



**CITY OF ISANTI
PLANNING COMMISSION MEETING
TUESDAY, JANUARY 12, 2016 – 7:00 p.m.
CITY HALL**

1. Meeting Opening
 - A. Call to Order
 - B. Pledge of Allegiance
 - C. Roll Call
 - D. Agenda Modifications
2. Welcomes
 - A. Welcome Council Representatives
3. Organization of Advisory Bodies as per the City Code of Ordinances Chapter 8
 - A. Oath of Office for new Planning Commission Members
 - B. Chair of Planning Commission
 - C. Vice-Chair of Planning Commission
 - D. Secretary of Planning Commission
 - E. Approve 2016 Planning Commission Meeting Dates
4. Approval of Minutes from December 8, 2015 Planning Commission Meeting
5. Public Hearings
 - A. Request from Tim Marinar for Approval of a Conditional Use Permit to operate a Motor Vehicle Sales Office and Display at the Dual Square Mall on the property located at 401 E Dual Blvd NE, Isanti, Minnesota.
 - B. 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 Lot 1, Block 1, Isanti Commons First Addition, Isanti County, Isanti, Minnesota.
 - C. Request from the City of Isanti to Amend Ordinance No. 445 Zoning, Section 2 Definitions.
6. Other Business
 - A. Request from IRET Properties for Approval of an Extension of the Conditional Use Permit approved through Resolution No. 2015-014 for the construction of a 108-unit apartment building located within the Fairway Greens Development, legally described as Outlot A, Fairway Greens Phase 5, Isanti County, Isanti, Minnesota.
7. Discussion Items.
 - A. None.
8. Adjournment

**2016 PLANNING COMMISSION MEETING
AND
APPLICATION SUBMITTAL DATES**

<u>Planning Commission Meeting Date</u>	<u>Application and Material Submittal Date</u>
January 12, 2016	December 11, 2015
February 9, 2016	January 8, 2016
March 8, 2016	February 5, 2016
April 12, 2016	March 11, 2016
May 10, 2016	April 8, 2016
June 14, 2016	May 13, 2016
July 12, 2016	June 10, 2016
August 9, 2016	July 8, 2016
September 13, 2016	August 12, 2016
October 11, 2016	September 9, 2016
November 8, 2016	October 7, 2016
December 13, 2016	November 11, 2016

**Please Note: A complete application, as determined by City staff, must be received by 4:30 p.m. on the submittal date. Failure to submit a complete application will result in a delayed review and a future meeting date.*

**CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
DECEMBER 8, 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, Paul Bergley, Steve Lundeen, Wayne Traver, Cindy Lind-Livingston, and Luke Merrill.

Members Absent: Greg Cesafsky (gave prior notice)

Staff Present: Community Development Director, Roxanne Achman

Others Present: None

D. Agenda Modifications.

Achman stated there were none.

2. Approval of Minutes from November 10, 2015 Planning Commission Meeting.

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

Motion by Bergley second by Lind-Livingston to approve the November 10th, 2015 Planning Commission meeting minutes. Motion was unanimously approved.

3. Public Hearings.

None.

4. Other Business.

A. Discussion on Car Dealerships.

Duncan read the item in to the minutes.

Achman presented the staff memo.

Duncan asked if there was a concern that a car dealer office would be any different than the other office uses listed.

Achman stated that the other office uses such as architectural office, engineering office and other similar offices generally do not have a component similar to what a car dealer office could bring in. It needs to be clear that no cars are allowed to be displayed for sale on site unless they have an approved conditional use permit. Achman further explained that brokers and wholesalers do not have on site sales and display. The Driver and Vehicle Services division has an application that must be filled out prior to a car dealer getting a license. The application specifies the

requirements for each type of car dealer. For instance, a used car dealer may not have on site sales or display, but the State requires that proof of five display stalls be available. In this case, the City would require a conditional use permit.

Traver stated he felt a registration application should be generated and filled out by anyone that wanted to operate a car dealer office. That way it's in writing what the expectations are for that particular business. With selling cars it's easy for a car to arrive and be overlooked on the site, but if more cars show up, then we have a binding document that tells them they cannot display the cars on site and were informed of that.

Duncan asked if the definition is amended and the City notices cars being displayed on site, then what action does the City take.

Achman stated the business would get a zoning violation and it would go through a similar process as nuisance violations. They would need to remove the display and if they wanted to have on site sales and display, then they would need to apply for a conditional use permit.

Duncan asked if the process would be any different if the car dealer office filled out and submitted a registration form.

Achman stated that she felt the registration form would allow staff to track the business more easily.

Merrill stated he felt the registration form would just create more administrative work.

Achman stated that the home occupation registration form was maybe a poor example of a form to use. The registration of home occupations helps track home occupations because they are generally not apparent from the outside.

Duncan stated he would lean towards simply amending the general office definition.

Lundeen indicated he agreed with Traver in that a registration form should be filled out so that the business owner signs the document knowing all the rules. He further stated that he felt when a document like that is signed, it is more binding.

Traver stated that the registration form would hold the business owner liable.

Bergley asked if staff would design a form similar to the home occupation registration form.

Achman stated she would. It would be fairly basic. The form would likely have contact information and a disclaimer about vehicle sales and display.

Lind-Livingston asked if any of the other general offices have to submit a registration form when they come in.

Achman stated they did not. The other offices listed do not tend to have a component that could create issues similar to on site vehicle displays.

Lind-Livingston stated it shouldn't cause too much extra work to fill out the form, file it, and then it's available whenever you need it.

Merrill stated complexity is easy, simplicity is difficult to achieve. Merrill felt that adding a registration form was just making more work.

Duncan stated that he would like to hear the City Attorney's input on whether the form would provide the City with additional teeth to help enforce the regulation of no vehicle display's or not. If it does, Duncan stated he would agree with it. If in the end it's not providing anything additional for enforcement, then it's just an extra burden on a general office.

Traver asked if the item should be tabled.

Duncan requested staff discuss with the City Attorney whether or not an application for the operation of a car dealer office with no on-site sales would provide more teeth in the event the cars started to show up on-site. If it did not, then Duncan suggested not moving forward with an application. In either situation, the definition of General Office should be amended to include car dealers with no on-site sales. There was consensus among the Planning Commission to bring information back to the next Planning Commission meeting.

Lind-Livingston asked if the form would be brought to the next meeting.

Achman stated she would draft a form if the City Attorney's opinion was that a form would provide additional teeth for enforcement.

B. Planning Commissioner Training.

Duncan read the item into the minutes.

Achman presented the staff memo and outlined the attachments regarding meeting order and organization.

Discussion ensued between the Planning Commission and staff about the conduct of Commissioners and their role in making decisions.

5. Other Communications.

A. Tentative 2016 Planning Commission Meeting Dates

Achman provided the Planning Commission with the tentative 2016 Planning Commission meeting dates, stating that the dates would be reviewed and approved at the January 5th, 2016 City Council meeting.

6. Adjournment

Motion by Lundeen second by Bergley to adjourn the December 8th, 2015 meeting of the Planning Commission. Motion was unanimously approved.

The meeting adjourned at 8:12 p.m.

Dated at Isanti, Minnesota this 8th day of December 2015.

Respectfully submitted,

Roxanne Achman
Community Development Director



Public Hearing

To: Planning Commission Chair
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: January 12, 2016

Subject: Request from Tim Marinan for Approval of a Conditional Use Permit to operate a Motor Vehicle Sales Office and Display at the Dual Square Mall on the property located at 401 E Dual Blvd NE, Isanti, Minnesota.

Background

Tim Marinan is the owner of South Isanti Auto Sales. Mr. Marinan is requesting to locate his vehicle sales operation at 401 E Dual Blvd NE – the Dual Square Mall. Bullseye Properties owns this property and has submitted a letter of support for such use on their property. This property is zoned “B-2” General Business District. Motor vehicle sales are permitted with the approval of a Conditional Use Permit within this district. A maximum of five vehicles will be displayed on site at any one time. The attached site plan shows the location of the display vehicles as being the five stalls facing East Dual Boulevard. This use was discussed with the Development and Operations Advisory Committee at their December 17th meeting. DOAC had no objections or major concerns of the operations of a motor vehicle sales office with vehicle display.

The specific conditions outlined in Section 13: Use Regulations are as follows (not all are applicable):

1. Services and sales are associated with a principal building with a minimum floor area of at least one thousand (1,000) square feet.
The principal building is roughly 9,250 square feet.
2. All area of the property not devoted to building, parking, or open sales lot area shall be landscaped in accordance with Section 15 of this Ordinance.
The use is part of an existing building with previous site plan approval.
3. Off-street parking and loading shall meet the requirements as stipulated within Section 17 of this Ordinance.
There are 45 parking stalls on site. The Mall requires 37 stalls (1 stall/250sf floor area). 5 stalls will be used for display, bring the total used stalls to 42.
4. All new or used vehicles parked or displayed outdoors on the property shall conform to all requirements of the State of Minnesota; shall be operable; shall include all engine, muffler, brakes, and operating parts; shall be equipped with all exterior body parts as if new (for a passenger vehicle, truck or van, this shall mean four (4) tires, all doors and windows, headlamps and grillwork, mirrors, fenders, trunk, lids, body panels and molding, etc, or if a boat, all windshields, safety railings, hulls, trailer, etc.); shall be uniformly and wholly painted; and shall be free from having any loose or damaged exterior parts.
Applicant to be made aware of this requirement.
5. All repair, assembly, disassembly or maintenance of motor vehicles or motor vehicle parts shall occur within an enclosed building.
Applicant states no on site repair, assembly, disassembly or maintenance will occur on site.
6. A detailed site plan conforming to the requirements of Section 18 of this Ordinance shall be submitted. The site plan shall also illustrate the location of all open sales and storage areas.
A site plan indicating the location of the display vehicles has been submitted and is attached.

7. No outside speaker system shall be permitted without the approval from the City Council.
Applicant to be made aware of this requirement.
8. A landscaped buffer shall be provided, if the use abuts any residential zoning district. Solid screening to a minimum height of six (6) feet shall be provided along any portion of the open sales lot abutting a residential property or district. Such screening shall consist of a continuous landscape berm, solid wood fence, wall, or other comparable material. Fencing shall be constructed of wood or comparable material and should be of an ornamental or decorative design. If a chain link or wood fence is used, landscaping shall be provided on the outside of the fence facing the abutting residential property or district.
Not applicable.

Staff Recommendation:

Staff recommends approval of the Conditional Use Permit subject to the conditions outlined in Sections 13 and 21 of Zoning Ordinance No. 445.

Comprehensive Plan

The 2008 Comprehensive Plan has the area guided for General Commercial Development. The existing uses and the proposed use would appear to meet purpose, goals, and objectives of this land use classification.

Zoning

The property is zoned "B-2" General Business District. Motor Vehicle Sales are listed as a Conditional Use within the "B-2" District. The petitioner is subject to the application requirements, procedure, and performance standards as outlined within Section 21 Administration, Article 2 Conditional Use Permits and Section 13 Use Regulations, Subdivision 12 of Ordinance No. 445: Zoning.

Zoning Ordinance Provisions

The property is zoned "B-2" General Business District. It is the intent of this zoning district to promote the development of commercial uses which are predominately auto-oriented in nature. The district caters to highway-oriented businesses as well as businesses that provide basic shopping and service needs for the community. Compatibility with adjacent uses and buildings is required within the district, as site design, building size and materials, and screening/landscaping are important to the creation and maintenance of a thriving commercial base.

Conditional Use Permit Requirements

Upon review of a Conditional Use Permit request, the Zoning Ordinance provides factors and standards that must be reviewed by the Planning Commission. Section 21, Article 2 Conditional Uses states:

- D. The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:
 1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
 2. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.
 3. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
 4. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
 5. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

6. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
8. The conditional use complies with the general and specific performance standards as specified by within this Article.

Section 13 Use Regulations

Subdivision 12: Motor Vehicle Sales and Rental/Leasing Facilities

- A. Services and sales are associated with a principal building with a minimum floor area of at least one thousand (1,000) square feet.
- B. All area of the property not devoted to building, parking, or open sales lot area shall be landscaped in accordance with Section 15 of this Ordinance.
- C. Off-street parking and loading shall meet the requirements as stipulated within Section 17 of this ordinance.
- D. All new or used vehicles parked or displayed outdoors on the property shall conform to all requirements of the State of Minnesota; shall be operable; shall include all engine, muffler, brakes, and operating parts; shall be equipped with all exterior body parts as if new (for a passenger vehicle, truck or van, this shall mean four (4) tires, all doors and windows, headlamps and grillwork, mirrors, fenders, trunk, lids, body panels and molding, etc, or if a boat, all windshields, safety railings, hulls, trailer, etc.); shall be uniformly and wholly painted; and shall be free from having any loose or damaged exterior parts.
- E. All repair, assembly, disassembly or maintenance of motor vehicles or motor vehicle parts shall occur within an enclosed building.
- F. A detailed site plan conforming to the requirements of Section 18 of this Ordinance shall be submitted. The site plan shall also illustrate the location of all open sales and storage areas.
- G. No outside speaker system shall be permitted without the approval from the City Council.
- H. A landscaped buffer shall be provided, if the use abuts any residential zoning district. Solid screening to a minimum height of six (6) feet shall be provided along any portion of the open sales lot abutting a residential property or district. Such screening shall consist of a continuous landscape berm, solid wood fence, wall, or other comparable material. Fencing shall be constructed of wood or comparable material and should be of an ornamental or decorative design. If a chain link or wood fence is used, landscaping shall be provided on the outside of the fence facing the abutting residential property or district.

Certification of Taxes Paid

Prior to approving an application for a conditional use permit, certification must be provided to the City that there are not any delinquent property taxes, special assessments, penalties, interest, or outstanding municipal utility fees. City staff did verify with Isanti County on Wednesday, December 9th, 2015; that all taxes associated with the property were current.

Public Notice

Notice was published within the Isanti County News on December 30th, 2015. Written notification was provided to property owners located within 350' of the subject site as required by Minnesota State Statute.

Public Comment

To date, no public comment or questions had been received.

Development and Operations Advisory Committee:

The Development Advisory Committee met on December 17, 2015 to discuss the Conditional Use Permit request. The committee recommended approval of the CUP subject to the submittal of all requested documents and information requested by the Community Development Director.

Deadline for City Council Action

The City of Isanti received a complete application for a Conditional Use Permit on December 9th, 2015. Pursuant to Minnesota State Statute, the City must act on this request by February 7th, 2016 (60 days). The only exception to these deadlines provided would be if the City provides the petitioner with written reasons for an additional 60-day review period.

Options & Proposed Motion Language

1. Recommend Approval with No Conditions: Motion to recommend approval of the request from Tim Marinan for Approval of a Conditional Use Permit to operate a Motor Vehicle Sales Office and Display at the Dual Square Mall on the property located at 401 E Dual Blvd NE, Isanti, Minnesota.
2. Recommend Approval with Conditions: Motion to recommend approval of the request from Tim Marinan for Approval of a Conditional Use Permit to operate a Motor Vehicle Sales Office and Display at the Dual Square Mall on the property located at 401 E Dual Blvd NE, Isanti, Minnesota with the following conditions.....
3. Recommend Denial: Motion to recommend denial of the request from Tim Marinan for Approval of a Conditional Use Permit to operate a Motor Vehicle Sales Office and Display at the Dual Square Mall on the property located at 401 E Dual Blvd NE, Isanti, Minnesota for the following reasons.....
4. Table: Motion to table the request from Tim Marinan for Approval of a Conditional Use Permit to operate a Motor Vehicle Sales Office and Display at the Dual Square Mall on the property located at 401 E Dual Blvd NE, Isanti, Minnesota (a specific reason and information request should be included in the motion to table).

Attachments

- Resolution No. 2016 - XXX
- Findings of Fact and Conclusion
- Approval letter from property owner – Bullseye Properties dated December 8, 2015
- Site Layout of car display location

RESOLUTION NO. 2016-

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP) FOR MOTOR VEHICLE SALES IN THE BUILDING LOCATED AT 401 EAST DUAL BOULEVARD NE, ISANTI COUNTY, ISANTI, MINNESOTA

WHEREAS, Bullseye Properties own the property located at 401 East Dual Boulevard NE, Isanti, Minnesota; and,

WHEREAS, Tim Marinan is requesting to operate a motor vehicle sales office with vehicle displays within the building located at 401 East Dual Boulevard NE; and,

WHEREAS, the property is located within the "B-2" General Business District, which requires a Conditional Use Permit (CUP) for motor vehicle sales and display within said district; and,

WHEREAS, the City of Isanti Planning Commission conducted a public hearing on the proposed Conditional Use Permit on January 12th, 2016; and,

WHEREAS, the City of Isanti Planning Commission recommended approval of the proposed Conditional Use Permit subject to the conditions as listed below; and,

WHEREAS, the City Council reviewed the requested Conditional Use Permit at its regularly scheduled meeting on January 19th, 2016; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ISANTI, MINNESOTA, that it adopts the Findings of Fact and Conclusion related to the requested Conditional Use Permit and **BE IT FURTHER RESOLVED** that the requested Conditional Use Permit for a motor vehicle sales and display to be located at 401 East Dual Boulevard NE be hereby approved subject to the following conditions:

1. Services and sales are associated with a principal building with a minimum floor area of at least one thousand (1,000) square feet.
2. All area of the property not devoted to building, parking, or open sales lot area shall be landscaped in accordance with Section 15 of this Ordinance.
3. Off-street parking and loading shall meet the requirements as stipulated within Section 17 of this Ordinance.
4. All new or used vehicles parked or displayed outdoors on the property shall conform to all requirements of the State of Minnesota; shall be operable; shall include all engine, muffler, brakes, and operating parts; shall be equipped with all exterior body parts as if new (for a passenger vehicle, truck or van, this shall mean four (4) tires, all doors and windows, headlamps and grillwork, mirrors, fenders, trunk, lids, body panels and molding, etc, or if a boat, all windshields, safety railings, hulls, trailer, etc.); shall be uniformly and wholly painted; and shall be free from having any loose or damaged exterior parts.
5. All repair, assembly, disassembly or maintenance of motor vehicles or motor vehicle parts shall occur within an enclosed building.
6. A detailed site plan conforming to the requirements of Section 18 of this Ordinance shall be submitted. The site plan shall also illustrate the location of all open sales and storage areas.
7. No outside speaker system shall be permitted without the approval from the City Council.
8. A landscaped buffer shall be provided, if the use abuts any residential zoning district. Solid screening to a minimum height of six (6) feet shall be provided along any portion of the open sales lot abutting a residential property or district. Such screening shall consist of a continuous landscape berm, solid wood fence, wall, or other comparable material. Fencing shall be constructed of wood or comparable material and should be of an ornamental or decorative design. If a chain link or wood fence is used, landscaping shall be provided on the outside of the fence facing the abutting residential property or district.

Adopted by the Isanti City Council on this 19th day of January 2016.

Attest:

Mayor George A. Wimmer

Karissa A. Henning
Human Resources/City Clerk

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from Tim Marinaran for Approval of a Conditional Use Permit to operate a Motor Vehicle Sales Office and Display at the Dual Square Mall on the property located at 401 E Dual Blvd NE, Isanti, Minnesota.

Findings of Fact

1. The applicant is requesting to operate a Motor Vehicle Sales and Display on the property located at 401 East Dual Boulevard NE (Dual Square Mall).
2. The property is zoned "B-2" General Commercial District.
3. A Conditional Use Permit is required for Motor Vehicle Sales and Display within the "B-2" General Commercial District.
4. The petitioner submitted a Conditional Use Permit Application, the required application fee and associated materials on December 9th, 2015. Staff had reviewed such application and deemed such application complete on December 9th, 2015. Pursuant to Minnesota State Statute, the City must act on this request by February 7th, 2016 (60-day rule).
5. A public hearing date before the Planning Commission was scheduled for Tuesday, January 12th, 2016 at 7:00 p.m. at City Hall within the Council Chambers.
6. Notice of the Conditional Use Permit request was published within the Isanti- County News on Wednesday, December 30th, 2015. Notices were sent to all property owners located within 350 feet of the subject property.
7. Section 21, Article 2: Conditional Use Permits, Subdivision 3 (D) of the Zoning Ordinance establishes factors that the judgment of the Planning Commission shall be based upon when reviewing a Conditional Use Permit request as well as Section 21, Article 2: Conditional Use Permits, Subdivision 4 General Performance Standards of the Zoning Ordinance establishes additional general standards that shall be used to evaluate any proposed conditional use permit request.
8. The Planning Commission held a public hearing on the item on January 12th, 2016; and all property owners within 350' of the subject property were invited to attend and provide public comment.

Conclusions

1. In review of the standards established in Section 18, Subdivision 7, the following conclusions have been made (*conclusions to each requirement are shown in underlined italics*):
 - A. Consistency with the elements and objectives of the City's development guides, including the Comprehensive Plan.
As outlined within the staff memo, the elements of the project would appear to meet the requirements of the zoning ordinance and the intent of the land use designation in which the property is located.
 - B. Consistency with City Codes.
Overall, the proposal appears to be consistent with city codes and ordinances. The plans provided would appear to meet the minimum requirements set by the zoning ordinance (setbacks, parking, landscaping, lighting, etc).
 - C. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas.
This is an existing site. There will be no physical changes to the property.
 - D. The amount and location of open space and landscaping.
The amount of open space and landscaping are based upon the original site plan.
 - E. Vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location and number of access points to the public streets, width of interior

drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

The existing parking area meets the parking requirements set forth in Section 17 of the Zoning Ordinance.

- F. Protection of adjacent and neighboring properties through reasonable provision of surface water drainage, sound and light buffers, preservation of views, lights, and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.
There will be no physical changes to the property. Vehicle displays are permitted within the General Commercial District. There are no residential properties nearby requiring additional screening.
- G. Consistency with the City's Engineering and Design standards as adopted by Resolution of the City Council.
Not applicable.
2. In review of the standards established in Section 21, Article 2 Conditional Use (D); the following conclusions have been made (conclusions to each requirement are shown in underlined italics): The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:
- A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
As noted, the proposed use for the site would be consistent with the goals and objectives of the comprehensive plan.
- B. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.
The proposed use a permitted conditional use. It fits the intent of the ordinance and underlying zoning district ("B-2" General Commercial District).
- C. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
The establishment of the conditional use does not appear to endanger the public health, safety, morals and comfort of the surrounding area or the community. The proposal follows the requirements further outlined in Section 13: Use Regulations for Motor Vehicle Repair and/or Body Shop.
- D. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
The use of this property as a motor vehicle body shop will be maintained within the building and shall abide by the conditions outlined in Section 13: Use Regulations for Motor Vehicle Sales.
- E. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
The use of this property for motor vehicle sales will not be detrimental to surrounding properties, nor will it impede normal and orderly growth.
- F. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
Adequate public facilities and services are existing and available.
- G. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
The requested conditional use permit appears to conform to the applicable regulations required for the district and the performance standards outlined within the zoning

ordinance. Conditions will be placed on the approval to ensure that the property is used in accordance to the ordinance requirements.

- H. The conditional use complies with the general and specific performance standards as specified by within this Article.
These have been evaluated as part of the findings of fact; and can be found within this document.
3. In review of the standards established in Section 21, Article 2 Conditional Use, Subdivision 4 General Performance Standards; the following conclusions have been made (conclusions to each requirement are shown in underlined italics):
- A. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated an adequate public right-of-way shall be provided.
This site is currently served by a street of sufficient capacity. The proposed conditional use will not change the type or volume of traffic flow for this site.
- B. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with Section 17 of this Ordinance.
Access and parking for this development are in compliance with Section 17 of this Ordinance.
- C. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
Not applicable.
- D. Adequate off-street parking and off-street loading shall be provided in compliance with Section 17 of this Ordinance.
Access and parking for this development are in compliance with Section 17 of this Ordinance.
- E. Loading areas and drive-thru facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any adjacent residential use or district, and provided in compliance with Section 17 of this Ordinance.
Not applicable.
- F. Whenever a non-residential use is adjacent to a residential use or district, a buffer area with screening and landscaping shall be provided in accordance with the provisions of Section 15 of this Ordinance.
Not applicable.
- G. General site screening and landscaping shall be provided in compliance with Section 15 of this Ordinance.
Landscaping is existing and is consistent with the approved site plan for such building.
- H. All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, and shall be in compliance with Section 14 of this Ordinance.
No additional lighting will be added.
- I. The site drainage system shall be subject to the review and approval of the City Engineer.
Not applicable.
- J. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing and potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
There will be no changes to the existing building.
- K. Provisions shall be made for daily litter control, an interior location for recycling and trash handling and storage or an outdoor, enclosed receptacle area shall be provided in compliance with Section 14 of this Ordinance.
The refuse container is part of the existing building.
- L. All signs and informational or visual communication devices shall be in compliance with Section 16 of this Ordinance.

- There are no signage changes proposed.*
- M. The use and site shall be in compliance with any federal, state, or county laws or regulations that are applicable and any related permits shall be obtained and documented to the City.
The applicant will need to pull the appropriate permits and any appropriate fees must be paid for these permits and inspections completed by the appropriate staff person prior, during, and following construction.
- N. Any applicable business licenses mandated by City Code are approved and obtained.
Not applicable.
- O. The hours of operation may be restricted when there is judged to be an incompatibility with a residential use or district.
Not applicable.
- P. The use complies with the applicable performance standards of the zoning district in which it is located and where applicable, any non-conformity shall be eliminated.
All performance standards are to be met and maintained.
- Q. Additional Stipulations. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general public health, safety, and welfare, can be served as well or better by modifying or expanding the conditions set forth herein.

Decision

The Planning Commission held a public hearing on the item at the **January 12th, 2016** meeting. The meeting minutes shall be made part of the Findings of Fact.

Bullseye Properties
PO Box 189
Monticello, MN 55362



City of Isanti
Zoning Department
110 1st Avenue NW
Isanti, MN 55040

December 8, 2015

Dear Roxanne Achman,

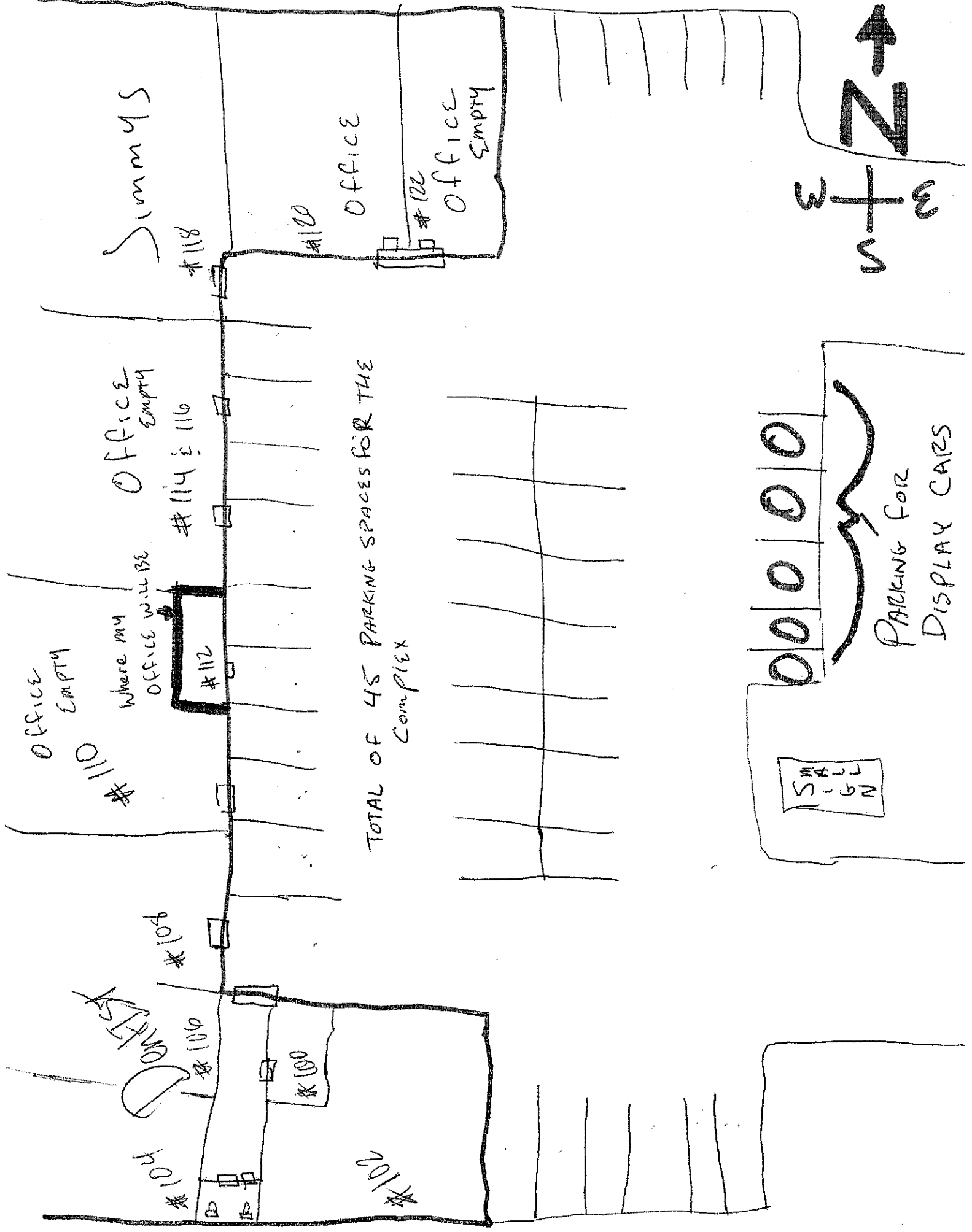
Isanti Auto is applying for lease space at the Dual Square Mall located at 401 E Dual Boulevard in Isanti, Minnesota.

We may approve his application but it is conditional upon the approval by the City of Isanti Zoning Department for his type of business.

Please contact me or John Twardy at (763) 295-6566 with any questions. We can also be reached via e-mail at chastine@bullseye411.com or john@bullseye411.com.

Regards,

Chastine Stewart
Office Manager



Summys

OFFICE Empty

OFFICE

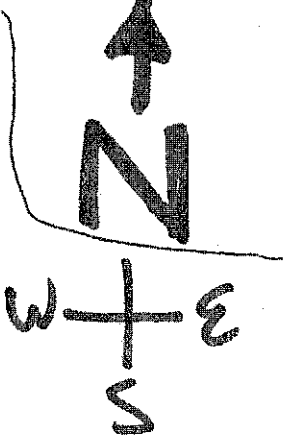
OFFICE Empty

Where my OFFICE will BE

TOTAL OF 45 PARKING SPACES FOR THE COMPLEX

PARKING FOR DISPLAY CARS

WALL SIGN





Public Hearing

To: Planning Commission Chair
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: January 12th, 2016

Subject: 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 Lot 1, Block 1, Isanti Commons First Addition, Isanti County, Isanti, Minnesota.

Background

Property Resource Group, the owners behind Isanti Holdings LLC and property owners of Isanti Commons First Addition, have submitted a request to subdivide Lot 1, Block 1, Isanti Commons First Addition into two lots. Lot 1 (5.9 acres) will consist of the Coborn's grocery store, gas station and car wash. Lot 2 (1.9 acres) will be separated for future development. Staff does not currently have a request to develop this site, however, it is zoned B-2 for General Commercial uses.

The Development Agreement will be amended at the January 19th, 2016 City Council meeting to reflect the plats name change.

The City Engineer recommends approval of the plat subject to the review comments outlined in the attached memo dated January 7, 2016. Staff has no concerns with the plat.

Staff recommends approval of the plat subject to addressing the City Engineer's review comments from January 7, 2016.

Certification of Taxes Paid

Prior to approving an application for Minor Subdivision, certification must be provided to the City that there are no delinquent property taxes, special assessments, penalties, interest, or outstanding municipal utility fees. City staff did verify with Isanti County on Friday, December 18th, 2015; that all taxes associated with the property were current.

Public Notice

A public hearing notice was published in the Isanti County News on Wednesday, December 30th, 2015. Written notification was sent to surrounding properties owner located within 350' of said development. Such letters were sent on December 30th, 2015.

Public Comments

No public comments had been received regarding the proposed text amendment prior to the release of the staff memo.

Deadline for City Council Action

The applicant submitted an application for Preliminary Plat approval on December 18th, 2015. City staff did verify that the application was complete on December 18th, 2015. Pursuant to Minnesota State Statute, the

City must act on this request by April 16th, 2016 (120-days); unless an extension of the review period has been agreed to by the applicant.

Options & Proposed Motion Language

1. Recommend Approval with No Conditions: Motion 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 Lot 1, Block 1, Isanti Commons First Addition, Isanti County, Isanti, Minnesota
2. Recommend Approval with Conditions: Motion 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 Lot 1, Block 1, Isanti Commons First Addition, Isanti County, Isanti, Minnesota with the following conditions.....
3. Recommend Denial: Motion to recommend denial 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 Lot 1, Block 1, Isanti Commons First Addition, Isanti County, Isanti, Minnesota for the following reasons.....
4. Table: Motion to table 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 Lot 1, Block 1, Isanti Commons First Addition, Isanti County, Isanti, Minnesota (a specific reason and information request should be included in the motion to table).

Attachments

- Resolution No. 2016-XXX
- Findings of Fact and Conclusions
- Bolton & Menk, Inc. Review Comments dated January 7, 2016.
- Preliminary Plat for Isanti Commons Second Addition as prepared by APA Consulting Engineers and Surveyors submitted January 6, 2016.
- Final Plat for Isanti Commons Second Addition as prepared by APA Consulting Engineers and Surveyors submitted January 6, 2016.

RESOLUTION NO. 2016-

A RESOLUTION APPROVING THE MINOR SUBDIVISION OF THE PROPERTY LEGALLY DESCRIBED AS LOT 1, BLOCK 1, ISANTI COMMONS FIRST ADDITION, ISANTI COUNTY, MINNESOTA

WHEREAS, Property Resource Group, has made application for the Minor Subdivision of the property legally described as Lot 1, Block 1, Isanti Commons First Addition, Isanti County, Minnesota; and,

WHEREAS, the Isanti Planning Commission conducted a public hearing on the Preliminary and Final Plat on January 12th, 2016; and,

WHEREAS, all required public notices regarding the public hearing were posted and sent; and

WHEREAS, the Isanti Planning Commission had recommended approval of the requested Minor Subdivision based upon the Findings of Fact and Conclusion as presented with conditions; and,

WHEREAS, the City Council reviewed the Minor Subdivision request at its meeting on January 19th, 2016; and,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Isanti, Minnesota, that it adopts the Findings of Fact and Conclusion related to the requested Minor Subdivision and **BE IT FURTHER RESOLVED** that the requested Minor Subdivision Approval from Property Resource Group be approved with the following conditions:

1. A drainage and utility easement should cover the proposed trunk storm sewer conveying water from 6th Avenue NE City Street at STMH – 205 to the pond on Lot 1, Block 1.
2. An agreement with the owner of the triangular piece of property located east of the proposed pond will need to be in place prior to performing any work on that property.
3. Upon approval of the Final Plat by the City Council, the City Clerk or his/her designee shall record it with the County Recorder's Office within ninety (90) days after the date of approval; otherwise, failure of the applicant to comply and submit the necessary items and fees for the recording of the Final Plat by the City shall be cause for revoking the City's approval and the Final Plat shall be considered void, unless the developer or applicant requests an extension, in writing and receives approval from the City Council. The City Council may approve up to two (2) extensions for a term not to exceed one (1) additional year for each extension. Fees associated with the recording of the Final Plat will be charged back to the developer or subdivider.
4. The subdivider shall immediately upon approval, furnish the City Administrator or his/her designee with three (3) full size mylar transparencies of the Final Plat, two (2) for the County and one (1) for the City. Three (3) additional 11 inch by 17 inches mylar transparencies shall be given to the City Planner, the City Clerk, and Isanti County. No building permits shall be issued until these conditions have been complied with.
5. The Development Agreement for Isanti Commons First Addition shall be amended to reflect the plat name change associated with this property.

Adopted by the Isanti City Council on this 19th day of January 2016.

Attest:

Mayor George A. Wimmer

Karissa A. Henning

Human Resources/City Clerk

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

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 Lot 1, Block 1, Isanti Commons First Addition, Isanti County, Isanti, Minnesota.

Findings of Fact

1. The applicant, the City of Isanti ('the applicant'), has made application for Minor Subdivision Approval of Isanti Commons Second Addition, Isanti County, Minnesota.
2. The property is legally described as Lots 1, Block 1, Isanti Commons First Addition Isanti County, Minnesota.
3. The Applicant is requesting Minor Subdivision Approval in an effort to prepare for future development of the land.
4. The property is zoned B-2 "General Business District".
5. A Minor Subdivision is considered a major change requiring a public hearing and notification of all property owners within 350'; and final approval by the City Council.
6. The Applicant submitted an application for Minor Subdivision Approval on December 18th, 2015. It was deemed complete on December 18th, 2015.
7. A public hearing date before the Planning Commission was scheduled for Tuesday, January 12th, 2016 at 7:00 p.m. at City Hall within the Council Chambers.
8. Notice of the Minor Subdivision request was published within the Isanti County News on Wednesday, December 30th, 2015.

Conclusions

1. The platting of the property would appear to meet the lot requirements and setback requirements as provided within the zoning ordinance for properties located within the B-2 "General Business District".
2. The platting of the property would appear to meet the Design Standards as required by Ordinance No. 536.
3. Comments from the City Engineer dated January 7, 2016 need to be addressed prior to recording of the plat.

Decision

The Planning Commission held a public hearing on the item at the **January 12th, 2016** meeting. The meeting minutes, staff memo and exhibits will be made part of the Findings of Facts and Conclusions.

City Council Action:



BOLTON & MENK, INC.


Consulting Engineers & Surveyors

7533 Sunwood Drive NW • Ramsey, MN 55303

Phone (763) 433-2851 • Fax (763) 427-0833

www.bolton-menk.com

MEMORANDUM

Date: January 7, 2016
To: Roxanne Achman, Community Development Director
From: Bradley C. DeWolf, P.E. 
City Engineer
Subject: Isanti Commons 2nd Addition – Final Plat Review
Isanti, Minnesota

We have reviewed the final plat created by APA Consulting entitled “Isanti Commons Second Addition” and submitted on January 5, 2016.

The plat includes splitting Lot 1 Block 1 from the Isanti Commons 1st Addition into two separate lots.

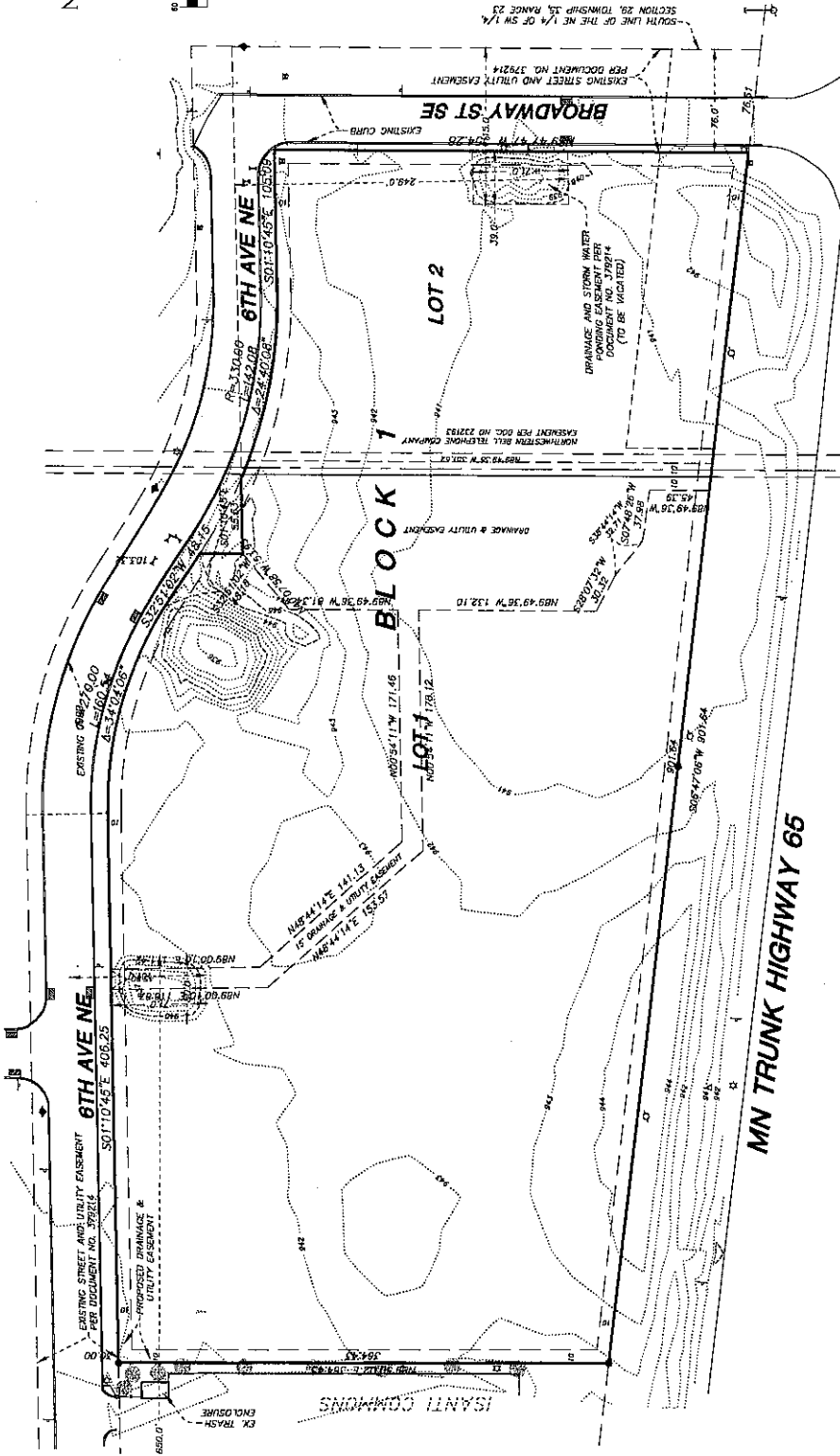
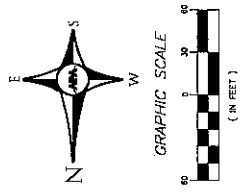
We have reviewed the submitted plat and have the following comments:

1. A drainage and utility easement should cover the proposed trunk storm sewer conveying water from the 6th Avenue NE City Street at STMH-205 to the pond on Lot 1 Block 1.
2. An agreement with the owner of the triangular piece of property located east of the proposed pond will need to be in place prior to performing any work on that property.

We would recommend approval of the final plat once the above revisions are completed.

Please contact me if you have any questions.

PRELIMINARY PLAT OF:
ISANTI COMMONS SECOND ADDITION



LEGAL DESCRIPTION
LOT 1, BLOCK 1, ISANTI COMMONS FIRST ADDITION, ACCORDING TO THE PLAT OF RECORD THEREOF, ISANTI COUNTY, MINNESOTA.

NOTE
THE EXISTING TOPOGRAPHY SHOWN HEREON IS PRIOR TO THE CONSTRUCTION THAT IS CURRENTLY TAKING PLACE ON THIS SITE.

- LEGEND**
- DENOTES EXISTING TELEPHONE PEDIESTAL
 - ▲ DENOTES EXISTING ROAD SIGN
 - ⊥ DENOTES EXISTING GATE VALVE
 - ⊕ DENOTES EXISTING HYDRANT
 - ⚡ DENOTES EXISTING POWER POLE
 - ⚡ DENOTES EXISTING LIGHT POLE
 - ⚡ DENOTES EXISTING FLARED END SECTION
 - ⊕ DENOTES EXISTING CATCH BASIN
 - ⊕ DENOTES EXISTING TREE
 - DENOTES FOUND MONUMENT

ZONING DISTRICT
B-2 GENERAL BUSINESS

LOT REQUIREMENTS

Minimum Front Yard Setback:
30' 0"

Minimum Side Yard Setback:
20' 0" from street side

Minimum Rear Yard Setback: 15' 0"

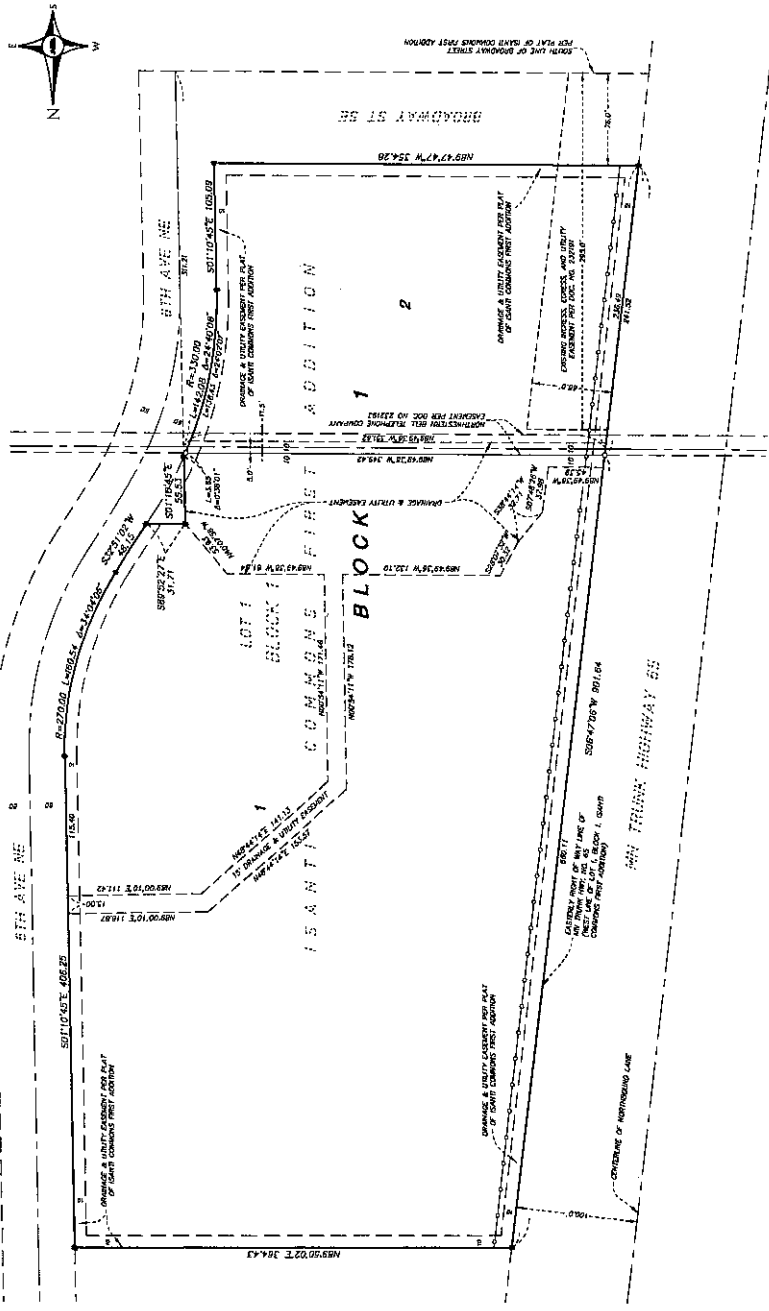
LOT AREAS
Lot 1 - 0.9 Acre
Lot 2 - 1.0 Acre

OWNER
ISANTI HOLDINGS LLC
SUITE 200
FARRO, ND 58104





ISANTI COMMONS SECOND ADDITION



LEGEND
 ○ CONCRETE SET NEW MONUMENT
 ○ CONCRETE FOUND MONUMENT
 ○ CONCRETE ACCESS CORNER, ADJUSTED TO ADJUST OF THE FOOT OF SOUTH COMMONS FIRST ADDITION

NOTE REGARDING WETLANDS
 THE DIVISION OF REVENUE, RESOURCES, AND PARKS COMPLETES AN ON-SITE WETLANDS ASSESSMENT FOR THIS PROJECT. THE RESULTS OF THE ASSESSMENT INDICATE THAT THERE ARE NO WETLANDS PRESENT ON THIS PROJECT. THE RESULTS OF THE ASSESSMENT ARE AVAILABLE TO THE PUBLIC AT THE DIVISION'S OFFICE, 1000 W. WASHINGTON ST., ST. PAUL, MN 55155. FOR MORE INFORMATION, CONTACT THE DIVISION AT (651) 224-3400.

