

**CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
AUGUST 11, 2015**

1. Meeting Opening.

A. Call to Order.

Duncan 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: Jeff Duncan, Steve Lundeen, Wayne Traver, Paul Bergley, and Greg Cesafsky.

Members Absent: Cindy Lind-Livingston – provided prior approval

Staff Present: Community Development Director, Roxanne Achman

Others Present: None

D. Agenda Modifications.

Achman stated there were none.

2. Approval of Minutes from July 14, 2015 Planning Commission Meeting.

Duncan questioned if there were any comments or changes on the minutes.

Motion by Lundeen second by Bergley to approve the July 14th, 2015 Planning Commission meeting minutes. Motion was unanimously approved.

3. Public Hearings.

A. Request from the City of Isanti to Amend Ordinance No. 445 Zoning, Section 17 Off-Street Parking and Loading, Section 10 Number of Required Parking Spaces.

Duncan read the item into the minutes.

Achman presented the staff memo stating that the changes discussed at last month's meeting were reflected in the attached ordinance amendment. The parking requirements for manufacturing businesses were changed from one space per 400 square feet, to one space per 500 square feet. The number of stalls per employee on the major shift remained the same. The parking requirement for warehouse and storage businesses was changed from one space per 1,000 square feet, to one space per 1,500 square feet.

Duncan opened the public hearing. There was no one to speak on the item. The public hearing was then closed.

Motion by Lundeen second by Bergley to recommend approval of the request from the City of Isanti to Amend Ordinance No. 445 Zoning, Section 17 Off-Street Parking and Loading, Section

10 Number of Required Parking Spaces based on the Findings of Fact and Conclusions. Motion carried unanimously.

B. Request from the City of Isanti to Amend Ordinance No. 445 Zoning, Section 7 Business Districts, to update the required amount of green space in the B-2 “General Business” and B-3 “Neighborhood Business” Districts.

Duncan read the item into the minutes.

Achman presented the staff memo stating that the Development and Operations Advisory Committee (DOAC) reviewed the Planning Commission’s recommendation from last month. DOAC was in agreement with the change to the B-2 district; however, they felt that the change to the B-3 district was too low at 40% required green space. DOAC recommended maintaining 50% green space as it is consistent with what is required of the R-4 High Density Residential District.

Bergley ask why the DOAC felt strongly about recommending 50% green space.

Achman stated that DOAC felt the Neighborhood Business District was a very similar use to the R-4 High Density Residential District and that there shouldn’t be such a large difference in the required amount of green space.

Duncan opened the public hearing.

Traver asked if the reason the Planning Commission recommended 40% green space in the first place was to be easier for businesses to build there.

Lundeen stated this would more business friendly instead of deterring them from being here.

Bergley stated there is not a lot of B-3 Neighborhood Business Districts in Isanti. He asked Achman to point out the B-3 locations on the wall map in the Council Chambers.

Duncan stated that the Planning Commissions thinking at the time was that the Neighborhood Business could have slightly less green space than its neighboring residential area.

The Planning Commission asked for clarification on the process should they choose to go against the recommendation of the DOAC.

Achman outlined the process.

Duncan closed the public hearing.

Traver indicated he would like to see the B-3 green space requirement reduced to 40%, especially since the few lots with that zoning designation have been sitting vacant for a long time.

Motion by Traver second by Lundeen to recommend approval of the request from the City of Isanti to Amend Ordinance No. 445 Zoning, Section 7 Business Districts, to update the required

amount of green space in the B-2 “General Business” and B-3 “Neighborhood Business” Districts based on the Findings of Fact and Conclusions with the following change:

1. The minimum green space for the B-3 “Neighborhood Business” District shall be 40%.

Motion carried unanimously.

C. Request from Property Resource Group on behalf of Isanti Holdings, LLC for Preliminary and Final Plat Approval of a Minor Subdivision of the property legally described as Outlot A, Isanti Commons, Isanti County, Isanti, Minnesota.

Duncan read the item into the minutes.

Achman presented the staff memo.

Duncan opened the public hearing.

Kristine Yerigan 27585 University Ave NE, Isanti, MN, approached the podium and asked if access to this lot would come off of State Highway 65.

