

## Approved

### COON RAPIDS PLANNING COMMISSION MEETING OF APRIL 21, 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 Jenny Geisler, Margaret Murphy, Theo Peterson, Wayne Schwartz, and Julia Stevens.

Members Absent: Commissioner Chris Snell.

Staff Present: Community Development Director Marc Nevinski; Planner Scott Harlicker; and, Assistant City Attorney Doug Johnson.

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1. PLEDGE OF ALLEGIANCE

2. ADOPTION OF THE AGENDA

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

3. APPROVAL OF THE MARCH 17, 2011 REGULAR MINUTES AND MARCH 17, 2011 WORKSHOP MINUTES

MOTION BY COMMISSIONER MURPHY, SECONDED BY COMMISSIONER SCHWARTZ, TO APPROVE THE PLANNING COMMISSION MINUTES OF THE REGULAR MEETING OF MARCH 17, 2011, AS PRESENTED. THE MOTION PASSED (STEVENS ABSTAINED).

Commissioner Schwartz requested a change under Home Occupation Permits, on the third line, the word "which" should be changed to "with."

MOTION BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER PETERSON, TO APPROVE THE PLANNING COMMISSION MINUTES OF THE WORKSHOP MEETING OF MARCH 17, 2011, AS CORRECTED. THE MOTION PASSED (STEVENS ABSTAINED).

4. ZONE CHANGE

4A. PLANNING CASE 10-47 – CITY OF COON RAPIDS – ZONE CHANGE FROM LOW DENSITY RESIDENTIAL 2 TO CONSERVANCY – 2245-2355 MAIN STREET – PUBLIC HEARING CONTINUED

It was noted the City is requesting approval of a zone change from Low Density Residential 2 to Conservancy. Staff noted an Ordinance amendment was approved by the Council in April to allow for expansions to non-conforming single family homes.

Chairman Naeve reopened and closed the public hearing at 6:37 p.m., as no one wished to address the Planning Commission.

Chairman Naeve questioned how long Bison Creek Park has been in existence. Planner Harlicker noted it had been a park in the City for some time.

Commissioner Geisler indicated she would support the proposed zone change as this was the City's long term goal for these parcels.

Commissioner Murphy agreed stating the rezoning was the right decision and aligned with the City's 2030 Comprehensive Plan.

Commissioner Schwartz requested Staff review what could be done to non-conforming structures. Planner Harlicker stated non-conforming structures could be rebuilt, maintained and improved but not expanded beyond 20% of the original square footage.

MOTION BY COMMISSIONER GEISLER, SECONDED BY COMMISSIONER STEVENS, TO APPROVE PLANNING CASE 10-47, THE PROPOSED ZONE CHANGE FROM LOW DENSITY RESIDENTIAL 2 TO CONSERVANCY BASED ON THE FOLLOWING FINDINGS:

1. THE PROPOSED REZONING TO CONSERVANCY IS CONSISTENT WITH THE LAND USE DESIGNATION OF PARK, RECREATION AND PRESERVE.
2. THE PROPOSED REZONING IS COMPATIBLE WITH THE ADJACENT LAND USE DESIGNATIONS AND LAND USES.
3. THE PROPOSED REZONING TO CONSERVANCY WOULD NOT HAVE AN ADVERSE IMPACT ON THE ADJACENT PROPERTIES.

Chairman Naeve explained that one of the charges for the Planning Commission was to review the long term land development goals. The action being taken tonight would allow the City to move towards future goals over time.

Commissioner Schwartz noted he would not be supporting the motion as he did not understand why this land was becoming Park and Conservancy property.

THE MOTION PASSED 5-1 (SCHWARTZ OPPOSED).

This is a recommendation to the City Council that will be considered at the May 3, 2011 City Council meeting.

5. COMPREHENSIVE LAND USE PLAN AMENDMENT
  - 5A. PLANNING CASE 11-13 – CITY OF COON RAPIDS – LAND USE CHANGE FROM MODERATE DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL – 9095, 9085, 9065 AND 9055 EAST RIVER ROAD – PUBLIC HEARING

It was noted the City is requesting approval of a Comprehensive Land Use Plan Amendment from Moderate Density Residential to Low Density Residential. Staff indicated Council denied the rezoning request from Low Density Residential 2 to Moderate Density Residential. Council suggested Low Density Residential as the land use designation for these parcels.

