

**CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
NOVEMBER 10, 2009**

1. Meeting Opening

A. Call to Order

Vice Chairman Rask called the meeting to order at 7:00 p.m.

B. Pledge of Allegiance

Everyone rose for the pledge of allegiance.

C. Roll Call

Members Present: David Englund, Sue Larson, Cindy Lind-Livingston, Ross Lorinser, Steve Rask, and Michael Streiff III. Stevens arrived late at 7:06 p.m.

Members Absent: None.

Staff Present: Lisa Krause, City Planner

D. Agenda Modifications.

Krause stated there were none.

2. Approval of Minutes from October 13, 2009 Planning Commission Meeting

Motion by Larson, second by Lorinser to approve the Meeting Minutes from the October 13th, 2009 Planning Commission Meeting Minutes. Motion was unanimously approved.

3. Public Hearings

A. Request from the City of Isanti to Amend Ordinance No. 445, Section 15 Fencing, Screening, and Landscaping Subdivision 5 Landscaping Requirements, Item (C) Residential Landscaping Requirements to include Maintenance of Landscaping Requirements.

B. Request from the City of Isanti to Amend Ordinance No. 445, Section 15 Fencing, Screening, and Landscaping; Subdivision 5 Landscaping Requirements, (B) (1) to remove Ash Trees from the City Tree lists.

Krause presented the staff memo.

Rask opened the public hearing at 7:01 p.m. Rask questioned if there was any public comment; having none, Rask closed the public hearing at 7:02 p.m.

Motion by Larson, second by Lorinser to recommend approval of the Amendments to Ordinance No. 445, Section 15 Fencing, Screening, and Landscaping, Subdivision 5 Landscaping Requirements, Item (C) Residential Landscaping Requirements to include Maintenance of Landscaping Requirements; and Subdivision 5 Landscaping Requirements, (B)(1) to remove Ash Trees from the City Tree Lists based upon the Findings of Fact as presented. Motion was unanimously approved.

C. Request from the City of Isanti to Amend Ordinance No. 445, Section 13 Use Regulations; Article 4 Accessory Buildings, Structures, and Uses to reduce the maximum sidewall height.

Krause presented the staff memo.

Rask opened the public hearing at 7:03 p.m. Rask questioned if there was any public comment.

Lorinser questioned if Mr. Sames thought this would fix the issue with the roofs being too high.

Krause stated that Mr. Sames thought that it would; however, the roof of the accessory structure would need to be similar to that of the home.

Rask closed the public hearing at 7:05 p.m.

Motion by Englund, second by Larson to recommend approval of the Amendments to Ordinance No. 445, Section 13 Use Regulations, Article 4 Accessory Buildings, Structures, and Uses to reduce the Maximum Sidewall Height based upon the Findings of Fact as presented. Motion was unanimously approved.

D. Request from the City of Isanti to Amend Ordinance No. 445, Section 2 Definition of Terms, Outdoor Storage; and Section 13 Use Regulations, Article 2 Non-Residential Use Regulations, Subdivision 14 Outdoor Storage to clarify the definition and requirements for Outdoor Storage.

Krause presented the staff memo.

Rask opened the public hearing at 7:06 p.m.

Stevens arrived at 7:06 p.m. Stevens apologized for being tardy. Stevens closed the public hearing at 7:07 p.m. pending no public comments.

Motion by Larson, second by Lorinser to recommend approval of the Amendments to Ordinance No. 445, Section 15 Fencing, Screening, and Landscaping, Subdivision 5 Landscaping Requirements, Item (C) Residential Landscaping Requirements to include Maintenance of Landscaping Requirements; and Subdivision 5 Landscaping Requirements, (B)(1) to remove Ash Trees from the City Tree Lists based upon the Findings of Fact as presented. Motion was unanimously approved.

4. Other Business

A. Design Standards for Awnings.

Krause stated that the Planning Commission had met with Mr. Guthmueller to discuss some standards for awnings within the downtown. Krause stated that City staff had used the information provided by Mr. Guthmueller in his original e-mail as well as the comments that were brought out at the previous Planning Commission meeting. Krause stated that the Sign Ordinance also allows for awnings within the other commercial and industrial districts. Krause stated that the Ordinance again leaves the standards very open ended. Krause questioned if the Commission wanted to duplicate standards for other districts as well. Krause stated that staff is looking for comments.

