

COON RAPIDS PLANNING COMMISSION MEETING OF DECEMBER 16, 2010

The regular agenda meeting of the Coon Rapids Planning Commission was called to order by Chairman Naeve at 6:30 p.m.

Members Present: Chairman Naeve, Commissioners Jenny Geisler, Theo Peterson, Wayne Schwartz, Chris Snell, and Julia Stevens.

Members Absent: Commissioner Margaret Murphy.

Staff Present: Community Development Director Marc Nevinski; Planner Scott Harlicker.

1. PLEDGE OF ALLEGIANCE

2. ADOPTION OF THE AGENDA

MOTION BY COMMISSIONER GEISLER, SECONDED BY COMMISSIONER SCHWARTZ, TO ADOPT THE AGENDA AS AMENDED REMOVING ITEM 4. THE MOTION PASSED UNANIMOUSLY.

3. APPROVAL OF THE NOVEMBER 18, 2010 REGULAR MINUTES

MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER GEISLER, TO APPROVE THE PLANNING COMMISSION MINUTES OF THE REGULAR MEETING OF NOVEMBER 18, 2010, AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

4. CONDITIONAL USE PERMIT

4A. PLANNING CASE 10-41 – AUREA PATTERSON – 12412 AZTEC STREET – REIKI STRESS REDUCTION AND RELAXATION – PUBLIC HEARING

This case has been withdrawn.

5. COMPREHENSIVE PLAN AMENDMENT

5A. PLANNING CASE 10-42 – CITY OF COON RAPIDS – LAND USE PLAN AMENDMENT FROM MODERATE DENSITY RESIDENTIAL – NORTH AND SOUTH SIDES OF MAIN STREET – EAST AND WEST OF SHENANDOAH BOULEVARD – PUBLIC HEARING

It was noted the City is requesting approval of a land use change from Moderate Density Residential to Low Density Residential. This land use change was a result of the updated Comprehensive Land Use Plan. In September, the City Council and Planning Commission held a joint workshop. The rezoning of this area was discussed at that workshop. Following the workshop, the direction of the Council and Commission was to move forward with changing the land use designation from Moderate Density Residential to Low Density Residential. Staff recommends approval of the zone change.

Chairman Naeve opened the public hearing at 6:35 p.m.

Marlin Henning, 2030 127th Avenue NW, questioned if there were any plans for these parcels. Planner Harlicker stated the City has no development plans and the land use change was being completed to align the zoning with the comprehensive land use.

Martin Rossing, 1930 127th Circle, questioned if the new drainage pond would be altered by this land use change. Chairman Naeve indicated the County had an easement for this pond and it would not be changed through the land use change.

Chairman Naeve closed the public hearing at 6:39 p.m.

MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER SNELL, TO APPROVE PLANNING CASE 10-42, THE PROPOSED CHANGE IN THE LAND USE DESIGNATION FROM MODERATE DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL BASED ON THE FOLLOWING CONDITIONS:

1. THE PROPOSED LAND USE AMENDMENT IS COMPATIBLE WITH THE ADJACENT LAND USE DESIGNATIONS AND LAND USES.
2. THE PROPOSED LAND USE AMENDMENT WOULD NOT HAVE AN ADVERSE IMPACT ON THE ADJACENT PROPERTY.

THE MOTION PASSED UNANIMOUSLY.

This is a recommendation to the City Council that will be considered at the January 18, 2011 City Council meeting.

6. ZONE CHANGE

- 6A. **PLANNING CASE 10-43 – CITY OF COON RAPIDS – ZONE CHANGE FROM LOW DENSITY RESIDENTIAL TO MODERATE DENSITY RESIDENTIAL – NORTH SIDE OF MAIN STREET WEST OF SHENANDOAH BOULEVARD – PUBLIC HEARING**

It was noted the City is requesting approval of a zone change from Low Density Residential 2 (LDR2) to Moderate Density Residential (MDR). In September, the City Council and Planning Commission held a joint workshop. One of the issues discussed at that workshop was the rezoning of this area. Following the workshop, the direction of the Council and Commission was to move forward with changing the zoning from Low Density Residential to Moderate Density Residential. Staff recommends approval of the zone change.

