

**CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
APRIL 14, 2009**

1. Meeting Opening

A. Call to Order

Chairman 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: Dave Englund, Sue Larson, Cindy Lind-Livingston, Ross Lorinser, Steve Rask, Sean Stevens, and Michael Streiff III

Members Absent: None

Staff Present: Lisa Krause, City Planner

D. Agenda Modifications.

Krause stated there were none.

Motion by Larson, second by Lorinser to approve the Agenda as presented. Motion was unanimously approved.

2. Approval of Minutes from March 10, 2009 Planning Commission Meeting

Motion by Larson, second by Rask to approve the meeting minutes from the March 10, 2009 Planning Commission Meeting. Motion was unanimously approved.

3. Other Business

A. Amendments to Ordinance No. 445: Zoning Ordinance, Section 7: Business Districts, Article 2: "B-2" General Business District to include Paintball Facilities as an Interim Use.

Krause presented the staff memo and the proposed changes to the Zoning Ordinance based upon the Planning Commission's previous discussions.

Stevens opened the public hearing. Stevens questioned if there was anyone in the audience that was there in regards to this item.

Larson stated that she had concerns regarding the location of a paintball facility along TH 65.

Stevens stated that location specific concerns could be addressed.

Larson stated that she had concerns regarding whether the use could be adequately screened and if a facility did locate along the corridor this would affect the character of the area along TH 65.

Rask questioned if someone were to purchase property along TH 65 and wanted to construct a paintball facility would they be able to do so with the ordinance once amended.

Krause stated that if the property owner could meet the requirements within the ordinance for an Interim Use, then the City would issue the Interim Use Permit.

Lorinser questioned requirements.

Krause stated that like CUPs, the zoning ordinance has standards for Interim Uses as well. Krause stated the ordinance identifies specific areas that would need to be evaluated by the Planning Commission and City Council. Krause stated that if the petitioner were able to meet those standards, then the Interim Use is issued to the property owner. Krause stated that if there are concerns the use within the district, then it may be best not to list the item as an Interim Use.

Lorinser questioned whether there were other districts that allowed for the use.

Krause stated that the Recreational Commercial District has the use listed as an Interim Use.

Lorinser questioned that districts location.

Krause stated that the district is located within the area of the golf course and just north of the golf course. Krause stated that some of the parcels are not located within the City limits currently.

Larson stated that the use would be very visible from TH 65 and this would be projected to those traveling to the City along TH 65.

Lorinser stated that the City of Ramsey has a paintball facility immediately adjacent to Highway 10, which is visible. Lorinser questioned if the City wants to have the same view along TH 65.

Stevens closed the public hearing. Stevens requested a motion.

Stevens asked for clarification that the Paintball Facility use would be considered prohibited within the "B-2" General Business District.

Lorinser stated that was correct.

Motion by Lorinser, second by Larson to recommend denial of the Ordinance amending Ordinance No. 445 Zoning, Section 7: Business Districts, Article 2: "B-2" General Business Districts to include Paintball as an Interim Use. Motion was unanimously approved.

Stevens stated that the item would go before the City Council at their next meeting, with a recommendation to deny the ordinance amendment.

B. Request by Chengwei Lin for a Conditional Use Permit to allow for a Carry-Out Restaurant to be located within the Plaza 5 Shopping Center at 103 County Road 5 NE.

Krause presented the staff memo and recommendations from the Planning Review Committee.

Stevens questioned if it was the exhaust fan that we were concerned about.

Krause stated that there is additional equipment located in the area, as shown on the site plan, which would be required to be screened from the public right-of-way.

Krause stated that the petitioner and property owner were present for questions.

Stevens opened the public hearing.

Russell Jacobson, 29397 Goldenrod Street NW, Isanti.
Chengwei Lin, 650 Orchard Drive, Pennsylvania.

Stevens questioned if either of the individuals representing the item had questions or concerns.

Jacobson questioned the additional parking and the requirements.

Larson questioned who owed the property.

Jacobson stated that he did own the property.

Larson stated that he could then complete the drawings.

Englund stated that no additional parking was needed, as the required number of spaces was on the property.

Jacobson stated that the conditions stated that additional parking would require approval by the City Engineer and he questioned what that entailed.

Englund stated that if the use would be sit-down, more seating would be required. Englund stated that currently they just need to paint the spaces.

Krause stated that if the property owner were to add parking, then the property owner could contact Mr. DeWolf and Mr. DeWolf would work with the property owner on the items he would need for additional parking.