Chairman Naeve opened and closed the public hearing at 6:49 p.m., as no one wished to address the Planning Commission.

**MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER SCHWARTZ, TO APPROVE PLANNING CASE 11-13, THE PROPOSED COMPREHENSIVE LAND USE PLAN AMENDMENT 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 DESIGNATION IS CONSISTENT WITH THE CURRENT REZONING OF LOW DENSITY RESIDENTIAL 2.

Commissioner Geisler expressed concern with the Council's denial of the original recommendation as the Planning Commission held numerous public hearings regarding this site. She felt that single family residential did not belong along a major roadway. For this reason, she would not support the motion.

Commissioner Murphy agreed stating the Commission studied and discussed the proposed zoning for this site and Low Density Residential did not fit next to this busy roadway. She indicated she would not support the motion either.

Commissioner Peterson explained Moderate Density Residential was the proper zoning for this site given its adjacent uses. He would not be supporting the motion.

Chairman Naeve noted she would not support the motion either. She felt Moderate Density Residential would provide the proper buffer to the adjacent parcels.

**THE MOTION FAILED 2-4 (GEISLER, MURPHY, NAEVE AND PETERSON OPPOSED).**

**MOTION BY COMMISSIONER GEISLER, SECONDED BY COMMISSIONER MURPHY, TO DENY PLANNING CASE 11-13, THE PROPOSED COMPREHENSIVE LAND USE PLAN AMENDMENT BASED ON THE FOLLOWING FINDINGS:**

1. MODERATE DENSITY RESIDENTIAL IS A MORE APPROPRIATE USE BASED ON THE PROXIMITY OF THE INDUSTRIAL PROPERTY TO THE NORTH AND DUE TO THE FACT EAST RIVER ROAD BOUNDS THE PROPERTY.

2. COUNCIL IS REQUESTED TO REVISIT THE ZONING DESIGNATION OF THESE PARCELS TO BRING IT TO ALIGNMENT TO MODERATE DENSITY RESIDENTIAL.

Commissioner Stevens questioned if the issue would be sent back to the Planning Commission as this has been disputed already. Assistant City Attorney Johnson indicated the Council had the final say in the matter and would take the Commission's recommendation under consideration.

THE MOTION PASSED 4-2 (STEVENS AND SCHWARTZ OPPOSED).

This is a recommendation to the City Council that will be considered at the May 3, 2011 City Council meeting.

6. CONDITIONAL USE PERMIT
  - 6A. PLANNING CASE 11-12 – NORTHSTAR COMMUNITY CHURCH – OPERATE A CHURCH AT AMC SHOWPLACE THEATERS – 10051 WOODCREST DRIVE – PUBLIC HEARING

It was noted the applicant is requesting approval of a conditional use permit to operate a church. The applicant will be leasing space in the Showplace Theater building. Staff did not object to the mixing of uses as this was an off-peak time for the theater.

Chairman Naeve opened and closed the public hearing at 7:01 p.m., as no one wished to address the Planning Commission.

Chairman Naeve questioned if the church was renting various theaters or one theater. John Velsor, Pastor of Northstar Community Church, explained currently the church was using three different theaters to meet the needs of the church.

Chairman Naeve asked if Northstar Community Church would be using the theater any other days of the week. It was noted the site would only be used on Sundays.

Commissioner Stevens indicated the services at the theater were delightful, with a good mix of patrons.

MOTION BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER STEVENS, TO APPROVE PLANNING CASE 11-12, THE PROPOSED CONDITIONAL USE PERMIT, BASED ON THE FINDING THAT IT MEETS THE STANDARDS OF CITY CODE SECTION 11-316. 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. SITE PLAN REVIEW

7A. PLANNING CASE 06-39 – VILLAS ON THE BOULEVARD HOMEOWNERS ASSOCIATION – 2747 110<sup>TH</sup> AVENUE – REPLACE THE SWIMMING POOL WITH A PERGOLA AND GREEN SPACE

It was noted applicant seeks approval of a site plan revision that replaces a community building and swimming pool with a patio, pergola and landscaping. Staff reviewed the original site plan that was approved in 2006 with the community building and swimming pool. The project has been through the foreclosure process and the homeowners association was seeking a revision to the site plan to eliminate the community center and indoor pool and replace them with an outdoor amenity.

Lyle Christianson, director of the homeowners association at the Villas, indicated the hope was to get the development back on track. He indicated the holdup was the necessity of the large investment in a community building and indoor pool. The site plan revision would allow the development to proceed and was supported unanimously by the homeowners association.

