninger, Administrative Assistant.

D. Agenda Modifications

None.

2. Approval of Minutes

Motion by Johnson, second by Rask to approve the meeting minutes of September 10, 2008.

Motion carried unanimously.

3. Public Hearings

A. Request of the City of Isanti to adopt a new Zoning Ordinance

Krause presented the background and staff recommendations as provided in the memo dated October 14, 2008 to Planning Commission Members and all present. Krause focused on items that pertained to the various zoning districts.

Lorinser opened the public hearing at 7:17pm.

John Peterson, Dutch Investments, 1611 County Highway 10 NE, Spring Lake Park; stated he owns 10 acres on the corner of Highway 65 and Cajima Street and is in support of the ordinance change.

Tom Pagel, Fire Fighters Association; presented a letter dated October 14, 2008 regarding the rezoning/reclassification of the rodeo grounds. Pagel stated he would like to see the property rezoned to R-4 to make the property more valuable.

Kolb recalled the property being a swamp area and questioned whether it has buildable soil.

City Engineer DeWolf stated to the best of his knowledge that the property was still in the flood plain.

Pagel stated the Isanti Firefighters Rodeo Association and the City of Isanti have an agreement that detail the process for the selling the property, if after 2 consecutive years of not using the property for fund raising purposes.

Krause stated that the property has been zoned in accordance with the Comprehensive Plan and the zoning classification would permit the property to used for the rodeo in the future. Krause stated that if the property were sold, the Rodeo Association could formally request an amendment to the Comprehensive Plan, so the property could be rezoned accordingly.

Ted DeZurik, Colfax, Wisconsin; owner of Oakwood Estates Apartments requested clarification regarding the comprehensive plan versus the zoning ordinance.

Krause responded that the existing apartment buildings would stay as they are currently zoned, which is R-4 and the property to the south would be R-3A.

DeZurik stated that he also owns 3 acres south of the apartments and questioned why it would be rezoned.

Krause stated that the Comprehensive Plan has the area guided for Medium Density Residential, which equates to the proposed R-3A and R-3B Districts, in order to change the land use category the City would have to amend the Comprehensive Plan and then a rezone the property accordingly.

DeZurik stated does not currently have plans for the property but questioned the change in zoning.

Kolb stated it should be changed to R-4.

Stevens discussed when it would be appropriate to change, now or when the proposal for the property is presented. Stevens stated that the process of developing a Comprehensive Plan, the time it takes, is never ending. Stevens stated that the City tries to put land use designations in place, as to where they think the community would be in 5-10 years. Stevens stated that what an area actually develops into, often times may result in an amendment to the Comprehensive Plan.

Bruce Yerigan, 27585 University Avenue; owns 210 Whiskey Road questioned what was actually being discussed for change and how the zoning would affect his property.

Krause stated his property would be an R-3A and affirmed what the district will allow.

Lorinser added that the R-3 district was divided into R-3A and R-3B.

Yerigan questioned why the maps weren't consistent.

Krause explained that the Comprehensive Plan was adopted in November of 2007; the moratorium was put in place to allow time to work on the zoning ordinance. Krause stated that there are three maps in the council chambers. Krause state that the one labeled "draft" would be enforced upon the adoption of the zoning ordinance and would match the Comprehensive Plan. Krause stated that the Future Land Use Map was placed behind Mr. Lorsung. Krause stated that

the zoning map on the wall is what the zoning currently is and reflects small changes that had occurred prior to the adoption of the Comprehensive Plan.

Yerigan stated that his property would be going into a lower density and questioned why it couldn't be the R-3B or R-4 versus R-3A.

Stevens responded that they wanted to make development successful and the distinction was made when the Comprehensive Plan was created on what the community needs to create a balance.

Yerigan stated by making his property more restrictive he would not be in favor of changing the property to R-3A.

Yerigan then switched to property he owns at 202 Railroad Avenue, as it is an Industrial property and is used as such.

