

APPROVED

COON RAPIDS PLANNING COMMISSION MEETING OF FEBRUARY 17, 2011

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 Margaret Murphy, Wayne Schwartz, and Julia Stevens.

Members Absent: Commissioners Chris Snell, Theo Peterson and Jenny Geisler.

Staff Present: Community Development Director Marc Nevinski and Assistant City Attorney Doug Johnson.

1. PLEDGE OF ALLEGIANCE

2. ADOPTION OF THE AGENDA

MOTION BY COMMISSIONER MURPHY, SECONDED BY COMMISSIONER STEVENS, TO ADOPT THE AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

3. APPROVAL OF THE DECEMBER 16, 2010 REGULAR MINUTES AND JANUARY 20, 2011 WORKSHOP

MOTION BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER STEVENS, TO APPROVE THE PLANNING COMMISSION MINUTES OF THE REGULAR MEETING OF DECEMBER 16, 2010, AS PRESENTED. THE MOTION PASSED (MURPHY ABSTAINED).

MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER SCHWARTZ, TO APPROVE THE PLANNING COMMISSION MINUTES OF THE WORKSHOP MEETING OF JANUARY 20, 2011, AS PRESENTED. THE MOTION PASSED (MURPHY ABSTAINED).

4. 2010 PLANNING COMMISSION BUSINESS ITEMS
- A. CONSIDER ADOPTION OF THE 2011 RULES OF ORDER, INTERNAL PROCEDURES AND POLICES, AND CODE OF ETHICS
 - B. SELECT A VICE CHAIR

Staff reviewed the 2011 Rules of Order, Internal Procedures and Policies along with the Code of Ethics with the Commission.

MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER SCHWARTZ, TO APPROVE THE 2011 RULES OF ORDER, INTERNAL PROCEDURES AND POLICES, AND THE CODE OF ETHICS. THE MOTION PASSED UNANIMOUSLY.

Commissioner Murphy recommended Jenny Geisler serve as the Vice Chair of the Planning Commission.

MOTION BY COMMISSIONER MURPHY, SECONDED BY COMMISSIONER STEVENS, TO ELECT JENNY GEISLER TO SERVE AS THE VICE CHAIR OF THE PLANNING COMMISSION FOR 2011. THE MOTION PASSED UNANIMOUSLY.

5. ZONE CHANGE

- 5A. PLANNING CASE 10-47 – CITY OF COON RAPIDS – ZONE CHANGE FROM LOW DENSITY RESIDENTIAL TO CONSERVANCY – 2245-2355 MAIN STREET – CONTINUED FROM DECEMBER 16, 2010

Staff recommended this item be postponed to the March 17, 2011 Planning Commission meeting.

MOTION BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER STEVENS, TO POSTPONE ACTION ON PLANNING CASE 10-47 TO THE MARCH 17, 2011 PLANNING COMMISSION MEETING. THE MOTION PASSED UNANIMOUSLY.

6. CONDITIONAL USE PERMIT

- 6A. PLANNING CASE 11-01 – ARROW SPRINKLER, INC. – 3050 COON RAPIDS BOULEVARD – SERVICE BUSINESS – PUBLIC HEARING

It was noted the applicant is requesting approval a conditional use permit for Arrow Sprinkler, Inc. for a service business. The applicant will be leasing space in an existing multi-tenant building. The site is located in PORT Campus Square. Staff recommends denying the proposed conditional use permit as the proposed use does not meet the definition of service business as defined within City Code.

Chairman Naeve opened and closed the public hearing at 6:36 p.m., as no one wished to address the Planning Commission.

Commissioner Stevens questioned if offices were placed within the site if the conditional use permit could then be approved. Community Development Director Nevinski stated an office/warehouse use would be allowed in the overlay district.

MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER MURPHY, TO DENY PLANNING CASE 11-01, THE PROPOSED CONDITIONAL USE PERMIT, BASED ON THE FOLLOWING RATIONALE:

1. THE PROPOSED USE, WAREHOUSE AND STORAGE, DOES NOT MEET THE DEFINITION OF SERVICE BUSINESSES/OFFICE-WAREHOUSES (CONTRACTOR, PAINTER, ETC.) FOUND IN SECTION 11-2803(1), WAREHOUSES AND STORAGE SPACE IS NOT AN ALLOWED USE IN PORT CAMPUS SQUARE.

