

**CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
AUGUST 11, 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, and Sean Stevens

Members Absent: Michael Streiff III

Staff Present: Lisa Krause, City Planner

D. Agenda Modifications.

Krause stated there were none.

2. Approval of Minutes from July 14, 2009 Planning Commission Meeting

Motion by Larson, second by Rask to approve the Meeting Minutes from the July 14, 2009 Planning Commission Meeting. Motion was unanimously approved.

3. Public Hearings

A. Request from Rick Patterson, on behalf of P&M Truss, for a Conditional Use Permit to allow for an On-line Motor Vehicle Sales Pick-Up Hub and Title Transfer Facility to be located on the property at 28437 Highway 65 NE.

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

Public hearing was opened at 7:05 p.m.

Stevens questioned if the petitioner had the opportunity to review the conditions and if he had issues.

Rick Patterson, P&M Truss, stated that there could be more than ten (10) vehicles on the property. Patterson stated that the number could be closer to thirty (30) or so. Patterson stated that they did not know the exact number.

Larson questioned how many vehicles the building would hold.

Patterson stated that the building is large, so it will hold quite a few vehicles.

Krause stated that the number had been given by a representative for the petitioner.

Larson stated as long as the vehicles all fit within the building that should be fine, rather than specifying a specific number.

Stevens questioned the drop-off days and times. Stevens questioned if that could really be identified.

Patterson stated that it is normally handled in that fashion. Patterson stated that the individuals would have to meet the drop-off days and times or the items would not be on the auction.

Stevens questioned if the drop-off days and times were for traffic regulation. Stevens stated that the drop-off and pick-up times would affect the business that could be conducted on the property.

Patterson stated that the truss business is struggling. Patterson stated that the business is trying to figure out what can be done to help in these economic times.

Larson stated that the petitioner should want to request that at least one day a week would be for drop-off and pick-up. Larson stated that the business should not limit itself to two days a month.

Stevens stated that the rationale behind the two drop-off days had to deal with the auction deadlines, as one was completed they would be getting ready for another auction.

Krause stated that the dates provided by the petitioner were used within the Conditional Use Permit.

Lorinser stated that he had concerns with placing exact dates within the permit. Lorinser stated that a number of days per week or month may be more appropriate. Lorinser stated that the dates should be more open so the petitioner can meet the requirements.

Patterson stated that twice a week may work.

Lorinser questioned if twice a week would work. Lorinser stated that if the truss business was booming there would be just as much traffic into the facility all day. Lorinser stated that he did not see an issue with allowing additional days if needed.

Stevens questioned the kinds of vehicles that would be on site.

Patterson stated that it would be anything that a title could be transferred on. Patterson stated that this would range from personal vehicles to recreational vehicles, trailers, and construction equipment.

Englund questioned the height of the building.

Patterson stated that the building doors were 14 feet in height.

Stevens stated that the Planning Commission is a recommending body. Stevens stated that the recommendation would be sent to City Council for formal approval. Stevens stated that the petitioner should be able to have the capacity to run his business as much as he can. Stevens stated that the capacity should be limited to the space within the building that would hold the items.

Patterson stated that they would only be holding items for one auction a month.

Stevens stated that the drop-off times should be accommodating to those that may be participating.

Lorinser stated that the drop-off and pick-up times are predetermined. Lorinser questioned if someone wanted to come and see a vehicle before bidding, if they could do so.

Patterson stated that the individual would have to make an appointment with them in order to do so.

Lorinser stated the concern would be if the business got so big that there were cars and other types of vehicles lining the streets that would be an issue. Lorinser stated that increasing the number of drop-off / pick-up times did not appear to be an issue. Lorinser questioned if the petitioner's comments had been used to come up with the recommendations.

Krause stated that staff asks questions and receives as much information as possible from the petitioner. Krause stated that information is given to the Planning Review Committee for review. Krause stated that the recommendations are based upon the information that has been given by the petitioner.

Patterson stated that they had written a letter and provided a site plan. Patterson stated that information was given to City staff as requested.

Stevens stated that traffic is not a concern from his standpoint, as there already is traffic with the truss business.

Public hearing was closed at 7:20 p.m.

Motion by Larson, second by Rask to recommend approval of the Conditional Use Permit request with the conditions as stated by staff with changes to #2 to allow for drop-off/pick-up twice a week rather than as specified and to #3 to read that the number of vehicles stored on the property would not exceed the capacity of the building. The motion was unanimously approved.

Stevens stated the item would be forwarded to the City Council at their next meeting.