Achman stated that the only access to this lot from Highway 65 is already in place, and that is through Broadway Boulevard SE. The other access point will be from Heritage Boulevard through 6th Avenue NE.

Yerigan asked if any portion of the development will affect her property on the east side of 6th Ave NE.

Achman stated it would not. All of 6th Ave NE and 6th Ave SE had been deeded to the city at the time of the original plat and all infrastructure and utilities are in place.

Yerigan asked how many lots were going to be created with the plat.

Achman stated there will be one lot.

Yerigan asked if there was any other information that she should know about.

Achman stated that property owners within 350 feet of the development will be notified if and when further development occurs on this lot.

Duane Halverson 2301 80th St E, Hugo, MN, asked what the rational was for doing what the city is doing. Is it to enhance value of the property or attract business to come in?

Achman explained the property owner is the one who requested to plat this lot, not the City. The property owner is preparing for future development, which we suspect will occur soon.

Halverson asked if there were specifics on the development.

Achman indicated that she is not at liberty to discuss the development specifics at this time as there has not been a site plan application submitted.

Lundeen clarified that businesses will come in and discuss projects with staff and it's not privy to the public or even the City Council. The parties request this in case the project moves along differently or doesn't happen.

Halverson asked if they would be finding out the plans soon.

Achman stated she hope that plans will be brought forward soon.

Bergley reiterated that when a plan is submitted, property owners within 350 feet will be notified.

Yerigan asked if there would be any other special assessments to her property due to this development.

Achman stated there would not be.

Duncan closed the public hearing.

Achman stated she would like to add one more condition to the plat and that's to include a name change to the portion of 6th Avenue SE that is contained within the plat.

Motion by Lundeen second by Bergley to recommend approval of the request from Property Resource Group on behalf of Isanti Holdings, LLC for Preliminary and Final Plat Approval of a Minor Subdivision of the property legally described as Outlot A, Isanti Commons, Isanti County, Isanti, Minnesota based on the Findings of Fact and Conclusions with the added condition of changing the name of 6th Ave SE. Motion carried unanimously.

D. Request from Property Resource Group on behalf of Isanti Holdings, LLC for approval of a Conditional Use Permit to grade in excess of 25 cubic yards of dirt on the property legally described as Outlot A, Isanti Commons, Isanti County, Isanti, Minnesota.

Duncan read the item into the minutes.

Achman presented the staff memo.

Duncan opened the public hearing.

Bergley asked for clarification on the movement of 25 cubic yards of dirt and whether that meant dirt was being hauled in or out.

Achman stated that it was movement of dirt no matter if it's being hauled in, out or just being pushed around.

Duncan closed the public hearing.

Motion by Lundeen second by Bergley to recommend approval of the request from Property Resource Group on behalf of Isanti Holdings, LLC for approval of a Conditional Use Permit to grade in excess of 25 cubic yards of dirt on the property legally described as Outlot A, Isanti

Commons, Isanti County, Isanti, Minnesota based on the Findings of Fact and Conclusions.
Motion carried unanimously.

4. Other Business.

None

5. Discussion Items.

A. Addition of Requirement for Current Food Establishment License as part of the Conditional Use Permit Required for Restaurants.

Duncan read the item into the minutes.

Achman presented the staff memo stating that any changes made to the conditional use permit requirements would only affect new businesses, not existing ones.

Duncan asked if food establishment licenses can be revoked by the state throughout the year.

Achman stated that they can. Achman further explained that the City only requests a current license when the restaurant first opens. After that it is up to the state to perform the inspections and ensure the business has a current license. However, it's apparent that there are businesses operating without current licenses in which the state is tasked with inspecting.

Duncan stated any new language that is added should include providing a copy of the license and maintaining a current license.

Bergley asked if it was the states fault or the restaurants fault that the license was expired. Bergley stated that his reason for asking is because he runs a health care facility that is subject to annual state inspections, yet inspections only occurred every four years. He questioned whether the state falls behind on inspections causing some restaurants to have expired licenses.

