

**CITY OF ISANTI  
PLANNING COMMISSION  
MEETING MINUTES  
November 12, 2008**

**1. Meeting Opening**

**A. Call to Order**

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

Members absent: none

Staff present: Lisa Krause, City Planner; and Trudi Breuninger, Administrative Assistant.

**D. Agenda Modifications**

None.

**2. Approval of Minutes**

Motion by Johnson, second by Kolb to approve the meeting minutes of October 14, 2008.

Motion carried unanimously.

**3. Public Hearings**

**A. Request of Kenneth and Suzan Gehrke for a Variance to the Side Yard Setback for the property located at 824 Cedar Street SW.**

Krause provided the background for the request and stated staff recommendation of denial because it does not meet the definition of undue hardship.

Kolb mentioned fire code concerns.

Suzan Gehrke, 824 Cedar Street SW, believes it is not a hazard and stated the neighbor has a fence on the property line and asked why that was okay and would not be a hazard to the fire department. Gehrke questioned why she had to go through the variance process if it was just going to be denied anyway.

Planning Commission members discussed other variances that had been reviewed to demonstrate to Gehrke what constitutes an undue hardship and requested the Building Official Rick Sames review the plans and lot and provide an opinion.

Gehrke stated she discussed the options they had discussed with the contractor and why other places would not be possible based on the split style of home. Gehrke expressed hope to get started the next day and to have it completed by the holidays.

England explained the process of a variance request stating it would have to be approved by City Council before a building permit was issued.

Motion by Kolb, second by Johnson to approve the variance request with the condition of Sames' review.

Stevens questioned whether the Planning Commission wants to provide conditional approval to a site that has not been seen or reviewed by the Building Official.

Kolb stated it would be approved conditionally based on Sames recommendation.

Kolb amended the motion to deny the variance request allowing it to move to City Council and thus providing time for the Building Official to review and provide a recommendation. Motion seconded by Johnson.

Duncan closed the public hearing at 7:25 p.m.

Motion vote: all in favor, motion carried. (Englund was absent from vote.)

#### **4. Other Business**

##### **A. Isanti Custom Meats – Revisions to Approved Landscape Plan**

Krause provided the background stating the revisions were due to utility placement.

Motion by Stevens, second by Johnson to approve the revised landscape plan for Isanti Custom Meats, motion carried unanimously.

##### **B. Zoning Code Items: 1) Small repair facilities within the B-1 Central Business District and 2) Definition of Garage Width.**

Krause provided the background.

Motion by Johnson, second by Stevens to move forward with the proposed changes and call for a public hearing to amend the Zoning Ordinance on December 9, 2008; motion carried unanimously.

##### **C. Storage of goods/ items in trailers within Commercial / Industrial Districts**

Krause began presentation of the background.

Johnson interrupted stating that the city cannot make businesses stop using trailers for storage as many have been doing it for so long and should be grandfathered in.

Krause stated that staff is just looking for direction on moving forward. Krause stated that if the Planning Commission is fine with the trailers, then that needs to be stated. Krause questioned if they wanted to put some language in the Ordinance stating that they are against this type of use, since there is nothing currently in the ordinance currently for trailers in the commercial and industrial areas. Krause added that they are just trying to address the complaints and if there is nothing in the ordinance it causes more confusion leaving nothing to enforce. Krause stated that staff cannot enforce an ordinance that does not exist and the process is to bring those items to the Planning Commission and City Council.

Planning Commission discussed where the trailers are and what the complaints are actually about to see if they could be covered under another ordinance such as weed and grass nuisance. Planning Commission members suggested it be forwarded to a subcommittee for review and recommendation.

Lorinser said that government tends to jump when there's an issue with an ordinance to quick make a law to say if it is allowed or not allowed when it could be handled by an original ordinance and enforcing that versus creating something totally new.

Krause stated that the parking and trailers section only affects residential areas.

John Bettendorf, President of Isanti Chamber of Commerce and owner of Isanti Hardware Hank, requested specific information on the complaints to see if the business can work through the issues themselves; if it's long grass, trailer placement or whatever and perhaps get some of these business owners involved in the subcommittee to discuss the issue. Bettendorf also mentioned the city has a trailer parked on city property and should follow the ordinances as well.