Patterson questioned the meeting date.

Englund stated that the meeting is held next week on Tuesday.

B. Request from the City of Isanti to Amend Ordinance No. 445, Section 2 Definition of Terms and Section 15 Fencing, Screening, and Landscaping to include definitions for fences as well as setback, height, opacity, and location requirements for fences.

Krause presented the staff memo and requested a recommendation from the Commission.

Stevens opened the public hearing at 7:23 p.m.

Stevens closed the public hearing at 7:24 p.m., as there were no public comments.

Motion by Lorinser, second by Larson to recommend approval of the Amendments to Ordinance No. 445, Section 2 Definition of Terms and Section 15 Fencing, Screening, and Landscaping to include definitions for fences as well as setback, height, opacity, and location requirements for fences. The motion was unanimously approved.

4. Other Business

A. Conditional Use Permit Extension Request from MJS Services for the alteration of land and stormwater ponding on the properties located at 308 County Road 23 NW and 710 County Road 5 NW.

Krause presented the staff memo and requested a recommendation.

Lorinser questioned if there was any reason why the extension should not be granted.

Krause indicated no.

Motion by Larson, second by Rask to recommend approval of the one-year extension request for the Conditional Use Permit for MJS Services for the alteration of land and stormwater ponding on the properties located at 308 County Road 23 NW and 710 County Road 5 NW. The motion was unanimously approved.

Stevens stated that the item would be carried through to City Council with the Planning Commission recommendation at their next meeting.

B. Use of Semi-trailers as storage facilities within Commercial and Industrial Districts.

Krause stated that based upon Planning Commission direction, staff had received comments from the City Attorney. Krause presented that e-mail from Mr. Joslin regarding this item.

Lorinser stated that the options are to do nothing and leave it to our current ordinances. Lorinser stated that the trailers currently located throughout business and industrial areas would be allowed to stay. Lorinser stated that in the future trailers would be permitted in the Industrial District in the future only, providing they are issued a CUP.

Krause stated that the petitioner would need to meet performance standard requirements as well.

Lorinser stated that if the trailers were to become a nuisance, for instance rust, junk, grass, etc.; then enforcement could be accomplished through this avenue.

Krause stated that Mr. Joslin had stated such.

Lorinser stated that option 2 could be to draft an ordinance to either allow or disallow.

Krause stated yes. Krause stated that if we use the current ordinance and business XYZ were to come in and want to locate two semi-trailers as storage facilities within the General Business District; staff would say that outdoor storage is not permitted within the General Business District. Krause stated that the new use would not be able to establish the use on the property.

Lorinser questioned if there would be a benefit to drafting a new ordinance.

Krause stated that we would be adding new regulations for the item.

Lorinser stated that the concern is that there are many businesses that have used these trailers as storage for a very long time. Lorinser stated that the business community was concerned that they were going to lose them. Lorinser questioned if they have to fear losing them.

Krause stated that if we follow our current ordinances and classify them as outdoor storage, then anyone that has trailers on the property would be permitted to keep them; providing the trailer would not be found in violation of the nuisance ordinance. Krause stated if a trailer is found to be falling apart, rusted-through, and rodents are crawling in and out, then this becomes a nuisance. Krause stated that there is not a grandfathering clause with a nuisance. Krause stated that a nuisance must be acted upon immediately. Krause stated with zoning, there is a grandfather clause for the use, if it was established on the property prior to the current zoning ordinance.

Krause stated that if one of the properties within the industrial district were to request additional trailers as storage, then staff could require the property owner to obtain a conditional use permit and meet the performance standards of the ordinance. Krause stated that commercial properties will not be able to expand upon the current use.

Stevens questioned if the item still needed to be tabled given that legal opinion had been given.

Krause stated that there would be no need to table, if the Planning Commission agreed, as Mr. Joslin had provided his determination.

Lorinser stated that an update should be given to the City Council. Lorinser questioned if additional ordinance language should be considered.

Krause stated that it would appear that language is in place that could be used.

Rask stated that the language appeared to work. Rask questioned if a new business were to move into the industrial district, if they would be able to have semi-trailer storage.

Krause stated that if a new business were to come into the industrial district, under the current ordinance, they would be required to obtain a conditional use permit and meet the ordinance standards.

Stevens stated that a motion did not appear to be necessary. Stevens stated that additional ordinances do not appear to be necessary.

Krause stated that staff would forward the results of the discussion along to the City Council, as requested by the Planning Commission.