Krause stated that it is planned for Central Business Transitional District, which would encourage mixed uses.

Yerigan stated he was told it was being changed to allow for the commuter rail stop and questioned why it would need to be changed since the stop is set for Cambridge.

Lorinser responded that the intent is for 2 rail systems, a high and low speed. Lorinser stated that the stop in Cambridge would be a high speed stop with a final destination of Duluth. Isanti would like to be on the plans for a commuter stop for a lower speed.

Krause stated the zoning needs to be consistent with the future land use as adopted with the Comprehensive Plan. Krause stated that the Business / Industrial Sub-Committee had recommended the proposed residential / commercial mixed-use district as a response to the land use designation in the Comprehensive Plan.

Kolb asked how this would restrict him.

Krause said he would be legal non-conforming. Krause stated that if the property owner would discontinue industrial use on the property for a year he would then have to conform to the new zoning. Krause stated that as long as he continues to do business as is, he would not be affected. Krause stated that he would be restricted when it came to expansion, intensification, etc.

Yerigan questioned why he was not notified directly of the Comprehensive Plan changes.

Krause explained that the State Statutes require notifying property owners directly when their property is being affected by a rezone. Krause stated that the Comprehensive Plan process is where the city tries to get input from the community and it is an open process. Krause stated that notices are put in the paper and posted at the post office as well as on the web site and newsletter.

Lorsung stated that invariably it comes down to the public hearing at the time of the zoning ordinance and how the zoning affects each individual property. Lorinser stated that if the Planning Commission is going to make a change this is the time to do so.

Joslin used the analogy that the Comprehensive Plan is like the constitution and the zoning ordinance is like the State Statutes which have to be consistent to make it all work together. Joslin stated that the Comprehensive Plan was a process that took about a year and was adopted 11 months ago. Joslin also stated that this is a massive project and the text of the ordinance and the Comprehensive Plan need to match. Joslin stated that in the future it can be reviewed and Comprehensive Plan updated because changes are inevitable. Joslin stated that when the Comprehensive Plan and zoning ordinance needs to be amended it will have to follow the correct process at that time. Joslin also added that the state law was followed for the meeting notices.

Joslin told Yerigan that he would be allowed to continue the industrial use on the property as long as the use does not cease for a period of time, then it would need to come into compliance.

Yerigan questioned the restriction of sale.

Joslin stated that the property can be sold if the use stays the same type and does not become more intense, for example from light industrial to heavy industrial.

Yerigan asked why it can't be left as industrial and changed when and if the light rail wants to make a stop then change the zoning.

Joslin responded that the city has to be prepared for the future; if the Comprehensive Plan and zoning does not allow for it the city would not be considered. Joslin stated that the property has to be zoned for it or it can't be put in.

Yerigan stated he is not in favor of the change from Industrial, placing more restrictions on the property.

Stevens stated that he would like to see the same notices sent out in the future for both the Comprehensive Plan and rezoning.

Randy Polzin, 301 Centennial Drive, owns 7 acres next to DeZurik and Yerigan and has been trying to sell the property as R-3 for apartment buildings. Polzin stated that the area has actually been staked out and the city has been asked about developing the property.

Vita responded that after a year the plats become null and void. Vita stated that it was sketch platted many years ago and was presented to the city for townhomes. Vita stated that the city has made a very concerted effort to provide information to the fire department for input. Vita stated that the Planning Commission could review it to be rezoned from an R-3A to R-3B.

Kolb asked Polzin what he wanted it to be zoned.

Polzin said he would like it to be R-4, as would the other two property owners. Polzin stated that he would look at developing apartments.

Vita read what uses that are allowed in the R-3 district currently.

Lorinser stated that is it something that needs to be looked at but also taking into consideration what the property surrounding it is zoned and used for.

Yerigan asked what the next step is, if it is approved or not approved and goes to city council.