Chairman Naeve opened and closed the public hearing at 6:42 p.m., as no one wished to address the Planning Commission.

MOTION BY COMMISSIONER GEISLER, SECONDED BY COMMISSIONER SCHWARTZ, TO APPROVE PLANNING CASE 10-43, THE PROPOSED ZONE CHANGE

FROM LOW DENSITY RESIDENTIAL 2 (LDR2) TO MODERATE DENSITY RESIDENTIAL (MDR) BASED ON THE FOLLOWING CONDITIONS:

1. THE PROPOSED REZONING TO MODERATE DENSITY RESIDENTIAL IS CONSISTENT WITH THE PROPOSED LAND USE DESIGNATION OF MODERATE DENSITY RESIDENTIAL.
2. THE PROPOSED REZONING IS COMPATIBLE WITH THE ADJACENT LAND USE DESIGNATIONS AND LAND USES.
3. THE PROPOSED REZONING TO MODERATE DENSITY RESIDENTIAL WOULD NOT HAVE AN ADVERSE IMPACT ON THE ADJACENT PROPERTIES.

THE MOTION PASSED UNANIMOUSLY.

This is a recommendation to the City Council that will be considered at the January 18, 2011 City Council meeting.

7. COMPREHENSIVE PLAN AMENDMENT

- 7A. PLANNING CASE 10-44 – CITY OF COON RAPIDS – LAND USE PLAN AMENDMENT FROM LOW DENSITY RESIDENTIAL TO PARK, RECREATION AND PRESERVE – 12031 PARTRIDGE STREET – PUBLIC HEARING

It was noted City is requesting approval of a land use change from Low Density Residential to Park, Recreation and Preserve for the 37 acre parcel located at 12031 Partridge Street. In September, the City Council and Planning Commission held a joint workshop. One of the issues discussed at that workshop was the rezoning of this area. Following the workshop, the direction of the Council and Commission was to move forward with changing the land use designation of the area within the 100 year floodplain from Low Density Residential to Park, Recreation and Preserve. Staff recommends approval of the land use plan amendment for the area within the 100 year flood plain.

Chairman Naeve clarified that the property surrounding the house was not included within this zone change.

Chairman Naeve opened the public hearing at 6:48 p.m.

Martin Rossing, 1930 127th Circle, questioned if development was wise near the 100 year flood plain and if the flood plain area would be affected by future development. Chairman Naeve indicated the Park, Recreation and Preserve land designation would have little to no development.

Chairman Naeve asked when the flood plain delineation was designated. Community Development Director Nevinski indicated the designation was set in the 1970's. The City was protecting the property by only proposing low density residential on a small portion of the parcel. No development plans are before the City at this time.

Gene Rogers, 12031 Partridge Street, explained the long history of his property. He indicated the City took away the legal access to his home. Mr. Rogers stated he would exercise his right to live in his home free and clear of further City actions on his property. He stated he purchased 37.5 acres from Mr. Wartman to give him proper access to his home. This 37.5 acres was now being rezoned. If this were to be developed, he would be landlocked again with no access to his property. Mr. Rogers respectfully requested that the Commission take no action that would negatively impact his property. He believed that his home was on a non-conforming lot and was worth less than \$5,000.

Chairman Naeve questioned if any rights of Mr. Rogers would be altered with this land use change. Planner Harlicker stated the land use change would not affect Mr. Rogers in any way.

Chairman Naeve closed the public hearing at 7:07 p.m.