Commissioner Geisler questioned if the homeowners understood that all other improvements would have to be installed as stated within the site plan. Mr. Christianson understood this recommendation.

Chairman Naeve suggested that benches be placed in the pergola area as this would serve as the homeowner's community park.

Commissioner Geisler asked if there was a timeline for the installation of all other items or amenities on the site plan. Planner Harlicker noted the applicant would have to sign a security agreement. Part of this agreement would provide a security that the items be installed and the security would not be returned until completion.

Commissioner Geisler noted she would be in favor of a play structure in this green space.

Chairman Naeve agreed with this recommendation. Mr. Christianson requested that the play area not be mandated until after the fence has been erected.

**MOTION BY COMMISSIONER GEISLER, SECONDED BY COMMISSIONER MURPHY, TO APPROVE PLANNING CASE 06-39, SITE PLAN REVISIONS THAT REPLACE THE COMMUNITY BUILDING AND POOL WITH A PATIO, PERGOLA, PLAY STRUCTURE AND LANDSCAPING WITH THE FOLLOWING CONDITIONS:**

1. A SITE SECURITY AGREEMENT SHALL BE EXECUTED BETWEEN THE APPLICANT AND THE CITY.
2. THE APPLICANT MUST INSTALL ALL IMPROVEMENTS, OTHER THAN THE COMMUNITY BUILDING AND POOL THAT WERE APPROVED AS PART OF THE ORIGINAL SITE PLAN.
3. THE OPEN SPACE IS TO BE IRRIGATED.

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.

8. CONDITIONAL USE PERMIT

8A. PLANNING CASE 11-11 – HOME OCCUPATION – MICHAEL PARKS – 236 126<sup>TH</sup> AVENUE – INTERNET AND PHONE SALES OF METAL DETECTORS – PUBLIC HEARING

It was noted applicant seeks to operate a home-based internet and phone sales business from his home at 236 126<sup>th</sup> Avenue in Coon Rapids.

Commissioner Geisler questioned the hours of operation. Planner Harlicker noted the applicant would be limited to 30 hours within the given timeframe.

Chairman Naeve opened and closed the public hearing at 7:22 p.m., as no one wished to address the Planning Commission.

Chairman Naeve asked where the demonstrations would take place. Michael Parks, 236 126<sup>th</sup> Avenue, noted he had a room in the third level of his home to review the metal detector options with a perspective buyer.

Chairman Naeve questioned how many deliveries Mr. Parks was receiving. Mr. Parks noted UPS was at his home roughly once a week.

MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER GEISLER, TO APPROVE PLANNING CASE 11-11, THE HOME OCCUPATION CONDITIONAL USE PERMIT WITH THE FOLLOWING CONDITIONS:

1. OPERATION IS LIMITED TO APPOINTMENT ONLY AND NO MORE THAN 30 HOURS PER WEEK.
2. ALL VEHICLES ASSOCIATED WITH THE HOME OCCUPATION ARE PARKED IN THE DRIVEWAY OR GARAGE.
3. COMPLIANCE WITH TITLE 11, CITY CODE OF COON RAPIDS.
4. HOURS OF OPERATION SHALL BE MONDAY THROUGH FRIDAY FROM 12:00-6:00 P.M. AND SATURDAY FROM 9:00 A.M. - 3:00 P.M.

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.

9. REGISTERED LAND SURVEY

9A. PLANNING CASE 11-9 – 21<sup>ST</sup> CENTURY BANK AND ANOKA COUNTY – MAIN STREET AND SWALLOW CIRCLE – PUBLIC HEARING

It was noted 21<sup>st</sup> Century Bank and Anoka County are proposing a Registered Land Survey that realigns a common lot line between two parcels (Outlot A, Elizabeth Court 5<sup>th</sup> Addition and 12477 Swallow Circle). Staff reviewed the realignments of the parcels and recommended approval of the proposed subdivision. He indicated the lots would require a variance to the 165 foot lot depth requirement.

Chairman Naeve opened and closed the public hearing at 7:30 p.m., as no one wished to address the Planning Commission.

Jason Rudd, EG Rudd & Sons, clarified there would be 82 feet of frontage to Parcel B once adjoined to Parcel C. He added that both lots had sewer and water.

