

**CITY OF ISANTI  
PLANNING COMMISSION  
MEETING MINUTES  
NOVEMBER 8, 2011**

**1. Meeting Opening.**

**A. Call to Order.**

Stevens 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:** Nick Dimassis, David Englund, Sue Larson, Ross Lorinser, Cindy Lind-Livingston, Sean Stevens, and Michael Streiff.

**Members Absent:** None.

**Staff Present:** Lisa Wilson, Planning and Parks Director.

**D. Agenda Modifications.**

Stevens questioned if there were modifications to the Agenda.

Wilson stated that there were none.

**2. Approval Minutes from the September 13, 2011 Regular Planning Commission Meeting.**

Motion by Larson, second by Stevens to approve the September 13<sup>th</sup>, 2011 Planning Commission Meeting Minutes. Motion was unanimously approved.

**3. Public Hearings.**

**A. None.**

**4. Other Business.**

**A. Rum River Meadows Park – Drainage and Utility Easement Vacation.**

Wilson presented the staff memo. Wilson stated that City staff was requesting a recommendation on this item.

Stevens questioned if City staff was requesting that they call for the public hearing. Stevens questioned if they were the body that would hold the hearing on this item.

Wilson stated no. Wilson stated that the Council could initiate a vacation by Resolution calling for a public hearing.

Larson questioned if the City intended to develop the lots as park land right away or are we going to be sitting on the empty lots for some time. Larson questioned if Mr. Lorinser was aware of the plans for the lots.

Lorinser stated that he did not have any idea. Lorinser stated that he thought the Park Board had discussed this at a previous meeting. Lorinser questioned if Mrs. Wilson knew any details.

Wilson stated that the Park Board had requested that City staff put together an article that could be placed within the Isantian requesting public comment or suggestions for the park area. Wilson stated that funds are limited. Wilson stated that the park could be further developed soon or the City may need to wait a bit to construct any additional elements. Wilson stated that for the time being the area would be open space.

Larson stated that if we are not sure that we are not going to develop it into the park and we are not sure what the future would hold, then maybe we should maintain the easements. Larson stated that the City may decide not have this be park and would rather sell off the lots.

Lorinser stated that if we hold onto all of the drainage and utility easements, then utilities can go into those easements. Lorinser stated that by eliminating these easements, we eliminate the possibility of utilities being run through the park. Lorinser stated that his understanding for purchasing the lots was to make the park bigger, not keep the lots for future sale and residential development.

Wilson stated that the Park Comprehensive Plan does include a future recommendation that additional lots be purchased to expand this park area. Wilson stated that when this opportunity had arisen, the Park Board had recommended that the City Council purchase the lots with the intent that they would be park land. Wilson stated that whether the City develops any activities on the lots, they are still considered park and are available as open space area for the kids to play on.

Dimassis questioned when they were purchased.

Wilson stated in September.

Dimassis questioned if that was this year.

Wilson stated yes.

Lorinser stated that the owner had placed them for sale at \$6,000 a piece.

Larson stated that it was a "no brainer" to purchase them at that price.

Stevens stated that following through on the plan to make that happen seems logical, but it would seem to make sense to step in accordance with the time frame we have laid out. Stevens stated that if there are not going to be actual adjustments to the land, then it may not be in the City's best interest to remove the easements.

Lorinser questioned what would happen if Connexus decided to put a utility line or pole in the middle of the park. Lorinser stated that if the City wants to then construct a football field or whatever, then we have a utility structure in the middle of the area we want to develop. Lorinser stated that he is sure there must be a process to put the utility easements back, if the City would decide to sell the lots for residential development.

Larson stated that in the future if the City decided not to build it as park and would rather sell the land, then there must be a process.

Wilson stated that she could verify, but her understanding from Mr. Joslin was that it can be done; there would be hoops that would need to be jumped through to do so.

Stevens stated that the Park Comprehensive Plan does guide these lots as park land.

Wilson stated that this has been a successful neighborhood park, which is limited in size.