BEARING NOTE
 FOR THE PURPOSES OF THIS PLAN, SOUTH LINE OF LOT 1, BLOCK 1, TWP. 06. R14G. 23 IS A TRUE MERIDIAN. ALL OTHER BEARINGS ARE TRUE BEARINGS. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF. ALL ANGLES ARE IN DEGREES, MINUTES AND SECONDS EAST OR WEST FROM TRUE OR FROM AN ASSUMED MERIDIAN.

I hereby certify that I have surveyed and plotted or directly supervised the survey and division of the land described on this plat; that this plat is a correct representation of the boundary survey of the land described on this plat; that all monuments are correctly established on the plat; that all monuments shown on the plat have been set or will be set in accordance with the laws of Minnesota; that all monuments are of the proper material and of the proper size and shape; that all monuments are of the proper location and are in accordance with the laws of Minnesota; that all monuments are of the proper location and are in accordance with the laws of Minnesota; that all monuments are of the proper location and are in accordance with the laws of Minnesota.

Approved by the Planning Commission of the City of Saint, Minnesota, this _____ day of _____, 20____, and it is compliance with the provisions of Chapter 462.03, Subd. 2, Minnesota Statutes.
 Mayor _____ City Administrator _____
 Approved as to form and execution this _____ day of _____, 20____, by _____ day of _____, 20____.
 Saint City Attorney _____ Saint City Engineer _____
 Approved by the Planning Commission of the City of Saint, Minnesota on this _____ day of _____, 20____.
 Chairman _____ Secretary _____
 I hereby certify that the taxes for this year _____ on the property described herein have been paid and that there are no delinquent taxes and transfer taxes on this _____ day of _____, 20____.
 Saint County Auditor-Treasurer _____ Deputy _____
 I hereby certify that this instrument has been filed in the office of the County Recorder for record on this _____ day of _____, 20____ at _____ o'clock _____, and was duly recorded as Document No. _____.
 County Recorder, Saint County, Minnesota.

APRA CONSULTING
 ENGINEERS & ARCHITECTS
 1000 W. WASHINGTON ST.
 ST. PAUL, MN 55155
 (651) 224-3400



Public Hearing

To: Planning Commission Chair
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: January 12, 2016

Subject: Request from the City of Isanti to Amend Ordinance No. 445 Zoning, Section 2 Definitions to include Motor Vehicle Sales Office (no on-site displays, i.e. broker or wholesaler) within the definition of General Office.

Background

Staff was asked to speak with the City Attorney regarding the creation and use of a registration form for Motor Vehicle Sales Offices not having on-site vehicle displays. In speaking with the City Attorney it was determined that a registration form would not be appropriate in that no other general office uses are required to register and the means for enforcement are already in place should vehicle begin to show up at the sales office.

At the December 8th, 2015 Planning Commission meeting, the Commission had recommended moving forward with an amendment to the definition of General Office whether a registration form would be generated or not. Attached is an ordinance amending such definition to include: Motor Vehicle Sales Office (no on-site displays, i.e. broker or wholesaler).

Staff Request

To consider recommending approval of the attached ordinance amending the definition of General Office to include Motor Vehicle Sales Office (no on-site displays, i.e. broker or wholesaler)

Attachments

- Ordinance No. XXX
- Findings of Fact and Conclusions
- Email from City Attorney Clark Joslin dated Dec. 11, 2015

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO 445 ZONING; SECTION 2 DEFINITION OF TERMS

THE CITY OF ISANTI DOES ORDAIN:

I. AMENDMENTS

Section 2: Definition of Terms is hereby amended to include and read as follows:

General Office

Use of a building for business, professional or administrative offices. A general office is characterized as an establishment with a low proportion of vehicle trips attributed mainly to visitors and/or clients. Examples include, but are not limited to, offices providing architectural, computer software consulting, data management, engineering, interior design, real estate, motor vehicle sales office (no on-site vehicle display; i.e. broker or wholesaler), insurance, investment or legal services. This definition does not include a bank and/or financial institution, physician, dentist, optometrist, psychiatric or chiropractic offices.

II. EFFECTIVE DATE

This ordinance shall take effect upon its adoption and publication in the City's Official Newspaper.

Adopted by the City Council this 19th day of January 2016.

Mayor George A. Wimmer

ATTEST:

Karissa A. Henning
City Clerk/Human Resources

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from the City of Isanti to Amend Ordinance No. 445 Zoning, Section 2 Definition of Terms.

Findings of Fact

1. The Development and Operations Advisory Committee requested the Planning Commission review an amendment to Section 2 of the Zoning Ordinance at their regularly scheduled meeting on October 22, 2015.
2. The Planning Commission reviewed the Zoning Ordinance on December 8, 2015 and called for a public hearing on January 12th, 2016 to amend Section 2.
3. While the intent of the Ordinance remains intact, amendments must be made to the Ordinance regulations to ensure that the appropriate requirements are being used.
4. Notification of the public hearing was provided for within the City's official newspaper on Wednesday, December 30th, 2015.
5. The Planning Commission reviewed the requested text amendment to the Zoning Ordinance during a public hearing held at their regularly scheduled meeting on January 12th, 2016.

Conclusions

1. In review of the Ordinance requirements provided for within Section 21, Article 1 Amendments (Text and Map), Subdivision 4 (D), the following conclusions have been made (*conclusions to each requirement have been shown in underlined italics*):
 - a. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the City Comprehensive Plan, including public facilities and capital improvement plans.
The ordinance amendment helps to clarify an existing definition which does not affect the City Comprehensive Plan.
 - b. The proposed action meets the purpose and intent of this Ordinance or in the case of a map amendment; it meets the purpose and intent of the individual district.
The ordinance amendment clarifies an existing ordinance.
 - c. There is adequate infrastructure available to service the proposed action.
Not applicable.
 - d. There is an adequate buffer or transition provided between potentially incompatible districts.
Not applicable.

Decision

The Planning Commission held a public hearing on the item at the **January 12th, 2016** meeting. The meeting minutes, staff memo, and attachments shall be made a part of the Findings of Fact and Conclusions.

Roxanne Achman

From: Clark Joslin <cjoslin@joslinmoore.com>
Sent: Friday, December 11, 2015 8:53 AM
To: Roxanne Achman
Subject: RE: Car Dealer Office

Roxanne:

My initial impression is that we would need to develop an ordinance provision to require a special registration for an otherwise permitted type of business. Other than from the perspective that such a special provision would be more likely to keep the requirement at the forefront of awareness for businesses that would be affected, and tend to take away any argument (though it wouldn't in my opinion be a valid defense) that they didn't know they couldn't have on-site displays, I don't think that it would provide any additional enforcement "teeth".

Clark A. Joslin
Joslin & Moore Law Offices, P.A.
221 2nd Avenue NW
Cambridge, MN 55008
(763) 689-4101 (phone)
(763) 689-9794 (fax)
cjoslin@joslinmoore.com (e-mail)

From: Roxanne Achman [mailto:RAchman@cityofisanti.us]
Sent: Thursday, December 10, 2015 12:58 PM
To: Clark Joslin (cjoslin@joslinmoore.com)
Subject: Car Dealer Office

Clark,

We've recently had a number of requests for car dealer offices with no on-site displays to locate within our commercial districts. Car dealers with on-site displays require a CUP, so I wanted to get DOAC's and the Planning Commission opinion on whether a car dealer office without displays would be a permitted office use or whether the office should still be subject to the CUP. In discussions with DOAC and the Planning Commission it was determined that they would be permitted as a general office without the CUP, however, the Planning Commission wanted your opinion on whether we could require that car dealer offices without displays to fill out a registration form that included a disclaimer about displays. Their questions were: Can we require a registration form? And, would the form provide any additional enforcement teeth (in case displays begin to appear) that the zoning ordinance wouldn't already cover?

The example I used for the commission was the registration form we require of permitted home occupations.

Give me a call when you have a free moment to discuss this matter. I have until the next Planning Commission meeting to pull the information together.

Thank You!

Roxanne Achman
Community Development Director
City of Isanti
110 – 1st Ave NW



Request for Planning Commission Action

To: Planning Commission Chair
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: January 12, 2016

Subject: Request from IRET Properties for Approval of an Extension of the Conditional Use Permit approved through Resolution No. 2015-014 for the construction of a 108-unit apartment building located within the Fairway Greens Development, legally described as Outlot A, Fairway Greens Phase 5, Isanti County, Isanti, Minnesota.

Background

IRET Properties has submitted a request to extend the Condition Use Permit that was approved for the construction of a 108-unit apartment building. Resolution No. 2015-014 was approved by the City Council on January 20th, 2015. Conditional Use Permits expire after one year if the use has not commenced. Per Section 19 of the Zoning Ordinance, the Planning Commission and City Council may grant an extension of up to one year. The site plan for this same project will be expiring as well; however, requests for site plan extensions are routed directly through the City Council.

The attached letter requesting an extension indicates a high probability of the project commencing in 2016.

Ordinance Review

The Zoning Ordinance reads as follows:

Section 19: Amendments and Conditional Use Permits

Subd. 3. Lapse of Conditional Use Permit by Non-Use

Unless the City Council approves a different time period for requests when action was first taken, if within one year after a conditional use permit has been granted, the permitted work has not been completed, then such permit shall become null and void without further action by the Planning Commission and City Council, unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original conditional use permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. A request for extension of one (1) year or any extension of time longer than one (1) year shall be presented to the Planning Commission for recommendation and to the City Council for a decision.

Staff Recommendation:

Staff recommends approval of the request.

Options & Proposed Motion Language

1. Recommend Approval with No Conditions: Motion to recommend approval of the request from IRET Properties for Approval of an Extension of the Conditional Use Permit approved through Resolution No.

2015-014 for the construction of a 108-unit apartment building located within the Fairway Greens Development, legally described as Outlot A, Fairway Greens Phase 5, Isanti County, Isanti, Minnesota.

2. Recommend Approval with Conditions: Motion to recommend approval of the request from IRET Properties for Approval of an Extension of the Conditional Use Permit approved through Resolution No. 2015-014 for the construction of a 108-unit apartment building located within the Fairway Greens Development, legally described as Outlot A, Fairway Greens Phase 5, Isanti County, Isanti, Minnesota. with the following conditions.....
3. Recommend Denial: Motion to recommend denial of the request from IRET Properties for Approval of an Extension of the Conditional Use Permit approved through Resolution No. 2015-014 for the construction of a 108-unit apartment building located within the Fairway Greens Development, legally described as Outlot A, Fairway Greens Phase 5, Isanti County, Isanti, Minnesota.; for the following reasons.....
4. Table: Motion to table the request from IRET Properties for Approval of an Extension of the Conditional Use Permit approved through Resolution No. 2015-014 for the construction of a 108-unit apartment building located within the Fairway Greens Development, legally described as Outlot A, Fairway Greens Phase 5, Isanti County, Isanti, Minnesota. (a specific reason and information request should be included in the motion to table).

Attachments:

- Resolution No. 2016-XXX
- Copy of Resolution No. 2015-014
- Letter from petitioner dated December 14, 2015

RESOLUTION NO. 2016-

**A RESOLUTION APPROVING AN EXTENSION OF THE CONDITIONAL USE PERMIT
ALLOWING THE CONSTRUCTION OF A 108-UNIT APARTMENT COMPLEX**

WHEREAS, IRET Properties had received Conditional Use Permit Approval (Resolution No. 2015-014) for a 108-unit apartment complex January 20th, 2015; and,

WHEREAS, the use must commence within one year of the date of receiving approval; and,

WHEREAS, construction of the project would not begin prior to the January 20th, 2016 expiration date; and,

WHEREAS, Ordinance No. 445, Section 19, Subdivision 3 establishes a process for extension requests for a Conditional Use Permit; and,

WHEREAS, IRET Properties has requested in writing an extension for the Conditional Use Permit for the 108-unit Evergreen III Apartments on December 14, 2015, which is consistent with the requirement to file a request at least 30 days prior to the expiration; and,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Isanti, Minnesota that the request for an Extension for the Conditional Use Permit for the 108-unit Evergreen III Apartments is hereby approved with the following condition:

1. The extension for the Conditional Use Permit for the 108-unit Evergreen III Apartments will expire on January 19th, 2017.

Adopted by the Isanti City Council on this 19th day of January 2016.

Attest:

Mayor George Wimmer

Karissa A. Henning
Human Resources/City Clerk

(SEAL)

RESOLUTION NO. 2015-014

A RESOLUTION APPROVING AN AMENDMENT TO THE CONDITIONAL USE PERMIT APPROVED BY RESOLUTION NO. 2005-062 ALLOWING FOR THE CONSTRUCTION OF ONE 108-UNIT APARTMENT BUILDING WITHIN THE FAIRWAY GREENS DEVELOPMENT

WHEREAS, Iverson Real Estate Corporation had received a Conditional Use Permit for Fairway Greens to allow for four 36-unit apartment buildings on April 19th, 2005; and

WHEREAS, Iverson Real Estate Corporation and Terry Mick, TJ Development LLC, had received several extensions of the Conditional Use Permit for the construction of the apartment buildings with the latest extension expiring March 20, 2015; and

WHEREAS, IRET Properties is the current property owner of Evergreen Apartments I and II, and Outlot A, Fairway Greens Phase 5, the lot to be constructed upon; and,

WHEREAS, IRET Properties is currently in the process of platting Outlot A, Fairway Greens Phase 5 as Lot 1, Block 1, Fairway Greens Phase 8; and,

WHEREAS, IRET Properties has applied for an Amendment to the Conditional Use Permit approved through Resolution No. 2005-062 for the construction of one 108-unit apartment building; and,

WHEREAS, Resolution No. 2005-062 allowed for the construction of four 36-unit apartment buildings; and,

WHEREAS, Two 36-unit apartment buildings have been constructed; and,

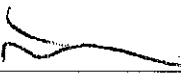
WHEREAS, The development is located within the Fairway Greens Planned Unit Development, which allows for greater development flexibility; and,

WHEREAS, the Planning Commission reviewed the request at their regularly scheduled meeting on January 13th, 2015; and,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Isanti, Minnesota that IRET Properties, request for an Amendment to the Conditional Use Permit allowing for one 108-unit apartment buildings within the Fairway Greens Residential Development is hereby approved with the following condition:

1. The northern access to 8th Ave NE shall be relocated to Wentlock St once Wentlock St is installed.
2. An additional 18 parking stalls shall be provided for the apartments to the south to bring them in to compliance with the parking requirements.
3. The accessory structure near the pool shall be approved as part of the CUP and site plan.
4. Address comments from the City Engineer dated January 5, 2015.
5. Such plans and any appropriate permits shall be reviewed and approved by City staff prior to construction.
6. Approval of the Preliminary and Final Plat, and successful vacation of the drainage and utility easements.
7. A signed and recorded Development Agreement between IRET and the City of Isanti.

Adopted by the Isanti City Council on this 20th day of January 2015.



Mayor George A. Wimmer

Attest:



Donald C. Loring
City Administrator/City Clerk

(SEAL)



December 14, 2015

Ms. Roxanne Achman
Community Development Director
City of Isanti
110 – 1st Ave. NW
P.O. Box 428
Isanti, MN 55040

Re: Fairway Greens Phase 8/Evergreen Apartments, petition to extend the Conditional Use Permit and the Site Plan approval for 1 year.

Dear Ms. Achman,

We previously received City Council approval of an amended Conditional Use Permit and a Site Plan for the Fairway Greens Phase 8/Evergreen Apartment project.

You may recall that while we were working on the Evergreen project we were simultaneously working on another large apartment project in Monticello, MN. Our development personnel did not have the capacity to begin both projects at the same time and the Monticello project came together more quickly. We elected to begin construction on that project earlier this year.

We are excited about and remain committed to developing our new 108 unit apartment project in Isanti and are looking to reset the development process to allow construction to begin next year. In your November email to Andy Martin you outlined Isanti's process for requesting an extension on the project. Accordingly, we respectfully request an extension of the Conditional Use Permit and Site Plan approval for one year.

Please call me if you would like to discuss this in further detail.

Sincerely,

A handwritten signature in black ink that reads "Paul Reinke". The signature is written in a cursive style with a large initial "P".

Paul Reinke
Director of Development and Construction
O: 952-401-4828
C: 651-402-7965

Cc Andy Martin, Senior Vice President - IRET Properties
Dave Pankow, Vice President - IRET Properties



**CITY OF ISANTI
PLANNING COMMISSION MEETING
TUESDAY, FEBRUARY 9, 2016 – 7:00 p.m.
CITY HALL**

1. Meeting Opening
 - A. Call to Order
 - B. Pledge of Allegiance
 - C. Roll Call
 - D. Agenda Modifications

2. Review Conflict of Interest Policy (*Clark Joslin, City Attorney*)
- Full Official Conflict of Interest published on behalf of the League of Minnesota Cities can be found at: www.lmnc.org

3. Approval of Minutes from January 12, 2016 Planning Commission Meeting

4. Public Hearings
 - A. Request from the City of Isanti to Rezone Parcel No. 16.103.0550, legally described as Lot 6, Block 3 of Isanti Meadows, and Parcel 16.103.0560, legally described as Lot 7, Block 1, Isanti Meadows, Isanti County, Isanti, Minnesota, for park and open space uses.

5. Other Business
 - A. None.

6. Discussion Items
 - A. Planning Commissioner Training

7. Adjournment

RESOLUTION NO. 2016-008

CITY OF ISANTI
CONFLICTS OF INTEREST POLICY

Purpose

The City Council of the City of Isanti confirms its determination that ethical standards among the Mayor and Council Members and members of the various Boards and Commissions and employees of the City (Public Officials) are essential to the proper conduct of City affairs. By eliminating conflicts of interest and providing a guide for conduct in City matters, the City Council strives to promote the faith and confidence of the citizens of the City in their government. The following standards of conduct are intended to serve as a guideline for Public Officials in carrying out their responsibilities. This Policy is in addition to any statutory requirements, Attorney General Opinions or court rulings, which prescribe allowable actions for Public Officials.

Definition

Public Officials shall be defined as follows:

- Mayor
- City Council
- Planning Commission
- Economic Development Authority
- Parks, Recreation, and Culture Board
- City Administrator
- Human Resources / City Clerk
- Finance Director / Treasurer
- Economic Development Director
- Community Development Director
- Public Services Director
- Chief of Police
- Liquor Store Manager
- Building Official
- City Attorney
- City Engineer
- Other employees of the City of Isanti

Standards of Conduct

1. Public Officials, City employees, and Police Reserve members:
 - a) Shall not use their positions to secure special privileges or exemptions for themselves or others to intentionally jeopardize the position of employment of others;

- b) Shall not engage in, solicit, negotiate for, or promise to accept private employment nor shall they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties;
 - c) Shall not participate in deliberations in any matter before the Council, Board or Commission, which affects that Public Official's, Public Official's spouse or minor child's financial interests directly or indirectly or those of a business, profession or occupation with which the Public Official is associated. Whenever such conflict is recognized, the affected Public Officials shall disclose in writing such interest prior to any discussion or vote and disqualify themselves from any further involvement pertaining to the issue;
 - d) Shall not act as agent or attorney for another in any matter before the Council or any Board or Commission or before any court or administrative board in any matter in which the City is a party;
 - e) Shall not directly or indirectly receive, or agree to receive, any compensation, gift or reward or gratuity as an inducement to support or influence any matter or proceeding connected with, or related to, the duties of the office; The following types of gifts are permitted under exceptions to the law:
 - 1) Lawful campaign contributions.
 - 2) Services to assist an official in the performance of official duties.
 - 3) Services of insignificant monetary value.
 - 4) A plaque or similar item.
 - 5) A trinket or item of insignificant monetary value.
 - 6) Informational material of unexceptional value.
 - 7) Food or beverage given at a reception, meal, or meeting by an organization before whom the recipient makes a speech or answers questions as part of a program (this exception is only available if the location of the reception, meal, or meeting is away from the recipient's place of work).
 - 8) Gifts given because of the recipient's membership in a group.
 - 9) Gifts between family members.
 - f) Shall not disclose to others or use to further their personal interest confidential information acquired by them in the course of their official duties.
2. Any Public Official who is an officer, director, partner, agent, proprietor or employee of any firm or has a proprietary interest of 10 percent (10%) or more in any company,

business, enterprise or corporation, partnership, labor union or association doing business with the City shall make known that interest in writing as provided in the disclosure section of this Policy.

3. No Public Official nor business entity that the Public Official has a financial interest in, in excess of 10 percent (10%), shall enter into any contract with the City unless otherwise authorized by law.
4. Public Officials shall disclose to the governing body any relationship to another person or entity in any instance where there is a conflict of interest or could be the appearance of a conflict of interest.
5. Public Officials shall not have a personal financial interest in any sales, lease, or contract that they are authorized to make in their official capacities.
6. A Public Official shall not hold two positions if the positions' functions are incompatible with one another.

Disclosures

Public Officials, elected or appointed and employees serving as Department Heads or Supervisors, shall, no later than thirty (30) days following election or appointment to office and each year thereafter by February 1, complete the Disclosure Form and return it to the City Administrator. All subsequent applicants for appointment on Boards and Commissions shall file a completed Disclosure Form together with the application form. Within thirty (30) days after the acquisition or sale of any property, each Public Official shall file as a public record with the City Administrator, a list of all real property in the City owned by such person, that person's spouse, or minor child, or in which the Public Official has a beneficial interest, disclosing each individual item held, and by whom. Homestead shall be excluded from the above disclosure. Each Public Official shall disclose all positions as officer, director, partner, agent, proprietor or employee of any firm in which such Public Official has a proprietary interest of ten percent (10%) or more in any company, business, enterprise, corporation, partnership, labor union or association doing business with the City, and indicate with respect to each such relationship whether services are gratuitous or for compensation.

Disclosure Form

The disclosure information required by this Policy shall be set forth on a form which shall be made available by the City Administrator and is part of this Policy.

Discipline

Upon a signed written complaint of any person questioning adherence to this Policy or on the Council's own volition, the Council shall refer the matter to the City Attorney for investigation and the City Attorney shall report the results of the investigation to the Council within forty-five (45) days thereafter. A copy of such report shall be furnished to the person complained against. Such person may request a hearing on this matter before the Council which request shall be filed

with the City Administrator not later than ten (10) days following receipt by such person of the City Attorney's report.

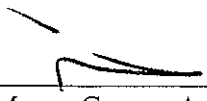
Upon receipt of the City Attorney's report and at the conclusion of any hearing on the matter, the Council by majority vote may dismiss the complaint as having no merit, may adopt a resolution of censure, or with respect to members of Boards and Commissions, the Council may remove a member from such Board or Commission. In the event the complaint is against a member of the Council, such member shall not participate in the Council's deliberations or vote on the issue.

Violations

Any Public Official who violates the Conflict of Interest Law can be found guilty of a gross misdemeanor, be fined up to \$3,000, and imprisoned for up to one year. Any contract that has been made illegally is void.

This Resolution is hereby approved by the Isanti City Council this 5th day of January, 2016.

Attest:



Mayor George A. Wimmer



Karissa A. Henning
Human Resources / City Clerk

(SEAL)

DISCLOSURE FORM

All Public Officials for the City of Isanti are required to complete and file this Disclosure Form with the City Administrator in accordance with the provisions of the Conflicts of Interest Policy.

1. Affiliations with Agencies Doing Business with the City

Identify all positions as officer, director, partner, proprietor or employee of any firm or proprietary interest of ten percent (10%) or more in any company, business, enterprise, corporation, partnership, labor union or association doing business with the City.

<u>Name of Organization</u>	<u>Position Held</u>	<u>Compensation Involved</u>
_____	_____	Yes _____ No _____
_____	_____	Yes _____ No _____
_____	_____	Yes _____ No _____

2. Real Property Owned in the City of Isanti

Identify real property items owned or being purchased by a Public Official, spouse, or child, or in which the Official has a beneficial interest. The actual value of any item is not required.

(Exclude homestead property.)

<u>Property Item</u>	<u>Address</u>	<u>PID #</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Assets

Identify all ownership or beneficial interests in any company, business, enterprise, corporation, partnership, labor union or association doing business with the City where such interest exceeds ten percent (10%) of the total ownership.

Name of Organization

Date

Public Official

Please also provide the following:

Current Address and Box Number if any

Home Phone Number

Work Phone Number

Cell Phone Number if Available

Received by the City Administrator on: _____

CONFLICTS OF INTEREST

1. WHAT IS A CONFLICT OF INTEREST?

A conflict of interest occurs when an individual has a personal interest in a decision that he or she has the power to make. A prohibited personal interest may be contractual or non-contractual. It includes decisions in which personal involvement, gain, or financial benefit exists for the decision-maker.

2. CONTRACT SITUATIONS:

A.) General Rule #1 – Prohibition Against Personal Financial Interest.

Except as authorized in Minn. Stat. § 471.88, a public officer who is authorized to take part in any manner in making any sale, lease or contract in official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom. Every public officer who violates this provision is guilty of a gross misdemeanor.

B.) Common Exceptions To General Rule #1 Allowed By Statute.

- 1.) Designation of bank depository.
- 2.) Only official newspaper in the city.
- 3.) Contract with a cooperative association of which the public officer is a shareholder or stockholder but not an officer or manager.
- 4.) A contract for which competitive bids are not required by law, but only if the contract price is as low as or lower than the price at which the commodity or series could be obtained elsewhere.
- 5.) A contract with a volunteer fire department for the payment of compensation to its members or for the payment of retirement benefits to those members.
- 6.) An officer of a government unit may contract with the unit to provide construction materials or services, or both, by sealed bid process if the unit has a population of 1,000 or less according to the last federal census. The officer may not vote on the question of the contract when it comes before the governing body for consideration.
- 7.) A public officer may rent space in a public facility at a rate commensurate with that paid by other members of the public.

C.) General Rule #2 – Prohibition Against Direct or Indirect Interest.

Except as provided in Minn. Stat. Sections 471.87 to 471.89, no member of a council shall be directly or indirectly interested in any contract made by the council.

D.) Exception to General Rule #2.

- 1.) No ownership interest in the firm.
- 2.) Not an officer or director.
- 3.) Compensated only on a salary or hourly wage basis and receives no commissions, bonus or other remuneration.
- 4.) Is not involved in supervising the performance of the contract for the employer and has no other interest in the contract.

E.) General Rule #3 – Contracts With Family Prohibition Against Immediate Family Benefit.

If the money earned under the contract is used to support the family so that the councilmember derives some benefit from it, the attorney general has uniformly held that there is an indirect interest on the part of the council member in the contract.

F.) Exceptions to General Rule #3.

- Adult children living outside the home
- Earnings from contract do not support family

G.) General Rule #4 – Mayor and council Cannot Be Full-Time Employees of City.

- In a statutory and in a charter city, neither the mayor nor any city council member may be employed by the city. “Employed” refers to full-time permanent employment as defined by the city’s employment policy.

3. NON-CONTRACT SITUATIONS:

A.) General Rule.

Any official who has a personal economic interest that may conflict with public interest in considering an official action generally is disqualified from participating in the action.

B.) How to Determine Whether a Conflict Exists.

- 1.) The nature of the decision being made.
- 2.) The nature of the financial interest.

- 3.) The number of interested officials.
- 4.) The need, if any, for the interested officials to make the decision.
- 5.) Other means available, if any, such as an opportunity for review of the decision.

C.) Common Situations That Pose Conflict Questions.

- Zoning – platting – planning
- Public improvements
- Special assessments
- Licenses
- Church memberships
- Family associations
- Club memberships
- Land purchases
- Regulations
- Vacation of streets
- City comprehensive plan
- Location highways
- Designations of development districts
- Selection of location for municipal parking lots
- Improvements to the business district where the councilmember owns a business

RELEVANT LINKS:

- Labor Day (the first Monday in September).
- Christopher Columbus Day (the second Monday in October).
- Veterans Day (Nov. 11).
- Thanksgiving Day (the fourth Thursday in November).
- Christmas Day (Dec. 25).

Minn. Stat. § 645.44, subd. 5.

All cities have the option, however, of deciding whether Christopher Columbus Day and the Friday after Thanksgiving shall be holidays. If these days are not designated as holidays, public business may be conducted on them.

Minn. Stat. § 645.44, subd. 5.

If a holiday falls on a Saturday, the preceding Friday is considered to be a holiday. If a holiday falls on a Sunday, the next Monday is considered to be a holiday.

Minn. Stat. § 645.15. See Section I-B-2 for more information about notice for special meetings.

State law does not prohibit meetings on weekends. However, state law regulating how time is computed for the purpose of giving any required notice provides that if the last day of the notice falls on either a Saturday or a Sunday, that day cannot be counted. For example, if notice for a special meeting to be held on a Saturday or Sunday is required, the third day of that notice would need to be provided on the preceding Friday.

Minn. Stat. § 204C.03. Minn. Stat. § 202A.19.

Minnesota election law provides that meetings are prohibited between 6 p.m. and 8 p.m. on any election day, including a local general or special election.

Therefore, if a school district is holding a special election on a particular day, no other unit of government totally or partially within the school district may hold a meeting between 6 p.m. and 8 p.m. Meetings are also prohibited after 6 p.m. on the day of a major political precinct caucus.

II. Open meeting law

See LMC information memo, *Meetings of City Councils*, for more information about the open meeting law.

A. Purpose

Minn. Stat. § 13D.01. *St. Cloud Newspapers, Inc. v. Dist. 742 Community Schools*, 332 N.W.2d 1 (Minn. 1983).

The open meeting law requires that meetings of public bodies must generally be open to the public. It serves three vital purposes:

- Prohibits actions from being taken at a secret meeting where the interested public cannot be fully informed of the decisions of public bodies or detect improper influences.
- Ensures the public's right to be informed.
- Gives the public an opportunity to present its views.

RELEVANT LINKS:

See section I-Types of council meetings and notice requirements. Minn. Stat. § 13D.04, subd. 7.

Minn. Stat. § 13D.01, subd. 6. IPAD 08-015. IPAD 13-015 (noting that the open meeting law “is silent with respect to agendas; it neither requires them nor prohibits them”).

Minn. Stat. § 13D.01, subd. 6.

Minn. Stat. § 13D.01, subd. 1. Minn. Stat. § 465.719, subd. 9.

Southern Minnesota Municipal Power Agency v. Boyne, 578 N.W.2d 362 (Minn. 1998).

Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983). *St. Cloud Newspapers, Inc. v. Dist. 742 Community Schools*, 332 N.W.2d 1 (Minn. 1983).

B. Public notice

Public notice generally must be provided for meetings of a public body subject to the open meeting law. The notice requirements depend on the type of meeting. However, if a person receives actual notice of a meeting at least 24 hours before the meeting, all notice requirements under the open meeting law are satisfied regardless of method of receipt.

C. Printed materials

At least one copy of the printed materials relating to agenda items that are provided to the council at or before a meeting must also be made available for public inspection in the meeting room while the governing body considers the subject matter.

This requirement does not apply to materials classified by law as other than public or to materials relating to the agenda items of a closed meeting.

D. Groups governed by the open meeting law

Under the Minnesota open meeting law, all city council meetings and executive sessions must be open to the public with only a few exceptions. The open meeting law also requires meetings of a public body or of any committee, subcommittee, board, department, or commission of a public body to be open to the public. For example, the governing bodies of local public pension plans, housing and redevelopment authorities, economic development authorities, and city-created corporations are subject to the open meeting law.

The Minnesota Supreme Court has held, however, that the governing body of a municipal electric power agency is not subject to the open meeting law because the Legislature has granted these agencies authority to conduct their affairs as private corporations.

E. Gatherings governed by the open meeting law

The open meeting law does not define the term “meeting.” The Minnesota Supreme Court, however, has ruled that meetings are gatherings of a quorum or more members of the governing body—or a quorum of a committee, subcommittee, board, department, or commission thereof—at which members discuss, decide, or receive information as a group on issues relating to the official business of that governing body.

RELEVANT LINKS:

Minn. Stat. § 412.191, subd. 1.
Minn. Stat. § 645.08(5).

See Section II-G-4 for more information about serial meetings.

Minn. Stat. § 13D.05, subd. 1(d).

Minn. Stat. § 13D.01, subd. 3.

IPAD 14-005. IPAD 13-012. IPAD 06-020. IPAD 14-005. See *The Free Press v. County of Blue Earth*, 677 N.W.2d 471 (Minn. Ct. App. 2004) (holding that the county's statement that it was closing a meeting under the attorney-client privilege to discuss "pending litigation" did not satisfy the requirement of describing the subject to be discussed at the closed meeting).

Minn. Stat. § 13D.04, subd. 5.

For most public bodies, including statutory cities, a majority of its qualified members constitutes a quorum. Charter cities may provide that a different number of members of the council constitutes a quorum.

The open meeting law does not generally apply in situations where less than a quorum of the council is involved. However, serial meetings in groups of less than a quorum that are held in order to avoid the requirements of the open meeting law may be found to violate the law, depending on the specific facts.

F. Open meeting law exceptions

The open meeting law is designed to favor public access. Therefore, the few exceptions that do exist are carefully limited to avoid abuse.

All closed meetings (except those closed under the attorney-client privilege) must be electronically recorded at the expense of the public body. Unless otherwise provided by law, the recordings must be preserved for at least three years after the date of the meeting.

Before closing a meeting under any of the following exceptions, a city council must make a statement on the record that includes the specific grounds that permit the meeting to be closed and describes the subject to be discussed.

The commissioner of the Minnesota Department of Administration has advised that a member of the public body (and not its attorney) must make the statement on the record. The commissioner has also advised that citing the specific statutory authority that permits the closed meeting is the simplest way to satisfy the requirement for stating the specific grounds permitting the meeting to be closed. Both the commissioner and the Minnesota Court of Appeals have concluded that something more specific than a general statement is needed to satisfy the requirement of providing a description of the subject to be discussed.

The same notice requirements that apply to open meetings also apply to closed meetings. For example, if a closed meeting takes place at a regular meeting, the notice requirements for a regular meeting apply. Likewise, if a closed meeting takes place as a special meeting or as an emergency meeting, the notice requirements for a special meeting or an emergency meeting would apply.

RELEVANT LINKS:

Minn. Stat. § 13D.03, subd. 1 (b).
IPAD 13-012.
Minn. Stat. §§ 179A.01-.25.

Minn. Stat. § 13D.03, subds. 1 (d), 2.
IPAD 05-027.
IPAD 00-037.

Minn. Stat. § 13D.03, subd. 3.

Minn. Stat. § 13D.05, subd. 2.

Minn. Stat. §§ 144.291-.298.

1. Labor negotiations

The city council may, by majority vote in a public meeting, decide to hold a closed meeting to consider its strategy for labor negotiations, including negotiation strategies or developments or discussion of labor-negotiation proposals conducted pursuant to sections 179A.01 to 179A.25. The council must announce the time and place of the closed meeting at the public meeting.

After the closed meeting, a written record of all members of the city council and all other people present must be available to the public. The council must tape-record the proceedings at city expense and preserve the tape for two years after signing the contract. The tape-recording must be available to the public after all labor contracts are signed for the current budget period.

If someone claims the council conducted public business other than labor negotiations at the closed meeting, a court must privately review the recording of the meeting. If the court finds the law was not violated, the action must be dismissed and the recording sealed and preserved. If the court determines a violation of the open meeting law may exist, the recording may be introduced at trial in its entirety, subject to any protective orders requested by either party and deemed appropriate by the court.

2. Not public data under the Minnesota Government Data Practices Act

The general rule is that meetings cannot be closed to discuss data that are not public under the Minnesota Government Data Practices Act. A meeting must be closed, however, if certain not public data is discussed.

Any portion of a meeting must be closed if expressly required by law or if any of the following types of not public data are discussed:

- Data that would identify victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults.
- Active investigative data created by a law-enforcement agency, or internal-affairs data relating to allegations of law-enforcement personnel misconduct.
- Educational, health, medical, welfare, or mental-health data that are not public data.
- Certain medical records.

RELEVANT LINKS:

Minn. Stat. § 13D.05, subd. 1(d).

Minn. Stat. § 13D.05, subd. 1(b), (c).
IPAD 09-012.

Minn. Stat. § 13D.05, subds. 1(d), 2(b).
IPAD 03-020. (Advising that when a meeting is closed under this exception, Minn. Stat. § 13.43, subd. 2 requires the government entity to identify the individual who is being discussed).

IPAD 14-004.

IPAD 10-001.
Minn. Stat. § 13.43.

A closed meeting held to discuss any of the not public data listed above must be electronically recorded, and the recording must be preserved for at least three years after the meeting.

Other not public data may be discussed at an open meeting without liability or penalty if the disclosure relates to a matter within the scope of the public body's authority, and it is reasonably necessary to conduct the business or agenda item before the public body. The public body, however, should make reasonable efforts to protect the data from disclosure. Data discussed at an open meeting retains its original classification; however, a record of the meeting shall be public.

3. Misconduct allegations or charges

A public body must close one or more meetings for "preliminary consideration" of allegations or charges of misconduct against an individual subject to its authority. This type of meeting must be open at the request of the individual who is the subject of the meeting. If the public body concludes discipline of any nature may be warranted, further meetings or hearings relating to the specific charges or allegations that are held after that conclusion is reached must be open. This type of meeting must be electronically recorded, and the recording must be preserved for at least three years after the meeting.

The commissioner of the Minnesota Department of Administration has advised that a city could not close a meeting under this exception to consider allegations of misconduct against a job applicant who had been extended a conditional offer of employment. The job applicant was not a city employee. The commissioner reasoned that the city council had no authority to discipline the job applicant or to direct his actions in any way; therefore, he was not "an individual subject to its authority."

The commissioner has also advised that a tape recording of a closed meeting for preliminary consideration of misconduct allegations is private personnel data under Minn. Stat. § 13.43, subd. 4, and is accessible to the subject of the data but not to the public. The commissioner noted that at some point in time, some or all of the data on the tape may become public under Minn. Stat. § 13.43, subd. 2. For example, if the employee is disciplined and there is a final disposition, certain personnel data becomes public.

RELEVANT LINKS:

Minn. Stat. § 13D.05, subds. 1(d), 3(a). IPAD 14-007 and IPAD 15-002 (discussing what type of summary satisfies the open meeting law).

IPAD 05-013 (advising that a government entity could close a meeting under this exception to discuss its contract with an independent contractor when that contractor is an individual human being).

Minn. Stat. § 13D.05, subd. 3 (b).

Brainerd Daily Dispatch, LLC v. Dehen, 693 N.W.2d 435 (Minn. Ct. App. 2005).
Prior Lake American v. Mader, 642 N.W.2d 729 (Minn. 2002).
Northwest Publications, Inc. v. City of St. Paul, 435 N.W.2d 64 (Minn. Ct. App. 1989).
Minneapolis Star & Tribune v. Housing and Redevelopment Authority in and for the City of Minneapolis, 251 N.W.2d 620 (Minn. 1976).
IPAD 14-005. IPAD 14-017.

Minn. Stat. § 13D.05, subd. 3 (c).

Minn. Stat. § 13.44, subd. 3.

4. Performance evaluations

A public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body must identify the individual to be evaluated before closing the meeting.

At its next open meeting, the public body must summarize its conclusions regarding the evaluation. This type of meeting must be open at the request of the individual who is the subject of the meeting. If this type of meeting is closed, it must be electronically recorded, and the recording must be preserved for at least three years after the meeting.

5. Attorney-client privilege

A meeting may be closed if permitted by the attorney-client privilege. Meetings between a government body and its attorney to discuss active or threatened litigation may only be closed, under the attorney-client privilege, when a balancing of the purposes served by the attorney-client privilege against those served by the open meeting law dictates the need for absolute confidentiality. The need for absolute confidentiality should relate to litigation strategy, and will usually arise only after the city has made a substantive decision on the underlying matter. This privilege may not be abused to suppress public observations of the decision-making process, and does not include situations where the council will be receiving general legal opinions and advice on the strengths and weaknesses of a proposed underlying action that may give rise to future litigation.

6. Purchase or sale of real or personal property

A public body may close a meeting to:

- Determine the asking price for real or personal property to be sold by the public body.
- Review confidential or protected nonpublic appraisal data.
- Develop or consider offers or counteroffers for the purchase or sale of real or personal property.

RELEVANT LINKS:

Minn. Stat. § 13D.05, subd. 3 (c). *Vik v. Wild Rice Watershed Dist.*, No. A09-1841 (Minn. Ct. App. Aug. 10, 2010) (unpublished opinion) (holding that this exception authorizes closing a meeting to discuss the development or consideration of a property transaction and is not limited to the discussion of specific terms of advanced negotiations). IPAD 08-001. IPAD 14-014.

Minn. Stat. § 13D.05, subd. 3 (d).

Channel 10, Inc. v. Indep. Sch. Dist. No. 709, 215 N.W.2d 814 (Minn. 1974).

Mankato Free Press v. City of North Mankato, 563 N.W.2d 291 (Minn. Ct. App. 1997).

Before holding a closed meeting under this exception, the public body must identify on the record the particular real or personal property that is the subject of the closed meeting. The closed meeting must be tape-recorded. The recording must be preserved for eight years, and must be made available to the public only after all real or personal property discussed at the meeting has been purchased or sold, or after the public body has abandoned the purchase or sale. The real or personal property that is being discussed must be identified on the tape. A list of members and all other persons present at the closed meeting must be made available to the public after the closed meeting. The actual purchase or sale of the real or personal property must be approved at an open meeting, and the purchase or sale price is public data.

7. Security reports

Meetings may be closed to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency-response procedures, and to discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities, if disclosure of the information would pose a danger to public safety or compromise security procedures or responses. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting. Before closing a meeting under this exception, the public body must, when describing the subject to be discussed, refer to the facilities, systems, procedures, services or infrastructures to be considered during the closed meeting. The closed meeting must be tape-recorded, and the recording must be preserved for at least four years.

G. Common issues

1. Interviews

The Minnesota Supreme Court has ruled that a school board must interview prospective employees for administrative positions in open sessions. The court reasoned that the absence of a statutory exception indicated that the Legislature intended such sessions to be open.

As a result, a city council should conduct any interviews of prospective officers and employees at an open meeting if a quorum or more of the council will be present.

The Minnesota Court of Appeals considered a situation where individual councilmembers conducted separate, serial interviews of candidates for a city position in one-on-one closed interviews. The district court found that no “meeting” of the council had occurred because there was never a quorum of the council present during the interviews.

RELEVANT LINKS:

Mankato Free Press v. City of North Mankato, No. C9-98-677 (Minn. Ct. App. Dec. 15, 1998) (unpublished opinion).

St. Cloud Newspapers, Inc. v. Dist. 742 Community Schools, 332 N.W.2d 1 (Minn. 1983).

IPAD 08-007.
IPAD 13-015.

IPAD 05-014.

However, the court of appeals sent the case back to the district court for a determination of whether the councilmembers had conducted the interview process in a serial fashion to avoid the requirements of the open meeting law.

On remand, the district court found that the individual interviews were not done to avoid the requirements of the open meeting law. This decision was also appealed, and the court of appeals affirmed the district court's decision. Cities that want to use this type of interview process should first consult their city attorney.

2. Informational meetings and committees

The Minnesota Supreme Court has held that informational seminars about school-board business, which the entire board attends, must be noticed and open to the public. As a result, it appears that any scheduled gatherings of a quorum or more of a city council must be properly noticed and open to the public, regardless of whether the council takes or contemplates taking action at that gathering. This includes meetings and work sessions where members receive information that may influence later decisions.