Krause stated that the draft had been provided to Mr. Guthmueller as well. Krause stated that Mr. Guthmueller did have anything additional to add.

Lorinser stated that there was a numerical change necessary. Lorinser questioned if every awning would need to come before the Planning Commission.

Krause stated that if the awning is proposed for the Downtown area, the awning would need to go to the Downtown Committee and Planning Commission. Krause stated that if the awning would encroach into the public right-of-way, the item would need the approval of the City Council. Krause stated that particularly along Main Street, the property line meets the edge of the sidewalk, which means that the awning would extend into City right-of-way.

Lorinser stated that overall he thought the proposed language was fine. Lorinser stated he did have concerns about the materials. Lorinser questioned if canvas should not be listed as preferred and metal would be a secondary option. Lorinser stated that Mayor Wimmer had brought up a good point about the ice and snow sheeting off of the metal awnings. Lorinser stated that the group did allow for the metal awnings at the last meeting.

Larson stated that if it made of metal or canvas there is still going to be maintenance issues. Larson stated that even if it is canvas, the business owner would need to ensure that snow and ice is removed so that the awning does not rip or tear.

Lorinser questioned what the Planning Commission needed to do.

Krause questioned if the Planning Commission is comfortable with the changes.

Larson questioned if the prohibited back lighting would cause issues for Christmas light display during the holidays.

Lorinser stated that he did not consider that back lighting.

Krause stated that the back lighting would actually refer to the fiberglass awnings that would have lights behind the material, so the entire awning would light up like a sign. Krause stated that Christmas decorations would not be considered to be back lighting.

Planning Commission members did not have any additional changes.

Larson questioned what the course of action would be.

Krause stated that the Ordinance would need to be amended.

Motion by Lorinser, second by Larson to call for a public hearing on December 8th to amend the Downtown Overlay District and Sign Ordinance. Motion was unanimously approved.

B. Amendments to Section 2 Definition of Terms; Section 7 Business Districts, Article 1 "B-1" Central Business District, Article 2 "B-2" General Business District, Article 3 "B-3" Neighborhood Business District; Section 10 Special Purpose Districts, Article 2 "CBT" Central Business Transitional District; Section 13 Use Regulations, Article 2 Non-Residential Use Regulations to include provisions for Transient Merchants.

Krause provided the staff memo. Krause stated that City staff has provided representatives of Minnco with the information regarding the proposed amendments. Krause stated that City staff had invited Minnco to come to the November meeting to further discuss the item. Krause stated the vendors associated with Special Events would need to be included in the transient merchant definition as an excluded item.

Lorinser stated that he would like to see that wording before calling for a public hearing on the Ordinance amendment.

Stevens questioned if the representatives from Minnco had anything to add.

Ms. Peggy Durkot and Mr. Doug Stegman of Minnco were present at the meeting.

Stegman stated that he wanted to get a feel for what was happening. Stegman stated that he thought Isanti was very receptive of this type of sale. Stegman stated that he had not studied the amendments, but it would seem as if this was not wanted in Isanti.

Larson stated that by trying to make allowance the City needs to be very careful. Larson stated that once changes are made to the Ordinance, the City has to follow those regulations. Larson stated that the City is trying to protect the City and enforce Ordinance fairly. Larson stated that the City does want to work with existing businesses.

Durkot stated that the sale would take place on their property.

Stegman stated that would be using existing businesses that are located within Isanti County.

Durkot stated that the sale would bring people to Isanti.

Lorinser stated that the City has to abide by our current ordinances. Lorinser stated that even if the Ordinance was allowed as a transient merchant or as a temporary sale; there are issues with the pavement and having adequate parking for the business as well. Lorinser stated that if the business could not meet the requirements, then there was no reason to include the amendments allowing for temporary car sales. Lorinser questioned if there was anything additional discussed at the previous meetings on this item that should be outlined to the representatives.

Krause stated that it was requested that performance standards for temporary auto sales be similar to those required for permanent dealerships, which required paved or bituminous surface. Krause stated that this was one of the sticking points for the Planning Commission. Lorinser stated that the City requires car dealerships to have this type of standard, the sales being proposed by Minnco should be similar. Lorinser stated that the requirements should be consistent.