Lorinser stated that the City had looked at purchasing the lots a couple years ago, but the price was too high.

Motion by Lorinser, second by Larson to recommend approval of the vacation of the side and rear drainage and utility easements for the three lots recently purchased as additional park land for Rum River Meadows Park. Motion was unanimously approved.

B. Regulations for Home Occupations.

Wilson presented the staff memo and the research that had been provided. Wilson stated that City staff is looking for comments and direction from the Planning Commission on this item. Wilson provided some examples of the home occupations that have been started within the community. Wilson stated that the City does have a mixed-use district, CBT, in which we allow for a mix of uses. Wilson questioned if consideration should be given to allowing different types of home occupations in these areas.

Lorinser questioned if a resident then wanted to run their business legally within the district, could they not just re-zone their property to do so.

Wilson stated that there are two that are already within the CBT District. Wilson stated that if they wanted to establish the home occupation as a business, one of them would not be able to do so because that particular use is not permitted within the underlying zoning district. Wilson stated the number of home occupations is increasing and the types of home occupations are becoming more varied. Wilson stated that other communities are dealing with the same issues. Wilson stated that in research that was compiled from other communities' ordinances many are requiring registration, so the City knows what is being conducted. Wilson stated that they also have conditional/interim uses that would have to come before the Planning Commission and City Council for approval. Wilson stated that there is Item K in the current ordinance, which appears to be very arbitrary. Wilson stated that City staff has discussed allowing for different types of home occupations based upon the district in which the home is established.

Lorinser stated that he has a hard time differentiating between the guy that has a home occupation and the guy that takes in a few lawn mowers for repair on occasion.

Wilson stated that if you are the resident that accepts your neighbor's lawn mower one week and a friend of yours lawn mower the next week that may just be tinkering. Wilson stated that when a resident starts to advertise and fix 10 cars or ATVs a week, then it would be a home occupation.

Lorinser stated that the City should be dealing with those issues through the nuisance ordinance.

Stevens agreed, but it sounds like this is part of a broader issue. Stevens stated that the question is what happens to the guy that is not violating code, but is conducting a particular type of activity out of an R-1 garage.

Larson stated that the current regulations state that anything that runs out of the garage is illegal.

Lorinser stated that you cannot have anything established in the garage.

Larson stated that she can think of an example where the owner made part of the garage into a business. Larson stated that this was not brought up at the time the City had reviewed the item.

Lorinser questioned if that was done through a process through the Council.

Larson stated that it was, but that was not focused on.

Stevens stated that there are a lot of particulars surrounding this issue. Stevens stated that the City needs to recognize that there is a trend for this. Stevens stated that people are telecommuting, people working from home, and businesses that do not have traditional office space are establishing. Stevens stated that he had looked at our commercial space in town and he counted at least 30 for lease signs for commercial properties.

Larson stated that the City has seen one business from Main Street close and be re-established in the individual's home, as they cannot afford the rent.

Lorinser stated that we had one new business open on Main Street as well. Lorinser stated that businesses do come and go.

Stevens questioned what the City could do to help foster a business that begins on a garage budget and then moves into commercial space. Stevens stated that some of the companies cannot afford these commercial spaces.

Larson stated that businesses often begin in the garage and then grow, and eventually need a commercial space.

Lorinser stated that was what Pat's Small Engines was. Lorinser stated that the big issues are the nuisance parts. Lorinser stated that we do not want auto lots and people stacking stuff up on their property. Lorinser stated that we also do not want that type of traffic on residential streets. Lorinser stated that these are residential neighborhoods and are made for residential traffic and parking. Lorinser stated that when someone has a large party, it can cause issues for one day. Lorinser stated that we do not want to see that on an everyday basis. Lorinser stated that noise is another issue that would need to be addressed.

Stevens provided an example from Coon Rapids. Stevens stated that with pick-up and drop-off at a dog groomer, it caused a traffic jam in a residential neighborhood.