MOTION BY COMMISSIONER SNELL, SECONDED BY COMMISSIONER SCHWARTZ, TO APPROVE PLANNING CASE 10-44, THE PROPOSED LAND USE CHANGE FROM LOW DENSITY RESIDENTIAL 2 (LDR2) TO PARK, RECREATION AND PRESERVE FOR THE PROPERTY LOCATED AT 12031 PARTRIDGE STREET, BASED ON THE FOLLOWING CONDITIONS:

1. THE PROPOSED LAND USE AMENDMENT IS COMPATIBLE WITH THE ADJACENT LAND USE DESIGNATION AND LAND USES.
2. THE PROPOSED LAND USE AMENDMENT WOULD NOT HAVE AN ADVERSE IMPACT ON THE ADJACENT PROPERTY.

Commissioner Stevens questioned if the value of the parcel would be changed through the change in land use. Planner Harlicker explained the current land use designation was low density residential. This issue was discussed with the City Assessor and the taxes are currently based on LDR. The change to conservancy might reduce the assessed value on the property but would not affect the upland area.

THE MOTION PASSED UNANIMOUSLY.

This is a recommendation to the City Council that will be considered at the January 18, 2011 City Council meeting.

8. ZONE CHANGE

- 8A. PLANNING CASE 10-45 – CITY OF COON RAPIDS – ZONE CHANGE FROM CONSERVANCY TO LOW DENSITY RESIDENTIAL – 12031 PARTRIDGE STREET – PUBLIC HEARING**

It was noted City is requesting approval of a zone change from Conservancy to Low Density Residential 2 (LDR2) for the upland property located at 12031 Partridge Street. In September, the City Council and Planning Commission held a joint workshop. This issue was discussed at

that workshop. Following the workshop, the direction of the Council and Commission was to move forward with changing the zoning of the area outside the 100 year floodplain from Conservancy to Low Density Residential 2.

Chairman Naeve opened the public hearing at 7:10 p.m.

Gene Rogers, 12031 Partridge Street, indicated he has been paying property taxes on the 37.5 acre parcel for years and requested the change from conservancy to Low Density Residential 2 be denied as this would raise his taxes.

Chairman Naeve closed the public hearing at 7:12 p.m.

MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER GEISLER, TO APPROVE PLANNING CASE 10-45, THE PROPOSED ZONE CHANGE FROM CONSERVANCY TO LOW DENSITY RESIDENTIAL 2 (LDR2) FOR THE PROPERTY LOCATED AT 12031 PARTRIDGE STREET, BASED ON THE FOLLOWING FINDINGS:

1. THE PROPOSED REZONING TO LOW DENSITY RESIDENTIAL 2 IS CONSISTENT WITH THE LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL.
2. THE PROPOSED REZONING IS COMPATIBLE WITH THE ADJACENT LAND USE DESIGNATION AND LAND USES.
3. THE PROPOSED REZONING TO LOW DENSITY RESIDENTIAL 2 WOULD NOT HAVE AN ADVERSE IMPACT ON THE ADJACENT PROPERTIES.

Chairman Naeve felt the LDR2 zoning was a great compromise for the upland to allow for future low density development.

Commissioner Geisler agreed indicating if this portion of land were sold, access to this site would be a concern.

THE MOTION PASSED UNANIMOUSLY.

This is a recommendation to the City Council that will be considered at the January 18, 2011 City Council meeting.

9. ZONE CHANGE

- 9A. PLANNING CASE 10-47 – CITY OF COON RAPIDS – ZONE CHANGE FROM LOW DENSITY RESIDENTIAL TO CONSERVANCY – 2245-2355 MAIN STREET – PUBLIC HEARING

It was noted City is requesting approval of a zone change from Low Density Residential 2 to Conservancy for the property located at 2245-2355 Main Street.

Chairman Naeve opened the public hearing at 7:16 p.m..

Laura Burley, 2285 Main Street, questioned how her property would be affected through this zone change. Chairman Naeve indicated her home would be a non-conforming use. The homeowners would not be allowed to add on to the home, but any damage could be replaced or repaired.