THE MOTION PASSED UNANIMOUSLY.

This is a decision made by the Planning Commission and shall stand unless appealed to the City Council within ten days after notification of the decision.

7. COMPREHENSIVE PLAN AMENDMENT

7A. PLANNING CASE 11-02 – CITY OF COON RAPIDS – LAND USE PLAN AMENDMENT FROM INDUSTRIAL AND OFFICE TO INDUSTRIAL AND COMMUNITY COMMERCIAL – SPRINGBROOK DRIVE AND 87TH AVENUE – PUBLIC HEARING

It was noted the City is requesting approval of a Comprehensive Land Use Plan Amendment from Industrial and Office to Industrial and Community Commercial at Springbrook Drive and 87th Avenue.

Chairman Naeve opened and closed the public hearing at 6:41 p.m., as no one wished to address the Planning Commission.

Chairman Naeve questioned if the Utility parcel should be added into the motion. Staff indicated this would be beneficial.

MOTION BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER MURPHY, TO APPROVE PLANNING CASE 11-02, THE PROPOSED COMPREHENSIVE LAND USE PLAN AMENDMENT FROM INDUSTRIAL AND OFFICE TO INDUSTRIAL, UTILITY AND COMMUNITY COMMERCIAL BASED ON THE FOLLOWING FINDINGS:

1. THE PROPOSED COMPREHENSIVE LAND USE AMENDMENT IS COMPATIBLE WITH THE ADJACENT COMPREHENSIVE LAND USE DESIGNATIONS AND LAND USES.
2. THE PROPOSED COMPREHENSIVE LAND USE AMENDMENT WILL NOT HAVE AN ADVERSE IMPACT ON THE ADJACENT PROPERTIES.
3. THE PROPOSED COMPREHENSIVE LAND USE AMENDMENT IS CONSISTENT WITH THE PROPOSED REZONING.

THE MOTION PASSED UNANIMOUSLY.

This is a recommendation to the City Council that will be considered at the April 1, 2011 City Council meeting.

8. ZONE CHANGE

8A. PLANNING CASE 11-05 – ZONE CHANGE FROM COMMUNITY COMMERCIAL TO INDUSTRIAL – SPRINGBROOK DRIVE AND 87TH AVENUE - PUBLIC HEARING

It was noted City is requesting approval Zone Change from Community Commercial to Industrial for the property located at Springbrook Drive and 87th Avenue.

Chairman Naeve opened and closed the public hearing at 6:45 p.m., as no one wished to address the Planning Commission.

MOTION BY COMMISSIONER MURPHY, SECONDED BY COMMISSIONER SCHWARTZ, TO APPROVE PLANNING CASE 11-05, THE PROPOSED ZONE CHANGE FROM COMMUNITY COMMERCIAL TO INDUSTRIAL BASED ON THE FOLLOWING FINDINGS:

1. THE PROPOSED REZONING IS CONSISTENT WITH THE PROPOSED COMPREHENSIVE LAND USE DESIGNATION OF INDUSTRIAL AND COMMUNITY COMMERCIAL.
2. THE PROPOSED ZONE CHANGE IS COMPATIBLE WITH THE ADJACENT ZONING AND LAND USES.
3. THE PROPOSED ZONE CHANGE WILL 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 March 1, 2011 City Council meeting.

9. COMPREHENSIVE PLAN AMENDMENT

9A. PLANNING CASE 11-03 – CITY OF COON RAPIDS – LAND USE PLAN AMENDMENT FROM HIGH DENSITY RESIDENTIAL TO OFFICE – 3531 COON RAPIDS BOULEVARD – PUBLIC HEARING

It was noted City is requesting approval of a Comprehensive Land Use Plan Amendment from High Density Residential to Office for the property located at 3531 Coon Rapids Boulevard.

Chairman Naeve opened the public hearing at 6:50 p.m.

Chairman Naeve read for the record a letter for the record that the City received from Mike Pederson, the owner of the property. She noted Mr. Pederson purchased the property in December of 2010 and opposed the land use change.

Chairman Naeve closed the public hearing at 6:51 p.m.

MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER MURPHY, TO APPROVE PLANNING CASE 11-03, THE PROPOSED COMPREHENSIVE LAND USE PLAN AMENDMENT FROM GENERAL COMMERCIAL TO OFFICE BASED ON THE FOLLOWING FINDINGS:

1. THE PROPOSED COMPREHENSIVE LAND USE AMENDMENT IS COMPATIBLE WITH THE ADJACENT COMPREHENSIVE LAND USE DESIGNATIONS AND LAND USES.
2. THE PROPOSED COMPREHENSIVE LAND USE AMENDMENT WILL NOT HAVE AN ADVERSE IMPACT ON THE ADJACENT PROPERTIES.
3. THE PROPOSED COMPREHENSIVE LAND USE AMENDMENT IS CONSISTENT WITH THE PROPOSED REZONING TO OFFICE.

Chairman Naeve was in favor of rezoning the space Office.

Commissioner Murphy agreed, stating the current business could continue through this zoning.

Commissioner Schwartz questioned if there was a residential home on this parcel. Community Development Director Nevinski stated there was a home on the site, but was uncertain if it was used as a home or for the business.

THE MOTION PASSED UNANIMOUSLY.

This is a recommendation to the City Council that will be considered at the April 1, 2011 City Council meeting.

10. ZONE CHANGE

10A. PLANNING CASE 11-06 – CITY OF COON RAPIDS – ZONE CHANGE FROM GENERAL COMMERCIAL TO OFFICE – 3531 COON RAPIDS BOULEVARD – PUBLIC HEARING

It was noted City is requesting approval of a rezoning from General Commercial to Office for the property located at 3531 Coon Rapids Boulevard.

Chairman Naeve opened and closed the public hearing at 6:55 p.m., as no one wished to address the Planning Commission.

Chairman Naeve again noted a letter was received from the property owner opposing the zone change.

Commissioner Schwartz questioned if the existing business would be a conforming use with the zone change. Community Development Director Nevinski stated the retail sales on the site would be allowed under the Office designation, but the residential home would be a concern, along with the greenhouses. Those uses would be allowed to continue as long as the operation continues. The use would not be allowed to be expanded.

Commissioner Stevens asked if the home could be inhabited. Community Development Director Nevinski explained if the home was not inhabited now, it could not be used later. It would have to remain at its current use.

Chairman Naeve did not see this site becoming a functional greenhouse along Coon Rapids Boulevard.

MOTION BY COMMISSIONER MURPHY, SECONDED BY COMMISSIONER STEVENS, TO APPROVE PLANNING CASE 11-06, THE PROPOSED ZONE CHANGE FROM GENERAL COMMERCIAL TO OFFICE BASED ON THE FOLLOWING FINDINGS:

1. THE PROPOSED REZONING IS CONSISTENT WITH THE PROPOSED COMPREHENSIVE LAND USE DESIGNATION OF OFFICE.
2. THE PROPOSED ZONE CHANGE IS COMPATIBLE WITH THE ADJACENT ZONING AND LAND USES.
3. THE PROPOSED ZONE CHANGE WILL 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 March 1, 2011 City Council meeting.

11. CODE CHANGE

11A. PLANNING CASE 11-04 – CITY OF COON RAPIDS – CODE CHANGE TO ALLOW EXPANSION OF NONCONFORMING SINGLE FAMILY HOMES – PUBLIC HEARING

It was noted City is proposing an Ordinance amendment to amend Section 11-2302, Nonconforming Uses that allows the expansion to nonconforming single family homes. Staff reviewed the proposed code amendment in detail with the Commission. Through the proposed code change, expansions would require a conditional use permit. Staff requested the Commission discuss this issue, and provide Staff with comments and feedback.

Chairman Naeve opened the public hearing at 7:06 p.m.

Laura Lee Berle, 2285 Main Street, questioned if the Park Commission had discussed this issue. Community Development Director Nevinski stated the Park Commission did not add the parcels off of Main Street to the park system.

Ms. Berle asked if a deck or garage expansion would require a conditional use permit if the code were to change. Chairman Naeve indicated the conditional use permit process would allow the City to review future requests to assure that future decks and garages meet the City's building and zoning requirements. These hearings allow the Commission to review the impacts of such expansions.