Dimassis questioned if City staff was looking at keeping it simple. Dimassis stated that some of the cities information provided is more specific.

Stevens stated that is what City staff is asking us. Stevens stated that we need to get a good count of these businesses. Stevens stated that this might be good information for Mr. Sullivan, as he could touch base with them and work with them to help grow the business and potentially get them into commercial space within the community.

Wilson stated that she could see the merits in having someone register their home occupation, even if it is permitted and meets the requirements.

Lorinser stated that the minute we require anyone to do anything, then people think that the City is trying to find a way to tax them.

Stevens stated that when he first picked up the packet, he was looking to see if there was a fee attached.

Wilson stated that it appeared that in some communities, the home occupation just registers. Wilson stated that in the Lakeville example, they do have a \$30 fee for registering a permitted home occupation.

Lorinser stated that he is for registration, but then pushing that the registration is to help foster business relationships with the City and help the business grow. Lorinser stated that you cannot get big enough and stay in your home. Lorinser stated that we cannot have large scale operations running out of a home; it is not fair to the neighbors.

Stevens stated especially with regard to a lot of the things that people are going to want to do, particularly motor vehicles, ATVS, etc; there is hazardous waste. Stevens stated that there should be restrictions on how many employees.

Lorinser stated that there cannot be any employees outside of the family.

Larson stated that you are permitted to have one.

Lind-Livingston stated that it limits businesses if they cannot use the garage.

Stevens questioned the in home day cares.

Planning Commission members held general discussions on home day cares.

Stevens stated that if we can ask them to register, then we can spin it as a benefit to them. Stevens stated that these individuals may be hungry for adult human contact. Stevens stated that they could be involved in chamber events. Stevens stated that this would be a way to use this as an opportunity to help these businesses grow.

Lorinser stated that in general the group appears to be on the same page. Lorinser stated that the size of the business needs to be limited. Lorinser stated that the Planning Commission authority, item K, needs to be removed.

Stevens agreed that was pretty vague.

Lorinser questioned if we really need to get specific about what can be allowed. Lorinser stated that then we run into the issues that arise when something is not on the list. Lorinser stated that limiting the size and keeping it in the dwelling is important. Lorinser stated that if it spills over and becomes a nuisance, then we can deal with in this ordinance and the nuisance ordinance.

Larson questioned what Mr. Lorinser meant by dwelling.

Lorinser stated that if we wanted to add a permitting process for a garage operation, he would not be opposed to it.

Larson stated that it should be considered. Larson stated that would make sense especially when dealing with hazardous waste.

Lorinser stated maybe if it is conducted completely in your home, you register for free; but if it is in your garage, you need a permit and pay a fee. Lorinser stated that you would have to follow EPA guidelines.

Wilson questioned accessory garages.

Lorinser stated that would be fine. Lorinser stated that the City does not have that many accessory garages.

Wilson stated that you could. Wilson questioned if the group wanted to see accessory garages spring up throughout an R-1 district for the sole purpose of being used for a home occupation. Wilson stated that the City could require the interim use permit, but if it met the requirements, then the home occupation could exist on the property. Wilson questioned if the group wanted to see this happen throughout the community.

Lorinser stated that we could take accessory garages out of the equation.

Stevens stated that he would not object to using the accessory garage. Stevens stated that there was a trend to using these for recording studios.

Lorinser questioned if the size of the accessory structure could be limited. Lorinser stated that he felt there should be more of a process involved, so that we can make sure that rules are being followed. Lorinser stated that we do it with commercial and industrial properties, particularly for hazardous waste.

Larson stated that she liked the City of Ramsey's, under item I. Larson stated that it included a number of items that must be met. Larson stated that it has fire, odors, nuisance to neighbors, etc. Larson stated that would give an opportunity for someone from the fire department or zoning administrator to do a walk through; and determine if it is something that should not be allowed in the community.

Dimassis stated that some of the other cities list the types of uses that are permitted, prohibited, etc. Dimassis questioned if City staff had other examples of home occupations.