Lorinser stated that this has taken a long time. Lorinser stated that the sub-committee had completed research and several meetings were open to business opinions. Lorinser stated that the process has been open, but the conclusion would appear to have taken all comments and concerns into consideration.

Stevens stated that it is tough for businesses owners to have visibility. Stevens stated that the City should consider sending an e-mail or letter out to those businesses affected to state this is where we are at with this item.

Krause stated that she would make note of Mr. Steven's request.

C. Tree Replacement – Residential Properties.

Krause presented the staff memo. Krause presented the current zoning ordinance requirements and the proposed changes to the ordinance.

Lorinser questioned the background on the issue.

Krause stated that the item had been noted through discussions regarding the replacement trees that were required on the Re-Plat of the Villages on the Rum Condo plat. Krause stated that in that instance, the item was covered within a development agreement and landscaping plan for the property. Krause stated that the question did arise as to whether a single residential property owner would be required to replace trees on his or her property. Krause stated in review of ordinance requirements a residential property owner would not be required to do so.

Stevens questioned if the language was similar to the commercial requirements.

Krause stated that it was, but had been amended to refer to residential properties.

Larson questioned if when the City takes down a tree located within the boulevard or public right-of-way; is the City required to replace that tree or the property owner.

Krause stated that she would need to review the ordinances.

Lorinser stated that if the City takes the tree down, then the City should have to replace. Lorinser questioned if this is the section that contains the list of approved trees.

Krause stated yes.

Lorinser questioned if we should be looking at eliminating ash trees within the approved tree list. Lorinser stated that this should be looked at well.

Stevens stated that provisions should be looked at with regards to Ms. Larson's question. Stevens stated that infected ash trees are required to be taken down. Stevens questioned if the City came in and took down 1400 trees, should the City have to replace the trees that were removed due to the ash borer.

Krause stated that she would look into the questions that had been raised by the Planning Commission. Krause stated that she would bring those answers back to the Commission at the next meeting.

D. Amendments to Section 12 Tier One Zoning District and Section 13 Use Regulations, Article 4 Accessory Buildings, Structures, and Uses to establish overall height regulations for accessory structures and to amend the requirements for accessory structures within the Tier One Residential District.

Krause presented the staff memo and the proposed changes.

Lorinser questioned if the property were to be annexed to the City, would the property owner be able to construct the detached garage to the size specified.

Krause stated that the property owner would be able to; however, annexation for this property could be out into the future.

Lorinser questioned if the property owners in Tier One were to split lots, then what would happen.

Krause stated that there would be question as to whether the property owner could split the property and meet requirements. Krause stated that if the owner were to construct the larger accessory garage and could split the property; the accessory structure would be legal non-conforming.

Krause presented the overall detached accessory structure height issue.

Lorinser stated that the concern was having a two-story structure. Lorinser stated that there is a wall height requirement. Lorinser questioned if the City would care if someone did have a little room for storage / loft areas for garages.

Larson questioned if we would be limiting the pitch of the roof.

Englund stated that the roof and the pitch would be determined by the size of the structure.

Stevens stated that the roof requirements for the detached structure were to match the home. Stevens stated that the existing regulations covered the issue.

Lorinser questioned the maximum height of a single-family home.

Krause stated that in the R-1, the principal structure can be 35 feet or 2.5 stories.

Lorinser stated that the current ordinance language would appear to address the issue.

Motion by Lorinser, second by Larson to call for a public hearing on September 8th to amend Section 12 Tier One Zoning District and Section 13 Use Regulations, Article 4 Accessory Buildings, Structures, and Uses to amend the requirements for accessory structures within the Tier One Residential District. The motion was unanimously approved.

E. Transient Merchants within Commercial / Industrial Districts.

Krause presented the staff memo.

Stevens questioned if the Credit Union could meet the transient merchant requirements.

Krause stated that if there is a transient merchant, they do need to meet the underlying zoning district requirements. Krause stated that if the grocery store would have a sale on shrimp, the use is permitted and the transient merchant license could be given. Krause stated that if the grocery store would want to have a car sale; they would be required to have a Conditional Use Permit and meet performance standards of the underlying zoning.

Krause stated that there are many issues that need to be addressed. Krause posed the questions outlined within the staff memo. Krause questioned how the Planning Commission wanted to handle the issue. Krause questioned if the Planning Commission wanted to send it to sub-committee for research, review, and recommendation.

Lorinser questioned what committee would work on the ordinance.

Krause stated that the Business / Industrial Sub-Committee could review.

Lorinser questioned if there was a deadline.

Krause stated that staff wants to get the item correct the first time through.

Lorinser questioned if Minnco had a time line.