Many city councils create committees to make recommendations regarding a specific issue. Commonly, such a committee will be responsible for researching the issue and submitting a recommendation to the council for its approval. These committees are usually advisory, and the council is still responsible for making the final decision. This type of committee may be subject to the open meeting law. Some factors that may be relevant in deciding whether a committee is subject to the open meeting law include how the committee was created and who are its members; whether the committee is performing an ongoing function, or instead, is performing a one-time function; and what duties and powers have been granted to the committee.

For example, the commissioner of the Minnesota Department of Administration has advised that "standing" committees of a city hospital board that were responsible for management liaison, collection of information, and formulation of issues and recommendations for the board were subject to the open meeting law. The advisory opinion noted that the standing committees were performing tasks that relate to the ongoing operation of the hospital district and were not performing a one-time or "ad hoc" function.

RELEVANT LINKS:

IPAD 07-025.

A.G. Op. 63a-5 (Aug. 28, 1996). *Sovereign v. Dunn*, 498 N.W.2d 62 (Minn. Ct. App. 1993). IPAD 07-025.

Thuma v. Kroschel, 506 N.W.2d 14 (Minn. Ct. App. 1993).

A.G. Op. 63a-5 (Aug. 28, 1996).

In contrast, the commissioner has advised that a city's Free Speech Working Group consisting of citizens and city officials appointed by the city to meet to develop and review strategies for addressing free-speech concerns relating to a political convention was not subject to the open meeting law. The advisory opinion noted that the group did not have decision-making authority.

It is common for city councils to appoint individual councilmembers to act as liaisons between the council and particular council committees or other government entities. The Minnesota Court of Appeals considered a situation where the mayor and one other member of a city council attended a series of mediation sessions regarding an annexation dispute that were not open to the public.

The Court of Appeals held that the open meeting law did not apply to these meetings concluding "that a gathering of public officials is not a 'committee, subcommittee, board, department or commission' subject to the open meeting law unless the group is capable of exercising decision-making powers of the governing body."

The Court of Appeals also noted that the capacity to act on behalf of the governing body is presumed where members of the group comprise a quorum of the body and could also arise where there has been a delegation of power from the governing body to the group.

If a city is unsure whether a meeting of a committee, board, or other city entity is subject to the open meeting law, it should consult its city attorney or consider seeking an advisory opinion.

Notice for a special meeting of the city council may be needed if a quorum of the council will be present at a committee meeting and will be participating in the discussion. For example, when a quorum of a city council attended a meeting of the city's planning commission, the Minnesota Court of Appeals ruled that there was a violation of the open meeting law not simply because the councilmembers attended the meeting but because the councilmembers conducted public business in conjunction with that meeting.

Based on this decision, the attorney general has advised that mere attendance by councilmembers at a meeting of a council committee held in compliance with the open meeting law would not constitute a special city council meeting requiring separate notice. The attorney general cautioned, however, that the additional councilmembers should not participate in committee discussions or deliberations absent a separate special-meeting notice of a city council meeting.

RELEVANT LINKS:

St. Cloud Newspapers, Inc. v. Dist. 742 Community Schools, 332 N.W.2d 1 (Minn. 1983). *Moberg v. Indep. Sch. Dist. No. 281*, 336 N.W.2d 510 (Minn. 1983). *Hubbard Broadcasting, Inc. v. City of Afton*, 323 N.W.2d 757 (Minn. 1982).

Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983). IPAD 10-011. IPAD 06-017.

Mankato Free Press v. City of North Mankato, 563 N.W.2d 291 (Minn. Ct. App. 1997).

Mankato Free Press v. City of North Mankato, No. C9-98-677 (Minn. Ct. App. Dec. 15, 1998) (unpublished opinion).

Compare *St. Cloud Newspapers, Inc. v. Dist. 742 Community Schools*, 332 N.W.2d 1 (Minn. 1983) and A.G. Op. 63a-5 (Feb. 5, 1975).

A.G. Op. 63a-5 (Feb. 5, 1975).

3. Social gatherings

Social gatherings of city councilmembers will not be considered a meeting subject to the requirements of the open meeting law as long as there is not a quorum present; or, if a quorum is present, as long as the quorum does not discuss, decide, or receive information on official city business. The Minnesota Supreme Court has ruled that a conversation between two city councilmembers over lunch about a land-use application did not violate the open meeting law because a quorum of the council was not present.

4. Serial meetings

The Minnesota Supreme Court has noted that meetings of less than a quorum of a public body held serially to avoid a public meeting or to fashion agreement on an issue of public business may violate the open meeting law.

The Minnesota Court of Appeals considered a situation where individual councilmembers conducted separate, serial interviews of candidates for a city position in one-on-one closed interviews. The district court found that no “meeting” of the council had occurred because there was never a quorum of the council present during the interviews. However, the court of appeals sent the case back to the district court for a determination of whether the councilmembers had conducted the interview process in a serial fashion to avoid the requirements of the open meeting law.

On remand, the district court found that the individual interviews were not done to avoid the requirements of the open meeting law. This decision was also appealed, and the court of appeals affirmed the district court’s decision. Cities that want to use this type of interview process with job applicants should first consult their city attorney.

5. Training sessions

It is not clear whether the participation of a quorum or more of the members of a city council in a training program would be defined as a meeting under the open meeting law. The determining factor would likely be whether the program includes a discussion of general training information or a discussion of specific matters relating to an individual city.

The attorney general has advised that a city council’s participation in a non-public training program devoted to developing skills was not a meeting subject to the open meeting law.

RELEVANT LINKS:

Moberg v. Indep. Sch. Dist.
No. 281, 336 N.W.2d 510
(Minn. 1983).

IPAD 09-020. IPAD 14-015.

O'Keefe v. Carter, No. A12-0811 (Minn. Ct. App. Dec. 31, 2012) (unpublished opinion).

However, the opinion also advised that if there were to be any discussions of specific city business by the attending members, either outside or during training sessions, it could be a violation of the open meeting law.

6. Telephone, email, and social media

It is possible that communication through telephone calls, email, or other technology could violate the open meeting law. The Minnesota Supreme Court has indicated that communication through letters and telephone calls could violate the open meeting law under certain circumstances.

The commissioner of the Department of Administration has advised that back-and-forth email communications among a quorum of a public body that was subject to the open meeting law in which the members commented on and provided direction about official business violated the open meeting law.

However, the commissioner also advised that "one-way communication between the chair and members of a public body is permissible, such as when the chair or staff sends meeting materials via email to all board members, as long as no discussion or decision-making ensues."

In contrast, an unpublished decision by the Minnesota Court of Appeals concluded that email communications are not subject to the open meeting law because they are written communications and are not a "meeting" for purposes of the open meeting law.

The decision also noted that even if email communications are subject to the open meeting law, the substance of the emails in question did not contain the type of discussion that would be required for a prohibited "meeting" to have occurred. The court of appeals noted that the substance of the email messages was not important and controversial; instead, the email communications discussed a relatively straightforward operational matter. The decision also noted that the town board members did not appear to make any decisions in their email communications.

Because this decision is unpublished, it is not binding on other courts. In addition, the outcome of this decision might have been different if the email communications had related to something other than operational matters, for example, if the board members were attempting to build agreement on a particular issue that was going to be presented to the town board at a future meeting.

RELEVANT LINKS:

Minn. Stat. § 13D.065.

The open meeting law was amended in 2014 to provide that “the use of social media by members of a public body does not violate the open meeting law as long as the social media use is limited to exchanges with all members of the general public.” Email is not considered a type of social media under the new law.

The open meeting law does not define the term “social media” but this term is generally understood to mean forms of electronic communication including websites for social networking like Facebook, LinkedIn, and MySpace as well as blogs and microblogs like Twitter through which users create online communities to share information, ideas, and other content.

It is important to remember that the use of social media by councilmembers could still be used to support other claims such as claims of defamation or of conflict of interest in decision-making. As a result, councilmembers should make sure that any comments they make on social media are factually correct and should not comment on issues that will come before the council in the future for a quasi-judicial hearing and decision, such as the consideration of whether to grant an application for a conditional use permit.

See II G 4 - *Serial meetings*.

It is also important to remember that serial discussions between less than a quorum of the council could violate the open meeting law under certain circumstances. As a result, city councils and other public bodies should take a conservative approach and should not use telephone calls, email, or other technology to communicate back and forth with other members of the public body if both of the following circumstances exist:

- A quorum of the council or public body will be contacted regarding the same matter.
- City business is being discussed.

Minn. Stat. § 13.02, subd. 7.

Another thing councilmembers should be careful about is which email account they use to receive emails relating to city business because such emails would likely be considered government data that is subject to a public-records request under the Minnesota Government Data Practices Act (MGDPA). The best option would be for each councilmember to have an individual email account that the city provides and city staff manage. However, this is not always possible for cities due to budget, size, or logistics.

RELEVANT LINKS:

See Handbook, Chapter 27 for more information about records management.

Minn. Stat. § 13.072, subd. 1 (b). See IPAD for an index of advisory opinions.

See Requesting an Open Meeting Law Advisory Opinion from IPAD.

Minn. Stat. § 8.07. See index of Attorney General Advisory Opinions from 1993 to present.

If councilmembers don't have a city email account, there are some things to think about before using a personal email account for city business. First, preferably only the councilmember should have access to the personal email account. Using a shared account with other family members could lead to incorrect information being communicated from the account, or incoming information being inadvertently deleted. Also, since city emails are government data, city officials may have to separate personal emails from city emails when responding to a public-records request under the MGDPA.

Second, if the account a city councilmember wants to use for city business is tied to a private employer, that private employer may have a policy that restricts this kind of use.

Even if a private employer allows this type of use, it is important to be aware that in the event of a public-records request under the MGDPA or a discovery request in litigation, the private employer may be compelled to have a search done of a councilmember's email communications on the private employer's equipment or to restore files from a backup or archive.

What may work best is to use a free, third-party email service, such as gmail or Hotmail, for your city account and to avoid using that email account for any personal email or for anything that may constitute an official record of city business since such records must be retained in accordance with the state records retention requirements.

H. Advisory opinions

1. Department of Administration

The commissioner of the Minnesota Department of Administration has authority to issue non-binding advisory opinions on certain issues related to the open meeting law. A \$200 fee is required. The Information Policy Analysis Division (IPAD) handles these requests.

A public body subject to the open meeting law can request an advisory opinion. A person who disagrees with the manner in which members of a governing body perform their duties under the open meeting law can also request an advisory opinion.

2. Attorney General

The Minnesota Attorney General is authorized to issue written advisory opinions to city attorneys on "questions of public importance." The Attorney General has issued several advisory opinions on the open meeting law.

RELEVANT LINKS:

Minn. Stat. § 13D.06, subd. 1.

Claude v. Collins, 518 N.W.2d 836 (Minn. 1994).

Minn. Stat. § 13D.06, subd. 2.

O'Keefe v. Carter, No. A12-0811 (Minn. Ct. App. 2012) (unpublished opinion).

Minn. Stat. § 13D.06, subd. 4. See LMC information memo, *LMCIT Liability Coverage Guide*, for information about insurance coverage for lawsuits under the open meeting law.

Minn. Stat. § 13D.06, subd. 4.

Minn. Stat. § 13D.06, subd. 4 (d). *Coahwell v. Murray*, No. C6-95-2436 (Minn. Ct. App. Aug 6, 1996) (unpublished decision). *Elsbeth v. Hille*, No. A12-1496 (Minn. Ct. App. May 13, 2013) (unpublished opinion).

Minn. Stat. § 13D.06, subd. 3 (a). *Brown v. Cannon Falls Township*, 723 N.W.2d 31 (Minn. Ct. App. 2006).

I. Penalties

Any person who intentionally violates the open meeting law is subject to personal liability in the form of a civil penalty of up to \$300 for a single occurrence. The public body may not pay the penalty. A court may take into account a councilmember's time and experience in office to determine the amount of the civil penalty.

An action to enforce this penalty may be brought by any person in any court of competent jurisdiction where the administrative office of the governing body is located.

In an unpublished decision, the Minnesota Court of Appeals concluded that this broad grant of jurisdiction authorized a member of a town board to bring an action against his own town board for alleged violations of the open meeting law. This same decision also concluded that a two-year statute of limitations applies to lawsuits under the open meeting law.

The court may also award reasonable costs, disbursements, and attorney fees of up to \$13,000 to any party in an action alleging a violation of the open meeting law. The court may award costs and attorney fees to a defendant only if the action is found to be frivolous and without merit.

A public body may pay any costs, disbursements, or attorney fees incurred by or awarded against any of its members.

If a party prevails in a lawsuit under the open meeting law, an award of reasonable attorney fees is mandatory if the court determines that the public body was the subject of a prior written advisory opinion from the commissioner of the Minnesota Department of Administration, and the court finds that the opinion is directly related to the lawsuit and that the public body did not act in conformity with the opinion. A court is required to give deference to the advisory opinion.

No monetary penalties or attorney fees may be awarded against a member of a public body unless the court finds there was intent to violate the open meeting law.

If a person is found to have intentionally violated the open meeting law in three or more separate actions involving the same governing body, that person must forfeit any further right to serve on the governing body or in any other capacity with the public body for a period of time equal to the term of office the person was serving.

RELEVANT LINKS:

Minn. Stat. § 13D.06, subd. 3 (b).

Minn. Const. art. VIII, § 5.

Jacobsen v. Nagel, 255 Minn. 300, 96 N.W.2d 569 (Minn. 1959).

Jacobsen v. Nagel, 255 Minn. 300, 96 N.W.2d 569 (Minn. 1959). *Claude v. Collins*, 518 N.W.2d 836 (Minn. 1994).

Sullivan v. Credit River Township, 299 Minn. 170, 217 N.W.2d 502 (Minn. 1974). *Hubbard Broadcasting, Inc. v. City of Afton*, 323 N.W.2d 757 (Minn. 1982). *In re D & A Truck Line, Inc.*, 524 N.W.2d 1 (Minn. Ct. App. 1994). *Lac Qui Parle-Yellow Bank Watershed Dist. v. Wollschlager*, No. C6-96-1023 (Minn. Ct. App. Nov. 12, 1996) (unpublished opinion). IPAD 11-004.

Quast v. Knutson, 276 Minn. 340, 150 N.W.2d 199 (Minn. 1967).

If a court finds a separate, third violation that is unrelated to the previous violations, it must declare the position vacant and notify the appointing authority or clerk of the governing body. As soon as practicable, the appointing authority or governing body shall fill the position as in the case of any other vacancy.

Under the Minnesota Constitution, the Legislature may provide for the removal of public officials for malfeasance or nonfeasance.

To constitute malfeasance or nonfeasance, a public official's conduct must affect the performance of official duties and must relate to something of a substantial nature directly affecting the rights and interests of the public.

"Malfeasance" refers to evil conduct or an illegal deed. "Nonfeasance" is described as neglect or refusal, without sufficient excuse, to perform what is a public officer's legal duty to perform. More likely than not, a violation of the open meeting law would be in the nature of nonfeasance. Although good faith does not nullify a violation, good faith is relevant in determining whether a violation amounts to nonfeasance.

The open meeting law does not address whether actions taken at a meeting that does not comply with its requirements would be valid. Minnesota courts have generally refused to invalidate actions taken at an improperly closed meeting.

But the Minnesota Supreme Court has held that an attempted school district consolidation was fatally defective when the initiating resolution was adopted at a meeting that was not open to the public.

III. Meeting procedures

A. Citizen involvement

Any person may observe council meetings. In fact, the council should encourage citizen attendance to help raise awareness of the city's problems and help create support for programs suggested by the council.

**CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
JANUARY 12, 2016**

1. Meeting Opening.

A. Call to Order.

Achman 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, Paul Bergley, Steve Lundeen, Wayne Traver, Cindy Lind-Livingston, Greg Cesafsky, and Jim Kennedy.

Members Absent: None

Staff Present: Community Development Director, Roxanne Achman

Others Present: None

D. Agenda Modifications.

Achman stated there were none.

2. Welcome Council Representatives.

Achman welcomed council representatives Steve Lundeen and Paul Bergley back to the Planning Commission.

3. Organization of Advisory Bodies as per the City Code of Ordinance Chapter 8.

A. Oath of Office for new Planning Commission Members.

Achman stated that the newly appointed commissioner, Mr. Kennedy, needed to recite the Oath of Office.

Mr. Kennedy recited the Oath of Office.

B. Chair of Planning Commission.

Achman requested nominations for the position of Chair of the Planning Commission.

Motion by Lundeen, second by Cesafsky to nominate Mr. Duncan as Chair of the Planning Commission. There were no other nominations.

Duncan accepted the nomination.

Achman called the motion. Motion was approved unanimously. The meeting was then turned over to Mr. Duncan.

C. Vice-Chair of Planning Commission.

Duncan requested nominations for Vice Chair of the Planning Commission.

Motion by Traver, second by Lind-Livingston to nominate Mr. Cesafsky as Vice Chair of the Planning Commission.

Cesafsky accepted the nomination.

Motion was approved unanimously.

D. Secretary of Planning Commission.

Duncan requested nominations for the Secretary of the Planning Commission.

Motion by Lundeen, second by Bergley to nominate City staff as the Secretary of the Planning Commission. Motion was unanimously approved.

E. Approve 2016 Planning Commission Meeting Dates.

Motion by Bergley, second by Lundeen to approve the 2016 Planning Commission meeting dates.

Duncan stated he would be unavailable for the February 9, 2016 and November 8, 2016 Planning Commission meetings.

Motion carried unanimously.

4. Approval of Minutes from December 8, 2015 Planning Commission Meeting.

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

Motion by Lundeen, second by Bergley to approve the December 8th, 2015 Planning Commission Meeting Minutes. Motion was unanimously approved.

5. Public Hearings.

A. Request from Tim Marinan for Approval of a Conditional Use Permit to operate a Motor Vehicle Sales Office and Display at the Dual Square Mall on the property located at 401 E Dual Blvd NE, Isanti, Minnesota.

Duncan read the item into the minutes.

Achman presented the staff memo.

Duncan opened the public hearing.

Timothy Marinan, 4359 155th Ave NW, Andover, MN, approached the podium to state his presence.

Bergley asking if the applicant understood all the conditions outlined for the Conditional Use Permit.

Achman confirmed the applicant was presented the conditions and understood them.

Bruce Yerigan, 27741 University Ave NE, Isanti, MN, asked if there was a site layout indicating where the cars would be displayed.

Achman provided Mr. Yerigan with a copy of the site layout indicating the cars would be on the easternmost portion of the lot, facing East Dual Boulevard NE.

Lundeen asked Mr. Marinan if he anticipated more than five cars being displayed on the lot.

Mr. Marinan stated that he did not. The site is primarily for the use of an office space.

Achman clarified that due to the type of car dealer license Mr. Marinan has, the state requires that he provides proof that five vehicles can be displayed on the lot whether he plans on using them or not.

Duncan closed the public hearing.

Motion by Kennedy second by Cesafsky to recommend approval of the request from Tim Marinan for Approval of a Conditional Use Permit to operate a Motor Vehicle Sales Office and Display at the Dual Square Mall on the property located at 401 E Dual Blvd NE, Isanti, Minnesota based on the Findings of Fact and conclusions with the following conditions:

1. Services and sales are associated with a principal building with a minimum floor area of at least one thousand (1,000) square feet.
2. All area of the property not devoted to building, parking, or open sales lot area shall be landscaped in accordance with Section 15 of this Ordinance.
3. Off-street parking and loading shall meet the requirements as stipulated within Section 17 of this Ordinance.
4. All new or used vehicles parked or displayed outdoors on the property shall conform to all requirements of the State of Minnesota; shall be operable; shall include all engine, muffler, brakes, and operating parts; shall be equipped with all exterior body parts as if new (for a passenger vehicle, truck or van, this shall mean four (4) tires, all doors and windows, headlamps and grillwork, mirrors, fenders, trunk, lids, body panels and molding, etc, or if a boat, all windshields, safety railings, hulls, trailer, etc.); shall be uniformly and wholly painted; and shall be free from having any loose or damaged exterior parts.
5. All repair, assembly, disassembly or maintenance of motor vehicles or motor vehicle parts shall occur within an enclosed building.
6. A detailed site plan conforming to the requirements of Section 18 of this Ordinance shall be submitted. The site plan shall also illustrate the location of all open sales and storage areas.
7. No outside speaker system shall be permitted without the approval from the City Council.
8. A landscaped buffer shall be provided, if the use abuts any residential zoning district. Solid screening to a minimum height of six (6) feet shall be provided along any portion of the open sales lot abutting a residential property or district. Such screening shall consist of a continuous landscape berm, solid wood fence, wall, or other comparable material. Fencing shall be constructed of wood or comparable material and should be of an ornamental or decorative design. If a chain link or wood fence is used, landscaping shall be provided on the outside of the fence facing the abutting residential property or district.

Motion carried unanimously.

B. 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 Lot 1, Block 1, Isanti Commons First Addition, Isanti County, Isanti, Minnesota.

Duncan read the item into the minutes.

Achman presented the staff memo.

Bergley questioned whether Coborn's had given any indication of what would be placed on that lot.

Achman clarified that Coborn's does not own the property. Paces Lodging (Property Resource Group) owns the land. Whoever purchases or leases the lot will be doing so from Paces. Not Coborn's.

Duncan stated that it appeared city staff was recommending approval subject to the City Engineers review comments being addressed.

Duncan opened the public hearing.

Mr. Yerigan requested to see a copy of the plat.

Achman provided a copy to Mr. Yerigan and indicated where the subdivision would occur on the parcel.

Duncan closed the public hearing.

Motion by Cesafsky 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 Lot 1, Block 1, Isanti Commons First Addition, Isanti County, Isanti, Minnesota based on the Findings of Fact and Conclusions with the following conditions:

1. An agreement with the owner of the triangular piece of property located east of the proposed pond will need to be in place prior to performing any work on that property.
2. Upon approval of the Final Plat by the City Council, the City Clerk or his/her designee shall record it with the County Recorder's Office within ninety (90) days after the date of approval; otherwise, failure of the applicant to comply and submit the necessary items and fees for the recording of the Final Plat by the City shall be cause for revoking the City's approval and the Final Plat shall be considered void, unless the developer or applicant requests an extension, in writing and receives approval from the City Council. The City Council may approve up to two (2) extensions for a term not to exceed one (1) additional year for each extension. Fees associated with the recording of the Final Plat will be charged back to the developer or subdivider.
3. The subdivider shall immediately upon approval, furnish the City Administrator or his/her designee with three (3) full size mylar transparencies of the Final Plat, two (2) for the County and one (1) for the City. Three (3) additional 11 inch by 17 inches mylar

transparencies shall be given to the City Planner, the City Clerk, and Isanti County. No building permits shall be issued until these conditions have been complied with.

4. The Development Agreement for Isanti Commons First Addition shall be amended to reflect the plat name change associated with this property.

Motion carried unanimously.

C. Request from the City of Isanti to Amend Ordinance No. 445 Zoning, Section 2 Definitions.

Duncan read the item into the minutes.

Achman presented the staff memo.

Duncan opened the public hearing. There was no one to speak on the matter. Duncan closed the public hearing.

Motion by Kennedy second by Lundeen to approve the request from the City of Isanti to Amend Ordinance No. 445 Zoning, Section 2 Definitions to include Motor Vehicle Sales Office (no on-site displays, i.e. broker or wholesaler) within the definition of General Office based on the Findings of Fact and Conclusions. Motion carried unanimously.

6. Other Business.

A. Request from IRET Properties for Approval of an Extension of the Conditional Use Permit approved through Resolution No. 2015-014 for the construction of a 108-unit apartment building located within the Fairway Greens Development, legally described as Outlot A, Fairway Greens Phase 5, Isanti County, Isanti, Minnesota.

Duncan read the item into the minutes.

Achman presented the staff memo.

Duncan asked if there were any conditions attached to the request.

Achman stated there are no conditions. The extension can be granted for up to one year.

Lundeen stated he doesn't want this to turn into a yearly request.

Achman indicated that an extension can only be granted twice.

Bergley stated his concern based on the letter. The letter states they were unable to complete the project last year due to a lack of workers. He asked whether the City needs to be concerned about the project being started and not finished.

Lundeen stated that IRET is a big company that is mainly out of North Dakota. Now that housing has dropped off in North Dakota, they should be able to complete the project here without a problem.

Motion by Lundeen second by Kennedy to recommend approval of the request from IRET Properties for Approval of an Extension of the Conditional Use Permit approved through Resolution

No. 2015-014 for the construction of a 108-unit apartment building located within the Fairway Greens Development, legally described as Outlot A, Fairway Greens Phase 5, Isanti County, Isanti, Minnesota. Motion carried unanimously.

7. Other Communications.

A. None.

8. Adjournment

Motion by Lundeen second by Kennedy to adjourn the January 12th, 2016 meeting of the Planning Commission. Motion was unanimously approved.

The meeting adjourned at 7:20 p.m.

Dated at Isanti, Minnesota this 12th day of January 2016.

Respectfully submitted,

Roxanne Achman, AICP
Community Development Director



Public Hearing

To: Planning Commission Chair
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: February 9, 2016

Subject: Request from the City of Isanti to Rezone Parcel No. 16.103.0550, legally described as Lot 6, Block 3 of Isanti Meadows, and Parcel 16.103.0560, legally described as Lot 7, Block 1, Isanti Meadows, Isanti County, Isanti, Minnesota, for park and open space uses.

Background

City staff received a listing of tax forfeited properties for 2015 last year. Among those were properties located in Isanti Meadows at 605 and 607 Fir St SW (PID 16.103.0550 and 16.103.0560). The City applied for a Conditional Use Deed to acquire these two parcels for public park use which was approved by Isanti County and the State of Minnesota. In order to use the property for park and open space uses, the property needs to be rezoned to Park and Open Space (POS) through an amendment to the zoning map.

The City has three (3) years to use the parcels as a neighborhood park of open space and include one of the following sports amenities: tennis court, basketball court or volleyball court. Should the land not be used as listed on the Conditional Use Deed, it would revert back to the State.

Zoning Ordinance Requirements

The purpose of the "POS" Parks and Open Space Overlay District is to protect and preserve parks, open space, and undevelopable land and areas with valuable environmental qualities from further development and to provide for the recreational use of land and structures within the City.

The Planning Commission shall conduct a public hearing, and report its findings and make recommendations to the City Council. The Planning Commission shall consider possible adverse effects of the proposed amendment. The judgment of the Planning Commission with regard to the application shall be based upon, but is not limited to, the following factors:

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the City Comprehensive Plan, including public facilities and capital improvement plans.
2. The proposed action meets the purpose and intent of this Ordinance or in the case of a map amendment; it meets the purpose and intent of the individual district.
3. There is adequate infrastructure available to service the proposed action.
4. There is an adequate buffer or transition provided between potentially incompatible districts.

Comprehensive Plan

The purpose of this category is to identify portions of Isanti that contain existing or planned park and open space uses. Examples of park and open space uses include local and state parks, wildlife areas, and other outdoor recreation facilities, as well as passive open space areas that are prioritized as protected on the natural areas map.

In addition to the parks and open space areas designated as such on the Land Use Plan map, new residential developments should incorporate neighborhood parks as they are developed.

Public Notice

Notice of the Map Amendment was published in the official City newspaper, Isanti County News; on Wednesday, January 27th, 2016. Mailed notice was provided to property owners within 350' of the subject property.

Public Comments

No public comments had been received regarding the proposed text amendment prior to the release of the staff memo.

Deadline for City Council Action

The City of Isanti received a complete application for this request on January 21st, 2016. Pursuant to Minnesota State Statute, the City must act on this request by March 21st, 2016 (60-days); unless an extension of the review period has been agreed to by the applicant.

Staff Request

City staff is requesting a recommendation on this item, which would be forwarded to the City Council at their February 16th, 2016 meeting.

Options and Proposed Motion Language

1. **Recommend Approval with No Conditions:** Motion to recommend approval of the request from the City of Isanti to Rezone Parcel No. 16.103.0550, legally described as Lot 6, Block 3 of Isanti Meadows, and Parcel 16.103.0560, legally described as Lot 7, Block 1, Isanti Meadows, Isanti County, Isanti, Minnesota, for park and open space uses.
2. **Recommend Approval with Conditions:** Motion to recommend approval of the request from the City of Isanti to Rezone Parcel No. 16.103.0550, legally described as Lot 6, Block 3 of Isanti Meadows, and Parcel 16.103.0560, legally described as Lot 7, Block 1, Isanti Meadows, Isanti County, Isanti, Minnesota, for park and open space uses with the following changes....
3. **Recommend Denial:** Motion to recommend denial of the request from the City of Isanti to Rezone Parcel No. 16.103.0550, legally described as Lot 6, Block 3 of Isanti Meadows, and Parcel 16.103.0560, legally described as Lot 7, Block 1, Isanti Meadows, Isanti County, Isanti, Minnesota, for park and open space uses for the following reasons....
4. **Table:** Motion to table the request from the City of Isanti to Rezone Parcel No. 16.103.0550, legally described as Lot 6, Block 3 of Isanti Meadows, and Parcel 16.103.0560, legally described as Lot 7, Block 1, Isanti Meadows, Isanti County, Isanti, Minnesota, for park and open space uses (a specific reason and information request should be included in the motion to table).

Attachments

- Ordinance No. XXX
- Findings of Fact and Conclusions
- Map of parcels
- Zoning Map and Future Land Use Plan – Large colored maps will be displayed at the meeting.

ORDINANCE NO.

**AN ORDINANCE APPROVING AN AMENDMENT TO ORDINANCE NO.445
(ZONING): THE OFFICIAL ZONING MAP**

THE CITY OF ISANTI DOES ORDAIN:

WHEREAS, the City of Isanti obtained Parcel 16.103.0550 legally described as Lot 6, Block 3 of Isanti Meadows, and Parcel 16.103.0560, legally described as Lot 7, Block 1, Isanti Meadows for park and open space uses; and,

WHEREAS, such parcels are in the "R-1" Single Family District; and,

WHEREAS, the City is requesting to amend the zoning map to reflect Parcel's 16.103.0550 and 16.103.0560 as Park and Open Space; and,

WHEREAS, at their regular meeting on February 9, 2016, the City of Isanti Planning Commission held a public hearing to take public comments; and

WHEREAS, the Planning Commission voted unanimously to recommend approval of the rezone request; and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Isanti that Parcel 16.103.0550 legally described as Lot 6, Block 3 of Isanti Meadows, and Parcel 16.103.0560, legally described as Lot 7, Block 1, Isanti Meadows in the City of Isanti, Minnesota, subject to easements, restrictions and reservations of record, is approved the re-zone request from "R-1" Single Family Residential to Park and Open Space.

EFFECTIVE DATE

This Ordinance shall take effect the day following its publication in the City's Official Newspaper.

Adopted by the City Council this 16th day of February 2016.

Mayor George A. Wimmer

ATTEST:

Karissa A. Henning, Human Resources/City Clerk

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from the City of Isanti to Rezone Parcel No. 16.103.0550, legally described as Lot 6, Block 3 of Isanti Meadows, and Parcel 16.103.0560, legally described as Lot 7, Block 1, Isanti Meadows, Isanti County, Isanti, Minnesota, for park and open space uses.

Findings of Fact

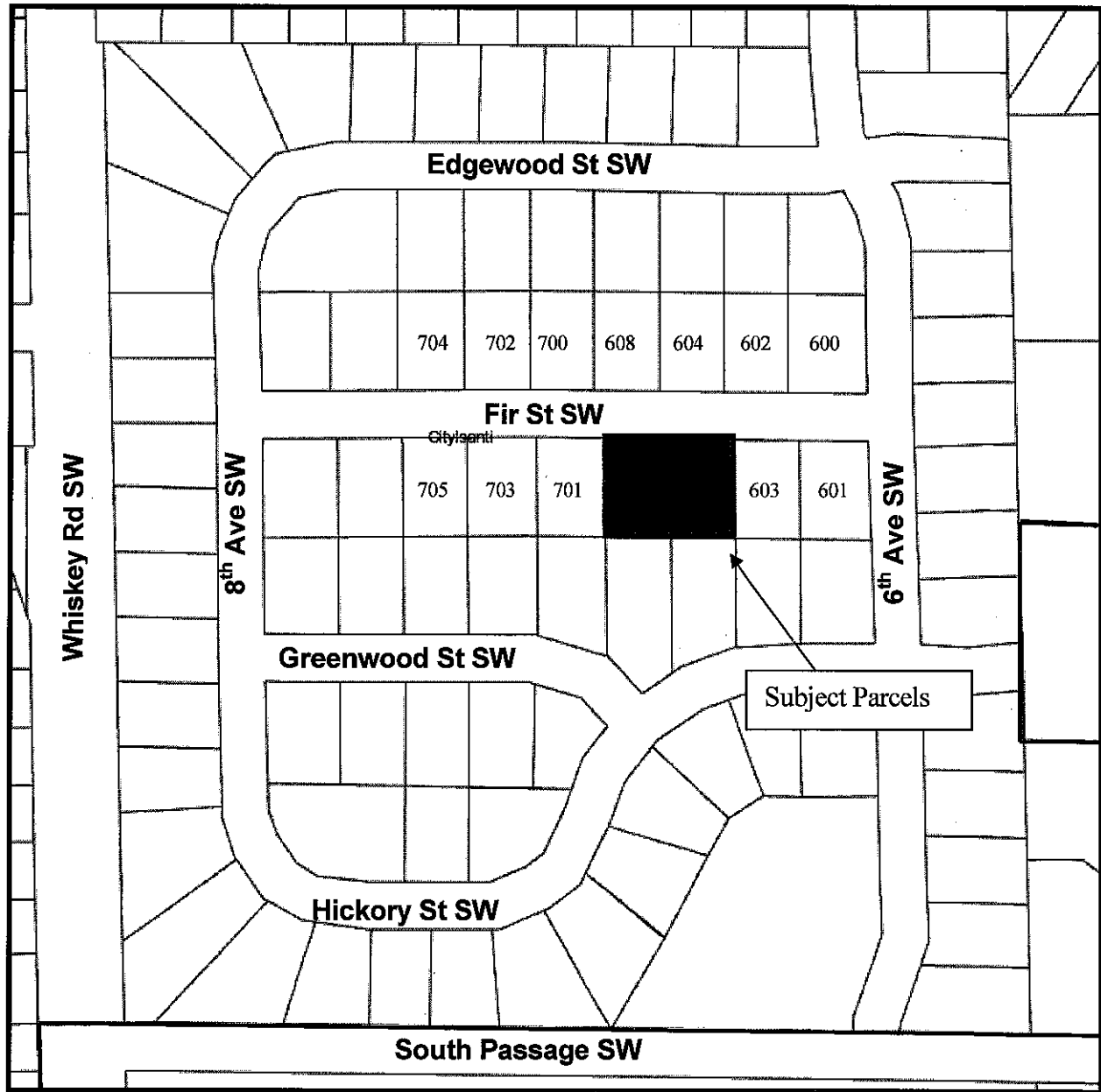
1. The property owners, the City of Isanti, filed an application to rezone Parcel No. 16.103.0550 and Parcel 16.103.0560 from "R-1" Single Family Residential District to "POS" Park and Open Space District.
2. The property is legally described as follows: Parcel No. 16.103.0550, legally described as Lot 6, Block 3 of Isanti Meadows, and Parcel 16.103.0560, legally described as Lot 7, Block 1, Isanti Meadows.
3. The rezoning of the property would permit the property to be slated for park and open space uses.
4. The Comprehensive Plan has a land use encourages the incorporation of neighborhood parks.
5. The requested to rezone this property on January 21st, 2016. Pursuant to Minnesota State Statute, the City must act on this request by March 21st, 2016 (60-day rule).
6. A public hearing date before the Planning Commission was scheduled for Tuesday, February 9th, 2016 at 7:00 p.m. at City Hall within the Council Chambers.
8. Notice of the Rezoning request was published within the Isanti County News on Wednesday, January 27th, 2016. Notices were sent to all property owners located within 350 feet of the subject property.
9. Section 21, Article 1: Amendments (Text and Map), Subdivision 4 (D) of the Zoning Ordinance establishes criteria in which the judgment of the Planning Commission and City Council shall be based upon when reviewing a Rezoning request.

Conclusions

- A. In review of the factors established in Section 21, Article 1 Amendments (Text and Map), Subdivision 4 (D) the following conclusions have been made (*conclusions to each requirement are shown in underlined italics*):
1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the Comprehensive Plan, including public facilities and capital improvement plans.
The identified parcels fit within the concept of implementing neighborhood parks. One of the Comprehensive Plan's objectives is to provide passive parkland and open space areas to enhance the quality of life in existing and future neighborhoods
 2. The proposed action meets the purpose and intent of this Ordinance or in the case of a map amendment; it meets the purpose and intent of the individual district.
The rezoning of the parcel would meet the purpose and intent of the district in which the property is located. Park and open space is suitable and beneficial to residential neighborhoods.
 3. There is adequate infrastructure available to service the proposed action.
Any necessary infrastructure is already in place in this area should the City need connect to it.
 4. There is an adequate buffer or transition provided between potentially incompatible districts.
Parks and open space are compatible with residential uses.

Decision

The Planning Commission reviewed the request in a public hearing on **February 9th, 2016**. The meeting minutes, staff memo, and attachments shall be made a part of the Findings of Fact and Conclusion.



Isanti Meadows Neighborhood

CITY OF ISANTI 2015 ZONING MAP

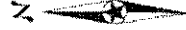
ISANTI COUNTY, MINNESOTA
FEBRUARY, 2015



ZONING INDEX

[Symbol]	RESIDENTIAL SINGLE-FAMILY
[Symbol]	RESIDENTIAL TWO-FAMILY
[Symbol]	RESIDENTIAL MEDIUM-DENSITY
[Symbol]	RESIDENTIAL HIGH-DENSITY
[Symbol]	COMMERCIAL GENERAL
[Symbol]	COMMERCIAL OFFICE
[Symbol]	COMMERCIAL RETAIL
[Symbol]	COMMERCIAL INDUSTRIAL
[Symbol]	INDUSTRIAL MEDIUM-DENSITY
[Symbol]	INDUSTRIAL HIGH-DENSITY
[Symbol]	AGRICULTURE
[Symbol]	OPEN SPACE
[Symbol]	UNDESIGNATED

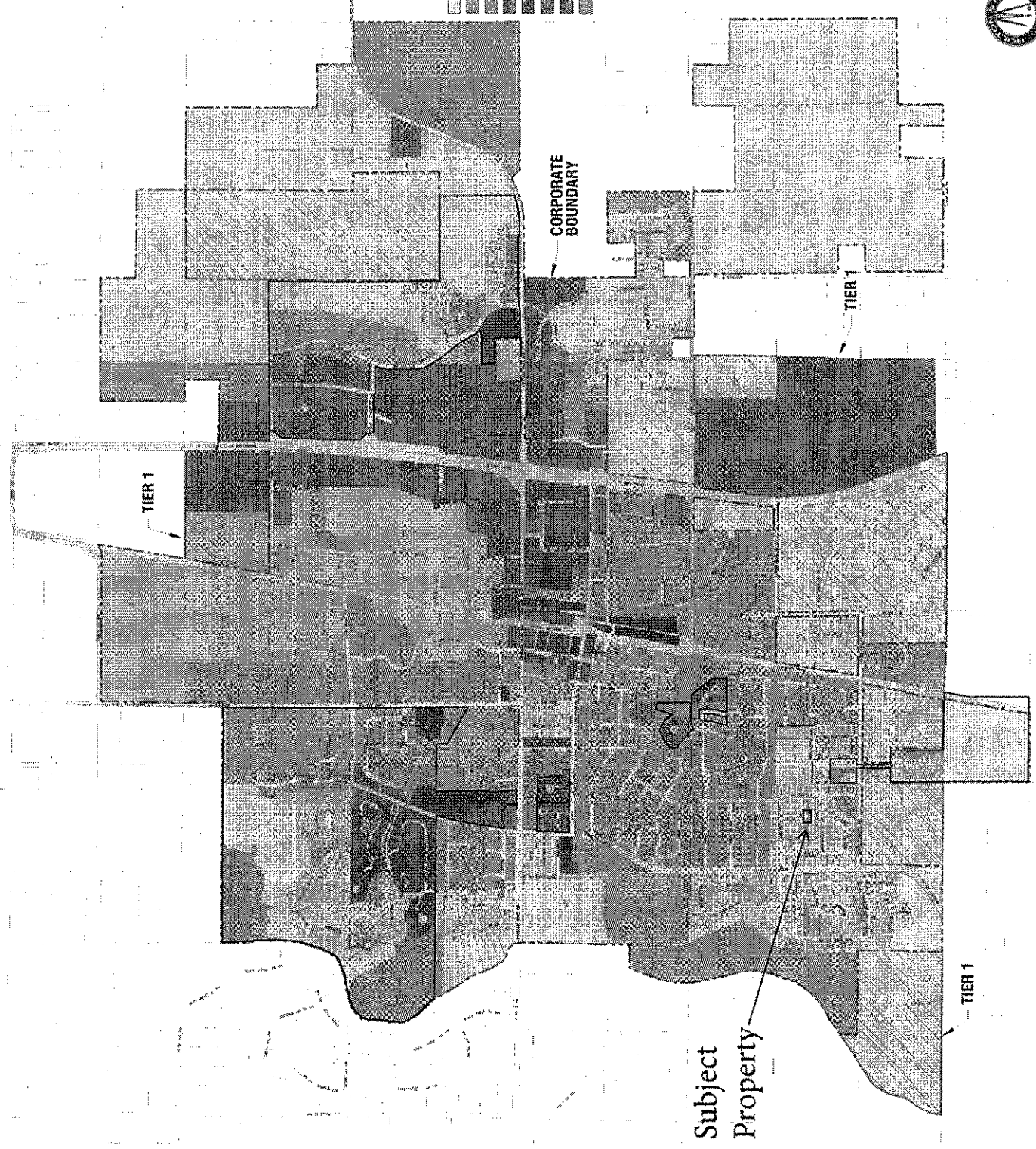
[Symbol]	CORPORATE BOUNDARY
[Symbol]	TIER 1 BOUNDARY
[Symbol]	PLANNED UNIT DEVELOPMENT BOUNDARY (PUD)

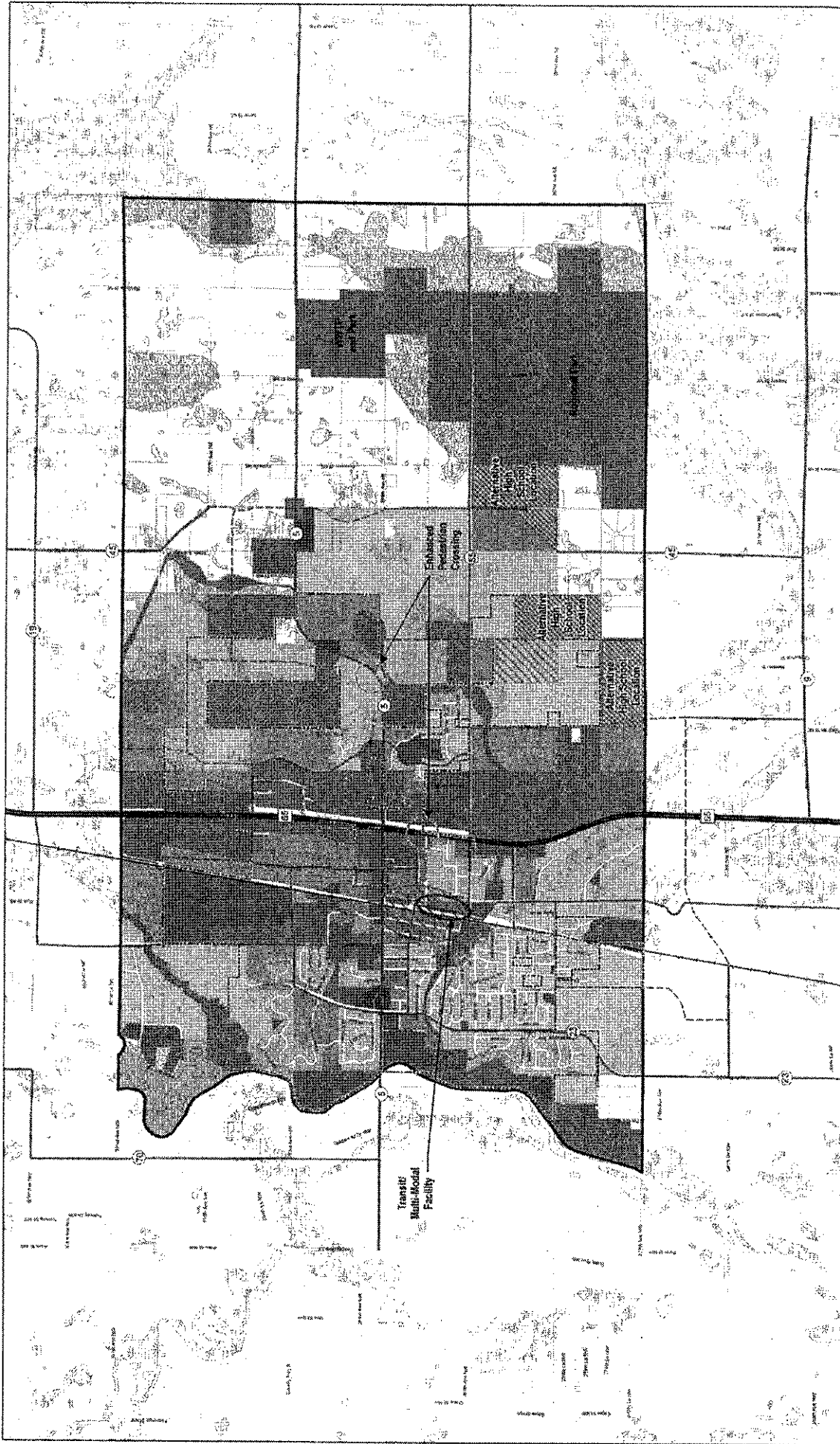


0 500 1000
SCALE FEET



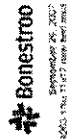
BOLTON & MENK, INC.
Consulting Engineers & Surveyors





Future Land Use Plan
 City of Isanti Comprehensive Plan Update

Figure 7-8B



September 26, 2007
 471 2002-114-11177-1000-0000

- City Boundary
- County Boundary
- Transit Multi-Modal Facility
- High Density Residential
- Medium Density Residential
- Single-Family Residential
- Office/Professional
- Retail/Community Center/Entertainment
- Community Center/Entertainment
- High School
- Middle School/Junior High
- Elementary School
- Park/Open Space
- Open Space
- Natural Resource
- Wetland
- Flood Hazard
- Railroad
- Major Road
- Minor Road
- Utility Line
- Water Body

2,700 0 2,700 Feet



Discussion

To: Chairman Duncan
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: February 9, 2016

Subject: Planning Commissioner Training

Background

Staff was requested to provide the Planning Commission with training and educational opportunities. The Finance Committee reviewed several training options and ultimately chose to move forward with a webinar titled: Legal Issues for Planning Commissioners. Below is a description of the session:

Planning commissioners need to know the basics of laws that apply to planning, land use, and procedural due process. Examine recent U.S. Supreme Court decisions and discuss how commissioners can apply due process in conducting meetings. You'll get practical tips on everything from taking testimony to handling crowds.