MOTION BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER STEVENS, TO APPROVE PLANNING CASE 11-9, THE PROPOSED SUBDIVISION WITH THE FOLLOWING CONDITIONS:

1. COMPLIANCE WITH TITLE 11, CITY CODE OF COON RAPIDS.
2. PARK DEDICATION FEES IN THE AMOUNT OF \$2,000 PER LOT MUST BE PAID PRIOR TO RELEASING RLS FOR RECORDING.
3. TRACT C BE COMBINED WITH TRACT B AND TRACT D BE COMBINED WITH TRACT E.
4. ALL ANOKA COUNTY HIGHWAY DEPARTMENT COMMENTS MUST BE ADDRESSED.
5. THE COMMISSION ALSO RECOMMENDS APPROVAL OF A VARIANCE TO THE 165 FOOT LOT DEPTH REQUIREMENT. COMPLIANCE WITH THE LOT DEPTH REQUIREMENT WOULD CREATE AN UNUSUAL HARDSHIP BECAUSE BOTH ARE EXISTING LOTS WITH NO OPPORTUNITY FOR ADDITIONAL LOT DEPTH.

THE MOTION PASSED UNANIMOUSLY.

This is a recommendation to the City Council that will be considered at the May 3, 2011 City Council meeting.

10. OTHER BUSINESS

- 10A. PLANNING CASE 09-22 – DISCUSS PROPOSED CHANGES TO EXTERIOR MATERIALS – UNITED EDUCATORS CREDIT UNION – 11599 ROBINSON DRIVE

Staff noted on November 19, 2009, the Planning Commission approved a site plan for a 5,000 square foot credit union with three drive-thru lanes. The exterior of the building consisted of brick and glass, and EFIS. The elevations on the plan the Commission approved were brick and glass 85%, and EFIS 15%. The revised elevations include 70% brick and glass, and 30% EFIS. The approved plan has a metal roof; the applicant is proposing a traditional shingle roof.

EFIS is an allowed material when used as an accent material. EFIS was 15% of the approved elevations. Its use is being increased to 30% of the building. Accent material is not defined. At

15% it was considered an accent material. At 30% it is still less than 1/3 of the building; is it still an accent material.

Shawn O'Brien, HTG Architects, reviewed a sample board with the Commission. He noted the economic decline caused the revision to the proposed building materials.

Commissioner Geisler was pleased with the building exterior and supported the shingle roof over the metal roof. She did not have any concerns with the proposed building material changes.

Chairman Naeve supported the shingle roof as well. She questioned if the Commission had concern about the percentage of EFIS being used on the building. City Code states that EFIS shall be used as an accent.

Commissioner Schwartz did not object to the EFIS on this building.

Chairman Naeve noted the proposed EFIS was two separate colors which worked nicely with the building design.

Commissioner Peterson indicated the expenses of EFIS were broken up on the building and varied which flowed nicely.

Chairman Naeve asked if the Commission would be setting precedence by allowing 30% of the building to be covered with EFIS. Assistant City Attorney Johnson explained that the Commission has discussed the issue and 30% of the building was not a defined feature. He felt the Commission was not setting precedence with this case.

**MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER GEISLER, TO APPROVE PLANNING CASE 09-22, THE PROPOSED CHANGES TO THE EXTERIOR ELEVATIONS FOR THE UNITED EDUCATORS BUILDING AT 11599 ROBINSON DRIVE BASED ON THE FACT IT COMPLIES WITH CODE IN THE CASE REPORT. 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.

**10B. ACCEPT RESIGNATION OF COMMISSIONER THEO PETERSON**

Chairman Naeve noted Theo Peterson has taken a job out of state and would be leaving the City of Coon Rapids. Mr. Peterson would be resigning his position on the Planning Commission effective April 22, 2011. She thanked Mr. Peterson for his dedication to the City.

**MOTION BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER MURPHY, TO ACCEPT, WITH REGRET, THE LETTER OF RESIGNATION FROM COMMISSIONER THEO PETERSON. THE MOTION PASSED UNANIMOUSLY.**

**11. TENTATIVE MAY AGENDA**

Noted.

MOTION BY COMMISSIONER GEISLER, SECONDED BY COMMISSIONER SCHWARTZ, TO ADJOURN THE MEETING AT 7:45 P.M. THE MOTION PASSED UNANIMOUSLY.

Recorded and Transcribed by,  
Heidi Guenther  
Planning Commission Recording Secretary

APPROVED