Ms. Burley felt this would greatly restrict the ability to sell these properties and objected to the rezoning. She questioned if the City was going to be purchasing these properties if and when they became available. Community Development Director Nevinski stated this could be discussed in the future.

Kathy Burland, 2309 Main Street, expressed concern with the rezoning. She felt the property owners would still stand to lose with market values down at this time. Ms. Burland stated she was in favor of the properties remaining low density residential. Community Development Director Nevinski indicated the City was not in a position to purchase property but the rezoning would position the City for action in the future.

Ms. Burland questioned what further action would be taken on this issue. Chairman Naeve stated the City Council would take action on this item further on January 18, 2011.

Martin Rossing, 1930 127th Circle, expressed concern about the rezoning and how the property owners would be impacted.

Tay Kerby, 8450 East River Road, Mounds View, questioned what brought about the rezoning as there was parkland in close proximity. Chairman Naeve indicated the area was compared with the Comprehensive Plan and the land use fit well with Conservancy.

John Keenan, 2167 126th Avenue, indicated the rezoning to Conservancy would lower the property value. He felt this was unfair to the current homeowners.

Rita Heightman, 12552 Thrush Street, questioned the plan for the property west of her home that was unoccupied. She asked if the City intended to purchase this parcel. Community Development Director Nevinski indicated the City did discuss purchasing this parcel last year for park land, but a final decision has not been made.

Chairman Naeve closed the public hearing at 7:35 p.m..

Commissioner Geisler explained the Comprehensive Plan was a visionary plan used by the City for the next 30 years. She indicated the zoning for each parcel in the City must match the land use designation within the Comprehensive Plan. The rezoning of this parcel was a housekeeping issue as the vision for this property would be Conservancy, given the fact the site had no sewer and water.

Commissioner Schwartz questioned how many of the lots were currently occupied. Planner Harlicker noted three of the lots were occupied.

Commissioner Schwartz felt it was not necessary to rezone these lots to Conservancy as it would greatly affect the homeowners and restrict their ability to improve their home.

Commissioner Peterson asked if there was a timeline to bring the zoning into compliance with the Comprehensive Plan. Community Development Director Nevinski indicated the City was running out of time as the plan was formally adopted in late 2009. He explained the non-conforming use law had been expanded and was more generous than in previous years. Staff felt it was appropriate to think long-term and follow the vision within the Comprehensive Plan.

Commissioner Stevens questioned if Council could take action on this item if the Commission were to recommend waiting on the rezoning. Community Development Director Nevinski indicated the Council would consider the Commission's recommendation but would have the final decision.

Chairman Naeve stated the impact of this recommendation would zone the land to Conservancy. She understood that non-conforming uses have become more flexible and did not feel the City was creating a hardship. She did not recommend putting off the decision to a future date.

Commissioner Snell questioned how long the property owners had lived in their homes. The owners stated they have lived in their homes for 17 and 18 years. Commissioner Snell indicated he had a very difficult time telling someone they could not add on to their home after living in it for 18 years. He would not be supporting this rezoning.

Commissioner Geisler indicated she would support the rezoning as submitted.

Chairman Naeve explained if the rezoning was not approved, the Comprehensive Plan would have to be amended and single family residential did not belong next to a four lane highway.

Commissioner Geisler agreed stating the greater good for the City was the focus with this rezoning.

Chairman Naeve proposed this issue be discussed further at a work session to discuss the zoning options in greater detail. The Commission was in favor of postponing the item for further discussion.

Commissioner Geisler explained she was willing to discuss this further in a workshop but indicated her feelings would not change.

MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER PETERSON, TO POSTPONE PLANNING CASE 10-47, TO ALLOW THE COMMISSION TO DISCUSS THE ZONING AND COMPREHENSIVE LAND USE ON THIS ITEM FURTHER AT A FUTURE WORK SESSION MEETING. THE MOTION PASSED (GEISLER OPPOSED).