You'll learn about:

- Legal principles that guide the planning and zoning process
- How to recognize legal issues and problems early in the process
- New developments in planning law
- Appropriate ways to respond to legal issues
- How to run more efficient meetings and make better decisions

The webinar is 75 minutes.

Would the Planning Commission like to view this in one session or two?



**CITY OF ISANTI
PLANNING COMMISSION MEETING
TUESDAY, MARCH 8, 2016 – 7:00 p.m.
CITY HALL**

1. Meeting Opening
 - A. Call to Order
 - B. Pledge of Allegiance
 - C. Roll Call
 - D. Agenda Modifications
2. Approval of Minutes from February 9, 2016 Planning Commission Meeting
3. Public Hearings
 - A. Request from Ron Stawski on behalf of Wintergreen's for a Conditional Use Permit to allow for outdoor volleyball courts on the property legally described as that part of Lot 2, Block 2, Credit Union Addition, lying south of the North 10 feet thereof, as measured at right angles to the north line of said Lot 2, Isanti County, Isanti, Minnesota.
4. Other Business
 - A. Legal Issues for Planning Commissioners (Webinar, 75mins).
5. Discussion Items
 - A. None.
6. Adjournment

**CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
FEBRUARY 9, 2016**

1. Meeting Opening.

A. Call to Order.

Cesafsky 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: Paul Bergley, Steve Lundeen, Wayne Traver, Cindy Lind-Livingston, Greg Cesafsky, and Jim Kennedy.

Members Absent: Jeff Duncan (provided prior notice)

Staff Present: Community Development Director, Roxanne Achman

Others Present: None

D. Agenda Modifications.

Achman stated there were none.

2. Review Conflict of Interest Policy.

City Attorney Clark Joslin presented the conflict of interest policy and outlined the open meeting law.

3. Approval of Minutes from January 12, 2016 Planning Commission Meeting.

Cesafsky questioned if there were any comments or changes to the minutes.

Motion by Bergley second by Kennedy to approve the January 12th, 2016 Planning Commission Meeting Minutes. Motion was unanimously approved.

4. Public Hearings.

A. Request from the City of Isanti to Rezone Parcel No. 16.103.0550, legally described as Lot 6, Block 3 of Isanti Meadows, and Parcel No. 16.103.0560, legally described as Lot 7, Block 3 of Isanti Meadows, Isanti County, Isanti, Minnesota, for park and open space uses.

Cesafsky read the item into the minutes.

Achman presented the staff memo.

Bergley asked if there would be a volleyball court, tennis court or basketball court on the property.

Achman explained that as part of the request to use the property as park and open space, the city had to identify something other than open space that would be in the park.

Bergley asked if there was a volleyball court in any of the city parks.

Achman stated she wasn't aware of any volleyball courts in any of the city parks. She further stated that the design of the park will be discussed and reviewed at the Parks, Recreation and Culture Board.

Lundeen asked if the lots were actually tax forfeited.

Achman stated that they were.

Bergley asked what the approval process would be from here on out.

Achman informed him that the rezoning request would go to City Council for final approval. Then the design would occur at the Parks, Recreation and Culture Board, who would recommend approval to the City Council.

Bergley stated that by approving the rezoning, we still don't know what the Parks, Recreation and Culture Board will do with it.

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

Motion by Kennedy second by Lind-Livingston to recommend approval of the request from the City of Isanti to Rezone Parcel No. 16.103.0550, legally described as Lot 6, Block 3 of Isanti Meadows, and Parcel No. 16.103.0560, legally described as Lot 7, Block 3 of Isanti Meadows, Isanti County, Isanti, Minnesota, for park and open space uses based on the Findings of Fact and Conclusions. Motion carried unanimously.

5. Other Business.

A. None.

6. Discussion Items.

A. Planning Commissioner Training.

Achman questioned whether the Planning Commission would like to watch the webinar in one session or two.

The Planning Commission conceded they would prefer to watch the webinar in one session.

7. Adjournment

Motion by Bergley second by Lundeen to adjourn the February 9th, 2016 meeting of the Planning Commission. Motion was unanimously approved.

The meeting adjourned at 7:20 p.m.

Dated at Isanti, Minnesota this 9th day of February 2016.

Respectfully submitted,

Roxanne Achman, AICP
Community Development Director



Public Hearing

To: Chairman Duncan
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: March 8, 2016

Subject: Request from Ron Stawski on behalf of Wintergreen's for a Conditional Use Permit to allow for outdoor volleyball courts on the property legally described as that part of Lot 2, Block 2, Credit Union Addition, lying south of the North 10 feet thereof, as measured at right angles to the north line of said Lot 2, Isanti County, Isanti, Minnesota.

Background

Wintergreens is planning to submit an application for a Conditional Use Permit to install two volleyball courts adjacent to their newest parking lot. Commercial recreation in the B-2 General Business District requires a CUP. Commercial recreation does not have additional conditions outlined within Section 13 Use Regulations.

The site currently has roughly 90 parking stalls. 65 are required stalls. Code does not outline parking requirements for volleyball or other similar uses. I did not find parking standards for volleyball in other cities either.

Plans have been submitted showing a volleyball court area of 70' x 100', which will contain 2 courts. The volleyball area is fenced in and has additional lighting for courts. The fence is to be three foot, chain-link fence surrounding the perimeter of the courts, up to the building. The lighting fits within the lighting standards in that it is a hooded light and does not exceed 5 foot candles at the property line. The future parking shown on this plan is not part of the approval request.

The CUP would also be necessary for the grading of the lot in order to construct the volleyball courts. A CUP for grading is required if more than 25 cubic yards are disturbed. This project would disturb roughly 100 cubic yards of dirt.

The City Engineer provided comments on February 1, 2016 (attached) requesting that on-site drainage be reevaluated. The attached site plan addresses the drainage and was acceptable to the City Engineer.

Staff Recommendation:

Staff recommends approval of the Conditional Use Permit subject based on the Findings of Fact and Conclusions.

Comprehensive Plan

The 2008 Comprehensive Plan has the area guided for General Commercial Development. The existing uses and the proposed use would appear to meet purpose, goals, and objectives of this land use classification.

Zoning

The property is zoned "B-2" General Business District. Grading in excess of 25 cubic yards in any district requires a Conditional Use Permit. The petitioner is subject to the application requirements, procedure, and

performance standards as outlined within Section 21 Administration, Article 2 Conditional Use Permits of Ordinance No. 445: Zoning.

Zoning Ordinance Provisions

The property is zoned "B-2" General Business District. It is the intent of this zoning district to promote the development of commercial uses which are predominately auto-oriented in nature. The district caters to highway-oriented businesses as well as businesses that provide basic shopping and service needs for the community. Compatibility with adjacent uses and buildings is required within the district, as site design, building size and materials, and screening/landscaping are important to the creation and maintenance of a thriving commercial base.

Section 14: Performance Standards

Subdivision 5: Outdoor Lighting Standards

- A. Prohibited Lighting: No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property with by any person or normal sensitivities, or otherwise as to create a public nuisance.
- B. Minimum Standards: All uses shall comply with the following standards except as otherwise provided in this section:
1. Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall be subject to the following:
 - a. Maximum initial lumens generated by each fixture shall not exceed two thousand (2,000) lumen (equivalent to a one hundred fifty (150) watt incandescent bulb).
 - b. Mounting heights of such fixtures shall not exceed fifteen (15) feet.
 2. Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions so as to create annoyance, discomfort, or decreased visual performance or visibility.
 3. Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) foot candle measured at the closest residential property line and five (5) foot-candles measured at the street curb line or non-residential property line nearest the light source.
 4. Lighting shall not create a hazard for vehicular or pedestrian traffic.
 5. Lighting of building facades or roofs shall be located, aimed, and shielded so that light is directed only onto the façade or roof.
 6. Lighting shall be maintained stationary and constant in intensity and color, and not be of a flashing, moving, or intermittent type.
 7. Business and industrial zoned property must light the trash enclosure areas for the safety of their employees.

Conditional Use Permit Requirements

Upon review of a Conditional Use Permit request, the Zoning Ordinance provides factors and standards that must be reviewed by the Planning Commission. Section 21, Article 2 Conditional Uses states:

- D. The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:
1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
 2. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.

3. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
4. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
5. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
6. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
8. The conditional use complies with the general and specific performance standards as specified by within this Article.

Certification of Taxes Paid

Prior to approving an application for approval of a Conditional Use Permit, certification must be provided to the City that there are not any delinquent property taxes, special assessments, penalties, interest, or outstanding municipal utility fees. City staff did verify with Isanti County on Friday, January 29th, 2016; that all taxes associated with the property were current.

Public Notice

Notice was published within the Isanti County News on February 24th, 2016. Written notification was provided to property owners located within 350’ of the subject site as required by Minnesota State Statute.

Public Comment

To date, no public comment or questions had been received.

Deadline for City Council Action

The City of Isanti received a complete application for a Conditional Use Permit on February 8th, 2016. Pursuant to Minnesota State Statute, the City must act on this request by April 8th, 2016 (60 days). The 60-day exception to these deadlines provided would be if the City provides the petitioner with written reasons for an additional 60-day review period.

Options & Proposed Motion Language

1. Recommend Approval with No Conditions: Motion to recommend approval of the request from Ron Stawski on behalf of Wintergreen’s for a Conditional Use Permit to allow for outdoor volleyball courts on the property legally described as that part of Lot 2, Block 2, Credit Union Addition, lying south of the North 10 feet thereof, as measured at right angles to the north line of said Lot 2, Isanti County, Isanti, Minnesota..
2. Recommend Approval with Conditions: Motion to recommend approval of the request from Ron Stawski on behalf of Wintergreen’s for a Conditional Use Permit to allow for outdoor volleyball courts on the property legally described as that part of Lot 2, Block 2, Credit Union Addition, lying south of the North 10 feet thereof, as measured at right angles to the north line of said Lot 2, Isanti County, Isanti, Minnesota with the following conditions.....
3. Recommend Denial: Motion to recommend denial of the request from Ron Stawski on behalf of Wintergreen’s for a Conditional Use Permit to allow for outdoor volleyball courts on the property legally described as that part of Lot 2, Block 2, Credit Union Addition, lying south of the North 10 feet thereof, as measured at right angles to the north line of said Lot 2, Isanti County, Isanti, Minnesota for the following reasons.....
4. Table: Motion to table the request from Ron Stawski on behalf of Wintergreen’s for a Conditional Use Permit to allow for outdoor volleyball courts on the property legally described as that part of Lot 2, Block 2, Credit Union Addition, lying south of the North 10 feet thereof, as measured at right

angles to the north line of said Lot 2, Isanti County, Isanti, Minnesota (a specific reason and information request should be included in the motion to table).

Attachments

- Resolution No. 2016 - XXX
- Findings of Fact and Conclusion
- City Engineers Review Comments for the Grading Plan dated 2.1.2016
- Site Plan prepared by Roshell Engineering, LLC dated 2.11.2016

RESOLUTION NO. 2016-

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP) FOR WINTERGREEN'S GOLF AND GRILL, TO OPERATE OUTDOOR VOLLEYBALL COURTS ON THE PROPERTY LEGALLY DESCRIBED AS THAT PART OF LOT 2, BLOCK 2, CREDIT UNION ADDITION, LYING SOUTH OF THE NORTH 10 FEET THEREOF, AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID LOT 2, ISANTI COUNTY, ISANTI, MINNESOTA

WHEREAS, Ronald Stawski owns the property located at 304 Credit Union Dr. NE legally described as:

That part of Lot 2, Block 2, Credit Union Addition, lying south of the North 10 feet thereof, as measured at right angles to the north line of said Lot 2, Isanti County, Isanti, Minnesota.

WHEREAS, Mr. Stawski is requesting to construct and operate outdoor volleyball courts in association with Wintergreen's Golf and Grill; and,

WHEREAS, the property is located within the "B-2" General Business District, which requires a Conditional Use Permit (CUP) for commercial recreation within said district; and,

WHEREAS, the City of Isanti Planning Commission conducted a public hearing on the proposed Conditional Use Permit on March 8th, 2016; and,

WHEREAS, the City of Isanti Planning Commission recommended approval of the proposed Conditional Use Permit subject to the conditions as listed below; and,

WHEREAS, the City Council reviewed the requested Conditional Use Permit at its regularly scheduled meeting on March 15th, 2016; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ISANTI, MINNESOTA, that it adopts the Findings of Fact and Conclusion related to the requested Conditional Use Permit and **BE IT FURTHER RESOLVED** that the requested Conditional Use Permit for outdoor volleyball courts to be located on the property located at 304 Credit Union Dr. NE be hereby approved.

Adopted by the Isanti City Council on this 15th day of March 2016.

Attest:

Mayor George A. Wimmer

Karissa A. Henning
HR/City Clerk

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from Ron Stawski on behalf of Wintergreen's for a Conditional Use Permit to allow for outdoor volleyball courts on the property legally described as that part of Lot 2, Block 2, Credit Union Addition, lying south of the North 10 feet thereof, as measured at right angles to the north line of said Lot 2, Isanti County, Isanti, Minnesota.

Findings of Fact

1. The applicant is requesting to grade and construct two outdoor volleyball courts on the property legally described as that part of Lot 2, Block 2, Credit Union Addition, lying south of the North 10 feet thereof, as measured at right angles to the north line of said Lot 2, Isanti County, Isanti, Minnesota
2. The property is zoned "B-2" General District.
3. A Conditional Use Permit is required for Commercial Recreation within the B-2 District.
4. The petitioner submitted a complete Conditional Use Permit Application, the required application fee and associated materials on February 8th, 2016. Pursuant to Minnesota State Statute, the City must act on this request by April 8th, 2016 (60-day rule).
5. A public hearing date before the Planning Commission was scheduled for Tuesday, March 8th, 2016 at 7:00 p.m. at City Hall within the Council Chambers.
6. Notice of the Conditional Use Permit request was published within the Isanti- County News on Wednesday, February 24th, 2016. Notices were sent to all property owners located within 350 feet of the subject property.
7. Section 21, Article 2: Conditional Use Permits, Subdivision 3 (D) of the Zoning Ordinance establishes factors that the judgment of the Planning Commission shall be based upon when reviewing a Conditional Use Permit request as well as Section 21, Article 2: Conditional Use Permits, Subdivision 4 General Performance Standards of the Zoning Ordinance establishes additional general standards that shall be used to evaluate any proposed conditional use permit request.
8. The Planning Commission held a public hearing on the item on March 8th, 2016; and all property owners within 350' of the subject property were invited to attend and provide public comment.

Conclusions

1. In review of the standards established in Section 21, Article 2 Conditional Use (D); the following conclusions have been made (*conclusions to each requirement are shown in underlined italics*): The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:
 - A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
As noted, the proposed use for the site would be consistent with the goals and objectives of the comprehensive plan.
 - B. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.
The proposed use is a permitted conditional use. It fits the intent of the ordinance and underlying zoning district ("B-2" General Business District).
 - C. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
The volleyball courts will be within a fenced in area and will have proper lighting that meets the City's requirements.

- D. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
The conditional use commercial recreation is fitting for a commercial district where activities may go on later in other districts. There are no residential districts directly abutting this property.
- E. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
This use will not impede development.
- F. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
There are no additional public facilities needed for this use. Adequate parking and lighting are supplied on site.
- G. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
The requested conditional use permit appears to conform to the applicable regulations required for the district and the performance standards outlined within the zoning ordinance. Conditions will be placed on any approval to ensure that the property is developed in accordance to ordinance requirements and the proposed plan provided by the applicant.
- H. The conditional use complies with the general and specific performance standards as specified by within this Article.
These have been evaluated as part of the findings of fact; and can be found within this document.
3. In review of the standards established in Section 21, Article 2 Conditional Use, Subdivision 4 General Performance Standards; the following conclusions have been made (conclusions to each requirement are shown in underlined italics):
- A. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated an adequate public right-of-way shall be provided.
This site is currently served by a street of sufficient capacity. The proposed conditional use will not change the type or volume of traffic flow for this site.
- B. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with Section 17 of this Ordinance.
Access to the site is existing and had been approved at an earlier date. Sufficient parking is provided on site.
- C. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
Not applicable.
- D. Adequate off-street parking and off-street loading shall be provided in compliance with Section 17 of this Ordinance.
Parking exists on site and is sufficient for the proposed use.
- E. Loading areas and drive-thru facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any adjacent residential use or district, and provided in compliance with Section 17 of this Ordinance.
Not applicable.
- F. Whenever a non-residential use is adjacent to a residential use or district, a buffer area with screening and landscaping shall be provided in accordance with the provisions of Section 15 of this Ordinance.
Not applicable.
- G. General site screening and landscaping shall be provided in compliance with Section 15 of this Ordinance.
Landscaping and screening were established with the original site plan.

- H. All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, and shall be in compliance with Section 14 of this Ordinance.
The added exterior lighting meets the requirements of Section 14 of the Zoning Ordinance.
- I. The site drainage system shall be subject to the review and approval of the City Engineer.
Drainage has been reviewed and approved by the City Engineer.
- J. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing and potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
Not applicable. No additional buildings will be added to the site.
- K. Provisions shall be made for daily litter control, an interior location for recycling and trash handling and storage or an outdoor, enclosed receptacle area shall be provided in compliance with Section 14 of this Ordinance.
The location of the refuse container is existing and in compliance.
- L. All signs and informational or visual communication devices shall be in compliance with Section 16 of this Ordinance.
No additional signage to be added to the site at this time.
- M. The use and site shall be in compliance with any federal, state, or county laws or regulations that are applicable and any related permits shall be obtained and documented to the City.
The applicant will need to pull the appropriate permits and any appropriate fees must be paid for these permits and inspections completed by the appropriate staff person prior, during, and following construction.
- N. Any applicable business licenses mandated by City Code are approved and obtained.
Not applicable.
- O. The hours of operation may be restricted when there is judged to be an incompatibility with a residential use or district.
Not applicable.
- P. The use complies with the applicable performance standards of the zoning district in which it is located and where applicable, any non-conformity shall be eliminated.
The use complies with the applicable performance standards.
- Q. Additional Stipulations. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general public health, safety, and welfare, can be served as well or better by modifying or expanding the conditions set forth herein.

Decision

The Planning Commission held a public hearing on the item at the **March 8th, 2016** meeting. The meeting minutes shall be made part of the Findings of Fact.

Planning Commission Recommendation:



BOLTON & MENK, INC.


Consulting Engineers & Surveyors

7533 Sunwood Drive NW • Ramsey, MN 55303

Phone (763) 433-2851 • Fax (763) 427-0833

www.bolton-menk.com

MEMORANDUM

Date: February 1, 2016
To: Roxanne Achman, Community Development Director
From: Bradley C. DeWolf, P.E. 
City Engineer
Subject: Wintergreens Volleyball - Site Review
Isanti, Minnesota

We have reviewed the site layout sheet C1 created by Roshell Engineering, LLC entitled "Volleyball Court & Future Parking Lot" with a date of January 29, 2016.

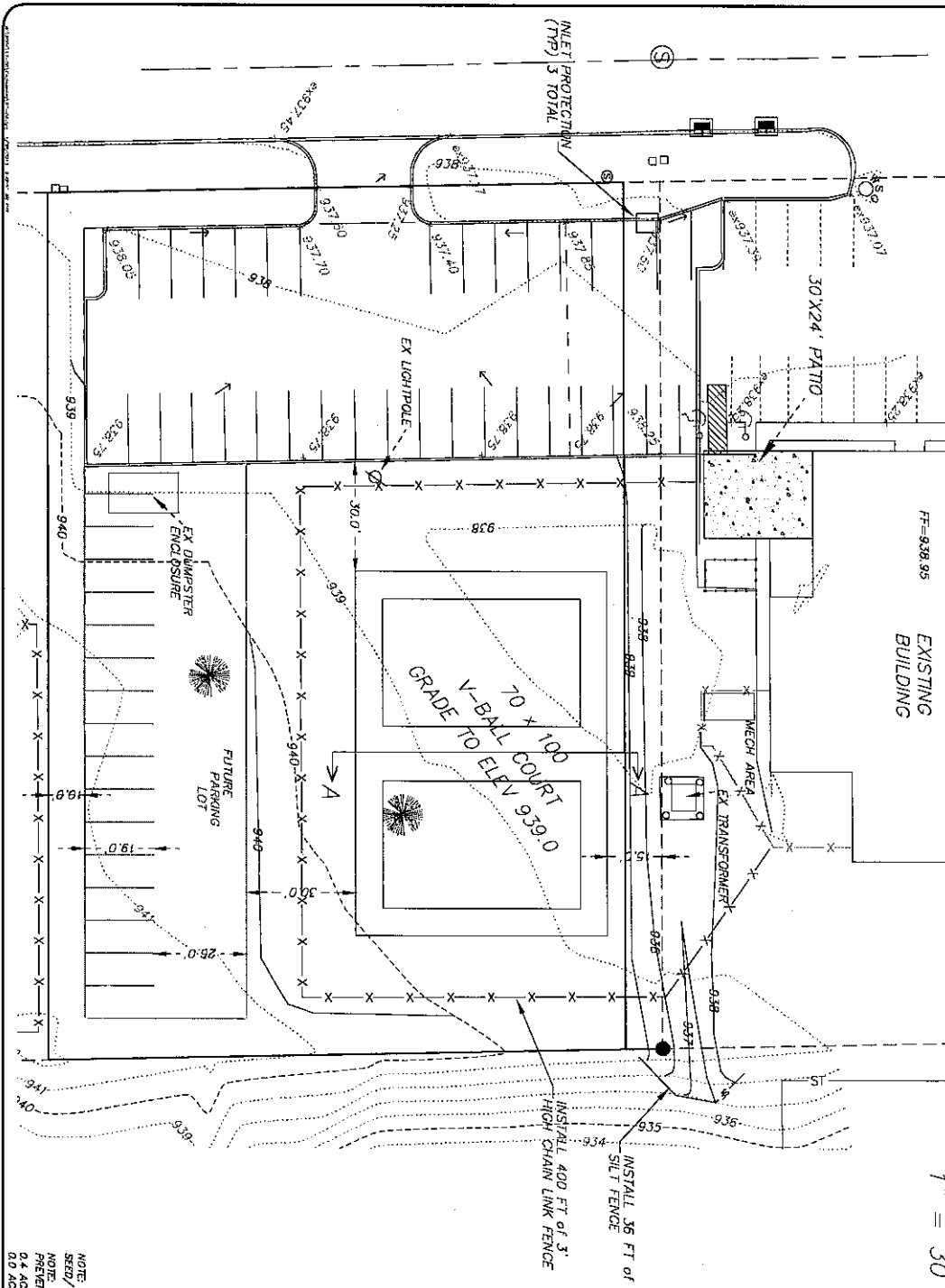
The plan includes two beach volleyball courts with a 3 foot high chain link fence around it as well as an area for a future parking lot. The proposed site is located on the south side of Wintergreens Golf & Grill on Credit Union Drive NE.

We have reviewed the submitted layout and have the following comments:

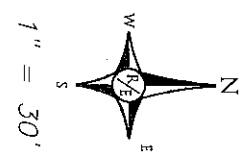
1. The future parking lot will require a separate site review once proposed curb grades are set and site grading is determined.
2. The existing drainage appears to hold water at the NW corner of the proposed volleyball courts and the majority of this low area is proposed to be filled with 1-2 feet of material. This reduced low infiltration area, may cause standing water to be deeper and to occur more often than it currently does and may impact the mechanical pad on the south side of the building.
 - a. We recommend this drainage area be evaluated to ensure acceptable runoff conditions are met.

We recommend approval of the volleyball courts and fence as shown in the plan once the above drainage issue is resolved.

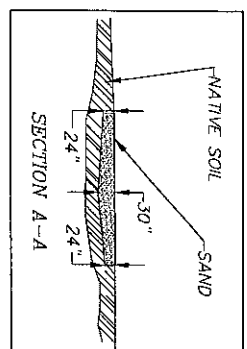
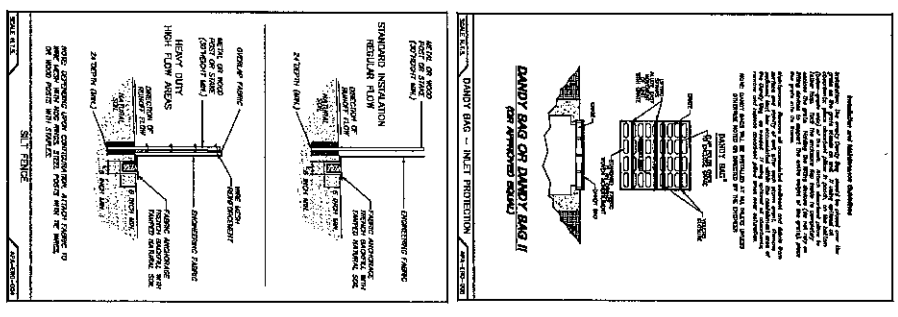
Please contact me if you have any questions.



FF=938.95
EXISTING BUILDING



NOTE: STABILIZE ALL DISTURBED AREAS BY USE OF SEED/MULCH OR SOO WITHIN 72 HRS OF GRADING COMPLETION.
NOTE: SWEEP STREET AND PARKING LOT AS NEEDED TO PREVENT SOIL FROM ENTERING CATCH BASINS.
0.4 ACRES OF GRADED AREA
0.0 ACRES OF ADDED IMPERVIOUS



DATE	BY	REVISIONS
2/7/16	BR	SCALE TO EAST POND

RECORD DRAWING

WINTERGREENS
VOLLEYBALL COURT & FUTURE PARKING LOT
ISANTI, MINNESOTA

ROSELL ENGINEERING, LLC
6192 267 TH CT WYOMING, MN 55092
PHONE: 763.286.0521

CT

APA's 2015 National Planning Conference
 Legal Issues for Planning Commissioners
 Function Code: S531

Presented By:

C. Gregory Dale, FAICP

*McBride Dale Clarion
 5725 Dragon Way, Suite 220
 Cincinnati, Ohio 45227
 (513) 561-6232
 gdale@mcbridedale.com*

Don Elliott, FAICP

*Clarion Associates
 621 17th Street, Suite 2250
 Denver, Colorado 80293
 (303) 830-2890
 delliot@clarionassociates.com*

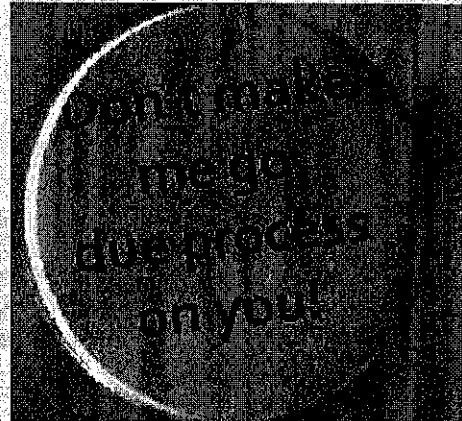
Key Learning Objectives

- ❑ Provide an understanding of:
 - ❑ How the law guides planning commission decision making procedures
 - ❑ How the law influences the subject matter of you decisions



Good Decision Making Procedures

- ❑ Notice
- ❑ Opportunity to Be Heard
- ❑ Full Disclosure
- ❑ Unbiased Decisions
- ❑ Timely Decisions
- ❑ Rules and Records
- ❑ Findings



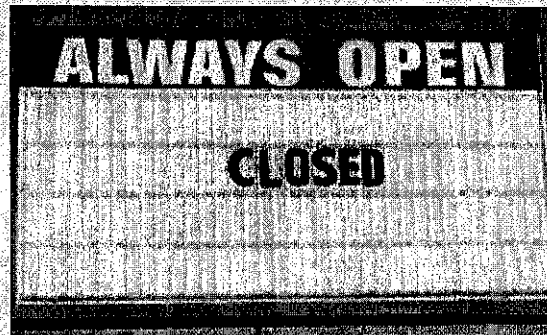
Notice

- ❑ Adequate and timely
- ❑ Should be reasonably calculated to apprise interested parties of a proposed action.
- ❑ Must allow time for all parties to prepare
- ❑ The average person must be able to understand the notice
- ❑ Legal requirements are *minimum* standards – you can exceed them
- ❑ Think about notice as a communications issue



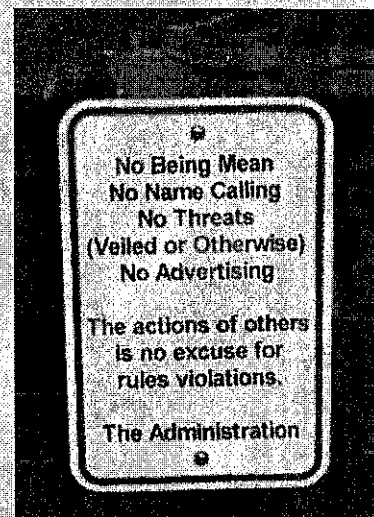
Opportunity to be Heard

- ❑ All parties must have an opportunity to be heard.
- ❑ Opposing sides should have equal time to be heard.
- ❑ All public hearings must be open to the public.
- ❑ How can you ensure opportunity to be heard with large crowds?



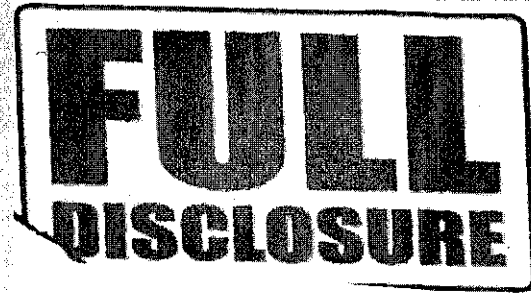
Clear Rules to Control the Meeting

- ❑ How can you ensure opportunity to be heard with large crowds?
 - ❑ Announce procedure
 - ❑ Sign in sheets
 - ❑ Time limits
 - ❑ Speakers recognized by Chair
 - ❑ Have a place for speakers to come to
 - ❑ Encourage testimony related to standards
 - ❑ Discourage duplicative testimony
 - ❑ Encourage use of single spokesperson
 - ❑ Can prohibit irrelevant or vexatious testimony
 - ❑ Receiving written statements and documents



Full Disclosure

- ❑ All parties must have full access to information, statements, and evidence relied upon by decision makers.
- ❑ Ex parte communications should be avoided or allowed equally.
- ❑ Avoid acting on information received at the last minute.



Unbiased Decisions

- ❑ The decision maker should be clear of bias or prejudice.
- ❑ Conflicts of interest must be identified and depending on the conflict, the commissioner or board member should be prepared to leave the meeting and not participate in discussions.
- ❑ Compliance with state laws on conflicts may not always eliminate impression of bias or conflict.



Decision Making Tips

- ❑ You are not committees of compassion
- ❑ Your decisions must be based on facts
- ❑ The facts must address the standards
- ❑ The burden of proof is on the applicant
- ❑ Information is not the same thing as facts
- ❑ Weighing of the evidence is your responsibility

Decision Making Tips

- ❑ You do not have to believe everything you hear
- ❑ Opinions without a factual basis are without merit
- ❑ Public sentiment is not a basis for decisions
- ❑ Focus on facts and standards of current case rather than possible precedent for future cases

Decision Making Tips

- ❑ Encourage factual testimony
- ❑ Have the standards in front of you
- ❑ Ask questions designed to get evidence related to standards
- ❑ Keep your records neat and complete
- ❑ Keep the evidence phase separate from the deliberation phase
- ❑ Deliberate the facts and standards
- ❑ Assess compliance explicitly

Decision Making Tips

- ❑ Make careful motions with stated reasons
- ❑ Use minutes carefully
- ❑ Keep a clean “package” of application, records, staff report, motion and minutes
 - ❑ Lists the record
 - ❑ Lists the standards
 - ❑ Reflects the weighing of the evidence
 - ❑ Determines compliance
 - ❑ Clearly states the decision with any condition(s)

Overview

- ❑ Takings and the Koontz Case
- ❑ Fair Housing and the Westchester Case
- ❑ Telecommunications (The “Shot Clock” and Co-location)

Regulatory Takings

A “regulatory taking” is a regulation that “goes so far” that the court feels it is akin to a condemnation of the property, and is therefore unconstitutional unless compensation is paid. This happens when:

- ❑ A “Taking” is measured NOT by whether a city or county action reduces property value, but by whether the property owner is left with a “reasonable economic use” of his/her property.
- ❑ The “Takings” test is applied to ALL of the property owner’s contiguous property – not just a part of it.
- ❑ “Takings” lawsuits are threatened much more often than they are filed, and the local government almost always wins.

Regulatory Takings

A Tale of Three Cases

Nollan, Dolan, and Koontz . . . Oh My

- ❑ **Nollan:** The local government's exaction must have a "rational nexus" with an impact caused by the development
- ❑ **Dolan:** The local government's exaction must be "roughly proportional" to the impact caused by the development
- ❑ Both of these cases involved local government requests for dedication of **LAND** attached to development **APPROVALS**



How does Koontz Change Things?

Koontz v. St. Johns River Water Mgmt. Dist. (2013)

- ❑ Landowner wants to fill in some wetlands as part of development, and water district requires that he either (1) fill in less wetlands, or (2) pay the district **MONEY** that it will use to create new/offsetting wetlands nearby. When landowner refuses both options, District **DENIES** the permit, and landowner sues, citing Nollan and Dolan.
- ❑ Question 1: Do Nollan and Dolan apply to exactions of **MONEY** as well as land:
 - ❑ Answer 1 (5-4 vote) = **YES** (but it is not clear whether this means only negotiated money exaction amounts or also applies to "formula" fees)
- ❑ Question 2: Do Nollan and Dolan apply to **DENIALS** as well as approvals with conditions?
 - ❑ Answer 2: (9-0 vote) = **YES**

The Fair Housing Act

Fair Housing Act Amendments of 1988

- ❑ Cannot “make unavailable” housing for individuals based on certain criteria
 - ❑ Includes local governments
- ❑ What criteria?
 - ❑ Race, Age, Sex, Religion, National origin
 - ❑ Family Status
 - ❑ **Disability**
 - ❑ Physical
 - ❑ Mental
 - ❑ AIDS patients
 - ❑ Recovering Alcohol and Drug Addicts (but not active users)
- ❑ NOT income



The Fair Housing Act

Group Homes in a Nutshell

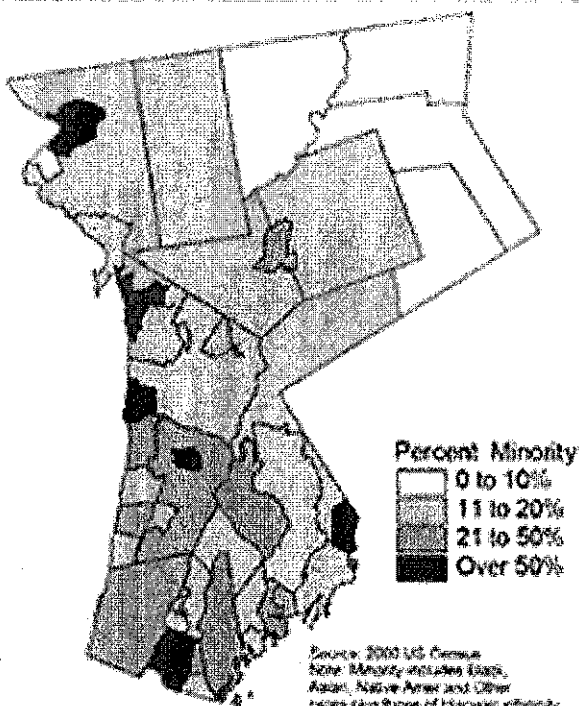
- ❑ You need to allow small ones (6-8 people) for FHAA protected groups **in at least one zone district** where single family homes are permitted
 - ❑ Some advocates say you must allow them in ALL zone districts where single family homes are permitted. Some courts agree, and some state legislatures have passed statutes saying that.
- ❑ You need to allow larger group homes (more than 6-8) for FHAA protected **groups in at least some** of the zone districts where multifamily housing is allowed.
 - ❑ If you don't, you're “making unavailable” housing for those groups.

The Fair Housing Act

Group Homes in a Nutshell

- ❑ Some courts say you can make group homes a conditional use (requiring a hearing before the planning commission) rather than a use by right. Other courts disagree.
 - ❑ If you require a hearing, the decision must be based on the land use impacts of the group home (traffic, parking, shadows, buffering) and NOT the types of the residents in the facility.
- ❑ You can include spacing requirements saying that small group homes must be separated from each other and from other sensitive land uses (usually schools)
 - ❑ BUT the spacing distance must be for the benefit of the group home residents – not for the benefit of the residential area
 - ❑ Separation distances over 750 feet are risky.

The Fair Housing Act Gets Serious



Anti-discrimination Center v. Westchester County

The Fair Housing Act

Cities and counties that accept HUD funds (CDBG, Home, etc.) must meet higher standards – because you certified to the U.S. govt. that you would “affirmatively further fair housing”

Anti-discrimination Center v. Westchester County

- ❑ County uses HUD funds to build subsidized housing in poor/minority areas (where housing needs are greatest)
- ❑ County sued for falsely certifying AFFH when in fact its policies tend to keep minorities in poor areas
- ❑ County settles suit to avoid \$150 million liability
- ❑ Agrees to build 750 affordable housing units in non-minority areas

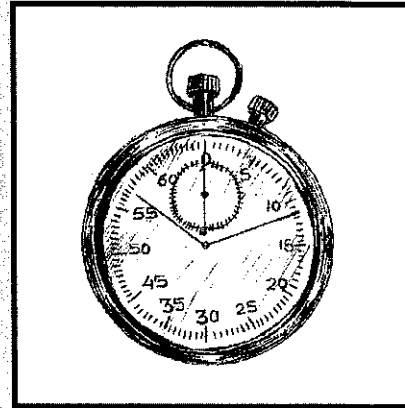
Telecommunications Act of 1996

- ❑ 1 meter dishes in residential and commercial districts exempt
- ❑ 2 meter dishes in industrial districts exempt
- ❑ Cannot distinguish between providers – need to allow competition
- ❑ Cannot prohibit facilities required to provide service
- ❑ Cannot prohibit based on EMR worries
- ❑ Can require co-location
- ❑ Probably need a consultant to review application on these points

Telecommunications Act of 1996

New – the “Shot Clock”

- Applications for new locations should be processed in 150 days
- Applications for co-location should be processed in 90 days
- Not a hard rule – but if you take longer you better have a reason that sounds good to the courts



Telecommunications Act of 1996

New – Hard to Deny Co-location

- Collocations that do not create a significant increase in the site of the cell tower must be approved.
- Significant increase means
 - Increase height of tower by more than 10%
 - Increase height of antenna array by more than 20 ft.
 - Protrusion width more than 20 ft. or width of tower
 - More than 4 new equipment cabinets
 - More than 1 new shelter
 - Excavation outside of existing property or easements





**CITY OF ISANTI
PLANNING COMMISSION MEETING
TUESDAY, APRIL 12, 2016 – 7:00 p.m.
CITY HALL**

1. Meeting Opening
 - A. Call to Order
 - B. Pledge of Allegiance
 - C. Roll Call
 - D. Agenda Modifications

2. Approval of Minutes from March 8, 2016 Planning Commission Meeting

3. Public Hearings
 - A. Request from Prairie Senior Cottages for approval of a Site Plan, Conditional Use Permit and Variance for a second building to be located on the property at 705 6th Ave NE, legally described at Lot 1, Block 1, Banksite Second Addition, Isanti County, Isanti, Minnesota.

 - B. Request from BowDaddy Archery for approval of a Conditional Use Permit to operate an outdoor archery range on the property at 801 Highway 65 NE, legally described as PT SE/4 of SW/4 Described as: commencing at SE corner of quarter; then N 440'; W 600'; S 440' to S line of SE/4 of SW/4; E 600' to POB. old # 05.020.0300

 - C. Request from the City of Isanti for an Amendment to the Zoning Map to Rezone 1107 Rum River Drive SW from R-1(Single Family Residential) to Park and Open Space, legally described as Lot 1, Block 1, Rum River Meadows 2nd Addition, Isanti County, Isanti, Minnesota.

 - D. Request from the City of Isanti to Amend Zoning Ordinance 445, Section 14: Performance Standards to include fencing/barricade requirements for swimming pools.

4. Other Business
 - A. None.

5. Discussion Items.
 - A. None.

6. Adjournment

CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
MARCH 8, 2016

1. Meeting Opening.

A. Call to Order.

Cesafsky 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: Greg Cesafsky, Paul Bergley, Steve Lundeen, Wayne Traver, and Jim Kennedy.

Members Absent: Jeff Duncan (provided prior notice) and Cindy Lind-Livingston (provided prior notice)

Staff Present: Community Development Director, Roxanne Achman

Others Present: None

D. Agenda Modifications.

Achman stated there were none.

2. Approval of Minutes from February 9, 2016 Planning Commission Meeting.

Cesafsky questioned if there were any comments or changes to the minutes.

Motion by Lundeen second by Bergley to approve the February 9th, 2016 Planning Commission Meeting Minutes. Motion was unanimously approved.

3. Public Hearings.

A. Request from Ron Stawski on behalf of Wintergreen's for a Conditional Use Permit to allow for outdoor volleyball courts on the property legally described as that part of Lot 2, Block 2, Credit Union Addition, lying south of the North 10 feet thereof, as measured at right angles to the north line of said Lot 2, Isanti County, Isanti, Minnesota.

Cesafsky read the item into the minutes.

Achman presented the staff memo.

Cesafsky opened the public hearing.

Bergley asked if the apartments were more than 350 feet away. Achman stated that they were.

Traver stated that the only business close would be the daycare and the lights shouldn't be an issue for them.

Lundeen stated the lights wouldn't be any different than the parking lot lights. Achman confirmed that the same lights that are in the parking lot will be used for the volleyball courts; however, there will be four on one post.

Bergley asked for confirmation that the lights would be hooded. Achman stated they would be. Bergley further described how the lights at Redbird Field tend to spread out all over the place and asked if the lights would be as high as those. Achman stated the lights would be as high as the ones currently in the Wintergreen's parking lot. Bergley asked if the hood on the lights would prevent the light from spilling out to other properties. Achman stated these lights are not like the globed lights without a hood that tend to spill light all over. The hood directs the light downward.

There was no one in the audience to speak on the item. Cesafsky closed public hearing.

Motion by Kennedy second by Lundeen to recommend approval of the request from Ron Stawski on behalf of Wintergreen's for a Conditional Use Permit to allow for outdoor volleyball courts on the property legally described as that part of Lot 2, Block 2, Credit Union Addition, lying south of the North 10 feet thereof, as measured at right angles to the north line of said Lot 2, Isanti County, Isanti, Minnesota. Motion carried unanimously.

4. Other Business.

A. Legal Issues for Planning Commissioners.

A 75 minute webinar offered through the American Planning Association was presented to the Planning Commission.

5. Discussion Items.

A. None.

6. Adjournment

Motion by Lundeen second by Bergley to adjourn the March 8th, 2016 meeting of the Planning Commission. Motion was unanimously approved.

The meeting adjourned at 8:21 p.m.

Dated at Isanti, Minnesota this 8th day of March 2016.

Respectfully submitted,

Roxanne Achman, AICP
Community Development Director



Public Hearing

To: Chairman Duncan
Members of the Planning Commission

From: Roxanne Achman, AICP
Community Development Director

Date: April 12th, 2016

Subject: Request from Prairie Senior Cottages for approval of a Site Plan, Conditional Use Permit and Variance for a second building to be located on the property at 705 6th Ave NE, legally described at Lot 1, Block 1, Bank Site Second Addition, Isanti County, Isanti, Minnesota.

Background

Prairie Senior Cottages was granted site plan and conditional use permit approval 2010 for two buildings on this site with the condition that the second building would need to be constructed within 5 years of site plan approval. That date passed in November 2015.

Prairie Senior Cottages has submitted a request for a second building on their property at 705 6th Ave NE. The proposed building is 16,340sf with an attached garage and contains 24 rooms and a total of 28 beds. A fenced in outdoor area with a gazebo is provided on the south side of the building for the residents similar to the existing building. This building is larger than the first building in that it will accommodate up to 28 residents versus 20 residents in building 1. The layout of building two has also been updated to allow for more efficient use of the outdoor area. Staff has requested that additional trees be planted along the norther border of the property providing more of a buffer between it and the commercial use to the north, this has been reflect on the most recent plans. A request was also made to connect the sidewalk extending south from the bank to the Prairie Senior Cottage property; this has too been reflected on the most recent plans.