Achman stated she did not have an answer to that but could look into it. She also stated that the City Attorney and League of Minnesota Cities Attorney agreed that it would be possible to add the stipulation of holding a current food establishment license to the conditional use permit for restaurants. Achman indicated that another way to ensure food establishment licenses are submitted to the city and current would be to establish business licenses and make food licenses part of that. However, that would be a process that the City may not be ready to move forward with at this time.

Traver stated that before any changes are made to the conditional use requirements, staff should find out how often the state does inspections and what their procedure is. Then the language can be tweaked.

Achman stated there are other cities that require current licenses be submitted annually, however, these cities also have an in-house public health inspector.

Discussion ensued about experiences with state inspections.

Bergley stated he would like to know what happens to these restaurants when the state inspector falls behind. Are they given leeway?

Achman indicated she would look into the matter and bring it back to the Planning Commission next month.

B. Fence Setback Exceptions

Duncan introduced item 5.B.

Achman outlined the staff memo indicating that the map associated with the memo would be beneficial to look at while reviewing this item. Achman described how a recent variance request did not meet all the criteria and thus was denied. However, staff felt that it may be possible to amend code for a property placed in the situation which is described in the memo. Staff is looking for direction on whether an amendment to code is something they are interested in or not and what that language may be.

Lundeen stated this question has come up more than once and he didn't see a problem with allowing the fence to be located in line with the neighbors, which is roughly on the property line of the street side of the corner lot so long as it's not in the vision clearance triangle. It's going to look more appealing if the fences match. Lundeen indicated he felt the city was hurting itself by not providing leeway on something like this.

Achman stated that staff agreed the fence would be more appealing if it was lined up, however, code does not provide for allowing a fence in that location and it doesn't meet the criteria for granting a variance. An appropriate amendment would need to be made to code.

Duncan stated that in order to allow this fence to be installed, code would need to be amended to allow a fence to be placed along the street side right-of-way.

Traver asked how many other properties this will affect if code is amended. Will there be lots of requests to place fences along the right-of-way of street side yards?

Achman stated that there would likely be an increase of requests.

Bergley asked if the variance criteria was something that could be amended.

Achman stated that variances are outlined in Minnesota State Statutes, thus, cannot be changed.

Duncan asked if the setbacks for fences were different between residential districts.

Achman stated the setback was the same for all districts. She further indicated that she had looked into the possibility of granting exceptions to homes built prior to the adoption of the setback requirement, however, that requirement was established in 1984. Many homes in Isanti are older than 1984, so that would open up the door for a lot of properties.

Cesafsky stated that the current setback requirements would prevent the fence from being even with the house. The fence would need to be located further back than the house.

Achman stated that property owners are allowed to install a four foot chain-link fence up to the property line on street sides of corner lots.

Traver discussed how amending code could be an ongoing process if we amended it for everyone.

Achman pointed out that the fence requirements do allow for exceptions to the rules, but we need to decide on what that language is in order to add it as an exception.

Lundeen stated that the amendment should only allow for fences to be installed closer to the right-of-way if their neighbor's is an existing fence located closer than code would allow. Anyone else making that request, which does not have a prevailing fence closer to the property line, would not be permitted an exception.

Achman agreed that particular language may be what needs to be placed in code.

Bergley stated he thought code already allowed exceptions.

Duncan clarified that this exception would need to be written in to code in order to be one of the exceptions.

Duncan asked the Planning Commission if they would like to discuss this matter more at the next meeting or if staff should bring back an ordinance amendment and schedule a public hearing for the next meeting.

Lundeen stated he would like to bring this back for a public hearing so long as there appears to be no ramifications to amending the code.

Motion by Lundeen second by Bergley to bring this item forward for a public hearing at the September 8, 2015 Planning Commission meeting with the discussed changes. Motion carried unanimously.

6. Adjournment

Halvorson approached the podium to discuss property east of Lake State Federal Credit Union.

Duncan advised him to speak with staff after the meeting.

Motion by Bergley second by Lundeen to adjourn the July 14th, 2015 meeting of the Planning Commission. Motion was unanimously approved.

The meeting adjourned at 7:55 p.m.

Dated at Isanti, Minnesota this 11th day of August 2015.

Respectfully submitted,

Roxanne Achman
Community Development Director