Wilson stated that we have been approached by individuals looking into motor vehicles, doggie day cares, retail sales, antique sales, photography, etc.

Strieff stated that he like the Ramsey example. Strieff stated that it was not too complicated and was rather straight forward.

Lorinser stated that we need to deal with those that are in violation currently.

Wilson stated that we are keeping track of those that have been identified as being in violation.

Lorinser questioned if they had been contacted.

Wilson stated that City staff had sent the first letter notifying of the violation, but had not received response yet.

Stevens questioned what the violations were for.

Wilson outlined the violations that have been noted to this point.

Stevens questioned what the last issue was that the Planning Commission had that they had invited some individuals in to discuss the issue. Stevens questioned if that was the awning discussion.

Planning Commission members agreed.

Dimassis questioned if for the motor vehicle repair, do they have outdoor storage.

Wilson stated that there is outdoor storage of vehicles.

Larson questioned if we could do like Andover where they list out uses that would require a CUP.

Stevens stated that there would be a lot of other services that would be missed by listing only a couple out.

Larson stated that it might address some of the issues that we are currently facing.

Stevens stated that it just seems so cumbersome. Stevens stated that we would be re-writing that section of the ordinance every couple of months to address another use.

Lorinser stated that K should be removed and incorporate some things from the Ramsey Ordinance, in an attempt to clean things up. Lorinser stated that the draft could be brought back for further discussion. Lorinser stated that there should be no discretionary process decided by the Planning Commission.

Stevens stated that the City should avoid the list. Stevens stated that if tanning is the thing now, then what will be the next big home business. Stevens stated this would constantly be changing. Stevens stated that if we could invite those that have home occupations to the next meeting to discuss. Stevens stated that some draft language will more than likely be provided.

Dimassis questioned the penalty for violating the zoning ordinance.

Wilson stated that initially we provide a letter to make the attempt to communicate with them and fix the situation. Wilson stated that after that, then a citation is issued for violation of the zoning ordinance; which results in them going to court.

Dimassis stated that they have not gotten to that level yet.

Wilson stated no.

Dimassis questioned if their attitude was hostile to the whole process or if they would view this as an opportunity to have their voice heard.

Wilson stated that she had not spoken to anyone yet. Wilson stated that she is guessing it may not be a very pleasant conversation. Wilson stated that when you talk to someone about zoning and you are telling them that they cannot do something with their property; it does not go well. Wilson stated the City is seen as too strict and the zoning administrator is a horrible individual. Wilson stated that we are open to working with them, but they are a residential home in a residential district. Wilson stated that when their neighbors bought their home, they did not do so because they wanted to look at outdoor storage associated with a home based business.

Lorinser stated that this is even an issue in the country. Lorinser stated people on acreage lots line their property with cars and the neighbors do not like to look at it there either.

Englund questioned if they are only operating in the evening.

Wilson stated no.

Stevens stated that signage is an issue that needs to be reviewed as well. Stevens stated that at the County level the Planning Commission will be discussing allowing individuals to put up accessory structures on large acreage properties without a home so as to operate a business from them. Stevens stated that the County has received numerous requests to do this. Stevens stated that people want to put up a pole barn and do meat processing or put up a pole barn to store items.

Wilson stated that Mr. Stevens will have to keep the Commission updated on this item.

Stevens stated that there are some aging land owners that are looking to sell property and with the real estate market the way it is; this would help them to sell their properties.

Streiff questioned if this was on agricultural land.

Stevens stated that it would be. Stevens questioned if City staff had enough comments to prepare a draft ordinance.

Wilson stated that she would prepare something for the next meeting.

#### C. Regulations for Dynamic Signs.

Wilson presented the staff memo and the issues.



Stevens stated that the Holiday gas stations are making a big push to change out their static signs and replace them with these types of signs.

Lorinser questioned what kind of regulations we would need to have in place.

Wilson stated that there are a number of factors identified that are suggested places to start.