The site plan details are outlined below. All elements meet or exceed the zoning ordinance requirements except for the frontyard setback of the building. A variance is being requested to allow for a 10ft frontyard setback rather than the required 30ft setback. In addition to being in a cul-de-sac, which provides for awkward and difficult site development, the majority of the lot is composed of wetlands, leaving very little room for building movement on the site. The building is situated as far south and west as it can go while remaining outside of the wetland. The building has also been designed in a way that promotes an efficient use of the building so that residents can be within the outdoor area and still be viewed by staff. Any other layout would not allow for this type of oversight of the outdoor area. Staff has reviewed the request and feels that it is consistent with the overall feel of the facility and will not impede the safety of vehicles driving into the area. Sight lines are not impacted due to the roadway being a cul-de-sac; in addition, Prairie Senior Cottages owns the only property that would likely gain access from the cul-de-sac.

All of staffs comments and requests for revision have been made to the attached plans. The City Engineers comments have all been addressed and are reflected in the approval letter from Bolton & Menk dated March 28, 2016.

Items meeting requirements:

Building Setbacks:

Frontyard: Variance requested

Sideyard: 15ft

Street side: 20ft

Parking: 10ft

Impervious Surface:

Required: 25%, with 5% within the parking lot

Provided: **91.9%**, with 5% of the green within the parking lot

Parking:

All parking stalls meet the required dimensional standards as do all drive aisles.

Hospital/rest home/nursing home/etc. (1 stall per 4 beds, plus 1 stall per 2 employees)

Total beds: 48 beds/4 = 12 stalls

Total employees: 5 staff/shift x 2 facilities = 10 emp./2 = 5 stalls

17 Required stalls, 4 handicapped

Total Provided: 26 stalls, 6 of which are handicapped

Building Appearance:

- The building matches the existing building. It will have vinyl siding with a shingled roof.

Landscaping plan

Far exceeds requirements of 1 tree per 50ft of lot frontage.

- An underground sprinkler system is provided in landscaped areas.
- All disturbed areas and areas without an established lawn or turf shall be sodded.
- Trees, shrubs and perennials appear to meet the landscaping requirements.
- Additional landscaping is being provided along the north property line to preserve more of a residential area for this facility and to create more of a separation from the bank.

Other items

- Dumpster location is shown and is screened.
- No additional signage is being requested.
- A sidewalk will be installed to connect Prairie Senior Cottages property to the commercial property to the north as is required by the subdivision regulations.

Staff Recommendation:

Staff recommends approval of the site plan/building appearance, conditional use permit and variance.

Comprehensive Plan

The purpose of this (the General Business District) category is to identify portions of Isanti that contain or should be developed for general commercial use. Examples may include highway oriented businesses such as fast food restaurants, convenience stores, gas stations and other auto-oriented businesses. Limited office and service uses are appropriate in these areas as well, depending on scale and location.

Much of this land use is located along the Highway 65 corridor and CSAH 5. General Commercial is the largest commercial land use designation. These uses are predominantly auto-oriented in terms of access and services. Design of both site and buildings are important to maintaining a thriving commercial base. In addition, commercial businesses not located at major intersections should remain small scale, and provide services primarily to the surrounding neighborhood. Also, the architecture and site design of all commercial areas must be compatible with the surrounding neighborhood and landscape. Such issues as building size, location on the lot, building materials, screening and other design issues are important.

Zoning Ordinance Provisions

The property is zoned "B-2" General Business District. It is the intent of this zoning district to promote the development of commercial uses which are predominately auto-oriented in nature. The district caters to

highway-oriented businesses as well as businesses that provide basic shopping and service needs for the community. Compatibility with adjacent uses and buildings is required within the district, as site design, building size and materials, and screening/landscaping are important to the creation and maintenance of a thriving commercial base.

Site Plan Review Requirements

Prior to the construction of any new building or addition to a building that expands or changes the use of the building or parcel of land or modifies a building, accessory structure or site or land feature in any manner which results in a different intensity of use, including the requirement for additional parking or the enlargement of a building by more than 10% of its gross floor area would require a Site Plan/Building Appearance Review. When evaluating a site and building plan; Section 18, Subdivision 7 of the Zoning Ordinances states that City staff and the City Council must consider its compliance with the following:

- A. Consistency with the elements and objectives of the City's development guides, including the comprehensive plan.
- B. Consistency with City Codes.
- C. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas.
- D. The amount and location of open space and landscaping.
- E. Vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.
- F. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.
- G. Consistency with the City's Engineering Design Standards as adopted by Resolution of the City Council.

Conditional Use Permit Requirements

Upon review of a Conditional Use Permit request, the Zoning Ordinance provides factors and standards that must be reviewed by the Planning Commission. Section 21, Article 2 Conditional Uses states:

- D. The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:
 1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
 2. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.
 3. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
 4. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
 5. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 6. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
 7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

8. The conditional use complies with the general and specific performance standards as specified by within this Article.

Variance

The applicant is requesting a variance to allow for an increase in the amount of permitted impervious surface area. When considering a variance request, the Planning Commission shall hold a public hearing and consider the application and possible adverse effects of the proposed Variance. An application for a variance shall not be approved unless the variance, if permitted, is in harmony with the general purposes and intent of the ordinance and is consistent with the Comprehensive Plan and findings are made that failure to grant the variance would result in practical difficulties on the applicant. Practical difficulties used in connection with the granting of a variance, means that the property owner meets all of the following criteria:

1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
2. The plight of the landowner is due to circumstances unique to the property and has not been caused by the landowner.
3. A variance, if granted, will not alter the essential character of the locality.
4. Practical difficulties include but are not limited to, inadequate access to direct sunlight for solar energy systems.
5. Economic considerations alone do not constitute practical difficulties.

If the variance request meets all of the conditions of items (1) through (5) above, the variance may be granted. Economic considerations alone shall not constitute practical difficulties if reasonable use of the property exists under the terms of the Ordinance. The City Council may not permit as a variance any use which is not permitted within the zone that the property is located.

Certification of Taxes Paid

Prior to approving an application for approval of a site plan, conditional use permit or variance, certification must be provided to the City that there are not any delinquent property taxes, special assessments, penalties, interest, or outstanding municipal utility fees. City staff did verify with Isanti County on Wednesday, March 9th, 2016; that all taxes associated with the property were current.

Public Notice

Notice was published within the Isanti County News on April 6th, 2016. Written notification was provided to property owners located within 350' of the subject site as required by Minnesota State Statute.

Public Comment

To date, no public comment or questions had been received.

Planning Review Committee:

The Planning Review Committee met on April 5th, 2016 to discuss the site plan and building appearance. The committee recommended approval of the site plan/building appearance, conditional use permit and variance.

Deadline for City Council Action

The City of Isanti received a complete application for the Site Plan/ Building Appearance Review, Conditional Use Permit and Variance request on March 9th, 2016. Pursuant to Minnesota State Statute, the City must act on this request by May 6th, 2016 (60 days). The only exception to these deadlines provided would be if the City provides the petitioner with written reasons for an additional 60-day review period.

Options & Proposed Motion Language

1. Recommend Approval with No Conditions: Motion to recommend approval of the request from Prairie Senior Cottages for approval of a Site Plan, Conditional Use Permit and Variance for a second building to be located on the property at 705 6th Ave NE, legally described at Lot 1, Block 1, Bank Site Second Addition, Isanti County, Isanti, Minnesota.

2. Recommend Approval with Conditions: Motion to recommend approval of the request from Prairie Senior Cottages for approval of a Site Plan, Conditional Use Permit and Variance for a second building to be located on the property at 705 6th Ave NE, legally described at Lot 1, Block 1, Bank Site Second Addition, Isanti County, Isanti, Minnesota with the following conditions.....
3. Recommend Denial: Motion to recommend denial of the request from Prairie Senior Cottages for approval of a Site Plan, Conditional Use Permit and Variance for a second building to be located on the property at 705 6th Ave NE, legally described at Lot 1, Block 1, Bank Site Second Addition, Isanti County, Isanti, Minnesota for the following reasons.....
4. Table: Motion to table the request from Prairie Senior Cottages for approval of a Site Plan, Conditional Use Permit and Variance for a second building to be located on the property at 705 6th Ave NE, legally described at Lot 1, Block 1, Bank Site Second Addition, Isanti County, Isanti, Minnesota (a specific reason and information request should be included in the motion to table).

Attachments

- Resolution No. 2016 – XXX
- Findings of Fact and Conclusion
- Bolton & Menk, Inc. Approval dated March 28th, 2016
- Variance Request from Dustin Lee, Chief Operating Officer, Prairie Senior Cottages
- Site Plan and Civil Plan Package dated March 24, 2016

RESOLUTION NO. 2016-

A RESOLUTION APPROVING THE SITE PLAN/BUILDING APPEARANCE AND CONDITIONAL USE PERMIT REQUESTED FOR THE CONSTRUCTION OF PRAIRIE SENIOR COTTAGES II AND A VARIANCE TO THE FRONT YARD SETBACK ON THE PROPERTY LEGALLY DESCRIBED AS LOT 1, BLOCK 1, BANK SITE SECOND ADDITION

WHEREAS, Prairie Senior Cottages is requesting Site Plan/Building Appearance, Conditional Use Permit and Variance approval to allow for the construction of Prairie Senior Cottages II and to allow for less than the required front yard setback on the property legally described as Lot 1, Block 1, Bank Site Second Addition; and,

WHEREAS, the property is located within the "B-2" General Business District, which permits senior residential care facilities with approval of a conditional use permit, and;

WHEREAS, the applicant is requesting a variance to the front yard setback from thirty (30) feet to ten (10) feet; and,

WHEREAS, the City of Isanti Planning Commission evaluated the request against the criteria established in Ordinance No. 445 Zoning, Section 21 Administration and Enforcement, Article 5 Variances, Subdivision 4(A), noting that the proposal met all of the criteria noted; and,

WHEREAS, the City of Isanti Planning Commission conducted a public hearing on the requested Site Plan, Conditional Use Permit and Variance on April 12th, 2016; and,

WHEREAS, the City of Isanti Planning Commission recommended approval of the requested Site Plan/Building Appearance, Conditional Use Permit and Variance subject to the conditions as listed below based upon the Findings of Fact and Conclusion as presented; and,

WHEREAS, the City Council reviewed the requested Site Plan/Building Appearance, Conditional Use Permit and Variance at its regularly scheduled meeting on April 19th, 2016; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ISANTI, MINNESOTA, that it adopts the Findings of Fact and Conclusion related to the requested Site Plan/Building Appearance, Conditional Use Permit and Variance and **BE IT FURTHER RESOLVED** that the requested Site Plan/Building Appearance, Conditional Use Permit and Variance for the property legally described herein, be hereby approved.

Adopted by the Isanti City Council on this 19th day of April 2016.

Attest:

Mayor George A. Wimmer

Donald C. Lorsung
City Administrator

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from Prairie Senior Cottages of Isanti LLC for a Conditional Use Permit and Site Plan / Building Appearance Approval for a Memory Care / Assisted Living Facility to be located on the property at 705 6th Avenue NE.

Findings of Fact

1. The petitioner, Prairie Senior Cottages of Isanti LLC, has a purchase agreement to obtain property legally described as Lot 1, Block 1 Bank Site 2nd Addition.
2. The petitioner is proposing the construction of a second senior residential care facility on this parcel.
3. The property is zoned "B-2" General Business District, in which senior residential care facilities require a Conditional Use Permit.
4. The petitioner submitted a complete Site Plan Review Application, Conditional Use Permit Application and Variance Application on March 9th, 2016. Pursuant to Minnesota State Statute, the City must act on this request by May 6th, 2016 (60-day rule).
6. A public hearing date before the Planning Commission was scheduled for Tuesday, April 12th at 7:00 p.m. at City Hall within the Council Chambers.
7. Notice of the Site Plan/Building Review, Conditional Use Permit and Variance requests were published within the Isanti County News on Wednesday, April 6th, 2016. Notices were sent to all property owners located within 350 feet of the subject property.
8. Section 18, Subdivision 7 of the Zoning Ordinance establishes the standards in evaluating a site and building plan, of which City staff and the City Council shall consider to ensure compliance.
9. Section 21, Article 2: Conditional Uses, Subdivision 3 Procedures (D) of the Zoning Ordinance establishes criteria in which the judgment of the Planning Commission and City Council shall be based upon when reviewing a Conditional Use Permit request. In addition, the Conditional Use Permit Request is subject to general performance standards and criteria as provided within Section 21, Article 2 Conditional Uses, Subdivision 4 General Performance Standards.
10. Section 21 Administration and Enforcement; Article 5 Variances, outline the requirements that must be all met in order to receive variance approval.

Conclusions

1. In review of the standards established in Section 18, Subdivision 7, the following conclusions have been made (*conclusions to each requirement are shown in underlined italics*):
 - A. Consistency with the elements and objectives of the City's development guides, including the Comprehensive Plan.
The site has been designed in such a manner as to show consistency with the elements and objectives of the City's comprehensive plan. The buildings have been placed upon the property so as to conserve the wetland or natural area that is located on the south end of the site. The buildings placement and materials have paid close attention to site and building design details. This building is consistent with the site plan that was approved in 2010, but has since expired.
 - B. Consistency with City Codes.
The site has been designed with City regulations in mind and will require approval of a variance in order to be approved.
 - C. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas.
Again, the site has been designed so as to maintain the wetland areas located on the south end of the property in their natural state. Additional landscaping will be added to the parcel. Soil removal and the design of grade changes will be monitored by the City

Engineer, to ensure that they are keeping with the general appearance of the adjacent developed and developing areas.

- D. The amount and location of open space and landscaping.
The amount of landscaping and open space provided on the property would appear to meet ordinance requirements. Additional landscaping will act as a buffer between this traffic corridor, the bank to the north and a residential use.
- E. Vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.
The proposed vehicular and pedestrian circulation system provided on site would appear to meet ordinance requirements. The sidewalk is being completed from the bank to the facility.
- F. Protection of adjacent and neighboring properties through reasonable provision of surface water drainage, sound and light buffers, preservation of views, lights, and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.
There would appear to be adequate protection of adjacent and neighboring properties. Surface water drainage plans have been reviewed and approved by the City Engineer. All lighting will be constructed in accordance with said plans. Additional landscaping has been requested on the property, so as to buffer this more residential use from the existing and future commercial uses that may be constructed on surrounding parcels as well as to provide a buffer from the TH 65 corridor.
- G. Consistency with the City's Engineering and Design standards as adopted by Resolution of the City Council.
The plans are consistent with the City Engineer's design standards.
2. In review of the factors established in Section 21, Article 2 Conditional Uses (D) the following conclusions have been made (conclusions to each requirement are shown in underlined italics):
- A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
The use is consistent with the goals and objectives of the Comprehensive Plan.
- B. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.
Such use meets the purpose and intent of the Ordinance and the underlying zoning district.
- C. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
The establishment, maintenance and/or operation of the conditional use does not appear to endanger public health, safety, morals, or comfort; as the proposed use is less intense than other uses that are permitted within this district. The proposed use would cater to residents of the facility, rather than the general public.
- D. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
The conditional use does not appear to be injurious to the use or enjoyment of other properties within the vicinity for purposes already permitted. Again, the proposed use would be considered less intense than uses that are or could be located on surrounding parcels. The district in which this use would be located is commercial and auto-oriented. The proposed use is more residential in nature and steps have been taken to buffer the use from surrounding properties.
- E. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

The conditional use would not appear to impede the normal and orderly development and improvement of surrounding properties for uses permitted within the district. The proposed use is located at the end of a dead-end cul-de-sac.

- F. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
The use will be placed within an area that has adequate public facilities and services available immediately upon construction of the use on the parcel.
- G. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
The Planning Commission and City Council have weighed the conditional use against the other applicable regulations of the district. The conditional use would appear to meet those requirements.
- H. The conditional use complies with the general and specific performance standards as specified by within this Article.
The proposed conditional use would appear to meet the general; however, a variance is necessary for the buildings front yard setback. The variance request is addressed further in the Findings of Fact.
3. In review of the general performance standards established in Section 21, Article 2 Conditional Uses, Subdivision 4, the following conclusions have been made (conclusions to each requirement are shown in underlined italics):
- A. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated an adequate public right-of-way shall be provided.
The use shall have access to 6th Avenue NE. The street is a dead end cul-de-sac, on which this use will have access. The type and volume of traffic to be generated by this use is limited. The only vehicles anticipated are those of employees to the facility as well as visitors. Otherwise, residents of the facility are not able to have or drive a motor vehicle. The public right-of-way providing access to the site would appear to be sufficient.
- B. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with Section 17 of this Ordinance.
The design of the entrance/exit as well as the parking area would appear to minimize internal and external traffic conflicts. Traffic would appear to flow within the entrance and exit out a separate access point, thus providing a circular flow through the site. The parking area has been provided in the middle of this traffic circle, so as to minimize conflicts between vehicles moving through the site and those utilizing the parking area.
- C. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
Designated walkways have been provided from each of the buildings to the parking lot located within the middle of the site. Pavement markings notify drivers entering the site, as to where pedestrian crossings are located. Sidewalks have been provided through landscaped islands within the parking lot, to further provide pedestrian access around vehicular traffic.
- D. Adequate off-street parking and off-street loading shall be provided in compliance with Section 17 of this Ordinance.
Based upon resident and employee information obtained from the petitioner, approximately 18 parking spaces are required on-site. 26 spaces have been provided, which would meet the requirements of the Ordinance. In addition, adequate handicapped parking facilities have been provided in accordance with ADA requirements.
- E. Loading areas and drive-thru facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any adjacent residential use or district, and provided in compliance with Section 17 of this Ordinance.

The use is residential in nature and no loading areas and drive-thru areas have been provided. Loading of patients near the building entrances may be necessary; however, no specific modifications are required to the buildings.

- F. Whenever a non-residential use is adjacent to a residential use or district, a buffer area with screening and landscaping shall be provided in accordance with the provisions of Section 15 of this Ordinance.
As stated, the use is more residential in nature. Landscaping is shown as requested during the first phase of development. Additional trees have been provided on the north side of the property to provide a buffer between Prairie Senior Cottages II and the bank to the north.
- G. General site screening and landscaping shall be provided in compliance with Section 15 of this Ordinance.
Overall, the proposed landscape plan would appear to meet the requirements of the Zoning Ordinance.
- H. All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, and shall be in compliance with Section 14 of this Ordinance.
Exterior lighting within the parking area as well as on the building has been proposed. Such lighting would need to meet the Ordinance requirements.
- I. The site drainage system shall be subject to the review and approval of the City Engineer.
The site drainage/grading plan have been approved by the City Engineer per the letter dated March 28, 2016.
- J. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing and potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
The principal buildings and accessory structures are coordinated and have the same exterior finish materials and treatments throughout the site. Again, the building is more residential in nature than those of the surrounding buildings. However, the appearance and design of the building/site is not so dissimilar as to cause a blighting influence.
- K. Provisions shall be made for daily litter control, an interior location for recycling and trash handling and storage or an outdoor, enclosed receptacle area shall be provided in compliance with Section 14 of this Ordinance.
Provisions have been made for daily litter control. A trash enclosure is provided on the southeast corner of the building.
- L. All signs and informational or visual communication devices shall be in compliance with Section 16 of this Ordinance.
Signage is existing on site. Any new signage will require approval by the Zoning Administrator.
- M. The use and site shall be in compliance with any federal, state, or county laws or regulations that are applicable and any related permits shall be obtained and documented to the City.
The facility will be registered with the Minnesota Department of Health as a "housing with services provider" and will have a class F home care license. The petitioner shall file copies of such licenses with the City.
- N. Any applicable business licenses mandated by City Code are approved and obtained.
No additional business licenses are mandated by the City Code for this particular use.
- O. The hours of operation may be restricted when there is judged to be an incompatibility with a residential use or district.
The use is not open to the public, as it is a residential care facility that provides services to the residents thereof. The facility will be operational 24-hours a day; however, the operation does not appear to be incompatible with surrounding uses.
- P. The use complies with the applicable performance standards of the zoning district in which it is located and where applicable, any non-conformities shall be eliminated.

The proposed use would appear to comply with the performance standards for the zoning district, in terms of parking/loading, landscaping, building materials, etc; however, a variance is necessary for the buildings frontyard setback.

Q. Additional Stipulations. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general public health, safety, and welfare, can be served as well or better by modifying or expanding the conditions set forth herein.

No additional stipulations.

1. In review of the standards established within Section 21 Administration and Enforcement, Article 5 Variances, Subdivision 4 Procedures (D), the following conclusions have been made (conclusions to each requirement are shown in underlined italics):

An application for a variance shall not be approved unless the variance, if permitted, is in harmony with the general purposes and intent of the ordinance and is consistent with the Comprehensive Plan and findings are made that failure to grant the variance would result in practical difficulties on the applicant. Practical difficulties used in connection with the granting of a variance, means that the property owner meets all of the following criteria:

A. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.

The developer would like to construct a small portion of the building within the required front yard setback in a cul-de-sac with minimal traffic and that has one property owner fronting the entire length of the cul-de-sac.

B. The plight of the landowner is due to circumstances unique to the property and has not been caused by the landowner.

The design of the cul-de-sac and amount of property consumed by wetland greatly impedes the development in the northern most portion of the lot. The developer has designed the building to the best of his abilities to meet all city requirements; however, a portion of the building encroaches into the frontyard setback.

C. A variance, if granted, will not alter the essential character of the locality.

The variance does not alter the essential character of the locality. The encroachment does not impede on the safety, privacy or environment protection of the area.

D. Practical difficulties include but are not limited to, inadequate access to direct sunlight for solar energy systems.

Not applicable.

5. Economic considerations alone do not constitute practical difficulties.

Correct. Economic considerations do not play a role in this situation

Decision

The Planning Commission reviewed the request in a public hearing on **April 12th, 2016**. The meeting minutes shall be made a part of the Findings of Fact and Conclusion.



BOLTON & MENK, INC.


Consulting Engineers & Surveyors

7533 Sunwood Drive NW • Ramsey, MN 55303

Phone (763) 433-2851 • Fax (763) 427-0833

www.bolton-menk.com

MEMORANDUM

Date: March 28, 2016
To: Roxanne Achman, Community Development Director
From: Bradley C. DeWolf, P.E. 
City Engineer
Subject: Prairie Senior Cottages Phase II – Hydraulics & Site Plan Review
Isanti, Minnesota

We have reviewed the site plan created by Roshell Engineering, LLC entitled “Prairie Senior Cottages Phase II” with a signature date of March 8, 2016, and a revision date of March 24, 2016.

The site plan includes a proposed building with an onsite parking lot.

We have reviewed the submitted site & grading plan and have the no additional comments.

We have reviewed the hydraulics submitted with the plans and have no additional comments.

We recommend approval of the plan and hydraulics as submitted.

Please contact me if you have any questions.

City of Isanti

Attention: Mayor
Community Development Director
Economic Development Director

George Wimmer
Roxanne Achman
Director Sean Sullivan

110 1st avenue Northwest
PO Box 428
Isanti, MN 55040

Subject: Request for variance from the required city of Isanti cul de sac setback of 30 feet for Prairie Senior Cottages (Phase II).

On behalf of Prairie Senior Cottages (Phase II) we are requesting a variance from the 30' building setback from the property boundary as it relates to the cul de sac. The purpose of this request is to allow for the proposed building footprint to be sited in a way that makes the best use of the existing parking lot to the west while at the same time maximizing the outdoor spaces that are a big part of our resident's daily activities.

The cul de sac on the north part of the site and the existing retention pond on the south part of the site limit the options available to orient the building in a way that is functional yet still meets the needs of our residents (please refer to civil drawings C1 & C2 for reference). The proposed building location is within all of the other required setbacks and meets or exceeds the required parking totals. At its closest point the building would be 10 feet from the property boundary (refer to Landscape Plan L1.1 for dimensions).

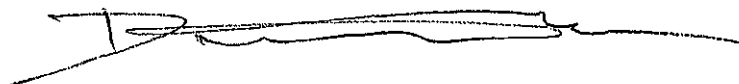
The proposed building orientation will make for an attractive entrance to the site as well as allowing the existing building and parking lot to function effectively with the next phase of the project.

Thank you for taking the time to consider our request.

Respectfully,

Dustin Lee

Chief Operating Officer
Prairie Senior Cottages of Isanti



PRAIRIE SENIOR COTTAGES PHASE II
ISANTI, MN

REVISIONS:

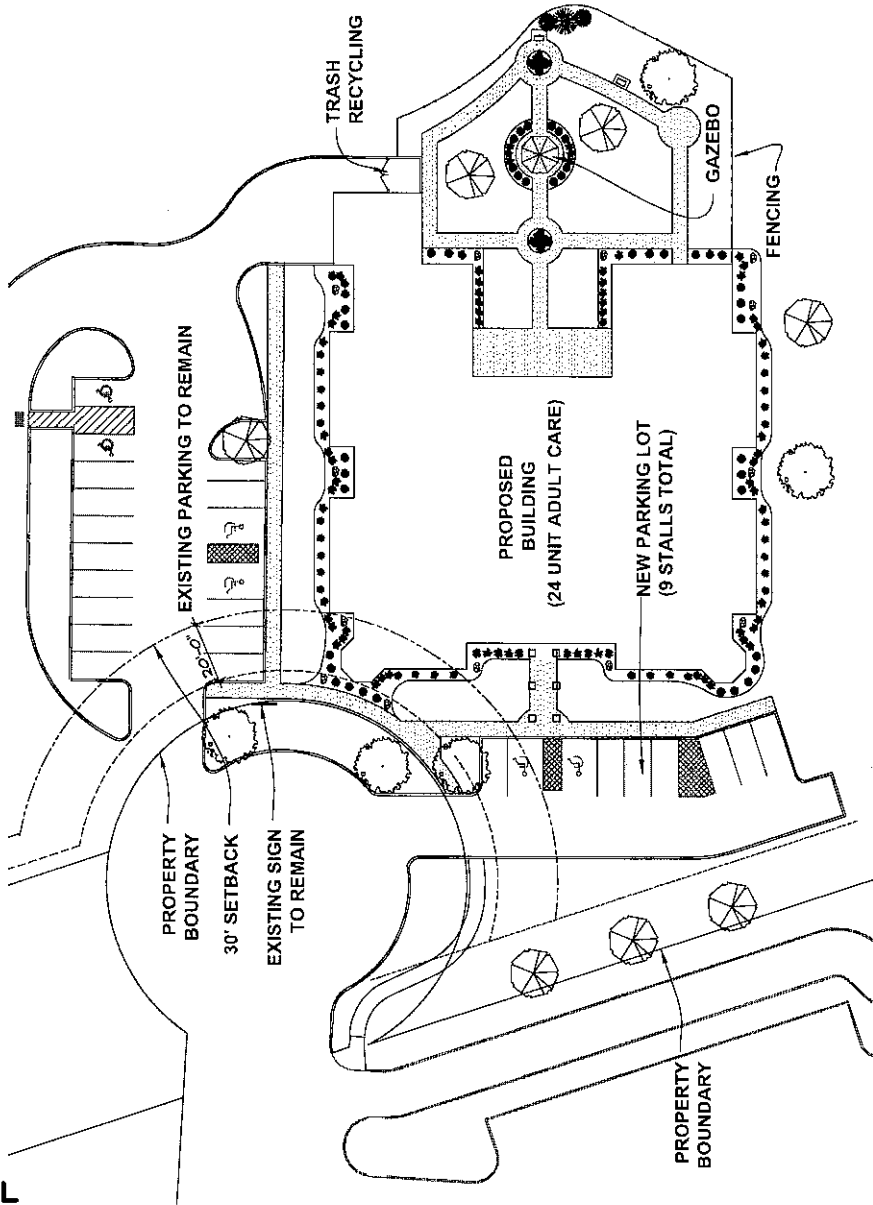
MARK	DATE	DESCRIPTION
	24 MARCH 2016	CITY REVIEW COMMENTS

PROJECT #: 16-0051S
 DRAWN BY: BWS
 CHECKED BY: ELO
 ©2016 Oleson + Hobbie Architects, LLC

SHEET TITLE:
LANDSCAPE PLAN

SHEET:
L1.1

PLANT MATERIALS SCHEDULE				
KEY	COMMON NAME	BOTANICAL NAME	SIZE	NOTES
DECIDUOUS TREES				
	BOULEVARD LINDEN	TILIA AMERICANA BULBOVARO	24" CAL.	SPECIMEN
	ALUMINUM ELZE WAPLE	ACER V. FRIEMANNI 'GERSFELS REF'	24" CAL.	MULTIPLIER
CONIFEROUS TREES				
	BLACK HILLS SPRUCE	PICEA CANADA	8' BIBB	SPECIMEN
PERENNIALS				
	POPPY BUSH	PANICULUM VIRGATUM 'NON STOPPER'	1 GAL.	24" OC
	MAKIL PERENNIAL	CALLUNA RUBROVITIS 'MAGNIFICA'	1 GAL.	24" OC
	RED FLAME MISCANTHUS	MISCANTHUS WADE PURPURASCENS	1 GAL.	24" OC
	STELLA D'ORO DANIELI	HEMEROCALLIS 'STELLA D'ORO'	1 GAL.	24" OC
	ROSE OF SHARON	DEWILLA BISSERPOLJA	1 GAL.	24" OC
HARDSCAPE & STONES				
	BLUESTONE BOLDER			AS NOTED
	PAVED PATIO & WALKS			AS NOTED
PLANTING AND PAVING NOTES				
1. PROVIDE MULCH IN ALL LANDSCAPED AREAS				
2. PLASTIC LANDSCAPE EDGING BETWEEN GRASS AND LANDSCAPE MULCH				
3. FENCING TO BE OF HIGH - BLACK CHAIN LINK				
4. BITUMINOUS PARKING LOT				
5. CONCRETE SURFACE ON WALK AND PATIO AREAS & TRANSFER/CLIMB ENCLOSURE				
6. AREA AROUND BUILDING OUT 25' ON SIDES AND TO BACK PROPERTY LINE TO BE SEEDED FOR GRASS				
7. ALL DISTURBED AREAS TO BE SOILED				
8. ALL LANDSCAPED AND SOILED AREAS TO BE IRRIGATED.				



EXAMPLE OF PROPOSED GAZEBO
 2
 L1.1
 NOT TO SCALE

ARCHITECT OF RECORD:

**OLESON
+ HOBBIE
ARCHITECTS**
ARCHITECTS & INTERIORS, L.L.C.
330 Stadium Road, Suite 202, Maple Lake, MN 56001
P 507.352.1188

**PRAIRIE
SENIOR
COTTAGES
PHASE II**

ISANTI, MN

REVISIONS:

MARK	DATE	DESCRIPTION
	24 MARCH 2016	City Review Comments

PROJECT #: 16-0051S

DRAWN BY: BMS

CHECKED BY: ELO

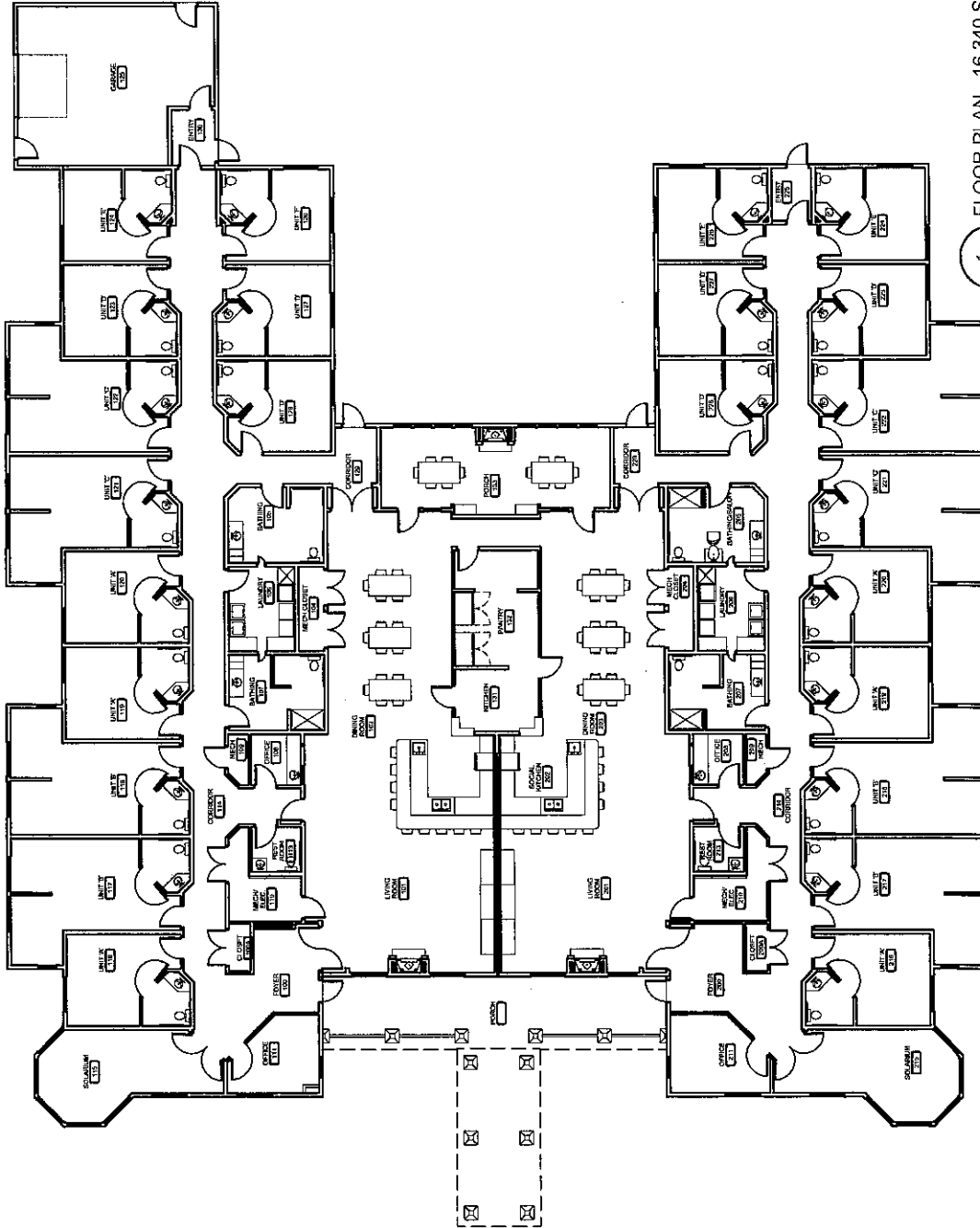
DATE: 03/18/16 Designer: Hobbie Architects, LLC

SHEET TITLE:

FLOOR PLAN

SHEET:

A1.1



1 FLOOR PLAN - 16,340 SF (GARAGE 720 SF)
A1.1
SCALE - 1/16" = 1'-0"



ARCHITECT OF RECORD:

**OLESON
& HOBBIE
ARCHITECTS**

ARCHITECTS - P.L.L.C.
330 Stadium Road, Suite 202, Hopkins, MN 55012
1-952-387-1139

PRAIRIE SENIOR COTTAGES PHASE II

ISANTI, MN

REVISIONS:

MARK	DATE	DESCRIPTION
	24 MARCH 2016	City Review Comments

PROJECT #: 16-0081S

DRAWN BY: BMS

CHECKED BY: ELO

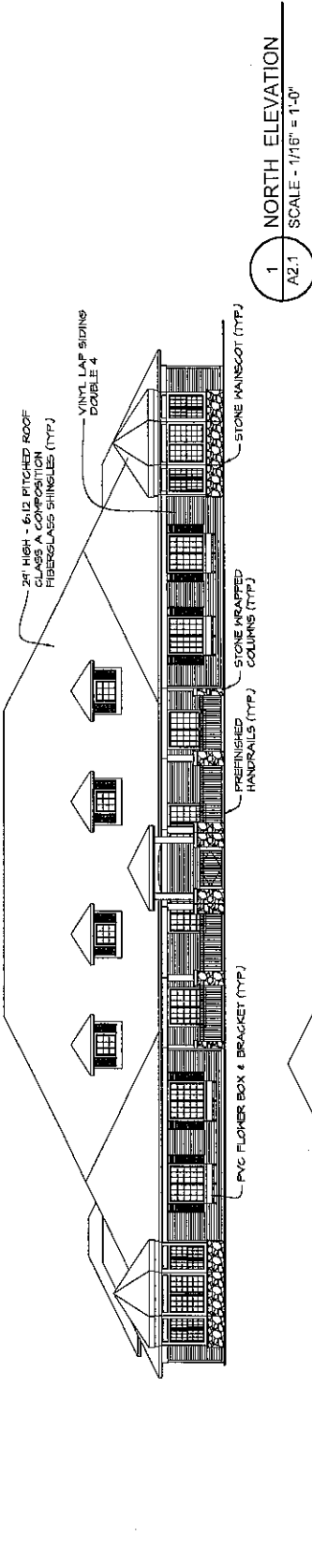
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SHEET TITLE:

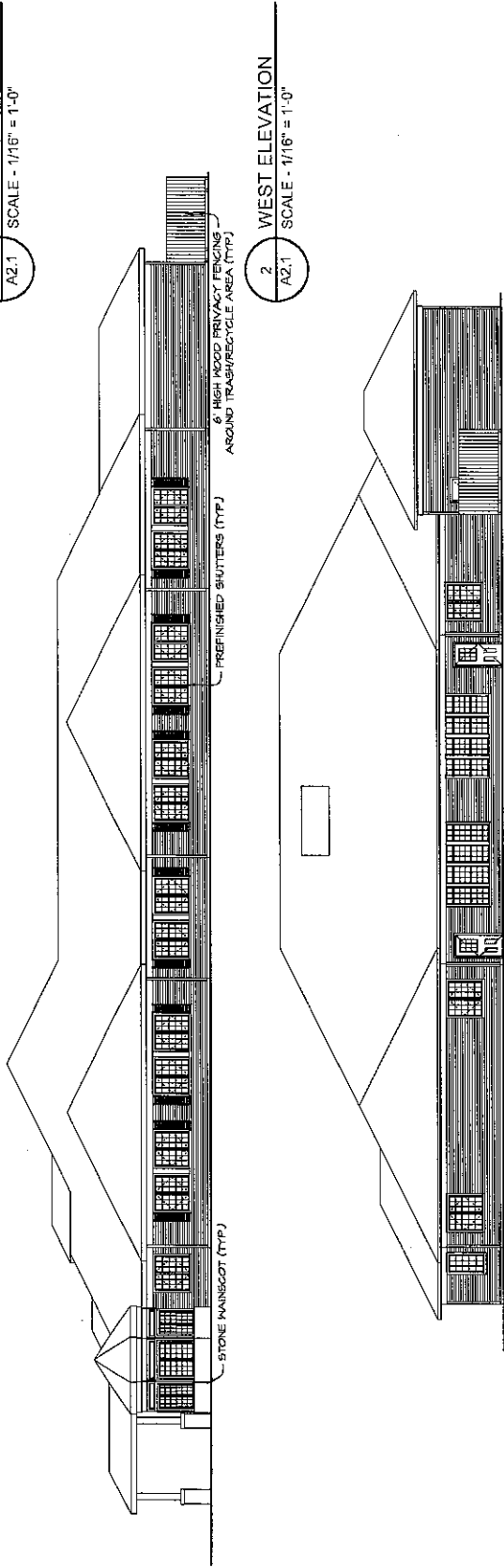
EXTERIOR ELEVATIONS

SHEET:

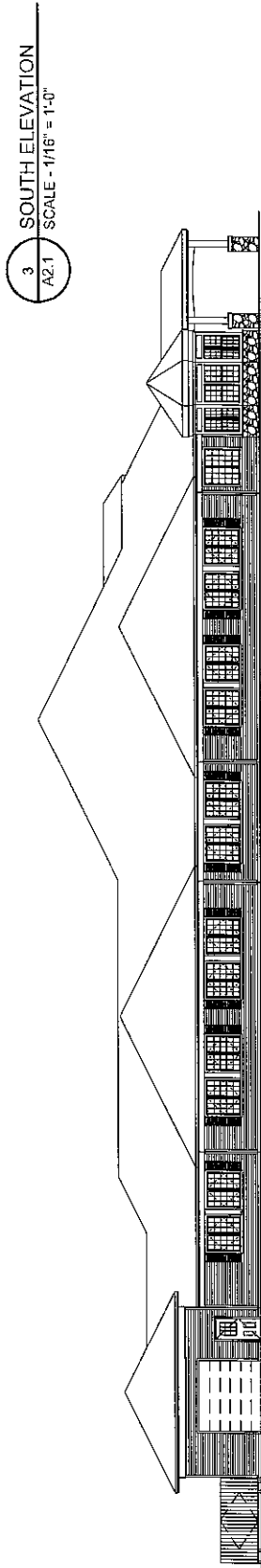
A2.1



1 NORTH ELEVATION
SCALE - 1/16" = 1'-0"



2 WEST ELEVATION
SCALE - 1/16" = 1'-0"



3 SOUTH ELEVATION
SCALE - 1/16" = 1'-0"



4 EAST ELEVATION
SCALE - 1/16" = 1'-0"



Public Hearing

To: Chairman Duncan
Members of the Planning Commission

From: Roxanne Achman, AICP
Community Development Director

Date: April 12, 2016

Subject: Request from BowDaddy Archery for approval of a Conditional Use Permit to operate an outdoor archery range on the property at 801 Highway 65 NE, legally described as PT SE/4 of SW/4 Described as: commencing at SE corner of quarter; then N 440'; W 600'; S 440' to S line of SE/4 of SW/4; E 600' to POB. old # 05.020.0300

Background

BowDaddy Archery is proposing to setup a 16 lane outdoor archery range behind (west) their building at 801 Highway 65 NE. The range will be a maximum of 100 yards long and 40 feet in width. Shooting will be directed to the south where the land is primarily wetland owned by the City and the nearest structure is roughly one quarter mile away. The majority of land west of the building is designated wetland, thus, requiring that anything located within it be of a temporary (easily removable) nature. BowDaddy has provided specifics (attached) as to the targets, shooting line and bow hangers that will be used to meet temporary (easily removable) stipulation. Signage will be provided identifying the range and state rules and regulations in regards to safety.

Staff has been working with BowDaddy on the concept of an outdoor archery range since last summer (2015). BowDaddy Archery provided the requested NRA Range Source Book, which is named in State Statute as the resource for guidelines pertaining to outdoor archery ranges. Many, if not all, of the guidelines for outdoor archery ranges are very general. Below is a list of a majority of the guidelines outlined in Section II Chapter 16 Outdoor Archery in the NRA Range Source Book:

- Targets should be positioned in a direct line down range.
- Target distances vary from 10 yds to 100 yds.
- Clearance on and behind the shooting line is important.
- Spectator areas should be separated from the range proper.
- Shooting line covers are seldom used.
- Conventional backstops like those found on firearm ranges, other than target backing materials, are not generally used for archer ranges do to the shorter range of arrows. Target materials most commonly used are bales of excelsior which offer sufficient thickness or density to arrest the arrow's flight. – BowDaddy will be using large bales of Styrofoam at least 1ft in thickness.
- Flat land is generally preferred for the target archery range, but a field archery range uses natural terrain features.
- Side berms are not necessary on archery ranges, except where the range may be located close to dwellings – even in these instances the conventional side berms or backstops of firearms ranges may not be necessary. Plywood or sheet metal may be sufficient.
- Baffles may be necessary on archery ranges where space is limited.
- Shooting stations should be no less than 5 feet wide and 6 feet deep.

- A distance of 300 yds should be taken in to consideration for arrow containment (from shooting line); however, most recreational archery targets are 10-40yds.

Staff contacted several operating ranges within the Twin Cities (Eden Prairie, Shakopee and Cottage Grove) to determine whether special restrictions were imposed on their ranges. Cottage Grove uses signage to warn others of the range and to inform users of the rules and hasn't experience any issues or safety concerns in the 20 years it's been in place. Eden Prairie installed walls, netting and backer-board, however, their range is in a park with trails that surround the range. Shakopee has a range in conjunction with a boat access along the Minnesota River and directly adjacent to County Highway 101. They have signage posted around the perimeter of the range and haven't had any issues.

A Conditional Use Permit is required for the outdoor archery range (commercial recreation) within the B-2, General Commercial District. In discussions with the City Engineer, there shall be no permanent structures within the pond area. There appears to be sufficient room west of the building for the archery range to safely operate.

Through extensive research, review of the NRA's Range Source Book, conversations with the City Attorney, Chief of Police, Mayor, City Engineer and City Administrator, and review by the Plan Review Committee, a recommendation is being made to approve an outdoor archery range with the following conditions:

1. There shall be no grading, killing of vegetation or permanent structures within the designated wetland area, the area of the approved range may; however, be mowed.
2. All targets, shooting line markers, tables, bow racks, quivers, distance markers and any other items within the range shall be removable and/or temporary items.
3. All activities are to remain on the property of 801 Highway 65 NE.
4. The area beyond the targets shall be regularly searched for stray arrows.
5. All federal, state and local laws shall be abided by at all times.

Staff Recommendation:

Staff recommends approval of the Conditional Use Permit subject based on the Findings of Fact and Conclusions.

Comprehensive Plan

The 2008 Comprehensive Plan has the area guided for General Commercial Development. The existing uses and the proposed use would appear to meet purpose, goals, and objectives of this land use classification.

Zoning Ordinance Provisions

The property is zoned "B-2" General Business District. It is the intent of this zoning district to promote the development of commercial uses which are predominately auto-oriented in nature. The district caters to highway-oriented businesses as well as businesses that provide basic shopping and service needs for the community. Compatibility with adjacent uses and buildings is required within the district, as site design, building size and materials, and screening/landscaping are important to the creation and maintenance of a

Conditional Use Permit Requirements

Upon review of a Conditional Use Permit request, the Zoning Ordinance provides factors and standards that must be reviewed by the Planning Commission. Section 21, Article 2 Conditional Uses states:

- D. The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:
 1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.

2. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.
3. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
4. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
5. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
6. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
8. The conditional use complies with the general and specific performance standards as specified by within this Article.