Jacobson also questioned the screening.

Krause stated that fencing would be needed around the mechanical.

Englund stated that Mr. Sames would require a building permit.

Stevens stated that the trash enclosure would also have to be screened.

Jacobson stated that he would need to build a fence around it.

Englund agreed.

Larson stated that there is a lot of excitement in the community for this type of restaurant. Larson thought it would be a good location.

Stevens asked if there were additional questions. Stevens closed the public hearing.

Stevens questioned if the motion included the staff conditions and findings of fact.

Larson stated yes.

Motion by Larson, second by Rask to recommend approval of the Conditional Use Permit to allow for a Carry-Out Restaurant to be located within the Plaza 5 Shopping Center at 103 County Road 5 NE with the conditions as outlined by staff within the memo; based upon the Findings of Fact as presented. Motion was unanimously approved.

Stevens explained that the Planning Commission is a recommendation body only and the item will proceed to the City Council at their next meeting for their final approval.

4. Other Business

A. Amendments to the Isanti City Code, Chapter 227 Parking and Storage, Article II Parking and Storage of Recreational Vehicles and Other Equipment.

Krause presented the staff memo and the amendments to the ordinance.

Stevens questioned if snowmobiles or ATVs in front yard have to be on the trailer and impervious surface.

Krause stated that was correct.

Lorinser questioned why the distinction between the motor and non-motor for snowmobiles and ATV's. Lorinser stated that a snowmobile and ATV without a motor would be considered "junk".

Krause stated that DAC members had requested consistency.

Larson stated that she did not feel that the no-motor should be included for snowmobiles and ATVs. Larson stated that for boats it made sense because you can take the motor off.

Lorinser agreed.

Stevens questioned if there were fencing requirements for height and opacity.

Lind-Livingston questioned how the ordinance was enforced.

Krause stated that at this point it is complaint driven.

Lorinser stated that once a complaint is received, fingers are pointed at neighbors with the same issue and it goes from there. Lorinser stated that with a limited officers and one part-time CSO, this can be difficult.

Englund stated that the no-motors should be removed from the snowmobiles and the ATVs column for surface type. Englund stated if they are fixing the motor that is one thing.

Lorinser stated that the Planning Commission could make the recommendation that they are all on impervious surfaces and no-motors would be removed.

Larson questioned if there was a limited number.

Englund stated that the chart shows two.

Lorinser stated that households have at least a two car garage to store stuff as well.

Stevens agreed that the no-motors versus motors distinction should be removed, as it does not make sense to make that distinction. Stevens questioned if anyone had objections to the changes.

Krause requested a motion.

Motion by Stevens, second by Larson to recommend approval of the amendments to the Isanti City Code, Chapter 227 Parking and Storage, Article II Parking and Storage of Recreational Vehicles and Other Equipment with the following change that within Exhibit A, under the column headed Surface Type that Snowmobiles and ATVs be listed a “Impervious” only and the distinction between motor and non-motor be removed. Motion was unanimously approved.

5. Discussion Items

A. Land Use Training

Krause introduced Mr. Jed Burkett, Land Use Loss Control Attorney, from the League of Minnesota Cities. Krause stated that the League provides training to communities who request it. Krause stated that Mr. Burkett would be reviewing planning and land use basics and a bit beyond with the group. Krause stated that she would turn the meeting over to Mr. Burkett.

Burkett provided an outline of the topics to be covered during the training session. Burkett stated that the following items would be presented on:

- Background Concepts
 - Three “C’s”
 - Legislative vs. Quasi-Legislative Actions
 - Municipal Planning Act
- Comprehensive Planning and the Comprehensive Plan
- Subdivision Ordinance
 - Park Dedication
 - Subdivision Process
 - Development Agreements
- Zoning Ordinance
 - Districts, Uses, and Standards
- Non-Conformities
- Applying Law
 - Conditional Use Permits
 - Interim Uses
 - Variances
 - Definition and 3-Factor Test
- Creating a Record
 - Public Hearings
 - Neighborhood Opposition
 - 60-day rule and Incomplete Applications

Findings of Fact

- Appeals
 - Arbitrary and Capricious
 - Stricter Review
 - Statutory Rights

6. Adjournment

Motion by Englund, second by Larson to adjourn the April 14th meeting of the Planning Commission. Motion was unanimously approved.

The meeting adjourned at 8:56 p.m.

Dated at Isanti, Minnesota, this 12th day of May 2009.

Respectfully Submitted,

Lisa M. Krause, AICP
City Planner