10. COMPREHENSIVE PLAN AMENDMENT

- 10A. PLANNING CASE 10-48 – CITY OF COON RAPIDS – LAND USE PLAN AMENDMENT FROM MODERATE DENSITY RESIDENTIAL TO OFFICE – 3990 MAIN STREET – PUBLIC HEARING

It was noted City is requesting approval of a land use change from Moderate Density Residential to Office for the property located at 3990 Main Street. There were no redevelopment plans at this time.

Chairman Naeve opened and closed the public hearing at 7:56 p.m., as no one wished to address the Planning Commission.

MOTION BY COMMISSIONER GEISLER, SECONDED BY COMMISSIONER STEVENS, TO APPROVE PLANNING CASE 10-48, THE PROPOSED LAND USE CHANGE FROM MODERATE DENSITY RESIDENTIAL TO OFFICE FOR THE PROPERTY LOCATED AT 3990 MAIN STREET, BASED ON THE FOLLOWING FINDINGS:

1. THE PROPOSED LAND USE CHANGE TO OFFICE IS CONSISTENT WITH THE CURRENT ZONING OF OFFICE.
2. THE PROPOSED LAND USE CHANGE IS COMPATIBLE WITH THE ADJACENT LAND USE DESIGNATIONS AND LAND USES.
3. THE PROPOSED LAND USE CHANGE TO OFFICE WOULD NOT HAVE AN ADVERSE IMPACT ON THE ADJACENT PROPERTIES.

THE MOTION PASSED UNANIMOUSLY.

This is a recommendation to the City Council that will be considered at the January 18, 2011 City Council meeting.

11. PORT MASTER PLAN

11A. PLANNING CASE 10-23 – FINAL PORT MASTER PLAN FOR PORT WELLNESS

It was noted the Planning Commission was being asked to consider the final Port Master Plan for Port Wellness. The only change was made to the bowling alley property and it would not be rezoned to Port at this time. In the future this property could become Port.

MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER SNELL, TO APPROVE PLANNING CASE 10-23, THE FINAL PORT MASTER PLAN FOR PORT WELLNESS. THE MOTION PASSED UNANIMOUSLY.

This is a recommendation to the City Council that will be considered at the January 18, 2011 City Council meeting.

12. COMPREHENSIVE PLAN AMENDMENT

12A. PLANNING CASE 10-46 – TEXT AND MAP AMENDMENT ADOPTING THE PORT WELLNESS MASTER PLAN – PUBLIC HEARING

It was noted Planning Commission is requested to consider an amendment to the Comprehensive Plan to adopt a Port Master Plan for Port Wellness.

Chairman Naeve opened and closed the public hearing at 8:00 p.m., as no one wished to address the Planning Commission.

MOTION BY COMMISSIONER SNELL, SECONDED BY COMMISSIONER SCHWARTZ, TO APPROVE PLANNING CASE 10-46, THE AMENDMENTS TO CHAPTER 2 AND MAP L-5 OF THE COMPREHENSIVE PLAN INCORPORATING FUTURE LAND USES ESTABLISHED BY THE PORT WELLNESS MASTER PLAN. THE MOTION PASSED UNANIMOUSLY.

This is a recommendation to the City Council that will be considered at the January 18, 2011 City Council meeting.

13. OTHER BUSINESS

Chairman Naeve recommended the Commissioners review the Planning information and speak with staff if any items should be discussed further at a future work session meeting.

14. TENTATIVE JANUARY 2011 AGENDA

Commissioner Schwartz questioned if there would be a January meeting. Planner Harlicker indicated there were no items on the agenda at this time.

MOTION BY COMMISSIONER GEISLER, SECONDED BY COMMISSIONER SCHWARTZ, TO CANCEL THE JANUARY 2011 PLANNING COMMISSION MEETING. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER SNELL, TO ADJOURN THE MEETING AT 8:03 P.M. THE MOTION PASSED UNANIMOUSLY.

Recorded and Transcribed by,
Heidi Guenther
Planning Commission Recording Secretary