Durkot questioned the sales that took place at the fairgrounds in Cambridge.

Stegman questioned the issue with the paved parking surface.

Durkot stated that she could understand on a permanent basis requiring a paved surface, but not on a temporary basis. Durkot stated that there should be a special permit provision.

Lorinser questioned if the City allows parking on grass for other types of uses.

Krause stated that throughout the Ordinance, paved parking is required.

Lorinser stated that the City had passed a nuisance parking ordinance in residential districts that also required paved parking. Lorinser stated that he had concerns as to whether there would be contradictions.

Stegman stated that Lake State had a car sale like this two years ago. Stegman questioned if they had approval from the City. Stegman stated that Minnco felt as though they were being punished even though they are trying to take the proper steps. Stegman stated that it seems like one institution is allowed to do this, but another is not. Stegman stated that it sounded like this was going to be granted and then was not allowed. Stegman stated that they wanted to work with the City of Isanti, as they have worked with the City of Cambridge and the dealerships.

Larson questioned if the rodeo grounds could be used.

Krause stated that the area is zoned park and open space. Krause stated that car sales are not listed as permitted, conditional or interim use within this zoning district. Krause stated that staff has talked with the City Attorney and the use does need to meet the underlying zoning district regulations.

Stevens questioned if a parking count had been completed for Minnco.

Krause stated that she had not counted the spaces at Minnco. Krause questioned if there was additional information that the Commission was looking for to help with this item. Krause stated that staff could complete further research and bring that back.

Larson stated that staff should find out how Cambridge allows this type of use at the fairgrounds. Larson stated that currently the City does not allow residents of homes to park on their own grass, even on a temporary basis, as motors are not allowed on grass. Larson questioned if the residents would be happy about being ticketed for parking on grass and local businesses were granted exceptions.

Stevens stated that Rum River BMX and the Soccer Association do park vehicles on grass every Wednesday.

Lorinser stated that they are not supposed to be parking on grass; they are to park in the overflow lots.

Lind-Livingston questioned how the Rodeo Grounds are able to park on grass.

Streiff questioned if these are repo cars or used/new cars.

Stegman stated that the vehicles would be brought in from local dealerships. Stegman stated that it would benefit the dealership and the bank.

Streiff questioned if they would be in the parking lot or in the grass.

Durkot stated that the cars would be placed in the grass area between Minnco and Subway.

Lorinser stated that he would remember in South St. Paul, there was a credit union that had a big sale like this on the bank property. Lorinser questioned if that was what they were looking at doing. Lorinser questioned if this could be handled under a special event permit.

Krause stated that the bank is having car sales, of which the City requires a conditional use permit. Krause stated that there are also performance standards for this type of use. Krause stated that the performance standards would need to be met and if not, a variance would be necessary. Krause stated that again, the use would need to meet the underlying zoning requirements.

Lorinser questioned if the area was paved and the requirements could be met, then they could apply for a conditional use permit.

Krause stated that the bank would need to meet the performance standards. Krause stated that there are a number of standards.

Stevens stated that those pertained to auto sales.

Krause stated that the original temporary language included some of these standards.

Streiff questioned if someone bought a car would the financing be done at the bank or would it go to the dealership.

Stegman stated that all of the paperwork would be done there at the credit union.

Streiff questioned the number of cards.

Stegman stated that they thought they could get around 100 cars. Stegman stated that they would have to lay it out to see how many would work.

Lorinser questioned if they thought about working the other direction and have the event on the dealer's property.

Stegman stated that they have done that but you cannot get a number of dealerships involved; only one dealership could be used at a time.

Englund questioned if the sale could take place on a school property or at the ice rink.

Krause stated that the schools are located in a residential district and the ice rink is zoned I-1. Krause stated that auto sales are listed in a B-2.

Englund questioned the parking lot at Riverside.

Krause stated that the property is zoned B-2. Krause stated that there would be the CUP and performance standards.

Stevens stated that is the question, how to create an ordinance allowing X, when the business really does Y without assuming full rights and responsibilities of the secondary purpose. Stevens stated that there has to be alternatives.

Krause stated that City staff can look at some other options, if that was the Planning Commission's direction.