Certification of Taxes Paid

Prior to approving an application for approval of a Conditional Use Permit, certification must be provided to the City that there are not any delinquent property taxes, special assessments, penalties, interest, or outstanding municipal utility fees. City staff did verify with Isanti County on Friday, March 25th, 2016; that all taxes associated with the property were current.

Public Notice

Notice was published within the Isanti County News on April 6th, 2016. Written notification was provided to property owners located within 350’ of the subject site as required by Minnesota State Statute.

Public Comment

To date, no public comment or questions had been received.

Deadline for City Council Action

The City of Isanti received a complete application for a Conditional Use Permit on March 23rd, 2016. Pursuant to Minnesota State Statute, the City must act on this request by May 22nd, 2016 (60 days). The only exception to these deadlines provided would be if the City provides the petitioner with written reasons for an additional 60-day review period.

Options & Proposed Motion Language

1. Recommend Approval with No Conditions: Motion to recommend approval of the request from BowDaddy Archery for approval of a Conditional Use Permit to operate an outdoor archery range on the property at 801 Highway 65 NE, legally described as PT SE/4 of SW/4 Described as: commencing at SE corner of quarter; then N 440'; W 600'; S 440' to S line of SE/4 of SW/4; E 600' to POB. old # 05.020.0300.
2. Recommend Approval with Conditions: Motion to recommend approval of the request from BowDaddy Archery for approval of a Conditional Use Permit to operate an outdoor archery range on the property at 801 Highway 65 NE, legally described as PT SE/4 of SW/4 Described as: commencing at SE corner of quarter; then N 440'; W 600'; S 440' to S line of SE/4 of SW/4; E 600' to POB. old # 05.020.0300with the following conditions.....
3. Recommend Denial: Motion to recommend denial of the request from BowDaddy Archery for approval of a Conditional Use Permit to operate an outdoor archery range on the property at 801 Highway 65 NE, legally described as PT SE/4 of SW/4 Described as: commencing at SE corner of quarter; then N 440'; W 600'; S 440' to S line of SE/4 of SW/4; E 600' to POB. old # 05.020.0300 for the following reasons.....

4. Table: Motion to table the request from BowDaddy Archery for approval of a Conditional Use Permit to operate an outdoor archery range on the property at 801 Highway 65 NE, legally described as PT SE/4 of SW/4 Described as: commencing at SE corner of quarter; then N 440'; W 600'; S 440' to S line of SE/4 of SW/4; E 600' to POB. old # 05.020.0300 (a specific reason and information request should be included in the motion to table).

Attachments

- Resolution No. 2016 - XXX
- Findings of Fact and Conclusion
- Narrative of Outdoor Archery Range from BowDaddy Archery
- Site Layout

RESOLUTION NO. 2015-

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP) FOR BOW DADDY ARCHERY, TO OPERATE AN OUTDOOR ARCHERY RANGE ON THE PROPERTY LOCATED AT 801 HIGHWAY 65 NE

WHEREAS, Critical Mass Investments owns the property located at 801 Highway 65 NE legally described as:

That part of the Southeast Quarter of the Southwest Quarter of Section 20, Township 35, Range 23, described by metes and bounds as follows: Commencing at the Southeast corner of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20, Township 35, Range 23, thence north along the north and south quarter line a distance of 440 feet; thence west and parallel with the south line of said SE $\frac{1}{4}$ of SW $\frac{1}{4}$ a distance of 600 feet; thence south and parallel with the east line of said SE $\frac{1}{4}$ of SW $\frac{1}{4}$ a distance of 440 feet to the South line of SE $\frac{1}{4}$ of SW $\frac{1}{4}$; thence east along the south line of said SE $\frac{1}{4}$ of SW $\frac{1}{4}$ a distance of 600 feet to the point of commencement, subject to highway easements of record and mineral reservation of record.

WHEREAS, William Joshua Johnson is requesting to operate an outdoor archery range on the property occupied by Shoppes on the Rum located at 801 Highway 65 NE; and,

WHEREAS, the property is located within the "B-2" General Business District, which requires a Conditional Use Permit (CUP) for commercial recreation within said district; and,

WHEREAS, the outdoor archery range is proposed to be located within a designated wetland area; and,

WHEREAS, there shall be no grading, killing of vegetation or permanent structures within the designated wetland area, the area may; however, be mowed; and,

WHEREAS, the City of Isanti Planning Commission conducted a public hearing on the proposed Conditional Use Permit on April 12th, 2016; and,

WHEREAS, the City of Isanti Planning Commission recommended approval of the proposed Conditional Use Permit subject to the conditions as listed below; and,

WHEREAS, the City Council reviewed the requested Conditional Use Permit at its regularly scheduled meeting on April 19th, 2016; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ISANTI, MINNESOTA, that it adopts the Findings of Fact and Conclusion related to the requested Conditional Use Permit and **BE IT FURTHER RESOLVED** that the requested Conditional Use Permit for an indoor archery range to be located within the building located at 801 Highway 65 NE be hereby approved with the following conditions:

1. There shall be no grading, killing of vegetation or permanent structures within the designated wetland area, the area of the approved range may; however, be mowed.
2. All targets, shooting line markers, tables, bow racks, quivers, distance markers and any other items within the range shall be removable and/or temporary items.
3. All activities are to remain on the property of 801 Highway 65 NE.
4. The area beyond the targets shall be regularly searched for stray arrows.
5. All federal, state and local laws shall be abided by at all times.

Adopted by the Isanti City Council on this 19th day of April 2016.

Attest:

Mayor George A. Wimmer

Donald C. Lorsung
City Administrator

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from William Joshua Johnson of Bow Daddy Archery Pro Shop and Range for approval of a Conditional Use Permit to operate an outdoor archery range on the property located at 801 Highway 65 NE.

Findings of Fact

1. The applicant is requesting to operate an indoor archery range in conjunction with an archery retail facility at the property located at 801 Highway 65 NE.
2. The property is zoned "B-2" General District.
3. A Conditional Use Permit is required for Commercial Recreation within the "B-2" General Business District.
4. The petitioner submitted a Conditional Use Permit Application, the required application fee and associated materials on March 23rd, 2016. Staff had reviewed such application and deemed such application complete on March 23rd, 2016. Pursuant to Minnesota State Statute, the City must act on this request by May 22nd, 2016 (60-day rule).
5. A public hearing date before the Planning Commission was scheduled for Tuesday, April 12th, 2016 at 7:00 p.m. at City Hall within the Council Chambers.
6. Notice of the Conditional Use Permit request was published within the Isanti- County News on Wednesday, April 6th, 2016. Notices were sent to all property owners located within 350 feet of the subject property.
7. Section 21, Article 2: Conditional Use Permits, Subdivision 3 (D) of the Zoning Ordinance establishes factors that the judgment of the Planning Commission shall be based upon when reviewing a Conditional Use Permit request as well as Section 21, Article 2: Conditional Use Permits, Subdivision 4 General Performance Standards of the Zoning Ordinance establishes additional general standards that shall be used to evaluate any proposed conditional use permit request.
8. The Planning Commission held a public hearing on the item on April 12th, 2016; and all property owners within 350' of the subject property were invited to attend and provide public comment.

Conclusions

1. In review of the standards established in Section 21, Article 2 Conditional Use (D); the following conclusions have been made (*conclusions to each requirement are shown in underlined italics*): The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:
 - A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
As noted, the proposed use for the site would be consistent with the goals and objectives of the comprehensive plan.
 - B. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.
The proposed use is a permitted conditional use. It fits the intent of the ordinance and underlying zoning district ("B-2" General Business District).
 - C. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
All operations of the archery range will occur on the property and follow the NRA Range Source Book's guideline for operating a safe outdoor range. The direction of shooting will be to the south where the nearest building is roughly one quarter mile away, in

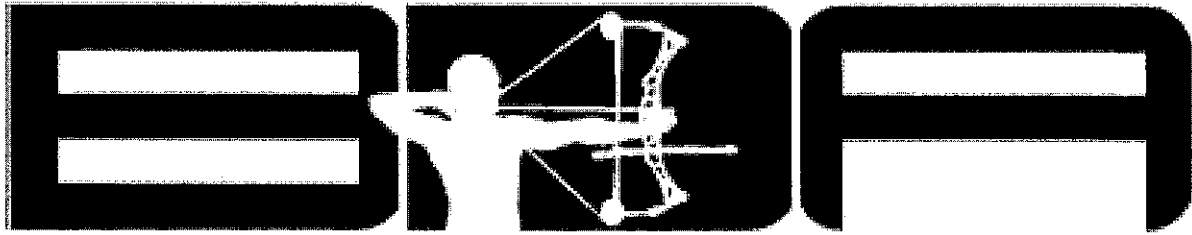
addition, wetlands and ponds constitute the space between. The range will be marked with a sign stating the rules and regulations of the range.

- D. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
The conditional use for an outdoor archery range will not be detrimental to surrounding properties so long as the NRA's Range Source Book guidelines are followed along with all local, state and federal laws. The ranger operators will do everything in their power to run a safe operation.
- E. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
Archery ranges within in the B-2 district are a conditional use in this district. Several conditions have been outlined below as part of the approval of this operation. This use will not impede development.
- F. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
Additional public facilities and services are not necessary for the proposed use.
- G. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
The requested conditional use permit appears to conform to the applicable regulations required for the district and the performance standards outlined within the zoning ordinance. Conditions will be placed on any approval to ensure that the property is developed in accordance to ordinance requirements and the proposed plan provided by the applicant.
- H. The conditional use complies with the general and specific performance standards as specified by within this Article.
These have been evaluated as part of the findings of fact; and can be found within this document.
3. In review of the standards established in Section 21, Article 2 Conditional Use, Subdivision 4 General Performance Standards; the following conclusions have been made (conclusions to each requirement are shown in underlined italics):
- A. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated an adequate public right-of-way shall be provided.
This site is currently served by a street of sufficient capacity. The proposed conditional use will not change the type or volume of traffic flow for this site.
- B. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with Section 17 of this Ordinance.
Access to the site is existing and had been approved at an earlier date.
- C. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
Not applicable.
- D. Adequate off-street parking and off-street loading shall be provided in compliance with Section 17 of this Ordinance.
Parking exists on site and is sufficient for the proposed use.
- E. Loading areas and drive-thru facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any adjacent residential use or district, and provided in compliance with Section 17 of this Ordinance.
Not applicable.
- F. Whenever a non-residential use is adjacent to a residential use or district, a buffer area with screening and landscaping shall be provided in accordance with the provisions of Section 15 of this Ordinance.
Not applicable.

- G. General site screening and landscaping shall be provided in compliance with Section 15 of this Ordinance.
Landscaping and screening were established with the original site plan.
- H. All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, and shall be in compliance with Section 14 of this Ordinance.
There will be no changes to lighting. Approved as part of the original site plan.
- I. The site drainage system shall be subject to the review and approval of the City Engineer.
Not applicable. Approved as part of the original site plan.
- J. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing and potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
Not applicable. Approved as part of the original site plan.
- K. Provisions shall be made for daily litter control, an interior location for recycling and trash handling and storage or an outdoor, enclosed receptacle area shall be provided in compliance with Section 14 of this Ordinance.
The refuse container will be in compliance with Section 14. Regular searching of the area beyond the targets will occur to pick up stray arrows.
- L. All signs and informational or visual communication devices shall be in compliance with Section 16 of this Ordinance.
All signage will be approved through the Zoning Administrator at the time it is submitted.
- M. The use and site shall be in compliance with any federal, state, or county laws or regulations that are applicable and any related permits shall be obtained and documented to the City.
The applicant will need to pull the appropriate permits and any appropriate fees must be paid for these permits and inspections completed by the appropriate staff person prior, during, and following construction.
- N. Any applicable business licenses mandated by City Code are approved and obtained.
Not applicable.
- O. The hours of operation may be restricted when there is judged to be an incompatibility with a residential use or district.
Not applicable.
- P. The use complies with the applicable performance standards of the zoning district in which it is located and where applicable, any non-conformity shall be eliminated.
Not applicable.
- Q. Additional Stipulations. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general public health, safety, and welfare, can be served as well or better by modifying or expanding the conditions set forth herein. The following are a list of conditions applicable to the approval of this conditional use:
1. There shall be no grading, killing of vegetation or permanent structures within the designated wetland area, the area of the approved range may; however, be mowed.
 2. All targets, shooting line markers, tables, bow racks, quivers, distance markers and any other items within the range shall be removable and/or temporary items.
 3. All activities are to remain on the property of 801 Highway 65 NE.
 4. The area beyond the targets shall be regularly searched for stray arrows.
 5. All federal, state and local laws shall be abided by at all times.

Decision

The Planning Commission held a public hearing on the item at the **April 12th, 2016** meeting. The meeting minutes shall be made part of the Findings of Fact.

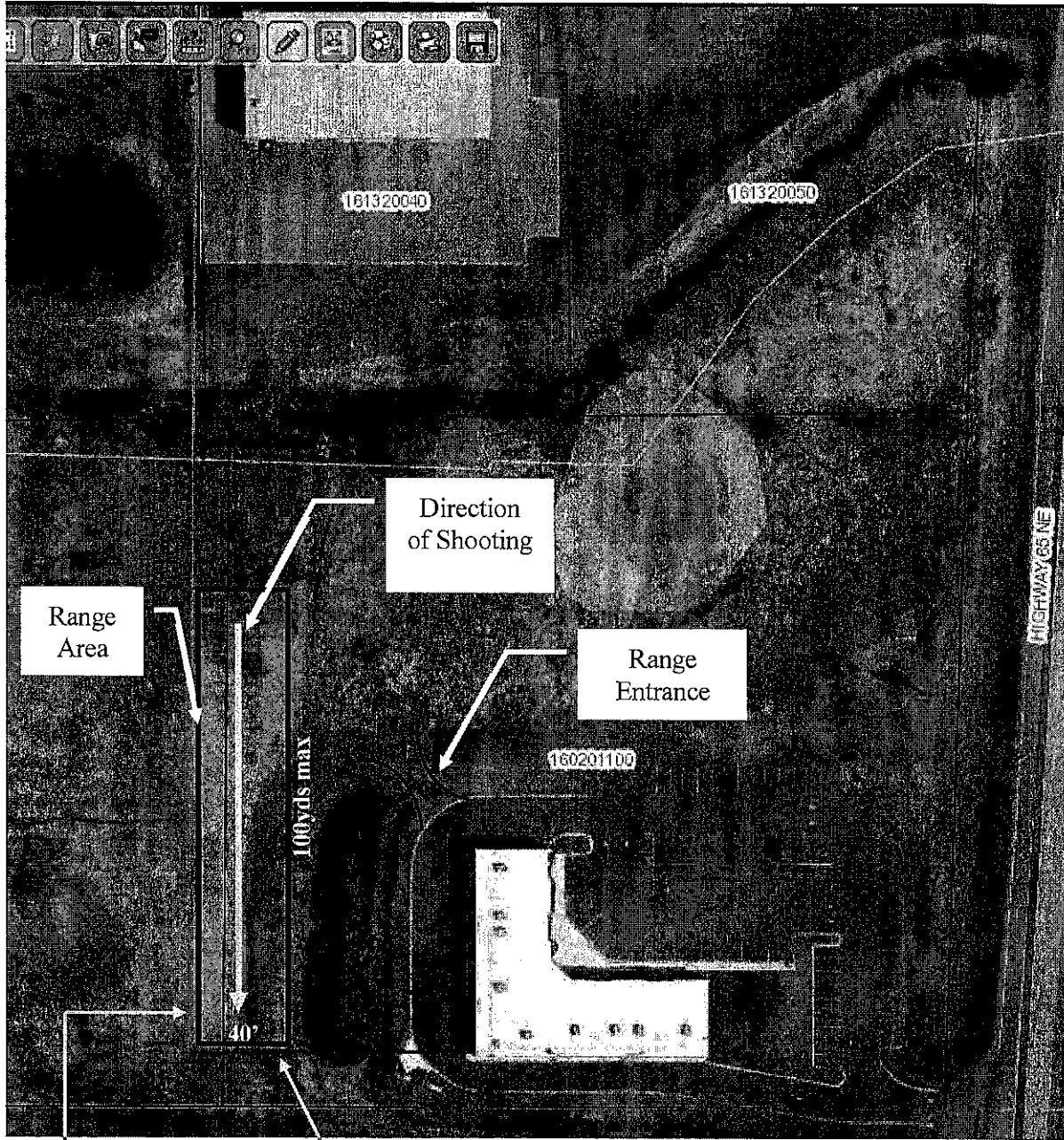


WWW.BowDaddyArchery.Com / Info@BowDaddyArchery.Com

763-444-3700

Outdoor Target Archery Range Equipment/Layout

1. Target backstop frames:
 - a. Will be of wood construction.
 - b. Will not be permanent.
 - c. Frames will be moveable to adjust for different yardages.
 - d. Will properly use terrain as a secondary measure for errant projectiles.
 - e. There will be 8 total backstops/frames which equates to 16 shooting lanes.
2. Shooting line:
 - a. All archers will shoot from the shooting line.
 - b. Will span entire width of outdoor range
 - c. Will be definitive of natural environment
 - d. Will not be permanent
3. Bow Hangers
 - a. Will be of metal construction
 - b. Will not be permanent
4. Range Dimensions:
 - a. Max shooting yardage of range will equal 100 yards.
 - b. Min shooting yardage of range will equal 5 yards.
 - c. Max width of shooting range will equal 40 feet.
5. Signage
 - a. Signage identifying that an archery range is present.
 - b. Signage stating Range Regulations in regards to safety.
 - c. Trail to shooting line will be clearly marked.



Green = Property line (185' from the west side of the building)

Targets will be no further south than the south side of the building.



Public Hearing

To: Planning Commission Chair
Members of the Planning Commission

From: Roxanne Achman, AICP
Community Development Director

Date: April 12th, 2016

Subject: Request from the City of Isanti for an Amendment to the Zoning Map to Rezone 1107 Rum River Drive SW from R-1 (Single Family Residential) to Park and Open Space, legally described as Lot 1, Block 1, Rum River Meadows 2nd Addition, Isanti County, Isanti, Minnesota

Background

This parcel was obtained by the City in 2015 for the purpose of providing additional amenities to River Bluff Preserve. The parcel is located on Rum River Drive SW, just north of the existing park zoned lot.

Zoning Ordinance Requirements

The purpose of the "POS" Parks and Open Space Overlay District is to protect and preserve parks, open space, and undevelopable land and areas with valuable environmental qualities from further development and to provide for the recreational use of land and structures within the City.

The Planning Commission shall conduct a public hearing, and report its findings and make recommendations to the City Council. The Planning Commission shall consider possible adverse effects of the proposed amendment. The judgment of the Planning Commission with regard to the application shall be based upon, but is not limited to, the following factors:

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the City Comprehensive Plan, including public facilities and capital improvement plans.
2. The proposed action meets the purpose and intent of this Ordinance or in the case of a map amendment; it meets the purpose and intent of the individual district.
3. There is adequate infrastructure available to service the proposed action.
4. There is an adequate buffer or transition provided between potentially incompatible districts.

Comprehensive Plan

The purpose of this category is to identify portions of Isanti that contain existing or planned park and open space uses. Examples of park and open space uses include local and state parks, wildlife areas, and other outdoor recreation facilities, as well as passive open space areas that are prioritized as protected on the natural areas map.

In addition to the parks and open space areas designated as such on the Land Use Plan map, new residential developments should incorporate neighborhood parks as they are developed.

Public Notice

Notice of the Map Amendment was published in the official City newspaper, Isanti County News; on Wednesday, April 6th, 2016. Mailed notice was provided to property owners within 350' of the subject property.

Public Comments

No public comments had been received regarding the proposed text amendment prior to the release of the staff memo.

Deadline for City Council Action

The City of Isanti received a complete application for this request on March 3rd, 2016. Pursuant to Minnesota State Statute, the City must act on this request by May 3rd, 2016 (60-days); unless an extension of the review period has been agreed to by the applicant.

Options and Proposed Motion Language

1. **Recommend Approval with No Conditions:** Motion to recommend approval of the request from the City of Isanti for an Amendment to the Zoning Map to Rezone 1107 Rum River Drive SW from R-1(Single Family Residential) to Park and Open Space, legally described as Lot 1, Block 1, Rum River Meadows 2nd Addition, Isanti County, Isanti, Minnesota
2. **Recommend Approval with Conditions:** Motion to recommend approval of the request from the City of Isanti for an Amendment to the Zoning Map to Rezone 1107 Rum River Drive SW from R-1(Single Family Residential) to Park and Open Space, legally described as Lot 1, Block 1, Rum River Meadows 2nd Addition, Isanti County, Isanti, Minnesota with the following changes....
3. **Recommend Denial:** Motion to recommend denial of the request from the City of Isanti for an Amendment to the Zoning Map to Rezone 1107 Rum River Drive SW from R-1(Single Family Residential) to Park and Open Space, legally described as Lot 1, Block 1, Rum River Meadows 2nd Addition, Isanti County, Isanti, Minnesota for the following reasons....
4. **Table:** Motion to table the request from the City of Isanti for an Amendment to the Zoning Map to Rezone 1107 Rum River Drive SW from R-1(Single Family Residential) to Park and Open Space, legally described as Lot 1, Block 1, Rum River Meadows 2nd Addition, Isanti County, Isanti, Minnesota (a specific reason and information request should be included in the motion to table).

Attachments

- Ordinance No. XXX
- Findings of Fact and Conclusions
- Map of parcel

ORDINANCE NO.

**AN ORDINANCE APPROVING AN AMENDMENT TO ORDINANCE NO.445
(ZONING): THE OFFICIAL ZONING MAP**

THE CITY OF ISANTI DOES ORDAIN:

WHEREAS, the City of Isanti obtained Parcel 16.111.0010 legally described as Lot 1, Block 1 of Rum River Meadows 2nd Addition for park and open space uses; and,

WHEREAS, such parcel is zoned "R-1" Single Family District; and,

WHEREAS, the City is requesting to amend the zoning map to rezone Lot 1, Block 1, Rum River Meadows 2nd Addition as Park and Open Space; and,

WHEREAS, at their regular meeting on April 12th, 2016, the City of Isanti Planning Commission held a public hearing to take public comments; and

WHEREAS, the Planning Commission voted unanimously to recommend approval of the rezone request; and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Isanti that Lot 1, Block 1 of Rum River Meadows 2nd Addition in the City of Isanti, Minnesota, subject to easements, restrictions and reservations of record, approved the re-zone request from "R-1" Single Family Residential to Park and Open Space.

EFFECTIVE DATE

This Ordinance shall take effect the day following its publication in the City's Official Newspaper.

Adopted by the City Council this 19th day of April 2016.

Mayor George A. Wimmer

ATTEST:

Donald C. Lorsung, City Administrator

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from the City of Isanti for an Amendment to the Zoning Map to Rezone 1107 Rum River Drive SW from R-1(Single Family Residential) to Park and Open Space, legally described as Lot 1, Block 1, Rum River Meadows 2nd Addition, Isanti County, Isanti, Minnesota.

Findings of Fact

1. The property owners, the City of Isanti, filed an application to rezone Parcel No. 16.111.0010 from "R-1" Single Family Residential District to "POS" Park and Open Space District.
2. The property is legally described as follows: Lot 1, Block 1 of Rum River Meadows 2nd Addition.
3. The rezoning of the property would permit the property to be slated for park and open space uses.
4. The Comprehensive Plan has a land use encourages the incorporation of neighborhood parks.
5. The request to rezone this property was received on March 3rd, 2016. Pursuant to Minnesota State Statute, the City must act on this request by May 3rd, 2016 (60-day rule).
6. A public hearing date before the Planning Commission was scheduled for Tuesday, April 12th, 2016 at 7:00 p.m. at City Hall within the Council Chambers.
8. Notice of the Rezoning request was published within the Isanti County News on Wednesday, April 6th, 2016. Notices were sent to all property owners located within 350 feet of the subject property.
9. Section 21, Article 1: Amendments (Text and Map), Subdivision 4 (D) of the Zoning Ordinance establishes criteria in which the judgment of the Planning Commission and City Council shall be based upon when reviewing a Rezoning request.

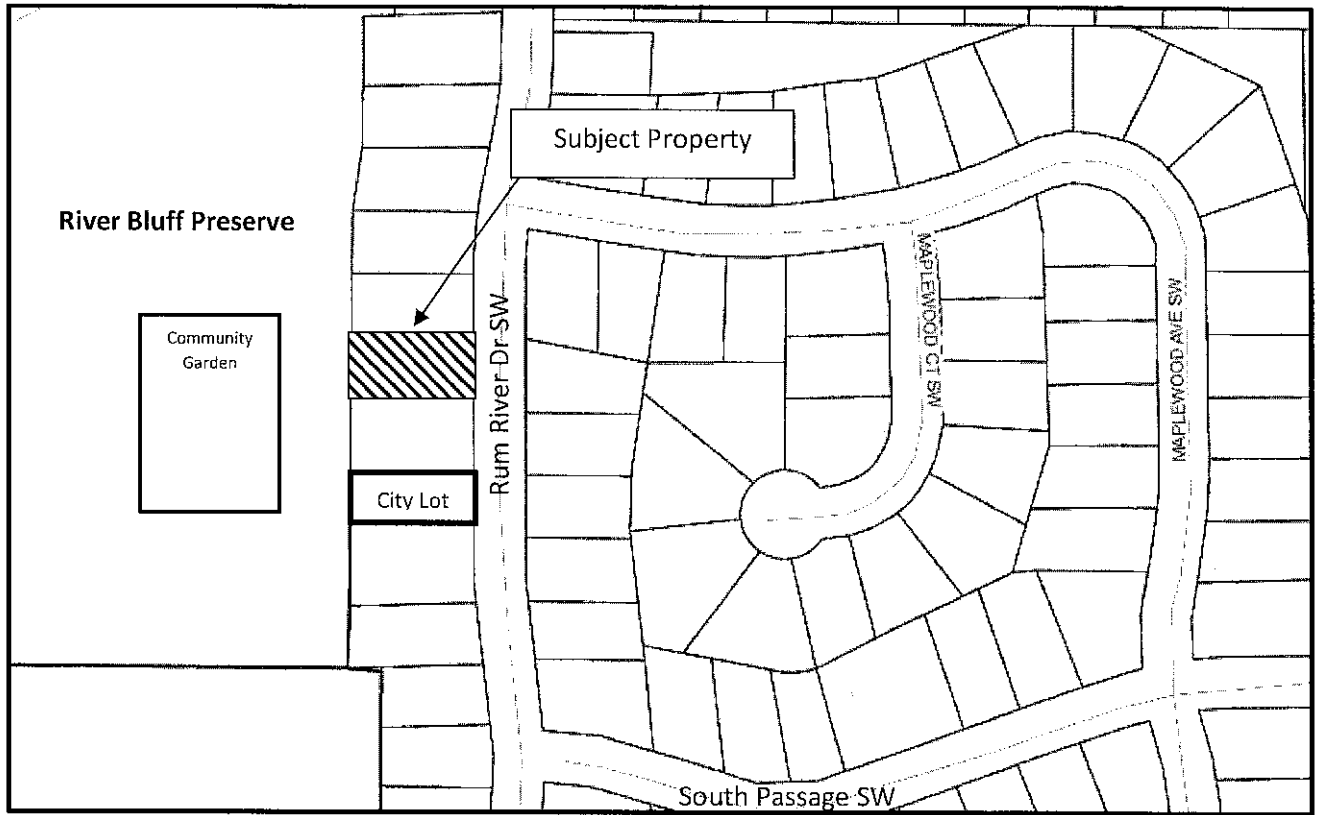
Conclusions

- A. In review of the factors established in Section 21, Article 1 Amendments (Text and Map), Subdivision 4 (D) the following conclusions have been made (*conclusions to each requirement are shown in underlined italics*):
1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the Comprehensive Plan, including public facilities and capital improvement plans.
The identified parcels fit within the concept of implementing neighborhood parks. One of the Comprehensive Plan's objectives is to provide passive parkland and open space areas to enhance the quality of life in existing and future neighborhoods
 2. The proposed action meets the purpose and intent of this Ordinance or in the case of a map amendment; it meets the purpose and intent of the individual district.
The rezoning of the parcel would meet the purpose and intent of the district in which the property is located. Park and open space is suitable and beneficial to residential neighborhoods.
 3. There is adequate infrastructure available to service the proposed action.
Any necessary infrastructure is already in place in this area should the City need connect to it.
 4. There is an adequate buffer or transition provided between potentially incompatible districts.
Parks and open space are compatible with residential uses.

Decision

The Planning Commission reviewed the request in a public hearing on **April 12th, 2016**. The meeting minutes, staff memo, and attachments shall be made a part of the Findings of Fact and Conclusion.

Rum River Meadows Second Addition Neighborhood





Public Hearing

To: Chairman Duncan
Members of the Planning Commission

From: Roxanne Achman, AICP
Community Development Director

Date: April 12, 2016

Subject: Request from the City of Isanti to Amend Zoning Ordinance 445, Section 14: Performance Standards to include fencing/barricade requirements for swimming pools.

Background

As we've discussed in the past, the recent update of the Minnesota Building Code from the 2006 edition to the 2015 edition, has brought about some changes that needed to be addressed in either City Code or Zoning Code. Another major change was recently discovered. The 2015 MN Building Code completely eliminates the requirement of fencing around swimming pools. Swimming pools in excess of 5,000 gallons and 24 inches in depth, do still, however, require building permits.

In order to uphold a standard that the City of Isanti feels is important to the safety of its residents, staff, along with the Development and Operations Advisory Committee, recommend placing recently eliminated fencing/barricade requirements within the Zoning Ordinance under Section 14 Performance Standards.

Staff Request

To consider recommending approval of the attached ordinance amending Section 14: Performance Standards to add requirements for fencing/protective barricades around swimming pools.

Attachments

- Ordinance No. XXX
- Findings of Fact and Conclusions

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO 445 ZONING; SECTION 14 PERFORMANCE STANDARDS

THE CITY OF ISANTI DOES ORDAIN:

I. AMENDMENTS

Section 13: Performance Standards, is hereby amended to read and include the following:

Subdivision 6: Swimming Pools

Any structure intended for swimming, recreational bathing or wading that contains water, over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

- A. Public swimming pools. Public swimming pools shall be completely enclosed by a fence at least 4 feet (1290 mm) in height or a screen enclosure. Openings in the fence shall not permit the passage of a 4-inch-diameter (102 mm) sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates.
- B. Residential swimming pools. Residential swimming pools shall comply with Sections 1 through 3. Exception: A swimming pool with a power safety cover or a spa with a safety cover complying with the American Society for Testing and Materials (ASTM).
 - 1. Barrier height and clearances. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
 - a. Openings. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.
 - b. Solid barrier surfaces. Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
 - c. Closely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
 - d. Widely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
 - e. Chain link dimensions. Maximum mesh size for chain link fences shall be a 2.25 inch square (57 mm square) unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1.75 inches (44 mm).

- f. Diagonal members. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be no more than 1.75 inches (44 mm).
 - g. Gates. Access gates shall comply with the requirements of Sections a. through f. and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where required to be accessible, mechanisms shall comply with accessibility requirements. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and the gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
 - h. Dwelling wall as a barrier. Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:
 - (1) Doors with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017. The audible alarm shall activate within 7 seconds and sound continuously for a minimum of 30 seconds after the door and/or its screen, if present, are opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. In dwellings not required to be Accessible, Type A or Type B units, the deactivation switch shall be located 54 inches (1372 mm) or more above the threshold of the door. In dwellings required to be Accessible, Type A or Type B units, the deactivation switch(es) shall be located at 54 inches (1372 mm) maximum and 48 inches minimum above the threshold of the door.
 - (2) The pool shall be equipped with a power safety cover that complies with ASTM F.
 - (3) Other means of protection, such as self-closing doors with self-latching devices, which are approved by the administrative authority, shall be accepted so long as the degree of protection afforded is not less than the protection afforded by Section *h.*, Item (1) or (2).
 - i. Pool structure as barrier. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps either shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier which meets the requirements of Sections *a.* through *h.* When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.
- 2. Indoor swimming pools. Walls surrounding indoor swimming pools shall not be required to comply with Section *h.*
 - 3. Prohibited locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.
- C. Entrapment avoidance. Suction outlets shall be designed to produce circulation throughout the pool or spa. Single-outlet systems, such as automatic vacuum cleaner systems, or other such

multiple suction outlets whether isolated by valves or otherwise shall be protected against user entrapment.

1. Suction fittings. All pool and spa suction outlets shall be provided with a cover that conforms to ASME, a 12-inch by 12-inch (305 mm by 305 mm) drain grate or larger, or an approved channel drain system. Exception: Surface skimmers.
2. Atmospheric vacuum relief system required. All pool and spa single- or multiple-outlet circulation systems shall be equipped with an atmospheric vacuum relief should grate covers located therein become missing or broken. Such vacuum relief systems shall include at least one approved or engineered method of the type specified herein, as follows:
 - a. Safety vacuum release systems conforming to ASME; or
 - b. Approved gravity drainage system.
3. Dual drain separation. Single- or multiple-pump circulation systems shall be provided with a minimum of two suction outlets of the approved type. A minimum horizontal or vertical distance of 3 feet (914 mm) shall separate such outlets. These suction outlets shall be piped so that water is drawn through them simultaneously through a vacuum-relief-protected line to the pump or pumps.
4. Pool cleaner fittings. Where provided, vacuum or pressure cleaner fitting(s) shall be located in an accessible position(s) at least 6 inches (152 mm) and not greater than 12 inches (305 mm) below the minimum operational water level or as an attachment to the skimmer(s).

XII. EFFECTIVE DATE

This ordinance shall take effect upon its adoption and publication in the City's Official Newspaper.

Adopted by the City Council this 19th day of April 2016.

Mayor George A. Wimmer

ATTEST:

Donald C. Lorsung
City Administrator

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from the City of Isanti to Amend Ordinance No. 445 Zoning, Section 14 Performance Standards.

Findings of Fact

1. The Development and Operations Advisory Committee requested the Planning Commission review an amendment to Section 14 of the Zoning Ordinance at their regularly scheduled meeting on March 3, 2016.
2. The latest update (2015) to the International Building Code has eliminated the section pertaining to swimming pool enclosures and safety devices (Section 3109).
3. To maintain the swimming pool enclosures and safety device regulations, an amendment to the zoning ordinance must occur.
4. While the intent of the Ordinance remains intact, amendments must be made to the Ordinance regulations to ensure that the appropriate requirements are being used.
5. Notification of the public hearing was provided for within the City's official newspaper on Wednesday, April 6th, 2016.
6. The Planning Commission reviewed the requested text amendment to the Zoning Ordinance during a public hearing held at their regularly scheduled meeting on April 12th, 2016.

Conclusions

1. In review of the Ordinance requirements provided for within Section 21, Article 1 Amendments (Text and Map), Subdivision 4 (D), the following conclusions have been made (*conclusions to each requirement have been shown in underlined italics*):
 - a. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the City Comprehensive Plan, including public facilities and capital improvement plans.
The ordinance amendment helps to protect the safety of Isanti's citizens and visitors, which is consistent with the City's Comprehensive Plan.
 - b. The proposed action meets the purpose and intent of this Ordinance or in the case of a map amendment; it meets the purpose and intent of the individual district.
The ordinance amendment adds a critical performance standard.
 - c. There is adequate infrastructure available to service the proposed action.
Not applicable.
 - d. There is an adequate buffer or transition provided between potentially incompatible districts.
Not applicable.

Decision

The Planning Commission held a public hearing on the item at the **April 12th, 2016** meeting. The meeting minutes, staff memo, and attachments shall be made a part of the Findings of Fact and Conclusions.



**CITY OF ISANTI
PLANNING COMMISSION MEETING
TUESDAY, MAY 10, 2016 – 7:00 p.m.
CITY HALL**

1. Meeting Opening
 - A. Call to Order
 - B. Pledge of Allegiance
 - C. Roll Call
 - D. Agenda Modifications
2. Approval of Minutes from April 12, 2016 Planning Commission Meeting
3. Public Hearings
 - A. Request from Jim Bergman for approval of a Conditional Use Permit to operate a Motor Vehicle Sales Office and Display at 11 Heritage Boulevard NW, Isanti.
 - B. Request from Minnco Credit Union for approval of an Interim Use Permit to allow for Temporary Motor Vehicle Sales on the property located at 309 and 311 Credit Union Dr. NE, Isanti.
 - C. Continuation of a Request from the City of Isanti to Amend Zoning Ordinance 445, Section 14: Performance Standards to include fencing/barricade requirements for swimming pools.
4. Other Business
 - A. Meeting date changes in August and November due to the Election
5. Discussion Items.
 - A. None.
6. Adjournment

CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
APRIL 12, 2016

1. Meeting Opening.

A. Call to Order.

Cesafsky 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: Greg Cesafsky, Paul Bergley, Steve Lundeen, Wayne Traver, and Jim Kennedy.

Members Absent: Jeff Duncan (provided prior notice)

Achman informed the Planning Commission that Cindy Lind-Livingston had resigned from the Planning Commission effective April 12, 2016.

Staff Present: Community Development Director, Roxanne Achman

Others Present: None

D. Agenda Modifications.

Achman stated there were none.

2. Approval of Minutes from March 8, 2016 Planning Commission Meeting.

Cesafsky questioned if there were any comments or changes to the minutes.

Motion by Lundeen second by Kennedy to approve the March 8th, 2016 Planning Commission Meeting Minutes. Motion was unanimously approved.

3. Public Hearings.

A. Request from Prairie Senior Cottages for approval of a Site Plan, Conditional Use Permit and Variance for a second building to be located on the property at 705 6th Ave NE, legally described at Lot 1, Block 1, Bank Site Second Addition, Isanti County, Isanti, Minnesota.

Cesafsky read the item into the minutes.

Achman presented the staff memo.

Cesafsky opened the public hearing.

Bergley asked where the new building is in relation to the existing building.

Dustin Lee, Chief Operating Officer, Prairie Senior Cottages, approached the podium to explain that the new building will be just to the west of the existing building.

Bergley asked for clarification on the variance.

Achman explained that the building could not be shifted to the south or west due to the wetland.

Lundeen asked when they planned to start construction.

Mr. Lee stated they hoped to start within 90 days. They plan to start this summer.

Traver and Lee discussed the orientation of the building in regards to the highway. It was stated that the secure area would be south of the building and not necessarily facing the highway.

Cesafsky closed the public hearing.

Lundeen asked that staff look into setbacks in cul-de-sacs.

Motion by Kennedy second by Bergley to recommend approval of request from Prairie Senior Cottages for approval of a Site Plan, Conditional Use Permit and Variance for a second building to be located on the property at 705 6th Ave NE, legally described at Lot 1, Block 1, Bank Site Second Addition, Isanti County, Isanti, Minnesota based on the Findings of Fact and Conclusions. Motion carried unanimously.

B. Request from BowDaddy Archery for approval of a Conditional Use Permit to operate an outdoor archery range on the property at 801 Highway 65 NE, legally described as PT SE/4 of SW/4 Described as: commencing at SE corner of quarter; then N 440'; W 600'; S 440' to S line of SE/4 of SW/4; E 600' to POB. old # 05.020.0300.

Cesafsky read the item into the minutes.

Achman presented the staff memo.

Cesafsky opened the public hearing

Bergley asked if there was netting that goes around the range.

Josh Johnson, BowDaddy Archery, stated that based on the NRA guidelines, a backstop is the only thing that is needed behind the target face. The target is roughly 18 inches thick and four foot by four foot dense foam.

Achman stated that there is not a required fencing or backstop that is needed. The targets are quite large and thick.

Bergley stated he just wanted to make sure there were no issues with the stray arrows.

Lundeen stated that anybody shooting where they shouldn't be will be asked to leave.

Mr. Johnson described the location of the range, stating that the area is roughly ten feet lower than the building level. To the south there are thick trees, to the east are trees and the building and to the west are hundreds of yards of wetland. Nobody should be shooting north. There will be staff on site and signage with the range regulations.

Cesafsky asked if there would be 3-D targets. Johnson stated that was not the plan, but possibly in the future.

Cesafsky closed the public hearing.

Motion by Lundeen second by Bergley to recommend approval of request from BowDaddy Archery for approval of a Conditional Use Permit to operate an outdoor archery range on the property at 801 Highway 65 NE, legally described as PT SE/4 of SW/4 Described as: commencing at SE corner of quarter; then N 440'; W 600'; S 440' to S line of SE/4 of SW/4; E 600' to POB. old # 05.020.0300 based on the Findings of Fact and Conclusion and with the following conditions:

1. There shall be no grading, killing of vegetation or permanent structures within the designated wetland area, the area of the approved range may; however, be mowed.
2. All targets, shooting line markers, tables, bow racks, quivers, distance markers and any other items within the range shall be removable and/or temporary items.
3. All activities are to remain on the property of 801 Highway 65 NE.
4. The area beyond the targets shall be regularly searched for stray arrows.
5. All federal, state and local laws shall be abided by at all times.

Motion carried unanimously.

C. Request from the City of Isanti for an Amendment to the Zoning Map to Rezone 1107 Rum River Drive SW from R-1(Single Family Residential) to Park and Open Space, legally described as Lot 1, Block 1, Rum River Meadows 2nd Addition, Isanti County, Isanti, Minnesota.

Cesafsky read the item into the minutes.

Achman presented the staff memo.

Cesafsky opened the public hearing. There was no one in the audience to speak on the matter. The public hearing was closed.

Motion by Lundeen second by Kennedy to recommend approval of the request from the City of Isanti for an Amendment to the Zoning Map to Rezone 1107 Rum River Drive SW from R-1(Single Family Residential) to Park and Open Space, legally described as Lot 1, Block 1, Rum River Meadows 2nd Addition, Isanti County, Isanti, Minnesota based on the Findings of Fact and Conclusions. Motion carried unanimously.

D. Request from the City of Isanti to Amend Zoning Ordinance 445, Section 14: Performance Standards to include fencing/barricade requirements for swimming pools.

Cesafsky read the item into the minutes.

Achman presented the staff memo.

Cesafsky opened the public hearing

Traver asked if the fencing is required even if the pool is put up and taken down every year.

Achman stated that it depended on whether the pool was 24 inches deep and held 5,000 gallons of water or not.

Cesafsky asked if there was height requirement for the fencing. Achman stated the required fence height was 48 inches. Cesafsky stated that the side of his pool is four feet and questioned what good a four foot fence is on a pool that has four foot sides.

Lundeen stated that anyone with a pool should have a fenced in yard for liability reasons.

Achman stated she will need to get more clarification from the Building Official on specifically how the fencing requirements are interpreted.

Cesafsky has asked if the ordinance could require a six foot fence rather than a four foot fence, or it could state that the fence needs to be 24 inches higher than the pool.

The Planning Commissioners discussed and agreed that more information was needed prior to adopting an amendment to the zoning code.

Cesafsky opened the public hearing. There was no one in the audience to speak on the matter. The public hearing was closed.

Motion by Bergley second by Lundeen to table the request from the City of Isanti to Amend Zoning Ordinance 445, Section 14 Performance Standards to include fencing/barricade requirements for swimming pools until the next meeting and to bring back additional information. Motion carried unanimously.

4. Other Business.

A. None

5. Discussion Items.

A. None.

6. Adjournment

Motion by Lundeen second by Bergley to adjourn the April 12th, 2016 meeting of the Planning Commission. Motion was unanimously approved.

The meeting adjourned at 7:33 p.m.

Dated at Isanti, Minnesota this 12th day of April 2016.

Respectfully submitted,

Roxanne Achman, AICP
Community Development Director



Public Hearing

To: Planning Commission Chair
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: May 10, 2016

Subject: Request from Jim Bergman for Approval of a Conditional Use Permit to operate a Motor Vehicle Sales Office and Display at 11 Heritage Boulevard NW, Isanti, Minnesota.

Background

Staff has received a request from Jim Bergman to locate a used car sales lot at 11 Heritage Blvd NW, the SHR Gun Sales building. The building currently houses SHR Gun Sales and Cambridge Upholstery. SHR Gun Sales occupies roughly 2000sf of floor area. Cambridge Upholstery occupies roughly 1800sf of floor area and is primarily online sales. The car sales office would occupy roughly 700sf of floor area. The required number of parking spots would be 17. 15 spaces for the gun sales and upholstery business and 2 for the car sales office (excluding sales vehicles).

A CUP for vehicle sales was last issued for this property in 2004 for Adventure Auto Sales. It's unclear if this was ever in operation. There does seem to be a number of other vehicle or motorcycle sales operations that operated out of this facility.

The applicant is requesting to park 8 -10 cars on the east side of the site (facing the RR Tracks). There appears to be sufficient room due to the required parking being accounted for on the western side of the property.

The one thing that seems to have been missed over the years is that at some point the property owners, whether with approval or not, added paving to an area of the lot that is on railroad ROW. While it is possible to have vehicles parked on the east side of the building, it needs to clear to the property owner and applicant, that the vehicles for sale are not to be parked on the RR property unless they can provide proof of authorization from the RR.

This use was discussed with the Development and Operations Advisory Committee at their April 21st meeting. DOAC had no objections or major concerns of the operations of a motor vehicle sales office with vehicle display.

The specific conditions outlined in Section 13: Use Regulations are as follows (not all are applicable):

1. Services and sales are associated with a principal building with a minimum floor area of at least one thousand (1,000) square feet.
The principal building is roughly 6,100 square feet.
2. All area of the property not devoted to building, parking, or open sales lot area shall be landscaped in accordance with Section 15 of this Ordinance.
The use is part of an existing building with previous site plan approval.
3. Off-street parking and loading shall meet the requirements as stipulated within Section 17 of this Ordinance.

There are approximately 20 parking stalls on the west side of the site. The gun shop and upholstery shop require 15 stalls (1 stall/250sf floor area). The vehicle sales office requires 2 stalls (1/400sf office area) and 9 stalls will be used for display. The site has roughly 29 stalls available.