Ms. Berle noted concern with the fact that the rezoning of her property from residential to Conservancy has increased her property value. In the end this would affect the resale value to the City.

Kathy Burland, 2309 Main Street, expressed frustration with the City's action to rezone her property and questioned when the rezoning of her property would be discussed. Chairman Naeve recommended Ms. Burland attend the Planning Commission meeting on March 17th.

Ms. Berle thanked the Commission for being willing to work with the residents on the non-conforming use expansion process. She recommended that the conditional use permit process somehow be streamlined.

Chairman Naeve closed the public hearing at 7:15 p.m.

Commissioner Stevens questioned how the City came up with the 15% expansion space recommendation. Community Development Director Nevinski stated 15% was a number determined by Staff, but if the Commission was in favor of 10% or 20% this could be further discussed.

Commissioner Stevens asked why properties within the Port were not included in the proposed expansions. Community Development Director Nevinski indicated the Ports were designated redevelopment areas with clear zoning guidelines. These areas are to remain constant.

Assistant City Attorney Johnson clarified that homeowners would not be required to obtain a conditional use permit for a deck or garage under the proposed Ordinance amendment. He added that the code read, decks could be expanded or added. He further reviewed the conditional use permit process noting this process would allow the public some input on what is being proposed.

Community Development Director Nevinski indicated the conditional use permit would allow the City an additional level of review to assure that the expansion coincided with the City's current zoning and building codes.

Chairman Naeve questioned if a time limit for expansion should be set within the Ordinance amendment.

Commissioner Schwartz did not feel a time limit was necessary. He added that he would be more comfortable with a 20% expansion rate. In addition he did not want garage and deck expansions to require a conditional use permit. Under Section 2(b)(1), he requested this section read, attached and detached garages and accessory structures may be constructed or expanded.

Commissioner Stevens agreed with the 20% expansion rate recommendation.

Commissioner Murphy indicated her home has been non-conforming for the past 30 years. She agreed there being no time limit within the Ordinance amendment.

Chairman Naeve noted the sunset clause would give the current owners timeframe for implementation. She suggested a timeframe be set to coincide with the 2030 Comprehensive Plan.

Commissioner Schwartz explained this issue would still exist in 2030 and would not have resolved itself by that year.

Commissioner Murphy suggested a conditional use permit only be necessary for changes to the main structure.

Commissioner Stevens agreed.

MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER SCHWARTZ, TO APPROVE PLANNING CASE 11-04, THE PROPOSED ORDINANCE AMENDMENT TO AMEND SECTION 11-2302(2) NONCONFORMING USES TO ALLOW EXPANSION OF NONCONFORMING SINGLE FAMILY HOMES, CHANGING THE ALLOWABLE EXPANSION PERCENTAGE FROM 15% TO 20% IN SECTION 2(A)(2) AND REMOVING THE NEED FOR A CONDITIONAL USE PERMIT IN SECTION 2(B)(1 AND 2), WITH PARALLEL LANGUAGE BETWEEN THOSE TWO ITEMS. THE MOTION PASSED UNANIMOUSLY.

This is a recommendation to the City Council that will be considered at the March 1, 2011 City Council meeting.

12. 2010 PLANNING COMMISSION ANNUAL REPORT

Staff reviewed the 2010 Planning Commission Annual Report with the Commission in detail.

Commissioner Stevens thanked staff for combining and presenting this information to the Commission.

MOTION BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER STEVENS, TO ACCEPT THE 2010 PLANNING COMMISSION ANNUAL REPORT AND TO FORWARD THE INFORMATION TO CITY COUNCIL. THE MOTION PASSED UNANIMOUSLY.

This is a recommendation to the City Council that will be considered at the March 1, 2011 City Council meeting.

13. OTHER BUSINESS

The Commission reviewed the Planning newsletter in detail.

Commissioner Schwartz noted he was interested in several of the training sessions. He was directed to speak with staff to further arrange the details.

14. TENTATIVE MARCH AGENDA

MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER MURPHY, TO CANCEL THE MARCH 2011 MEETING. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER STEVENS, TO ADJOURN THE MEETING AT 7:46 P.M. THE MOTION PASSED UNANIMOUSLY.

Recorded and Transcribed by,
Heidi Guenther
Planning Commission Recording Secretary

APPROVED