Streiff questioned if the dealership could put in for a Conditional Use.

Lorinser stated that was where the transient merchant language came into place.

Larson questioned if there were other research items that Ms. Krause should be looking into. Larson stated that the Cambridge example should be reviewed. Larson questioned if there were other cities that the group knew of that allowed for this type of event.

Stevens stated that the Soccer Complex in Blaine has car sales events. Stevens stated that he did not know what dealership was involved.

Lorinser stated that if there is a way for it to be done under a special event application than that would work. Lorinser stated that he was not sure if this was ideal for Minnco. Lorinser stated that the City cannot just change the Ordinances at will. Lorinser stated that the Ordinances are in place for a reason.

Stevens stated that the proximity to the location is not a key factor. Stevens questioned if they could move some tables to a different location.

Stegman stated that the bank could move to another location. Stegman stated that the location proposed, adjacent to their property is very visible and easily accessible. Stegman stated that he did not feel there were very many other options.

Larson stated that if it was handled through a special event, like with the Jubilee Days, people are parked on grass. Larson stated the vendors are parked on grass, along with generators as well.

Durkot stated that there is a car show on the Rodeo grounds as well as at the VFW.

Streiff stated that if there was rain there would be a huge mess.

Lorinser questioned how the car shows were allowed in Ordinance.

Krause stated that the special event ordinance contains a particular listing of events.

Lind-Livingston stated that they are still selling vehicles. Lind-Livingston stated that they would still need to meet the Ordinance.

Lorinser stated that staff should look at this issue from different angles. Lorinser stated that he would like to see it done, but there are requirements for businesses that should be upheld. Lorinser stated that the City does not want to always say no and would like to work with the business.

Stevens stated that other locations should be looked at within the City as potential locations.

Krause stated that City staff would look into the item further and bring findings back to the next meeting. Krause stated that City staff would keep the Credit Union involved in the research findings.

Stevens questioned if it was the size of the event that caused the problem.

Krause stated that the overall size was not the issue. Krause stated that it is the car sales itself.

5. Discussion Items.

A. Isanti County Zoning Ordinance Amendments – Agricultural District.

Krause presented the staff memo and the items as requested by the Planning Commission at the previous meeting. Krause stated that the main concern is that the amendments appear to be incomplete. Krause stated only a portion of the Agricultural Section had been amended.

Stevens questioned if the Comp Plan Section was two pages.

Krause stated that the Comp plan was around 40 pages. Krause stated that the density was increased and there were smart growth principles required. Krause stated that none of the minimum design standard requirements were included within the Ordinance.

Stevens questioned the other concerns.

Krause stated the TDR tracking process was a concern. Krause stated that staff also questioned if specific sending areas and receiving areas would be identified.

Lorinser stated that this would be to preserve particular areas.

Krause outline the remaining requirements.

Lorinser questioned if staff ever got a response from these comments.

Krause stated that there were responses; however, sometimes those responses are vague.

Lorinser questioned how this would affect us in the future as we grew. Lorinser questioned if our zoning would then take effect.

Krause stated that the City will grow into come of these areas. Krause stated that our zoning would take effect and the City would enforce those ordinance provisions.

Stevens questioned if the County had staff.

Krause stated that there is both Mr. Anderson and Ms. Wing.

Lorinser questioned if these comments had been sent.

Krause stated that staff was looking for additional comments from the Planning Commission before sending the comments along.

Stevens questioned if City staff could continue to request information regarding the text changes.

Krause stated that Mr. Anderson has been good about providing these amendments to City staff for comments. Krause stated that City staff also watches the Planning Commission and County Board of Commissioners Agendas to see if there are items that affect the City of Isanti.

Krause stated that she would compile the comments and send a letter to Mr. Anderson.

6. Other Communications.

A. Planning Commissioners Journal – Fall 2009.

Krause stated that the new Journal was made available within the packets for the Commissioner's review.

7. Adjournment

Motion by Lorinser, second by Larson to adjourn the November 10th, 2009 meeting of the Planning Commission. Motion was unanimously approved.

The meeting adjourned at 7:55 p.m.

Dated at Isanti, Minnesota this 8th day of December 2009.

Respectfully Submitted,

Lisa M. Krause, AICP
City Planner