4. All new or used vehicles parked or displayed outdoors on the property shall conform to all requirements of the State of Minnesota; shall be operable; shall include all engine, muffler, brakes, and operating parts; shall be equipped with all exterior body parts as if new (for a passenger vehicle, truck or van, this shall mean four (4) tires, all doors and windows, headlamps and grillwork, mirrors, fenders, trunk, lids, body panels and molding, etc, or if a boat, all windshields, safety railings, hulls, trailer, etc.); shall be uniformly and wholly painted; and shall be free from having any loose or damaged exterior parts.

Applicant to be made aware of this requirement.

5. All repair, assembly, disassembly or maintenance of motor vehicles or motor vehicle parts shall occur within an enclosed building.

Applicant states no on site repair, assembly, disassembly or maintenance will occur on site.

6. A detailed site plan conforming to the requirements of Section 18 of this Ordinance shall be submitted. The site plan shall also illustrate the location of all open sales and storage areas.
A site plan indicating the location of the display vehicles has been submitted and is attached.

7. No outside speaker system shall be permitted without the approval from the City Council.

Applicant to be made aware of this requirement.

8. A landscaped buffer shall be provided, if the use abuts any residential zoning district. Solid screening to a minimum height of six (6) feet shall be provided along any portion of the open sales lot abutting a residential property or district. Such screening shall consist of a continuous landscape berm, solid wood fence, wall, or other comparable material. Fencing shall be constructed of wood or comparable material and should be of an ornamental or decorative design. If a chain link or wood fence is used, landscaping shall be provided on the outside of the fence facing the abutting residential property or district.

Not applicable.

Staff Recommendation:

Staff recommends approval of the Conditional Use Permit subject to the conditions outlined in Sections 13 and 21 of Zoning Ordinance No. 445.

Comprehensive Plan

The 2008 Comprehensive Plan has the area guided for General Commercial Development. The existing uses and the proposed use would appear to meet purpose, goals, and objectives of this land use classification.

Zoning

The property is zoned "B-2" General Business District. Motor Vehicle Sales are listed as a Conditional Use within the "B-2" District. The petitioner is subject to the application requirements, procedure, and performance standards as outlined within Section 21 Administration, Article 2 Conditional Use Permits and Section 13 Use Regulations, Subdivision 12 of Ordinance No. 445: Zoning.

Zoning Ordinance Provisions

The property is zoned "B-2" General Business District. It is the intent of this zoning district to promote the development of commercial uses which are predominately auto-oriented in nature. The district caters to highway-oriented businesses as well as businesses that provide basic shopping and service needs for the community. Compatibility with adjacent uses and buildings is required within the district, as site design, building size and materials, and screening/landscaping are important to the creation and maintenance of a thriving commercial base.

Conditional Use Permit Requirements

Upon review of a Conditional Use Permit request, the Zoning Ordinance provides factors and standards that must be reviewed by the Planning Commission. Section 21, Article 2 Conditional Uses states:

- D. The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:
1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
 2. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.
 3. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
 4. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
 5. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 6. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
 7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
 8. The conditional use complies with the general and specific performance standards as specified by within this Article.

Section 13 Use Regulations

Subdivision 12: Motor Vehicle Sales and Rental/Leasing Facilities

- A. Services and sales are associated with a principal building with a minimum floor area of at least one thousand (1,000) square feet.
- B. All area of the property not devoted to building, parking, or open sales lot area shall be landscaped in accordance with Section 15 of this Ordinance.
- C. Off-street parking and loading shall meet the requirements as stipulated within Section 17 of this ordinance.
- D. All new or used vehicles parked or displayed outdoors on the property shall conform to all requirements of the State of Minnesota; shall be operable; shall include all engine, muffler, brakes, and operating parts; shall be equipped with all exterior body parts as if new (for a passenger vehicle, truck or van, this shall mean four (4) tires, all doors and windows, headlamps and grillwork, mirrors, fenders, trunk, lids, body panels and molding, etc, or if a boat, all windshields, safety railings, hulls, trailer, etc.); shall be uniformly and wholly painted; and shall be free from having any loose or damaged exterior parts.
- E. All repair, assembly, disassembly or maintenance of motor vehicles or motor vehicle parts shall occur within an enclosed building.
- F. A detailed site plan conforming to the requirements of Section 18 of this Ordinance shall be submitted. The site plan shall also illustrate the location of all open sales and storage areas.
- G. No outside speaker system shall be permitted without the approval from the City Council.
- H. A landscaped buffer shall be provided, if the use abuts any residential zoning district. Solid screening to a minimum height of six (6) feet shall be provided along any portion of the open sales lot abutting a residential property or district. Such screening shall consist of a continuous landscape berm, solid wood fence, wall, or other comparable material. Fencing shall be constructed of wood or comparable material and should be of an ornamental or decorative design. If a chain link or wood fence is used, landscaping shall be provided on the outside of the fence facing the abutting residential property or district.

Certification of Taxes Paid

Prior to approving an application for a conditional use permit, certification must be provided to the City that there are not any delinquent property taxes, special assessments, penalties, interest, or outstanding municipal utility fees. City staff did verify with Isanti County on Monday, April 18th, 2016; that all taxes associated with the property were current.

Public Notice

Notice was published within the Isanti County News on April 27th, 2016. Written notification was provided to property owners located within 350' of the subject site as required by Minnesota State Statute.

Public Comment

To date, no public comment or questions had been received.

Development and Operations Advisory Committee:

The Development Advisory Committee met on April 21, 2016 to discuss the Conditional Use Permit request. The committee recommended approval of the CUP subject to the submittal of all requested documents and information requested by the Community Development Director.

Deadline for City Council Action

The City of Isanti received a complete application for a Conditional Use Permit on April 22, 2016. Pursuant to Minnesota State Statute, the City must act on this request by June 21, 2016 (60 days). The only exception to these deadlines provided would be if the City provides the petitioner with written reasons for an additional 60-day review period.

Options & Proposed Motion Language

1. Recommend Approval with No Conditions: Motion to recommend approval of the request from Tim Marinan for Approval of a Conditional Use Permit to operate a Motor Vehicle Sales Office and Display at the Dual Square Mall on the property located at 401 E Dual Blvd NE, Isanti, Minnesota.
2. Recommend Approval with Conditions: Motion to recommend approval of the request from Tim Marinan for Approval of a Conditional Use Permit to operate a Motor Vehicle Sales Office and Display at the Dual Square Mall on the property located at 401 E Dual Blvd NE, Isanti, Minnesota with the following conditions.....
3. Recommend Denial: Motion to recommend denial of the request from Tim Marinan for Approval of a Conditional Use Permit to operate a Motor Vehicle Sales Office and Display at the Dual Square Mall on the property located at 401 E Dual Blvd NE, Isanti, Minnesota for the following reasons.....
4. Table: Motion to table the request from Tim Marinan for Approval of a Conditional Use Permit to operate a Motor Vehicle Sales Office and Display at the Dual Square Mall on the property located at 401 E Dual Blvd NE, Isanti, Minnesota (a specific reason and information request should be included in the motion to table).

Attachments

- Resolution No. 2016 - XXX
- Findings of Fact and Conclusion
- Site Layout of car display location

RESOLUTION NO. 2016-

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP) FOR MOTOR VEHICLE SALES IN THE BUILDING LOCATED AT 401 EAST DUAL BOULEVARD NE, ISANTI COUNTY, ISANTI, MINNESOTA

WHEREAS, James Walters own the property located at 11 Heritage Boulevard NW, Isanti, Minnesota; and,

WHEREAS, Jim Bergman is requesting to operate a motor vehicle sales office with vehicle displays within the building located at 11 Heritage Boulevard NW; and,

WHEREAS, the property is located within the "B-2" General Business District, which requires a Conditional Use Permit (CUP) for motor vehicle sales and display within said district; and,

WHEREAS, the City of Isanti Planning Commission conducted a public hearing on the proposed Conditional Use Permit on May 10th, 2016; and,

WHEREAS, the City of Isanti Planning Commission recommended approval of the proposed Conditional Use Permit subject to the conditions as listed below; and,

WHEREAS, the City Council reviewed the requested Conditional Use Permit at its regularly scheduled meeting on May 17th, 2016; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ISANTI, MINNESOTA, that it adopts the Findings of Fact and Conclusion related to the requested Conditional Use Permit and **BE IT FURTHER RESOLVED** that the requested Conditional Use Permit for a motor vehicle sales and display to be located at 401 East Dual Boulevard NE be hereby approved subject to the following conditions:

1. Services and sales are associated with a principal building with a minimum floor area of at least one thousand (1,000) square feet.
2. All area of the property not devoted to building, parking, or open sales lot area shall be landscaped in accordance with Section 15 of this Ordinance.
3. Off-street parking and loading shall meet the requirements as stipulated within Section 17 of this Ordinance.
4. All new or used vehicles parked or displayed outdoors on the property shall conform to all requirements of the State of Minnesota; shall be operable; shall include all engine, muffler, brakes, and operating parts; shall be equipped with all exterior body parts as if new (for a passenger vehicle, truck or van, this shall mean four (4) tires, all doors and windows, headlamps and grillwork, mirrors, fenders, trunk, lids, body panels and molding, etc, or if a boat, all windshields, safety railings, hulls, trailer, etc.); shall be uniformly and wholly painted; and shall be free from having any loose or damaged exterior parts.
5. All repair, assembly, disassembly or maintenance of motor vehicles or motor vehicle parts shall occur within an enclosed building.
6. A detailed site plan conforming to the requirements of Section 18 of this Ordinance shall be submitted. The site plan shall also illustrate the location of all open sales and storage areas.
7. No outside speaker system shall be permitted without the approval from the City Council.
8. A landscaped buffer shall be provided, if the use abuts any residential zoning district. Solid screening to a minimum height of six (6) feet shall be provided along any portion of the open sales lot abutting a residential property or district. Such screening shall consist of a continuous landscape berm, solid wood fence, wall, or other comparable material. Fencing shall be constructed of wood or comparable material and should be of an ornamental or decorative design. If a chain link or wood fence is used, landscaping shall be provided on the outside of the fence facing the abutting residential property or district.

9. All vehicles and activities shall remain on the property owned by James Walters. No vehicles or activities are to be permitted on the paved area extending in to the Railroad right-of-way without proof of permission from the Railroad.

Adopted by the Isanti City Council on this 17th day of May 2016.

Attest:

Mayor George A. Wimmer

Donald C. Lorsung
City Administrator

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from Jim Bergman for Approval of a Conditional Use Permit to operate a Motor Vehicle Sales Office and Display at 11 Heritage Boulevard NW, Isanti, Minnesota.

Findings of Fact

1. The applicant is requesting to operate a Motor Vehicle Sales and Display on the property located at 11 Heritage Boulevard NW.
2. The property is zoned "B-2" General Commercial District.
3. A Conditional Use Permit is required for Motor Vehicle Sales and Display within the "B-2" General Commercial District.
4. The petitioner submitted a Conditional Use Permit Application, the required application fee and associated materials on April 21, 2016. Staff had reviewed such application and deemed such application complete on April 22, 2016. Pursuant to Minnesota State Statute, the City must act on this request by February 7th, 2016 (60-day rule).
5. A public hearing date before the Planning Commission was scheduled for Tuesday, May 10th, 2016 at 7:00 p.m. at City Hall within the Council Chambers.
6. Notice of the Conditional Use Permit request was published within the Isanti- County News on Wednesday, April 27, 2016. Notices were sent to all property owners located within 350 feet of the subject property.
7. Section 21, Article 2: Conditional Use Permits, Subdivision 3 (D) of the Zoning Ordinance establishes factors that the judgment of the Planning Commission shall be based upon when reviewing a Conditional Use Permit request as well as Section 21, Article 2: Conditional Use Permits, Subdivision 4 General Performance Standards of the Zoning Ordinance establishes additional general standards that shall be used to evaluate any proposed conditional use permit request.
8. The Planning Commission held a public hearing on the item on May 10th, 2016; and all property owners within 350' of the subject property were invited to attend and provide public comment.

Conclusions

1. In review of the standards established in Section 18, Subdivision 7, the following conclusions have been made (*conclusions to each requirement are shown in underlined italics*):
 - A. Consistency with the elements and objectives of the City's development guides, including the Comprehensive Plan.
As outlined within the staff memo, the elements of the project would appear to meet the requirements of the zoning ordinance and the intent of the land use designation in which the property is located.
 - B. Consistency with City Codes.
Overall, the proposal appears to be consistent with city codes and ordinances. The plans provided would appear to meet the minimum requirements set by the zoning ordinance (setbacks, parking, landscaping, lighting, etc).
 - C. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas.
This is an existing site. There will be no physical changes to the property.
 - D. The amount and location of open space and landscaping.
The amount of open space and landscaping are based upon the original site plan.
 - E. Vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

The existing parking area meets the parking requirements set forth in Section 17 of the Zoning Ordinance.

- F. Protection of adjacent and neighboring properties through reasonable provision of surface water drainage, sound and light buffers, preservation of views, lights, and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.
There will be no physical changes to the property. Vehicle displays are permitted within the General Commercial District. There are no residential properties nearby requiring additional screening.
- G. Consistency with the City's Engineering and Design standards as adopted by Resolution of the City Council.
Not applicable.
2. In review of the standards established in Section 21, Article 2 Conditional Use (D); the following conclusions have been made (conclusions to each requirement are shown in underlined italics): The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:
- A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
As noted, the proposed use for the site would be consistent with the goals and objectives of the comprehensive plan.
- B. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.
The proposed use a permitted conditional use. It fits the intent of the ordinance and underlying zoning district ("B-2" General Commercial District).
- C. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
The establishment of the conditional use does not appear to endanger the public health, safety, morals and comfort of the surrounding area or the community. The proposal follows the requirements further outlined in Section 13: Use Regulations for Motor Vehicle Repair and/or Body Shop.
- D. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
The use of this property as a motor vehicle body shop will be maintained within the building and shall abide by the conditions outlined in Section 13: Use Regulations for Motor Vehicle Sales.
- E. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
The use of this property for motor vehicle sales will not be detrimental to surrounding properties, nor will it impede normal and orderly growth.
- F. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
Adequate public facilities and services are existing and available.
- G. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
The requested conditional use permit appears to conform to the applicable regulations required for the district and the performance standards outlined within the zoning ordinance. Conditions will be placed on the approval to ensure that the property is used in accordance to the ordinance requirements.

- H. The conditional use complies with the general and specific performance standards as specified by within this Article.
These have been evaluated as part of the findings of fact; and can be found within this document.
3. In review of the standards established in Section 21, Article 2 Conditional Use, Subdivision 4 General Performance Standards; the following conclusions have been made (*conclusions to each requirement are shown in underlined italics*):
- A. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated an adequate public right-of-way shall be provided.
This site is currently served by a street of sufficient capacity. The proposed conditional use will not change the type or volume of traffic flow for this site.
- B. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with Section 17 of this Ordinance.
Access and parking for this development are in compliance with Section 17 of this Ordinance.
- C. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
Not applicable.
- D. Adequate off-street parking and off-street loading shall be provided in compliance with Section 17 of this Ordinance.
Access and parking for this development are in compliance with Section 17 of this Ordinance.
- E. Loading areas and drive-thru facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any adjacent residential use or district, and provided in compliance with Section 17 of this Ordinance.
Not applicable.
- F. Whenever a non-residential use is adjacent to a residential use or district, a buffer area with screening and landscaping shall be provided in accordance with the provisions of Section 15 of this Ordinance.
Not applicable.
- G. General site screening and landscaping shall be provided in compliance with Section 15 of this Ordinance.
Landscaping is existing and is consistent with the approved site plan for such building.
- H. All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, and shall be in compliance with Section 14 of this Ordinance.
No additional lighting will be added.
- I. The site drainage system shall be subject to the review and approval of the City Engineer.
Not applicable.
- J. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing and potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
There will be no changes to the existing building.
- K. Provisions shall be made for daily litter control, an interior location for recycling and trash handling and storage or an outdoor, enclosed receptacle area shall be provided in compliance with Section 14 of this Ordinance.
The refuse container is part of the existing building.
- L. All signs and informational or visual communication devices shall be in compliance with Section 16 of this Ordinance.
There are no signage changes proposed.

- M. The use and site shall be in compliance with any federal, state, or county laws or regulations that are applicable and any related permits shall be obtained and documented to the City.
The applicant will need to pull the appropriate permits and any appropriate fees must be paid for these permits and inspections completed by the appropriate staff person prior, during, and following construction.
- N. Any applicable business licenses mandated by City Code are approved and obtained.
Not applicable.
- O. The hours of operation may be restricted when there is judged to be an incompatibility with a residential use or district.
Not applicable.
- P. The use complies with the applicable performance standards of the zoning district in which it is located and where applicable, any non-conformity shall be eliminated.
All performance standards are to be met and maintained.
- Q. Additional Stipulations. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general public health, safety, and welfare, can be served as well or better by modifying or expanding the conditions set forth herein.

Decision

The Planning Commission held a public hearing on the item at the **May 10th, 2016** meeting. The meeting minutes shall be made part of the Findings of Fact.





PUBLIC HEARING

To: Chairman Duncan
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: May 10, 2016

Subject: Request from Minnco Credit Union for an Interim Use Permit to allow for Temporary Motor Vehicle Sales on the properties located at 309 and 311 Credit Union Drive NE.

Background

Minnco Credit Union is located at 311 Credit Union Drive NE, which is located on the southwest corner of the intersection of Credit Union Drive NE and County Road 5 NE. The credit union also owns the vacant parcel that is located immediately to the west at 309 Credit Union Drive NE. The petitioner is looking to host a temporary motor vehicle sales event on this vacant parcel, which would occur on Friday, June 17th from 12:00 p.m. to 6:00 p.m. through Saturday, June 19th from 9:00 a.m. to 3:00 p.m.

A number of local used and new car dealerships will be bringing product for display on the property. The inventory on site will consist of 100 cars and trucks. The vehicles would be brought to the property on Friday morning and would be removed as soon as possible on Saturday afternoon and evening after the sale has closed. Security will be provided on-site from the close of activities on Friday evening until the opening of business on Saturday morning, to ensure that the inventory is not vandalized or stolen while on the property. Access to the vacant lot would be provided from the Credit Union property, to the west of the existing building.

At this time, no additional lighting, structures or signage has been requested. The petitioner has been made aware that any temporary signage for the event would be required to meet the requirements of the Zoning Ordinance and a Temporary Sign Permit Application would need to be submitted for review and approval by City staff prior to the placement of such signage on the property for the sales event.

Minnco Credit Union does have hard surface parking available on the credit union property. There are thirty-four (34) parking spaces available for patrons to the financial institution as well as to the sales event. Open sales lots require 1 space for every 1,000 square feet of sales area. The petitioner is looking to use approximately 20,000 square feet of area for the outdoor sales event, which would equate to 20 parking spaces. The existing credit union is considered an office space and requires 1 space for every 250 square feet of floor area. The main level of the existing credit union building is estimated at 3,100 square feet. This means that approximately twelve (12) spaces would be required for the office use. A total of thirty-two (32) parking spaces would be required on the property for both uses. At this time, the existing parking area would appear to meet the parking requirements as established within the Zoning Ordinance. However, given the potential draw that this type of sales event may have within the community, the petitioner may want to make arrangements with surrounding businesses to allow for additional and/or over flow parking areas for those that may be coming to the sales event.

City staff did verify on April 22nd, 2016 with the Isanti County Treasurer-Auditor Office that the taxes are current on the property, as required by City Ordinance. A copy of the information regarding the event as well as a map has been attached for Planning Commission review.

Zoning Ordinance Provisions

In general, all Interim Uses are subject to criteria, which must be reviewed as part of the Interim Use process. The Criteria and Conditions of Approval, as stipulated within the Zoning Ordinance are provided below.

Section 21 Administration and Enforcement, Article 3 Interim Uses, Subdivision 5: Criteria for Granting an Interim Use Permit

The Planning Commission and City Council shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding properties. The Planning Commission and City Council shall consider and make findings regarding the following factors:

- A. The proposed use shall meet the applicable zoning regulations; and
- B. The proposed use will not adversely impact implementation of the Comprehensive Plan; and
- C. The proposed use will terminate upon a date or event that can be identified with certainty; and
- D. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- E. The applicant has signed a consent agreement agreeing with the applicant, owner, operator, tenant and/or user has no entitlement to future re-approval of the Interim Use Permit; and
- F. The proposed use will be subject to, by agreement with the property owner, any conditions that the City Council deems appropriate for permission of the proposed interim use, including a condition that the owner may be required to provide an appropriate surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use.

Section 21 Administration and Enforcement, Article 3 Interim Uses, Subdivision 6: Conditions of Approval

In permitting a new interim use permit or amending an existing interim use permit, the Planning Commission may recommend and the City Council may impose, in addition to the standards and requirements expressly specified by this section, additional conditions which the Planning Commission and/or City Council consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

- A. Increasing the required lot size or yard dimensions;
- B. Limiting the height, size, or location of buildings;
- C. Controlling the location and number of vehicles access points;
- D. Increasing the street width;
- E. Increasing the number of required off-street parking spaces;
- F. Limiting the number, size, location or lighting of signs;
- G. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
- H. Designation of open space;
- I. Obtaining the necessary licenses as required by the City of Isanti, Isanti County or State of Minnesota;
- J. Restrictions on the hours of operation;
- K. Exterior lighting is limited to protect adjacent or nearby property;
- L. Controlling architectural appearance and functional design of the building or site;
- M. Applicable performance standards of the zoning district in which such use is located are met and non-conformities are eliminated;
- N. Annual review, if deemed appropriate by the City Council.
- O. Any additional stipulations, pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general public, health, safety, and welfare, can be served as well or better by modifying or expanding upon the conditions set forth herein.

Public Notice

Notice was published within the Isanti County News on April 27th, 2016. Written notification was provided to property owners located within 350' of the subject site as required by City Code.

Public Comment

Staff had not received any written comments prior to the release of the staff memo.

Deadline for City Council Action

The City of Isanti received a complete application for this request on April 22nd, 2016. Pursuant to Minnesota State Statute, the City must act on this request by June 21st, 2016 (60 days), unless the City provides the petitioner with written reasons for an additional 60-day review period.

Planning Review Committee Recommendation

Minnco Credit Union has applied for and received approval for this event in the past. Given that the description of the event has not changed and all other ordinance requirements appear to have been met, City staff would continue to recommend that the following conditions be considered:

1. Any temporary signage that may be located on the property for the event would be required to meet the requirements of Section 16 Signs of the Zoning Ordinance. A Temporary Sign Permit Application shall be submitted for City staff review and approval prior to placement on the property before the event.
2. All of the dealerships participating in the temporary motor vehicle sales event shall have obtained the appropriate license from the State of Minnesota to conduct motor vehicle sales.
3. Any customers coming to the event must park in designated parking areas and shall not be permitted to drive into the sales area.
4. The Minnco Credit Union shall work with surrounding businesses for additional or overflow parking options. A copy of the written approval from such property owners shall be provided to the City.
5. Access to the vacant lot shall be from the Minnco property at 311 Credit Union Drive NE only, as shown on the site plan as provided. Access to the vacant lot shall not be from County Road 5 NE or the property located to the west of 309 Credit Union Drive NE.
6. Minnco Credit Union shall be responsible for returning the site to the condition it was in prior to the event. All waste shall be removed from the site and any damage to the turf shall be re-established.
7. The Interim Use Permit is granted to Minnco Credit Union for the following dates and times: Friday, June 20th, 2014 from 12:00 p.m. to 8:00 p.m. and Saturday, June 21st, 2014 from 8:00 a.m. to 3:00 p.m. Time will be permitted before and after the event on the same days specified for set-up and removal of vehicles.

Planning Commission Recommendation

Options & Proposed Motion Language

1. Recommend Approval with No Conditions: Motion to recommend approval of the Interim Use Permit to allow for Temporary Motor Vehicle Sales on the properties located at 309 and 311 Credit Union Drive NE, legally described as Lot 1 and Lot 2; Block 1 Credit Union Addition.
2. Recommend Approval with Conditions: Motion to recommend approval of the Interim Use Permit to allow for Temporary Motor Vehicle Sales on the properties located at 309 and 311 Credit Union Drive NE, legally described as Lot 1 and Lot 2; Block 1 Credit Union Addition with the following conditions.....
3. Recommend Denial: Motion to recommend denial of the Interim Use Permit to allow for Temporary Motor Vehicle Sales on the properties located at 309 and 311 Credit Union Drive NE, legally described as Lot 1 and Lot 2; Block 1 Credit Union Addition for the following reasons.....
4. Table: Motion to table the Interim Use Permit request to allow for Temporary Motor Vehicle Sales on the properties located at 309 and 311 Credit Union Drive NE, legally described as Lot 1 and Lot

2; Block 1 Credit Union Addition (a specific reason and information request should be included in the motion to table).

Attachments

- Resolution No. 2016-
- Findings of Fact and Conclusion
- Location and Parcel Maps

RESOLUTION NO. 2016-

A RESOLUTION APPROVING THE INTERIM USE PERMIT AS REQUESTED BY MINNCO CREDIT UNION TO PERMIT TEMPORARY MOTOR VEHICLE SALES ON THE PROPERTIES LOCATED AT 309 AND 311 CREDIT UNION DRIVE NE

WHEREAS, Minnco Credit Union has applied for an Interim Use Permit to allow for a Temporary Motor Vehicle Sales Event to be located on properties legally described as Lot 1 and Lot 2; Block 1 Credit Union Addition; and,

WHEREAS, the property is located within the "B-2" General Business District and an Interim Use Permit is required for Temporary Motor Vehicle Sales, accessory to a financial institution; and,

WHEREAS, such events are limited to two (2) events per calendar year and shall not exceed three (3) days in duration per each event; and,

WHEREAS, the event as proposed by the petitioner would appear to meet the requirements of the Zoning Ordinance, as this is the first event for the property that is scheduled for Friday, June 17th from 12:00 p.m. to 6:00 p.m. and Saturday, June 18th from 9:00 a.m. to 3:00 p.m.; and,

WHEREAS, the Planning Commission conducted a public hearing on the proposed Interim Use Permit on May 10th, 2016 and recommended approval of the Interim Use Permit subject to City staff conditions based upon the Findings of Fact and Conclusion as presented; and,

WHEREAS, the City Council reviewed the requested Interim Use Permit at its regularly scheduled meeting on May 17th, 2016; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ISANTI, MINNESOTA, that it adopts the Findings of Fact and Conclusion related to the requested Interim Use Permit and **BE IT FURTHER RESOLVED** by the City Council of the City of Isanti, Minnesota that the requested Interim Use Permit for a Temporary Motor Vehicle Sales event to be located on the properties at 309 and 311 Credit Union Drive NE, legally described as Lot 1 and Lot 2, Block 1 Credit Union Drive be approved, with the following conditions:

1. Any temporary signage that may be located on the property for the event would be required to meet the requirements of Section 16 Signs of the Zoning Ordinance. A Temporary Sign Permit Application shall be submitted for City staff review and approval prior to placement on the property before the event.
2. All of the dealerships participating in the temporary motor vehicle sales event shall have obtained the appropriate license from the State of Minnesota to conduct motor vehicle sales.
3. Any customers coming to the event must park in designated parking areas and shall not be permitted to drive into the sales area.
4. The Minnco Credit Union shall work with surrounding businesses for additional or overflow parking options. A copy of the written approval from such property owners shall be provided to the City.
5. Access to the vacant lot shall be from the Minnco property at 311 Credit Union Drive NE only, as shown on the site plan as provided. Access to the vacant lot shall not be from County Road 5 NE or the property located to the west of 309 Credit Union Drive NE.
6. Minnco Credit Union shall be responsible for returning the site to the condition it was in prior to the event. All waste shall be removed from the site and any damage to the turf shall be re-established.

7. The Interim Use Permit is granted to Minnco Credit Union for the following dates and times: Friday, June 17th, 2016 from 12:00 p.m. to 6:00 p.m. and Saturday, June 18th, 2016 from 9:00 a.m. to 3:00 p.m. Time will be permitted before and after the event on the same days specified for set-up and removal of vehicles.

Adopted by the Isanti City Council on this 17th day of May 2016.

Attest:

Mayor George A. Wimmer

Donald C. Lorsung
City Administrator

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from Minnco Credit Union for an Interim Use Permit to permit Temporary Motor Vehicle Sales on the properties located at 309 and 311 Credit Union Drive NE, legally described as Lot 1 and Lot 2; Block 1 Credit Union Addition.

Findings of Fact

1. The petitioner, Minnco Credit Union, owns the properties located at 309 and 311 Credit Union Drive NE.
2. The property is legally described as Lot 1 and Lot 2; Block 1 Credit Union Addition.
3. The property is zoned "B-2" General Business District, in which an Interim Use Permit is required for Temporary Motor Vehicle Sales, accessory to a financial institution.
4. Such sales events are limited to two (2) events per calendar year and shall not exceed three (3) days per event. No more than the number of events identified shall be permitted for the same property in any given calendar year.
5. The petitioner submitted an Interim Use Permit Application, the required application fee and associated materials on April 21st, 2016. Staff had reviewed such application and deemed such application complete on April 22nd, 2016. Pursuant to Minnesota State Statute, the City must act on this request by June 21st, 2016 (60-day rule).
6. The event would be the first for the property owner and such event is scheduled to run for two days, thus appearing to meet the initial requirements of the Zoning Ordinance.
7. A public hearing date before the Planning Commission was scheduled for Tuesday, May 10th at 7:00 p.m. at City Hall within the Council Chambers.
8. Notice of the Interim Use Permit request was published within the Isanti County News on Wednesday, April 27th, 2016. Notices were sent to all property owners located within 350 feet of the subject property.
9. Section 21, Article 3: Interim Uses, Subdivision 5 of the Zoning Ordinance establishes criteria in which the judgment of the Planning Commission and City Council shall be based upon when reviewing an Interim Use Permit request. In addition, the Planning Commission may recommend and the City Council may require additional items so as to protect the best interest of the surrounding properties or the community as a whole and may include, but are not limited to the items listed within Section 21, Article 3: Interim Uses, Subdivision 6 of the Zoning Ordinance.
10. The Planning Commission held a public hearing on the item on May 10th, 2016; and all property owners within 350' were invited to attend and provide public comment.

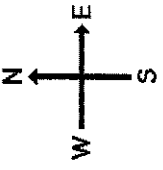
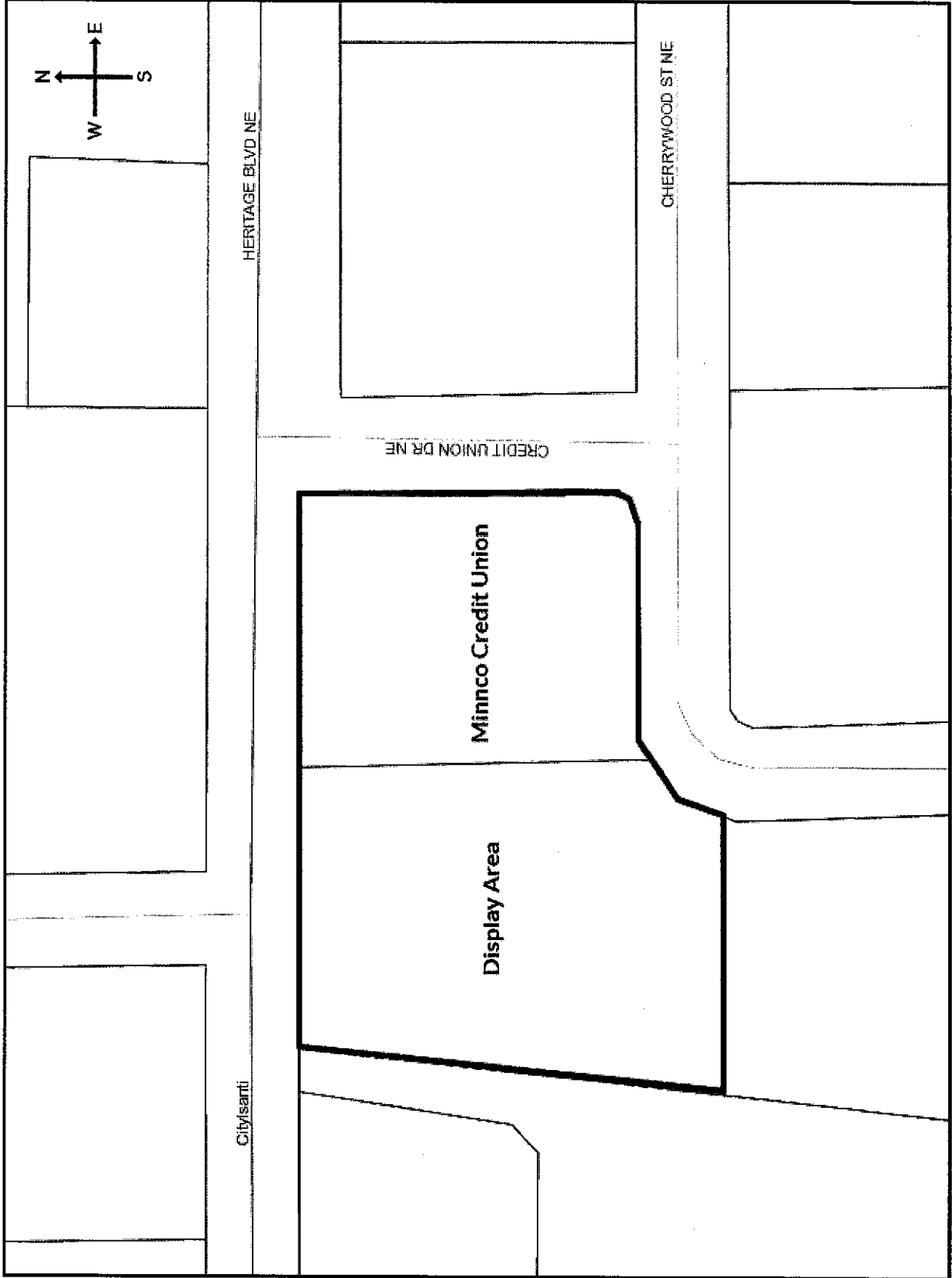
Conclusions

1. In review of the factors established in Section 21, Article 3: Interim Uses, Subdivision 5, the following conclusions have been made (*conclusions to each requirement are shown in underlined italics*):
 - A. The proposed use shall meet the applicable zoning regulations.
The proposed use has been identified as an Interim Use within the "B-2" General Business District when accessory to a financial institution.
 - B. The proposed use will not adversely impact implementation of the Comprehensive Plan.
The proposed use was previously determined to be acceptable as an Interim Use within the General Business District when associated with a financial institution. The proposed use is an interim use and will only continue on the property for the dates and times as specified within the permit. The event is scheduled to occur on Friday, June 17th, 2016 for 12:00 p.m. to 6:00 p.m. and on Saturday, June 18th, 2016 from 9:00 a.m. to 3:00 p.m. Additional time shall be granted to the petitioner for the set-up and removal of motor vehicles prior to and after the event has occurred. Any future sales would be required to receive a new Interim Use Permit for subsequent events.

- C. The proposed use will terminate upon a date or event that can be identified with certainty. The event is scheduled to occur on Friday, June 17th, 2016 for 12:00 p.m. to 6:00 p.m. and on Saturday, June 18th, 2016 from 9:00 a.m. to 3:00 p.m. Additional time shall be granted to the petitioner for the set-up and removal of motor vehicles prior to and after the event has occurred.
- D. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future. At this time, the property is owned by the petitioner. The use is temporary and does not require any additional permanent improvements to the site.
- E. The applicant has signed a consent agreement agreeing with the applicant, owner, operator, tenant and/or user has no entitlement to future re-approval of the Interim Use Permit. The petitioner has been made aware that there shall be no entitlement to future re-approval of the Interim Use Permit and that the permit has been granted to the current applicant and property owner for the dates as identified within the Interim Use Permit.
- F. The proposed use will be subject to, by agreement with the property owner, any conditions that the City Council deems appropriate for permission of the proposed interim use, including a condition that the owner may be required to provide an appropriate surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use. Additional conditions have been added to the approval and have been provided for within this Findings of Fact and Condition, which the Planning Commission and City Council have determined are necessary to protect the best interest of the surrounding area and the community as a whole.

Decision

The Planning Commission reviewed the request in a public hearing on May 10th, 2016. The meeting minutes, staff memo, and attachments shall be made a part of the Findings of Fact and Conclusion.



HERITAGE BLVD NE

CREDIT UNION DR NE

CHERRYWOOD ST NE

City/santi

Minco Credit Union

Display Area



Public Hearing

To: Chairman Duncan
Members of the Planning Commission

From: Roxanne Achman, AICP
Community Development Director

Date: May 10, 2016

Subject: Request from the City of Isanti to Amend Zoning Ordinance 445, Section 6: Residential Districts and Section 14: Performance Standards to include fencing/barricade requirements for swimming pools.

Background

April 12, 2016 Planning Commission meeting memo information.

As we've discussed in the past, the recent update of the Minnesota Building Code from the 2006 edition to the 2015 edition, has brought about some changes that needed to be addressed in either City Code or Zoning Code. Another major change was recently discovered. The 2015 MN Building Code completely eliminates the requirement of fencing around swimming pools. Swimming pools in excess of 5,000 gallons and 24 inches in depth, do still, however, require building permits.

In order to uphold a standard that the City of Isanti feels is important to the safety of its residents, staff, along with the Development and Operations Advisory Committee, recommend placing recently eliminated fencing/barricade requirements within the Zoning Ordinance under Section 14 Performance Standards.

UPDATE:

Staff was directed at the April 12th Planning Commission meeting to review the standards more thoroughly and bring new, clearer, regulations back to the Commission.

In reviewing ordinance language in other cities, it was discovered that many cities drafted their ordinance using plain language rather than pulling the wording directly from building code. By doing this, it makes the ordinance much clearer and easier to read, and also, answers many of the questions that were asked by the Planning Commission at April's meeting. Specifically, the ordinance states that if an above ground pool has side walls of 48" or greater, the side wall may be considered an acceptable barrier so long as all other forms of access (ladder/steps) are barricaded or removed when the pool is not in use.

Staff Request

To consider recommending approval of the attached ordinance amending Section 6: Residential Districts and Section 14: Performance Standards to add requirements for fencing/protective barricades around swimming pools.

Attachments

- Ordinance No. XXX
- Findings of Fact and Conclusions

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO 445 ZONING; SECTION 6 RESIDENTIAL DISTRICTS, SECTION 14 PERFORMANCE STANDARDS

THE CITY OF ISANTI DOES ORDAIN:

I. AMENDMENTS

Section 6: Residential Districts, Article 1 “R-1” Single Family Residential District, Subdivision 3 Permitted Accessory Uses is hereby amended to read and include the following:

- F. Private swimming pools with a depth exceeding twenty-four (24) inches and 5,000 gallons shall be located in the rear yard only and shall require fencing in accordance with building code requirements and Section 15 of this Ordinance. Additional standards as provided in Section 14 of this Ordinance shall be met.

II. AMENDMENTS

Section 6: Residential Districts, Article 2 “R-2” Single Family Residential District, Subdivision 4 Conditional Uses is hereby amended to read and include the following:

- F. Private swimming pools with a depth exceeding twenty-four (24) inches and 5,000 gallons shall be located in the rear yard only and shall require fencing in accordance with building code requirements and Section 15 of this Ordinance. Additional standards as provided in Section 14 of this Ordinance shall be met.

III. AMENDMENTS

Section 6: Residential Districts, Article 3 “R-3A” Low Density Multiple Family District, Subdivision 4 Conditional Uses is hereby amended to read and include the following:

- F. Private swimming pools with a depth exceeding twenty-four (24) inches and 5,000 gallons shall be located in the rear yard only and shall require fencing in accordance with building code requirements and Section 15 of this Ordinance. Additional standards as provided in Section 14 of this Ordinance shall be met.

IV. AMENDMENTS

Section 6: Residential Districts, Article 4 “R-3B” Medium Density Multiple Family District, Subdivision 4 Conditional Uses is hereby amended to read and include the following:

- F. Private swimming pools with a depth exceeding twenty-four (24) inches and 5,000 gallons shall be located in the rear yard only and shall require fencing in accordance with building code requirements and Section 15 of this Ordinance. Additional standards as provided in Section 14 of this Ordinance shall be met.

V. AMENDMENTS

Section 6: Residential Districts, Article 5 “R-4” Multiple Family District, Subdivision 4 Conditional Uses is hereby amended to read and include the following:

- G. Private swimming pools with a depth exceeding twenty-four (24) inches and 5,000 gallons shall be located in the rear yard only and shall require fencing in accordance with building code requirements and Section 15 of this Ordinance. Additional standards as provided in Section 14 of this Ordinance shall be met.

VI. AMENDMENTS

Section 13: Performance Standards, is hereby amended to read and include the following:

Subdivision 6: Swimming Pools

Any structure intended for swimming, recreational bathing or wading that contains water, over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

A. Barrier requirements.

1. Storable swimming or wading pools shall be exempt from this section provided all means of access into the pool are removed and the pool is covered when it is not attended.
2. A minimum 48-inch high barrier, which completely surrounds and restricts access to the swimming pool, shall be installed and maintained in a sound and safe condition around a swimming pool or around the tract of land where the pool is located. The barrier may consist of a security fence, freestanding wall, a building's wall, or combination thereof. When the swimming pool is an above ground swimming pool of which the wall(s) of the swimming pool are greater than 48 inches from the ground to the top of the pool wall(s) at every point around the pool, then no barrier is required, but the means of access into the swimming pool (e.g. ladder or steps), shall be secured, locked or removed to prevent access during any period of time that the pool is unattended or not in use. Spas or hot tubs with a locking safety cover which complies with ASTM Standard F 1346-91 shall be exempt from these barrier requirements, provided they are equipped with a safety locking cover which is locked at all times the spa or hot tub is not in use.
3. The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall not allow passage of a four-inch-diameter-sphere. Where the top of the pool structure is above grade, such as an above ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall not allow passage of a four-inch-diameter sphere.
4. Openings in the barrier shall not allow passage of a four-inch-diameter sphere.
5. To prevent a person from scaling a solid barrier, which does not have openings, such as a masonry or stone wall, such barrier wall shall not contain indentations or protrusions in excess of 1.25 square inches except for normal construction tolerances and tooled masonry joints.
6. Where the barrier is composed of horizontal and vertical members and the distance between the tops of each of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches in width.
7. Where the barrier is composed of horizontal and vertical members and the distance between the tops of each of the horizontal members is 45 inches or more, spacing between vertical members shall not exceed four inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches in width.

8. Maximum mesh size for chain link fences shall be a 2.25-inch square unless the fence is provided with slats fastened at the top or the bottom of which reduce the openings to not more than 1.75 inches.
9. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches.
10. The Building Official shall approve the plans and specifications for the barrier prior to its installation. The barrier shall be equipped with doors or gates which are self-closing and self-latching with the latch to be located a minimum of 42 inches above ground level and equipped with a lock which shall be kept locked when the swimming pool is unattended.

B. Setbacks.

1. Swimming pools shall be set back a minimum of five feet from any side or rear lot line as measured from the nearest edge of the slope around the pool or perimeter walk.
2. Swimming pools shall not be located in an easement of record as measured from the nearest edge of the slope around the pool or perimeter walk.
3. Swimming pools shall be located in the rear yard only.

C. Maintenance. It shall be the responsibility of the property owner where said pool is located to maintain all pool covers, fences, gates and closure devices in good operating condition. Failure to maintain pool covers, fences, failure to have gates closed or failure to remove or retract the ladder access to the pool shall constitute a violation of the Zoning Ordinance and is subject to the penalties provided therefore.

D. Permit required. No person shall construct, install or locate a swimming pool, as defined herein, without first obtaining a building permit from the city. Storable swimming or wading pools are not required to obtain a building permit unless they are in excess of 24 inches in depth and 5,000 gallons. The applicant for a swimming pool permit shall submit any information as the Building Official shall deem necessary.

VII. EFFECTIVE DATE

This ordinance shall take effect upon its adoption and publication in the City's Official Newspaper.

Adopted by the City Council this 17th day of May 2016.

Mayor George A. Wimmer

ATTEST:

Donald C. Lorusung
City Administrator

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from the City of Isanti to Amend Ordinance No. 445 Zoning, Section 14 Performance Standards.

Findings of Fact

1. The Development and Operations Advisory Committee requested the Planning Commission review an amendment to Section 14 of the Zoning Ordinance at their regularly scheduled meeting on March 3, 2016.
2. The latest update (2015) to the International Building Code has eliminated the section pertaining to swimming pool enclosures and safety devices (Section 3109).
3. To maintain the swimming pool enclosures and safety device regulations, an amendment to the zoning ordinance must occur.
4. While the intent of the Ordinance remains intact, amendments must be made to the Ordinance regulations to ensure that the appropriate requirements are being used.
5. Notification of the public hearing was provided for within the City's official newspaper on Wednesday, April 6th, 2016.
6. The Planning Commission reviewed the requested text amendment to the Zoning Ordinance during a public hearing held at their regularly scheduled meeting on April 12th, 2016.
7. The Planning Commission recommended tabling action on the amendment until the May 10th, 2016 Planning Commission meeting.
8. The public hearing was extended to, and held, on May 10th, 2016 at the regularly scheduled Planning Commission meeting.

Conclusions

1. In review of the Ordinance requirements provided for within Section 21, Article 1 Amendments (Text and Map), Subdivision 4 (D), the following conclusions have been made (*conclusions to each requirement have been shown in underlined italics*):
 - a. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the City Comprehensive Plan, including public facilities and capital improvement plans.
The ordinance amendment helps to protect the safety of Isanti's citizens and visitors, which is consistent with the City's Comprehensive Plan.
 - b. The proposed action meets the purpose and intent of this Ordinance or in the case of a map amendment; it meets the purpose and intent of the individual district.
The ordinance amendment adds a critical performance standard.
 - c. There is adequate infrastructure available to service the proposed action.
Not applicable.
 - d. There is an adequate buffer or transition provided between potentially incompatible districts.
Not applicable.