Lorinser answered saying that the Planning Commission will discuss it more once the public hearing is closed and make a recommendation to the City Council to approve in full or in part.

DeZurik agreed with Stevens statement on notices sent out because he lives in Wisconsin and didn't know any of this was going on.

Lorinser closed the public hearing at 8:17 p.m.

Johnson stated the Comprehensive Plan has misguided a few properties and doesn't feel some properties were looked at very good during the "coloring contest". Johnson said the zoning ordinance was fine but needed to look at some of the properties that should be rezoned and there is other property that can be used for the rail system besides these parcels.

Motion by Johnson to approve zoning ordinance but look at the zoning of particular properties. Motion failed for lack of second.

Lorsung stated that they can move ahead with the zoning ordinance without the two areas of properties, which were brought up as areas of concern. Lorsung stated that option two would be to table the map and look at the Comprehensive Plan.

Joslin expressed concern about tabling it because of the moratorium expiration that was put on last fall. Joslin suggested they adopt the ordinance as proposed with reservations on the areas discussed and those areas should be referred back to the Planning Commission for review at another meeting regarding the revisions to the Comprehensive Plan on those particular properties.

Johnson said that all properties should be looked at that were originally zoned R-3 and are now zoned R-3A or R-3B.

Lorsung stated that all property owners were notified by a letter for the public hearing.

Stevens commented that it demeans the Planning Commission and staff to refer to it as a coloring contest with all the work that has been done to adopt the Comprehensive Plan and zoning ordinance.

Lorinser asked that the properties taxes be addressed again.

Krause stated that the use is put into the classification and that is what they would be taxed on, not on what it is zoned.

Stevens asked about properties that use a portion of their home for commercial or business use.

Joslin stated the county will tax the property based on the percentage of use. The actual use is what the tax is based on until the use changes.

Stevens questioned how the county receives the information of what the property is being used for.

Vita responded that information comes from the property owners and permits that are pulled.

Joslin stated the Assessors follow state law and look at what the property is used for and not the zoning. Joslin stated that they also look at the valuation whether up or down. Joslin stated that their website says one sale is not an indication of the market.

Lorinser asked Joslin about putting an overlay of Central Business District over the Industrial property on Railroad Avenue so as not to jeopardize the future of the rail system.

Joslin responded that the Planning Commission could look into options for the area.

Kolb requested clarification on how that would be stated for the recorded.

Lorsung stated it would be a base zoning of Industrial with an overlay for the rail system of Central Business District and would be a change in the Comprehensive Plan.

Joslin reminded the Planning Commission that the change would have to go through the amendment process to change the Comprehensive Plan to allow for the zoning ordinance to be approved.

Lorsung stated that the zoning ordinance would be approved with the exception of the two property areas, the one industrial and the one multi-family. Lorsung stated that the zoning of the rodeo grounds is currently correct. Lorsung stated that if and when the property would be sold they would have to request an amendment to the Comprehensive Plan and rezone at that time. Lorsung believed that was the concern of the Firefighters Rodeo Association that they could request that in the future.

Motion by Johnson, second Kolb to recommend approval of the Zoning Ordinance and Map as proposed, with reservations to those areas to include: the currently zoned Industrial properties located along Railroad Avenue SE that have been proposed as Central Business Transitional District and those parcels owned by Mr. Randy Polzin, Mr. Bruce Yerigan, and Mr. Ted DeZurik, located to the west of County Road 23 and southeast of the Isanti Middle School that are currently zoned R-3 and have been proposed as R-3A; as further study and review by the Planning Commission is necessary for potential amendments to the Comprehensive Plan. Properties would be subject to the restrictions of the proposed Zoning Ordinance until such time as the Future Land Use Map is amended accordingly. Motion carried unanimously.

5. Adjournment

Motion by Johnson, second by Kolb to adjourn Planning Commission meeting at 8:40 p.m. Motion carried 6-0.

Respectfully submitted,

Trudi Breuninger
Administrative Assistant