Lorinser stated that in the cities he does not see these as being an issue. Lorinser stated that they just switch and they have to be static signs. Lorinser questioned the case law on these.

Wilson stated that she has examples of case law that can be brought back for their review.

Lorinser stated that he does not want the City to get sued. Lorinser stated that the case law should be taken into consideration when we are crafting the ordinance.

Wilson outlined the case between the billboard company and the City of Minnetonka. Wilson stated that they reached an agreement with the company.

Larson stated that the reader boards at the banks are regulated.

Wilson stated that the City has a reader board definition. Wilson stated that there are regulations on not being able to flash or strobe the information.

Lorinser stated that a definition needs to be drafted for what this type of sign includes. Lorinser stated that electronic reader boards should be excluded. Lorinser stated that it should only be able to change every so often.

Lind-Livingston stated that brightness should be an issue. Lind-Livingston stated there is one for the track on I-35W and it is bright.

Strieff stated for the bank he works, they tried to place signage at a building in Stillwater; and they went around and around with the City on the type of sign that was allowed. Strieff stated that they were limited in the size and what could be displayed on an electric sign.

Dimassis questioned if the extent of what we have is limited to an electronic message board that cannot have flashing, etc.

Wilson stated yes.

Stevens stated that there needs to be a designation between the small reader boards and the large highway dynamic signs. Stevens questioned the groups feeling on the larger signs.

Lorinser stated that we can have them, but they should be limited and regulations should be provided.

Dimassis stated that the League of MN Cities has some options outlined. Dimassis stated that we could move off of those. Dimassis stated that the picture can change and the technology can be used, but there has to be so much time between the changes. Dimassis stated that brightness is also noted. Dimassis stated that he does not understand why we should say they should not be allowed.

Englund stated that the Community Pride sign at one time, it looked like there was an accident or something ahead that you had to slow down for. Englund stated that it was causing confusion for motorists, due the color and flashing.

Wilson questioned if the group wanted to allow only in the B-2.

Lorinser stated yes. Lorinser questioned the Industrial Park District.

Wilson stated that a substantial sized sign would be allowed on most properties throughout the community. Wilson stated that the gross area in square feet of all signs on a zoning lot shall not exceed six times the lineal frontage of the zoning lot. Wilson stated that if you calculate the lineal frontage for some of the lots in town, the amount of signage allowed is quite large. Wilson stated that if the lineal frontage is 200 feet times 6 is 1200 square feet of signage.

Stevens stated that needed to be changed and addressed as well.

Englund agreed it was quite large as well.

Lorinser stated that issue should be tackled as well.

Wilson questioned what they would consider to be enough signage.

Lorinser stated that what the current businesses have is fine. Lorinser stated that it is their money they are putting into their sign.

Englund stated that federated was probably an 8 x 8. Englund stated that is good size.

Lorinser stated that the main thing is to have it conform to the building. Lorinser stated that the sign should be similar to the business. Lorinser stated that he would not want to see a 42 square foot sign in the middle of downtown.

Larson stated that she would not want to see the businesses along TH 65 having such huge signs. Larson stated that this does not provide a very welcoming community identity for those passing through.

Strieff stated that dynamic signs may be expensive now, but over time they will get cheaper and more businesses may want to have them installed.

Wilson stated that she will draft some amendments and would then bring it back to the Planning Commission for further discussion.

Stevens outlined the proposed amendments discussed. Stevens requested that some case law be brought back for review as well.

## **5. Other Communications.**

None.

Stevens questioned if Mrs. Wilson had anything additional.

Wilson stated that she did not.

Stevens requested a motion for adjournment.

**6. Adjournment**

Motion by Englund, second by Larson to adjourn the November 8<sup>th</sup>, 2011 meeting of the Planning Commission. Motion was unanimously approved.

The meeting adjourned at 8:02 p.m.

Dated at Isanti, Minnesota this 13<sup>th</sup> day of December 2011.

Respectfully submitted,

Lisa M Wilson, AICP  
Planning and Parks Director