Krause stated that her understanding was that Minnco would be looking to do something in the future, potentially next year. Krause stated that Minnco had been made aware that there is a process to amend the text and that would take some time.

Stevens stated that staff had provided research from other communities.

Rask questioned if the Credit Union would be looking to doing this more permanently.

Krause stated that currently the credit union funnels reposed vehicles through a dealership. Krause stated that she has looked at other ordinances to see if other communities allowed permanent sales on bank properties for repossessed vehicles, but could not find any.

Stevens stated that a bank in St. Paul does have some on their property.

Krause stated that she would look into that.

Stevens questioned if it could be an accessory use.

Krause stated that the definition does not specifically allow for car sales in association with a financial institution. Krause stated that the use would require a CUP and the meeting of performance standards.

Lorinser questioned if they needed to identify zoning districts.

Krause stated that the zoning district would need to be identified, as to where they could locate. Krause stated that additional standards would need to be looked at.

Lorinser questioned what a door-to-door salesman would be considered.

Krause stated that she believed they would be defined as a peddler. Krause stated that a license is obtained through the City Clerk.

Larson stated that some other financial institutions should be contacted to see how they are able to do sales or how they have done sales for their business.

Lorinser stated that the Planning Commission should handle the item. Lorinser stated that everyone will need to participate. Lorinser stated that a draft should be put together and brought back to the next meeting.

Lorinser stated that the transient merchant definition and licensing process is broad. Lorinser questioned if the City wants this allowed throughout the entire community. Lorinser questioned if other members thought it should go to sub-committee.

Larson stated that she has seen some merchants that have had inappropriate pictures or items. Larson stated that she had concerns over certain types of wares coming in that the City may not want to have sold.

Lorinser stated that standards should be added that do not allow illegal items to be sold. Lorinser stated that this would not look good for the City. Lorinser stated that he did not see an issue with car sales. Lorinser questioned other items such as chainsaw cuttings, blankets, trucks that sell meat.

Krause stated that they would probably be considered a transient merchant. Krause questioned the districts to be allowed.

Lorinser stated the B-2, and B-1.

Stevens questioned the zoning classification for the Arena,

Krause stated that it is zoned I-1.

Lorinser stated that B-2, B-1, and I-1 would be the most likely. Lorinser stated that performance standards for the appearance should be considered especially along 5 and 65. Lorinser questioned overnight storage.

Krause stated that staff would look into that item. Krause stated if the bank wanted to have a car sale and not have a transient merchant, the bank would be in the same situation. Krause questioned if the City wanted to allow businesses to have sales of items that technically they do not sell or are not associated with their business. Krause stated that currently, the ordinance allows general retail establishments to have outdoor sales events through the Administrative Permit process. Krause stated that in these instances the stores are selling outside, items that they currently sell. Krause stated that this would not be the case for Minnco. Krause stated that once the ordinance is amended to allow for one person to do this, the ordinance then opens that opportunity up to others as well.

Lorinser stated that this could open up the City for a lot of things.

Stevens stated that if the bank hires a transient merchant, a third party is involved and that raises issues or problems as well.

Lorinser stated that he has concerns about allowing every business in town the opportunity to sell whatever they want in the parking lot.

Stevens stated that he would like to see some drafts brought back to the commission. Stevens stated that the Planning Commission has presented some ideas and issues. Stevens stated that he would like to see some examples and for staff to provide documentation that states, if we do this, then this could happen.

Krause stated that she will work on some drafts and bring those back for further discussion at the next meeting.

F. Amendments to Ordinance No. 445 Zoning Ordinance to clarify definitions related to commercial recreation and studios and to include instruction/learning centers.

Krause presented the staff memo and the proposed changes.

Stevens questioned if the Commission had comments or questions.

Motion by Lorinser, second by Larson to call for a public hearing on the item. The motion was unanimously approved.

5. Other Communications.

A. Upcoming Agenda Items – Isanti County Planning Commission.

Krause stated that staff wanted to make the Commission aware that the County is pursuing a text amendment for wind turbines. Krause stated that staff had not seen a draft of the ordinance. Krause stated that staff would pursue a copy.

B. Planning Commissioners Journal.

Krause stated that the Planning Commissioners Journal had also been attached for the Commission's review.

6. Adjournment

Motion by Lorinser, second by Rask to adjourn the August 11th meeting of the Planning Commission. Motion was unanimously approved.

The meeting adjourned at 8:28 p.m.

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

Respectfully Submitted,

Lisa M. Krause, AICP
City Planner