Duncan stated the recommendation would be to forward to the Business/Industrial subcommittee for review and recommendation.

#### D. Discussion – Areas of Reservation

Krause reiterated what actions had been taken at that last Planning Commission meeting and provided information on the areas affected.

Jim Kimm, 101 E Broadway, expressed concern for the noise of the businesses in the industrial area and requested they be more reasonable with their hours of operation.

Other residents shared the concern because they start at 10 p.m. and run through the night with the noise.

Planning Commission members discussed the noise issue and thought it should be handled through the Police Department under a noise ordinance. Commission members discussed how changing the zoning ordinance of these businesses to a Mixed-Use Land Use designation would affect the property values of the businesses.

Bruce Yerigan thought there was an understanding from last month's meeting that the zoning would not change and the only reason it was pushed through was because of the moratorium deadline.

Planning Commission discussed the zoning ordinance and comprehensive plan; stating the area had to be properly zoned to allow for the commuter rail, how the change of a Mixed-Use Land Use would restrict the businesses.

Commission members discussed changing some properties back to Industrial and carving out the residential and VFW to stay as Mixed-Use.

Krause stated that this could cause “spot” zoning issues, which are not legal. Krause stated that the Mixed-Use was a transition use, which would phase out the industrial over time because the area is geared for residential / commercial uses.

Motion by Lorinser, second by Kolb to recommend that the issue be sent back to city staff and the city attorney to review rezoning the industrial property back to industrial and the residential and VFW to Mixed Use and bring back to the Planning Commission.

Krause stated they can look at the text of the Mixed Use district as to the uses allowed and potentially create a different type of mixed use district. Krause stated that this may avoid the spot zoning issues.

Yerigan expressed concern about the mention of legal issues being brought up now and not discussed last month.

Lorinser stated it is the “spot” zoning that is the legal issue and the options were not mentioned last month.

Stevens reiterated the three options being discussed. Stevens stated that the First option would be to look at rezoning the particular industrial properties back to industrial and leaving the balance as mixed-use. Stevens stated that if that is problematic the second would be to amend the text of the uses allowed in the mixed-use district to allow for uses that are more industrial activity. Stevens stated that the third option would be to create a new district all together that would be a better fit for the mixed nature of the neighborhood.

Duncan requested a vote be taken on the motion; all in favor, motion carried unanimously.

Krause presented the second half of the areas of reservation being the residential property south of Oakwood Estates/Elmwood Apartments and to the west of County Road 23.

Krause stated that previously the property was zoned R-3 Low Density Multiple Family District, which allowed for a variety of residential uses and any building containing more than nine (9) dwelling units would require a Conditional Use Permit. Krause stated that the current zoning R3A allows for the residential homes as well as low density multiple family limiting the multiple family to six (6) units instead of eight (8).

Krause stated that the landowners would like to see the property rezoned to R-4 Multiple Dwelling District to allow for apartments. Krause stated that the preliminary plat that was submitted in 2004 was for townhomes ranging from four to twelve units per building.

Planning Commission members discussed changing it to R-4 so the property owners could market it as such and how it would make the existing residential non-conforming.

Lorinser questioned whether it is necessary to change now when the future is unknown at this time.

Ted Desurik, Oakwood Estates, stated he bought the property with the intent it would be high density and extended the sewer to the property.

Kolb stated “we created this problem and we need to straighten it out.”

Johnson agreed stating it would be nice to have senior housing with underground parking and that it would be within walking distance to the school. Johnson added that the property owners can’t market it the way it is zoned and we need to fix the problem we created.

Krause stated that there is a process necessary to change the zoning ordinance and the comprehensive plan. Krause stated that in most communities, the developer presents a plan for review by the City prior to requesting an amendment to the Land Use Plan and Zoning Map.

Motion by Johnson, second by Kolb to recommend changing the identified parcels to R-4 Multiple Family District and to start the process for public hearings to amend the zoning ordinance, comprehensive plan and the future land use map. Motion carried 6-1, Englund opposed.

## **5. Adjournment**

Motion by Johnson, second by Kolb to adjourn Planning Commission meeting at 8:50 p.m. Motion carried unanimously.

Respectfully submitted,

Trudi Breuninger  
Administrative Assistant