Decision

The Planning Commission held a public hearing on the item at the **May 10th, 2016** meeting. The meeting minutes, staff memo, and attachments shall be made a part of the Findings of Fact and Conclusions.



Request for Planning Commission Action

To: Chairman Duncan
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: May 10, 2016

Subject: Planning Commission Meeting Date Changes Due to the Elections

Background

It was recently discovered that two of the Planning Commission meetings fall on election dates. August 9th, 2016 is the State Primary Election. November 8th, 2016 is the General Election. Staff recommends moving each meeting to the Wednesday of that week; August 10th and November 9th. Monday's will not work as election prep will be taking place in the Council Chambers on those days.

Staff is requesting discussion and action on the meeting date changes.

Attachments:

- Current Planning Commission Meeting Dates
- Amended Planning Commission Meeting Dates

**2016 PLANNING COMMISSION MEETING
AND
APPLICATION SUBMITTAL DATES**

<u>Planning Commission Meeting Date</u>	<u>Application and Material Submittal Date</u>
January 12, 2016	December 11, 2015
February 9, 2016	January 8, 2016
March 8, 2016	February 5, 2016
April 12, 2016	March 11, 2016
May 10, 2016	April 8, 2016
June 14, 2016	May 13, 2016
July 12, 2016	June 10, 2016
August 9, 2016	July 8, 2016
September 13, 2016	August 12, 2016
October 11, 2016	September 9, 2016
November 8, 2016	October 7, 2016
December 13, 2016	November 11, 2016

**Please Note: A complete application, as determined by City staff, must be received by 4:30 p.m. on the submittal date. Failure to submit a complete application will result in a delayed review and a future meeting date.*

AMENDED
2016 PLANNING COMMISSION MEETING
AND
APPLICATION SUBMITTAL DATES

<u>Planning Commission Meeting Date</u>	<u>Application and Material Submittal Date</u>
January 12, 2016	December 11, 2015
February 9, 2016	January 8, 2016
March 8, 2016	February 5, 2016
April 12, 2016	March 11, 2016
May 10, 2016	April 8, 2016
June 14, 2016	May 13, 2016
July 12, 2016.....	June 10, 2016
August <u>10</u>, 2016 (Wed.).....	July 8, 2016
September 13, 2016	August 12, 2016
October 11, 2016.....	September 9, 2016
November <u>9</u>, 2016 (Wed.)	October 7, 2016
December 13, 2016	November 11, 2016

**Please Note: A complete application, as determined by City staff, must be received by 4:30 p.m. on the submittal date. Failure to submit a complete application will result in a delayed review and a future meeting date.*



**CITY OF ISANTI
PLANNING COMMISSION MEETING
TUESDAY, JUNE 14, 2016 – 7:00 p.m.
CITY HALL**

1. Meeting Opening
 - A. Call to Order
 - B. Pledge of Allegiance
 - C. Roll Call
 - D. Agenda Modifications
2. Approval of Minutes from May 10, 2016 Planning Commission Meeting
3. Public Hearings
 - A. Request from Granger Machine Inc./Crosslake Specialties LLC for Approval of a Conditional Use Permit to allow for Outdoor Storage on the property located at 512 1st Ave NW, Isanti, Minnesota
 - B. Request from St. Elizabeth Ann Seton for Approval of a Conditional Use Permit to operate an Educational Institution within the church located at 207 Whiskey Road NW, Isanti, Minnesota.
 - C. Request from the City of Isanti to Amend Zoning Ordinance 445, Section 15 Fencing, Screening and Landscaping to update fencing requirement within drainage easements.
4. Other Business
 - A. None.
5. Discussion Items.
 - A. None.
6. Adjournment

**CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
MAY 10, 2016**

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, Greg Cesafsky, Paul Bergley, Steve Lundeen, Wayne Traver, and Jim Kennedy.

Members Absent: None.

Staff Present: Community Development Director, Roxanne Achman

Others Present: None

D. Agenda Modifications.

Achman stated there were none.

2. Approval of Minutes from April 12, 2016 Planning Commission Meeting.

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

Motion by Bergley second by Lundeen to approve the April 12th, 2016 Planning Commission Meeting Minutes. Motion was unanimously approved.

3. Public Hearings.

A. Request from Jim Bergman for approval of a Conditional Use Permit to operate a Motor Vehicle Sales Office and Display at 11 Heritage Boulevard NW, Isanti.

Duncan read the item into the minutes.

Achman presented the staff memo.

Duncan opened the public hearing.

Bergley asked if the two trailers currently within the parking lot will be an issue.

Achman stated it would not be on issue as there is enough on-site parking. Achman continued by stating that at some point in the past, this business had paved into the railroads right-of-way. The Conditional Use Permit states that no portion of the vehicle sales operation are to occur within the railroad right-of-way unless proof of permission is provided.

Duncan asked if the City can allow the 9 stalls shown on the site plan without a way in or out of the stalls without driving on the railroad right-of-way.

Achman stated the stalls could be angled stalls in order to pull into them and the stalls drawn are not exactly to scale. It appears to be possible to get into or out of the stalls with minor adjustments.

Lundeen stated that it would be up to the landowner to make arrangements with the railroad if they'd like to use the railroad right-of-way.

Duncan stated that part of approving the conditional use permit application is making sure the use has the appropriate amount of parking, correct. Achman confirmed that is the case.

Duncan closed the public hearing.

Motion by Kennedy second by Bergley to recommend approval of request from Jim Bergman for approval of a Conditional Use Permit to operate a Motor Vehicle Sales Office and Display at 11 Heritage Boulevard NW, Isanti, Minnesota based on the Findings of Fact and Conclusions with the following conditions:

1. Services and sales are associated with a principal building with a minimum floor area of at least one thousand (1,000) square feet.
2. All area of the property not devoted to building, parking, or open sales lot area shall be landscaped in accordance with Section 15 of this Ordinance.
3. Off-street parking and loading shall meet the requirements as stipulated within Section 17 of this Ordinance.
4. All new or used vehicles parked or displayed outdoors on the property shall conform to all requirements of the State of Minnesota; shall be operable; shall include all engine, muffler, brakes, and operating parts; shall be equipped with all exterior body parts as if new (for a passenger vehicle, truck or van, this shall mean four (4) tires, all doors and windows, headlamps and grillwork, mirrors, fenders, trunk, lids, body panels and molding, etc, or if a boat, all windshields, safety railings, hulls, trailer, etc.); shall be uniformly and wholly painted; and shall be free from having any loose or damaged exterior parts.
5. All repair, assembly, disassembly or maintenance of motor vehicles or motor vehicle parts shall occur within an enclosed building.
6. A detailed site plan conforming to the requirements of Section 18 of this Ordinance shall be submitted. The site plan shall also illustrate the location of all open sales and storage areas.
7. No outside speaker system shall be permitted without the approval from the City Council.
8. A landscaped buffer shall be provided, if the use abuts any residential zoning district. Solid screening to a minimum height of six (6) feet shall be provided along any portion of the open sales lot abutting a residential property or district. Such screening shall consist of a continuous landscape berm, solid wood fence, wall, or other comparable material. Fencing shall be constructed of wood or comparable material and should be of an ornamental or decorative design. If a chain link or wood fence is used, landscaping shall be provided on the outside of the fence facing the abutting residential property or district.
9. All vehicles and activities shall remain on the property owned by James Walters. No vehicles or activities are to be permitted on the paved area extending in to the Railroad right-of-way without proof of permission from the Railroad.

Motion carried unanimously.

B. Request from Minnco Credit Union for approval of an Interim Use Permit to allow for Temporary Motor Vehicle Sales on the property located at 309 and 311 Credit Union Dr. NE, Isanti.

Duncan read the item into the minutes.

Achman presented the staff memo.

Duncan opened the public hearing.

Lundeen stated that Minnco has been doing this for a long time and they've been very diligent keeping things running smoothly.

Bergley asked if there have been any issues with Minnco working with surrounding businesses for parking.

Achman stated that she has not been informed of any issues with this operation.

Duncan closed the public hearing.

Motion by Lundeen second by Bergley to recommend approval of request from Minnco Credit Union for approval of an Interim Use Permit to allow for Temporary Motor Vehicle Sales on the property located at 309 and 311 Credit Union Dr. NE, Isanti, Minnesota based on the Findings of Fact and Conclusion and with the following conditions:

1. Any temporary signage that may be located on the property for the event would be required to meet the requirements of Section 16 Signs of the Zoning Ordinance. A Temporary Sign Permit Application shall be submitted for City staff review and approval prior to placement on the property before the event.
2. All of the dealerships participating in the temporary motor vehicle sales event shall have obtained the appropriate license from the State of Minnesota to conduct motor vehicle sales.
3. Any customers coming to the event must park in designated parking areas and shall not be permitted to drive into the sales area.
4. The Minnco Credit Union shall work with surrounding businesses for additional or overflow parking options. A copy of the written approval from such property owners shall be provided to the City.
5. Access to the vacant lot shall be from the Minnco property at 311 Credit Union Drive NE only, as shown on the site plan as provided. Access to the vacant lot shall not be from County Road 5 NE or the property located to the west of 309 Credit Union Drive NE.
6. Minnco Credit Union shall be responsible for returning the site to the condition it was in prior to the event. All waste shall be removed from the site and any damage to the turf shall be re-established.
7. The Interim Use Permit is granted to Minnco Credit Union for the following dates and times: Friday, June 17th, 2016 from 12:00 p.m. to 6:00 p.m. and Saturday, June 18th, 2016 from 9:00 a.m. to 3:00 p.m. Time will be permitted before and after the event on the same days specified for set-up and removal of vehicles.

Motion carried unanimously.

C. Continuation of a Request from the City of Isanti to Amend Zoning Ordinance 445, Section 14: Performance Standards to include fencing/barricade requirements for swimming pools.

Duncan read the item into the minutes.

Achman presented the staff memo.

Duncan opened the public hearing.

Duncan asked what the requirement would be if the pool exceeded 24 inches in depth, but not 5,000 gallons.

Achman stated that both criteria need to be met in order to require a building permit or fencing.

Bergley asked how the depth or fencing would be affected if the pool was partially dug down into the ground.

Achman stated that the sidewall above ground would still need to be a minimum of 48 inches.

Duncan closed the public hearing.

Motion by Lundeen second by Cesafsky to recommend approval of the request from the City of Isanti to Amend Zoning Ordinance 445, Section 6: Residential Districts and Section 14: Performance Standards to include fencing/barricade requirements for swimming pools based on the Findings of Fact and Conclusions. Motion carried unanimously.

4. Other Business.

A. Meeting date changes in August and November due to the Election

Duncan read the item into the minutes.

Achman presented the memo.

Duncan stated that moving the meetings to Wednesday made sense.

Bergley stated he preferred Thursdays.

Lundeen stated the sooner the meeting is held the better in order to keep things on track.

Motion by Lundeen second by Kennedy to approve the amended Planning Commission meeting dates. Motion carried with Bergley voting Nay.

5. Discussion Items.

A. None.

6. Adjournment

Motion by Lundeen second by Bergley to adjourn the May 10th, 2016 meeting of the Planning Commission. Motion was unanimously approved.

The meeting adjourned at 7:22 p.m.

Dated at Isanti, Minnesota this 10th day of May 2016.

Respectfully submitted,

Roxanne Achman, AICP
Community Development Director



Public Hearing

To: Chairman Duncan
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: June 14, 2016

Subject: Request from Granger Machine Inc./Crosslake Specialties LLC for Approval of a Conditional Use Permit to allow for Outdoor Storage on the property located at 512 1st Ave NW, Isanti, Minnesota.

Background

In November 2015 staff met with businesses with outdoor storage who have been operating without the required Conditional Use Permit. The businesses have been given until October 31, 2016 to bring their properties into compliance and apply for a conditional use permit.

Outdoor storage requires screening on all visible sides. Granger Machine has a storage container on the east side of their lot which requires screening. The attached site plan indicates the location of the storage container. The majority of the container is screened on the north by an accessory structure, and on the east and south by dense vegetation. Granger will be installing a 6-foot-high fence along the west side and the portion of the south side that is not screened by vegetation. The fence will be a tan Trex (composite) material or wood, both of which are permitted materials.

Staff Recommendation:

Staff recommends approval of the conditional use permit subject to the conditions for outdoor storage.

Comprehensive Plan

The Industrial Land Use category “provides for areas in the community for industrial related businesses including manufacturing, warehousing, automotive, trucking, office and other related industrial uses. This designation is primarily located on the north portion of the community between the railroad and Highway 65. These uses are not as compatible with residential as well as some commercial uses. In locations where the use may be located near residential and/or more sensitive commercial uses, screening and berming should be used to reduce its impact”.

Zoning Ordinance Provisions

The “I-1” Industrial Park District is established, in an effort to expand upon employment opportunities within the community. The purpose of the Industrial Park District is to group industrial uses in locations that have adequate and convenient access to major streets, highways and the railroad line. While the City is predominately residential in character, industrial uses are an important part of the City’s land use pattern. Regulations encourage the development of industrial uses that are compatible with surrounding and abutting land uses. In order to accomplish this compatibility, development within the district is intended for administrative, wholesaling, manufacturing, warehousing, office, and related uses which can maintain high standards of appearance, through building design, site design, and landscaping / screening, and not require a high level of public services. With proper control, these areas should be compatible with commercial or residential areas.

Conditional Use Permit Requirements

Upon review of a Conditional Use Permit request, the Zoning Ordinance provides factors and standards that must be reviewed by the Planning Commission. Section 21, Article 2 Conditional Uses states:

- D. The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:
1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
 2. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.
 3. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
 4. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
 5. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 6. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
 7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
 8. The conditional use complies with the general and specific performance standards as specified by within this Article.

Outdoor Storage Requirements

- A. Outside storage areas shall be surfaced with bituminous, concrete, or other surfaces, including but not limited to crushed rock, Class 5, or recycled materials; as recommended by the Planning Commission and approved by the City Council.
- B. Outside storage area shall not be placed within required parking or loading areas, which are deemed necessary to meet code requirements.
- C. Outside storage areas shall be located within the rear yard; however, outdoor storage may be located within the side yard, providing the side yard is not adjacent to or across the street from any residentially zoned property.
- D. All outside storage areas shall be effectively screened year-round, by a wall, fence, or densely planted vegetation in accordance with Section 15 of this Ordinance.
- E. Cars, vans, and pickup trucks parked outside and used by employees and/or visitors in the normal course of business operation will not be construed as outdoor storage. Further, outside parked trucks and semitrailers used in conjunction with normal business activities will not be construed to be outdoor storage provided (a) the total number of trucks and semi-trailers does not exceed the number of docks and/or bay doors; (b) such vehicles are currently licensed by the State of Minnesota and are in the process of delivering or picking up goods or materials, and (c) such use is not construed as an operation listed as a conditional use in the industrial zone. All other vehicles and/or equipment associated with the business shall meet the fencing and screening requirements as stipulated within this ordinance.

Certification of Taxes Paid

Prior to approving an application for approval of a Conditional Use Permit, certification must be provided to the City that there are not any delinquent property taxes, special assessments, penalties, interest, or outstanding municipal utility fees. City staff did verify with Isanti County on Friday, June 3, 2016; that all taxes associated with the property were current.

Public Notice

Notice was published within the Isanti County News on June 1st, 2016. Written notification was provided to property owners located within 350' of the subject site as required by Minnesota State Statute.

Public Comment

To date, no public comment or questions had been received.

Deadline for City Council Action

The City of Isanti received a complete application for a Conditional Use Permit on April 25, 2016. Pursuant to Minnesota State Statute, the City must act on this request by June 24, 2016 (60 days). The only exception to these deadlines provided would be if the City provides the petitioner with written reasons for an additional 60-day review period.

Options & Proposed Motion Language

1. Recommend Approval with No Conditions: Motion to recommend approval of the request from Granger Machine Inc./Crosslake Specialties LLC for Approval of a Conditional Use Permit to allow for Outdoor Storage on the property located at 512 1st Ave NW, Isanti, Minnesota.
2. Recommend Approval with Conditions: Motion to recommend approval of the request from Granger Machine Inc./Crosslake Specialties LLC for Approval of a Conditional Use Permit to allow for Outdoor Storage on the property located at 512 1st Ave NW, Isanti, Minnesota with the following conditions.....
3. Recommend Denial: Motion to recommend denial of the request from Granger Machine Inc./Crosslake Specialties LLC for Approval of a Conditional Use Permit to allow for Outdoor Storage on the property located at 512 1st Ave NW, Isanti, Minnesota for the following reasons.....
4. Table: Motion to table the request from Granger Machine Inc./Crosslake Specialties LLC for Approval of a Conditional Use Permit to allow for Outdoor Storage on the property located at 512 1st Ave NW, Isanti, Minnesota (a specific reason and information request should be included in the motion to table).

Attachments

- Resolution No. 2016 - XXX
- Findings of Fact and Conclusion
- Conditional Use Permit Narrative
- Site Plan layout

RESOLUTION NO. 2016-

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP) FOR GRANGER MACHINE, INC/CROSSLAKE SPECIALTIES LLC FOR OUTDOOR STORAGE THE PROPERTY LEGALLY DESCRIBED AS LOT 2, BLOCK 1, UNITY INDUSTRIAL PARK

WHEREAS, Crosslake Specialties LLC currently owns the property at 512 1st Ave NW, legally described as Lot 2, Block 1, Unity Industrial Park; and,

WHEREAS, the petitioner has requested a Conditional Use Permit (CUP) to allow for outdoor storage; and,

WHEREAS, the property is located within the "I-1" Industrial District, which requires a Conditional Use Permit (CUP) for outdoor storage; and,

WHEREAS, following publication, posted and mailed notice thereof, the City of Isanti Planning Commission conducted a public hearing on the proposed Conditional Use Permit on June 14th, 2016; and,

WHEREAS, the City of Isanti Planning Commission recommended approval of the proposed Conditional Use Permit subject to the conditions as listed below based upon the Findings of Fact and Conclusion as presented; and,

WHEREAS, the City Council reviewed the requested Conditional Use Permit at its regularly scheduled meeting on June 21st, 2016; and,

WHEREAS, the City Council of the City of Isanti has determined that the Conditional Use Permit meets the ordinance requirements necessary for granting approval; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ISANTI, MINNESOTA, that it adopts the Findings of Fact and Conclusion related to the requested Conditional Use Permit for Granger Machine Inc/Crosslake Specialties LLC and **BE IT FURTHER RESOLVED** that the requested Conditional Use Permit to be located on the property at 512 1st Ave NW, be hereby approved subject to the following conditions:

1. Outside storage areas shall be surfaced with bituminous, concrete, or other surfaces, including but not limited to crushed rock, Class 5, or recycled materials; as recommended by the Planning Commission and approved by the City Council.
2. All outside storage areas shall be effectively screened year-round, by a wall, fence, or densely planted vegetation in accordance with Section 15 of this Ordinance.

Adopted by the Isanti City Council on this 21st day of June 2016.

Attest:

Mayor George A. Wimmer

Lindsey McInnis
Human Resources/City Clerk

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from Granger Machine Inc./Crosslake Specialties LLC for Approval of a Conditional Use Permit to allow for Outdoor Storage on the property located at 512 1st Ave NW, Isanti, Minnesota.

Findings of Fact

1. The applicant is requesting approval of outdoor storage at the property located at 512 1st Ave NW.
2. The property is zoned "I-1" Industrial District.
3. A Conditional Use Permit is required for Outdoor Storage within the "I-1" Industrial District.
4. The petitioner submitted a Conditional Use Permit Application, the required application fee and associated materials on April 25th, 2016. Staff had reviewed such application and deemed such application complete on April 25th, 2016. Pursuant to Minnesota State Statute, the City must act on this request by June 24th, 2016 (60-day rule).
5. A public hearing date before the Planning Commission was scheduled for Tuesday, June 14th, 2016 at 7:00 p.m. at City Hall within the Council Chambers.
6. Notice of the Conditional Use Permit request was published within the Isanti- County News on Wednesday, June 1st, 2016. Notices were sent to all property owners located within 350 feet of the subject property.
7. Section 21, Article 2: Conditional Use Permits, Subdivision 3 (D) of the Zoning Ordinance establishes factors that the judgment of the Planning Commission shall be based upon when reviewing a Conditional Use Permit request as well as Section 21, Article 2: Conditional Use Permits, Subdivision 4 General Performance Standards of the Zoning Ordinance establishes additional general standards that shall be used to evaluate any proposed conditional use permit request.

Conclusions

1. In review of the standards established in Section 21, Article 2 Conditional Use (D); the following conclusions have been made (*conclusions to each requirement are shown in underlined italics*): The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:
 - A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
The proposed use for the site would be consistent with the goals and objectives of the comprehensive plan and helps bring the site into compliance.
 - B. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.
The proposed use is existing. Receiving a conditional use permit and providing screening brings the property into compliance.
 - C. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
The establishment of the conditional use does not appear to endanger the public health, safety, morals and comfort of the surrounding area or the community. The proposal follows the requirements further outlined in Section 13: Use Regulations for Outdoor Storage.

- D. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
The conditional use for outdoor storage and a screening fence does not appear to diminish or impair surrounding property values. Much of the area surrounding this property is also zoned for similar uses.
- E. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
The outdoor storage area will be entirely enclosed by a screening fence, vegetation and an accessory structure. There is no reason for the storage or fence to impede development.
- F. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
Additional public facilities and services are not necessary for the proposed use.
- G. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
The requested conditional use permit appears to conform to the applicable regulations required for the district and the performance standards outlined within the zoning ordinance. Conditions will be placed on any approval to ensure that the property is developed in accordance to ordinance requirements and the proposed plan provided by the applicant.
- H. The conditional use complies with the general and specific performance standards as specified by within this Article.
These have been evaluated as part of the findings of fact; and can be found within this document.
2. In review of the standards established in Section 21, Article 2 Conditional Use, Subdivision 4 General Performance Standards; the following conclusions have been made (conclusions to each requirement are shown in underlined italics):
- A. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated an adequate public right-of-way shall be provided.
This site is currently served by a street of sufficient capacity. The proposed conditional use will not change the type or volume of traffic flow for this site.
- B. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with Section 17 of this Ordinance.
Access to the site is existing and had been approved at an earlier date.
- C. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
Not applicable.
- D. Adequate off-street parking and off-street loading shall be provided in compliance with Section 17 of this Ordinance.
Not applicable.
- E. Loading areas and drive-thru facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any adjacent residential use or district, and provided in compliance with Section 17 of this Ordinance.
Not applicable.
- F. Whenever a non-residential use is adjacent to a residential use or district, a buffer area with screening and landscaping shall be provided in accordance with the provisions of Section 15 of this Ordinance.
Not applicable.
- G. General site screening and landscaping shall be provided in compliance with Section 15 of this Ordinance.

The outdoor storage area will be properly screened by a screening fence, vegetation and an accessory structure as required in Section 13 and Section 15 of this Ordinance.

- H. All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, and shall be in compliance with Section 14 of this Ordinance.
Not applicable.
- I. The site drainage system shall be subject to the review and approval of the City Engineer.
Not applicable.
- J. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing and potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
The storage container is a neutral color that blends well with its surroundings. The fencing and vegetation will also help detract from the storage container.
- K. Provisions shall be made for daily litter control, an interior location for recycling and trash handling and storage or an outdoor, enclosed receptacle area shall be provided in compliance with Section 14 of this Ordinance.
Not applicable.
- L. All signs and informational or visual communication devices shall be in compliance with Section 16 of this Ordinance.
Not applicable.
- M. The use and site shall be in compliance with any federal, state, or county laws or regulations that are applicable and any related permits shall be obtained and documented to the City.
The applicant will need to pull a fencing permit in order to install the fence.
- N. Any applicable business licenses mandated by City Code are approved and obtained.
Not applicable.
- O. The hours of operation may be restricted when there is judged to be an incompatibility with a residential use or district.
Not applicable.
- P. The use complies with the applicable performance standards of the zoning district in which it is located and where applicable, any non-conformity shall be eliminated.
This permit and the screening of the storage container will bring the property into compliance.
- Q. Additional Stipulations. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general public health, safety, and welfare, can be served as well or better by modifying or expanding the conditions set forth herein.
3. In review of the standards established in Section 13, Article 2 Non-Residential Use Regulations, Subdivision 16 Outdoor Storage; the following conclusions have been made (conclusions to each requirement are shown in underlined italics):
- A. Outside storage areas shall be surfaced with bituminous, concrete, or other surfaces, including but not limited to crushed rock, Class 5, or recycled materials; as recommended by the Planning Commission and approved by the City Council.
The storage container is placed on Class 5.
- B. Outside storage area shall not be placed within required parking or loading areas, which are deemed necessary to meet code requirements.
The storage is placed outside of any parking or loading areas.
- C. Outside storage areas shall be located within the rear yard; however, outdoor storage may be located within the side yard, providing the side yard is not adjacent to or across the street from any residentially zoned property.
The storage is in the rear yard.
- D. All outside storage areas shall be effectively screened year-round, by a wall, fence, or densely planted vegetation in accordance with Section 15 of this Ordinance.

The storage will be screened on the north by an accessory structure, on the south and east by dense vegetation, and on the west and a portion of the south by a 6-foot fence.

- E. Cars, vans, and pickup trucks parked outside and used by employees and/or visitors in the normal course of business operation will not be construed as outdoor storage. Further, outside parked trucks and semitrailers used in conjunction with normal business activities will not be construed to be outdoor storage provided (a) the total number of trucks and semi-trailers does not exceed the number of docks and/or bay doors; (b) such vehicles are currently licensed by the State of Minnesota and are in the process of delivering or picking up goods or materials, and (c) such use is not construed as an operation listed as a conditional use in the industrial zone. All other vehicles and/or equipment associated with the business shall meet the fencing and screening requirements as stipulated within this ordinance.

Decision

The Planning Commission held a public hearing on the item at the **June 14th, 2016** meeting. The meeting minutes shall be made part of the Findings of Fact.

Project:

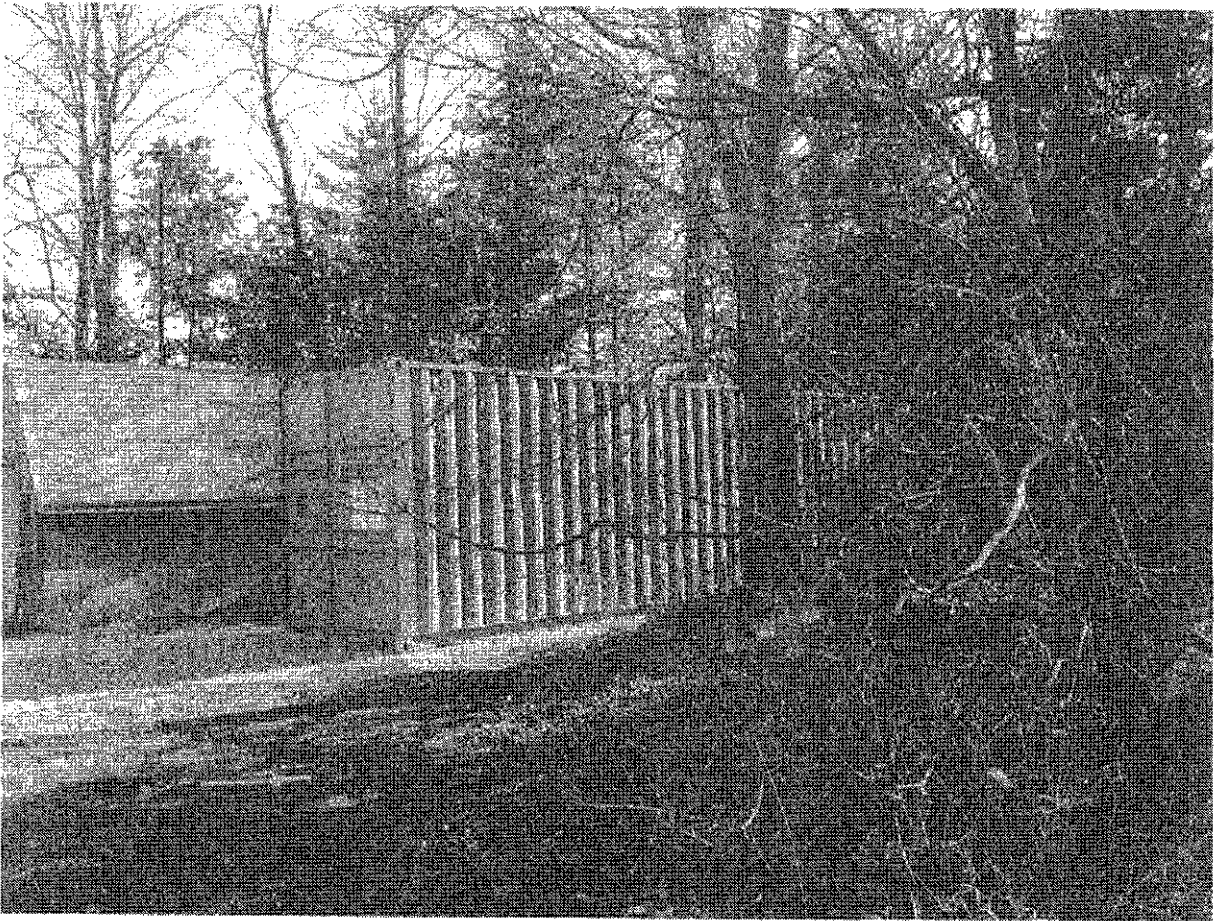
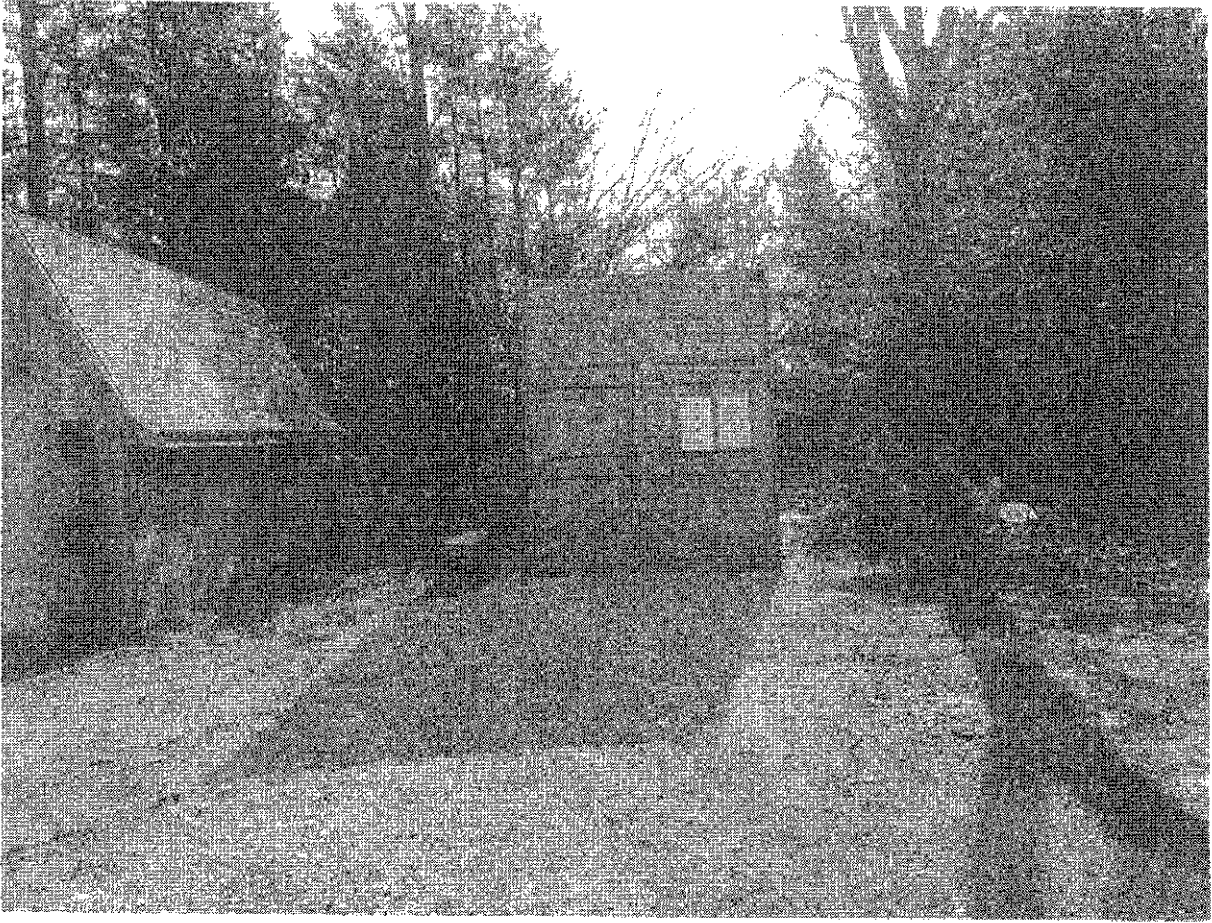
Existing Container placement/ screening:

Container: 8' x 39'

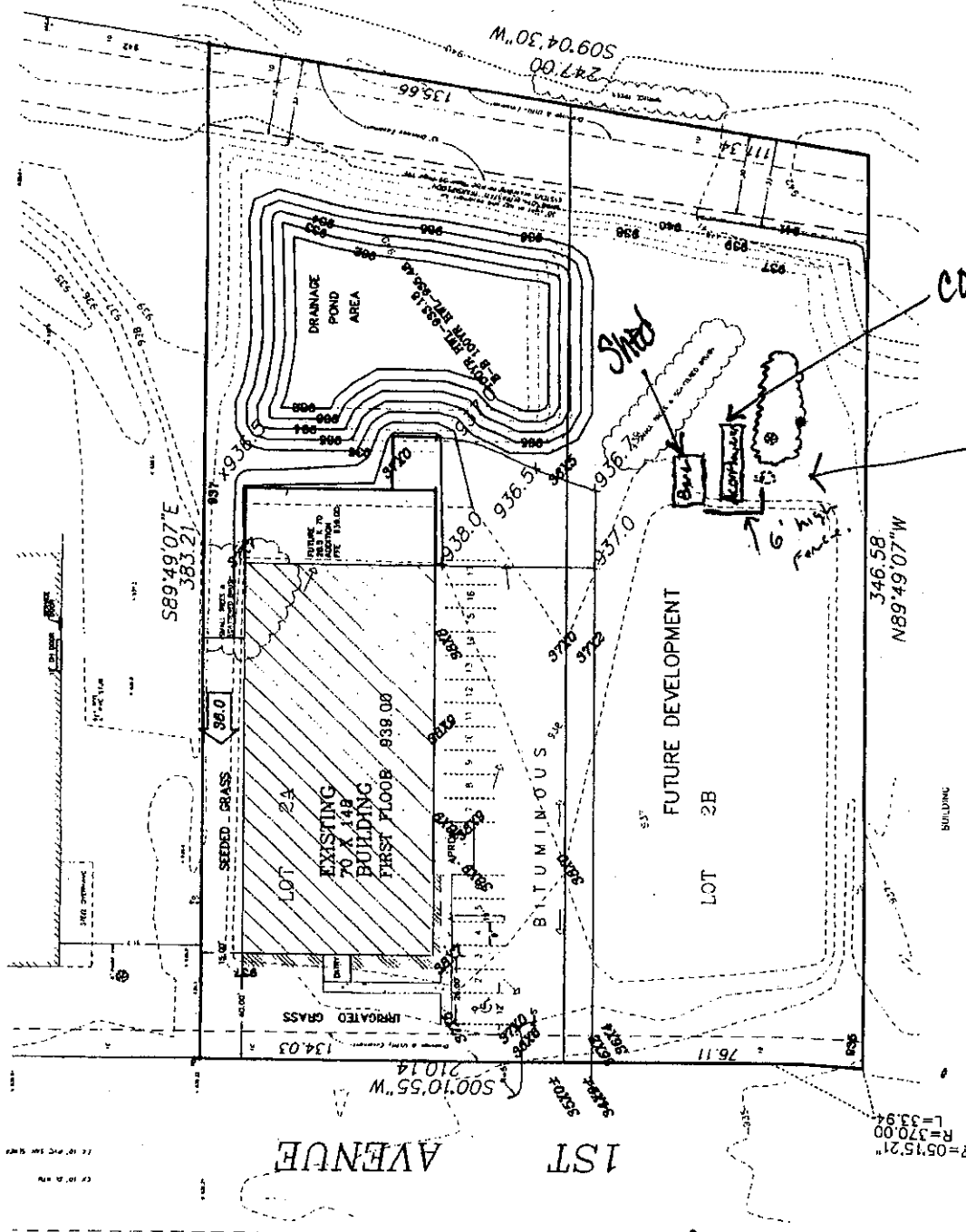
Base: Class 5

Fence: 6' high Tan colored trex material or wood.

Fence to run from the face of barn shed, across to tree line.
Then from that face to trees.



Burlington Northern Railroad



Container

Storage location

AVENUE 1ST

R=0515.21
L=33.94
R=370.00

S00°10'55"W
210.14

S89°49'07"E
383.21

S46.58
N89°49'07"W

S09°04'30"W
247.00

135.66

FUTURE DEVELOPMENT
LOT 2B

EXISTING
70 X 148
BUILDING
FIRST FLOOR

LOT 2A

SEEDED GRASS

IRRIGATED GRASS

BITUMINOUS

BUILDING

Shed

6' high fence

12' 10" 12' 10" 12' 10"



Public Hearing

To: Chairman Duncan
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: June 14, 2016

Subject: Request from St. Elizabeth Ann Seton for Approval of a Conditional Use Permit to operate an Educational Institution within the church located at 207 Whiskey Road NW, Isanti, Minnesota.

Background

St. Elizabeth Ann Seton Church is requesting to allow St. Scholastica school of Cambridge to move into and operate out of St. Elizabeth's. Educational Institutions are permitted within the R-1 Residential District with approval of a Conditional Use Permit. The school currently consists of 57 students and 8 staff members. The student body transferring to St. Elizabeth will be estimated around 40. Their future plans are to contain the school to a maximum number of 80 students. St. Scholastica offers Kindergarten through 12th grade in multi-level classrooms. They will occupy 7 classrooms and one office space at St. Elizabeth's. Class is held Tuesday through Friday, September through May, from 8:00am until 3:30pm. A few students will utilize the Cambridge-Isanti school district bus transportation. Most students are transported by parents. There is no outside play equipment; students participate in organized sports in the grass or on the tarmac.

A more in-depth description is provided in the narrative submitted by Mary Koralewski, Principal of St. Scholastica.

Staff Recommendation:

Staff recommends approval of the conditional use permit.

Comprehensive Plan

Public / Semi-Public- The purpose of this category is to identify areas in Isanti that are used for the benefit of the public. This includes publicly owned uses, such as schools, City buildings, county buildings and utility/infrastructure related uses such as sewage treatment plants, power plants, etc. This also includes semi-public private institutional uses such as hospitals, colleges, cemeteries, religious institutions etc. Both existing and future planned public / semi-public facilities are designated on the Land Use Plan map. Future possible locations of the high school are also shown. Generally, existing community facilities should continue to be maintained and preserved at their current location. If a public facility or institution ceases to exist or moves from its present site, that site should be designated as the same use, other public / semi-public use, or the predominate land use that surrounds it until such time as a comprehensive plan amendment designates it differently. For example, if a school is surrounded by low density residential relocates; the school property should either be a new school or other public use, or be designated for low-density residential development. In addition, new development should incorporate appropriate public/semi-public uses as they are developed. The actual location of these public/semi-public sites will be determined by the site design of each development.

Zoning Ordinance Provisions

The "R-1" Single-Family Residential District is designed to be the most restrictive of the residential districts. The intent of the "R-1" Single-Family District is to provide for an attractive environment for low density, single family detached dwellings in settings with larger lot sizes and increased open space surrounding the dwelling, while also allowing for directly related and complementary residential uses that serve the residents in the district.

Conditional Use Permit Requirements

Upon review of a Conditional Use Permit request, the Zoning Ordinance provides factors and standards that must be reviewed by the Planning Commission. Section 21, Article 2 Conditional Uses states:

- D. The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:
1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
 2. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.
 3. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
 4. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
 5. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 6. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
 7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
 8. The conditional use complies with the general and specific performance standards as specified by within this Article.

Certification of Taxes Paid

Not applicable. Non-taxable entity.

Public Notice

Notice was published within the Isanti County News on June 1st, 2016. Written notification was provided to property owners located within 350' of the subject site as required by Minnesota State Statute.

Public Comment

To date, no public comment or questions had been received.

Deadline for City Council Action

The City of Isanti received a complete application for a Conditional Use Permit on May 19, 2016. Pursuant to Minnesota State Statute, the City must act on this request by July 18, 2016 (60 days). The only exception to these deadlines provided would be if the City provides the petitioner with written reasons for an additional 60-day review period.

Options & Proposed Motion Language

1. **Recommend Approval with No Conditions:** Motion to recommend approval of the request from St. Elizabeth Ann Seton for Approval of a Conditional Use Permit to operate an Educational Institution within the church located at 207 Whiskey Road NW, Isanti, Minnesota.

2. Recommend Approval with Conditions: Motion to recommend approval of the request from St. Elizabeth Ann Seton for Approval of a Conditional Use Permit to operate an Educational Institution within the church located at 207 Whiskey Road NW, Isanti, Minnesota with the following conditions.....
3. Recommend Denial: Motion to recommend denial of the request from St. Elizabeth Ann Seton for Approval of a Conditional Use Permit to operate an Educational Institution within the church located at 207 Whiskey Road NW, Isanti, Minnesota for the following reasons.....
4. Table: Motion to table the request from St. Elizabeth Ann Seton for Approval of a Conditional Use Permit to operate an Educational Institution within the church located at 207 Whiskey Road NW, Isanti, Minnesota. (a specific reason and information request should be included in the motion to table).

Attachments

- Resolution No. 2016 - XXX
- Findings of Fact and Conclusion
- Conditional Use Permit Narrative

RESOLUTION NO. 2016-

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP) FOR ST. ELIZABETH ANN SETON TO OPERATE AN EDUCATIONAL INSTITUTION ON THE PROPERTY LOCATED AT 207 WHISKEY ROAD NW

WHEREAS, St. Elizabeth Ann Seton Catholic Church is requesting approval of a Conditional Use Permit for an Educational Institution on the property located at 207 Whiskey Road NW; and,

WHEREAS, the property is legally described as that part of the northeast quarter of the southwest quarter of section 30, township 35, range 23, Isanti County, Minnesota described as follows:

Commencing at the northwest corner of said NE ¼ of SW ¼ for the actual point of beginning of the tract of land to be herein described: thence due East along the North line of said NE ¼ of SW ¼ and the centerline of County State Aid Highway Number 5 a distance of 643.15 feet; thence South two degrees twenty minutes fifty seven seconds along the centerline of County State Aid Highway 23 a distance of 589.13 feet; thence due West and parallel with the North line of said NE ¼ of SW ¼ a distance of 603.57 feet to a point on the West line of said NE ¼ of SW ¼; thence North one degree thirty minutes six seconds along said West line a distance of 588.84 feet to the actual point of beginning. Subject to easements for public highway over and across the North 33 feet thereof and the Easterly 40 feet thereof, and easements of record, if any; and,

WHEREAS, the property is located within the "R-1" Single Family Residential District, which requires a Conditional Use Permit (CUP) for Educational Institutions; and,

WHEREAS, following publication, posted and mailed notice thereof, the City of Isanti Planning Commission conducted a public hearing on the proposed Conditional Use Permit on June 14th, 2016; and,

WHEREAS, the City of Isanti Planning Commission recommended approval of the proposed Conditional Use Permit subject to the conditions as listed below based upon the Findings of Fact and Conclusion as presented; and,

WHEREAS, the City Council reviewed the requested Conditional Use Permit at its regularly scheduled meeting on June 21st, 2016; and,

WHEREAS, the City Council of the City of Isanti has determined that the Conditional Use Permit meets the ordinance requirements necessary for granting approval; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ISANTI, MINNESOTA, that it adopts the Findings of Fact and Conclusion related to the requested Conditional Use Permit for St. Elizabeth Ann Seton and **BE IT FURTHER RESOLVED** that the requested Conditional Use Permit to be located on the property at 207 Whiskey Rd NW, be hereby approved subject to the following conditions:

1. An enrollment of greater than 80 students shall require an amendment to the Conditional Use Permit.

Adopted by the Isanti City Council on this 21st day of June 2016.

Attest:

Mayor George A. Wimmer

Lindsey McInnis
Human Resources/City Clerk

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from St. Elizabeth Ann Seton for Approval of a Conditional Use Permit to operate an Educational Institution within the church located at 207 Whiskey Road NW, Isanti, Minnesota.

Findings of Fact

1. The applicant is requesting approval of an Educational Institution at the property located at 207 Whiskey Rd NW.
2. The property is zoned "R-1" Single Family Residential District.
3. A Conditional Use Permit is required for Educational Institutions within the "R-1" Single Family Residential District.
4. The petitioner submitted a Conditional Use Permit Application, the required application fee and associated materials on May 11, 2016. Staff had reviewed such application and deemed such application complete on May 19, 2016. Pursuant to Minnesota State Statute, the City must act on this request by July 18, 2016 (60-day rule).
5. A public hearing date before the Planning Commission was scheduled for Tuesday, June 14th, 2016 at 7:00 p.m. at City Hall within the Council Chambers.
6. Notice of the Conditional Use Permit request was published within the Isanti- County News on Wednesday, June 1st, 2016. Notices were sent to all property owners located within 350 feet of the subject property.
7. Section 21, Article 2: Conditional Use Permits, Subdivision 3 (D) of the Zoning Ordinance establishes factors that the judgment of the Planning Commission shall be based upon when reviewing a Conditional Use Permit request as well as Section 21, Article 2: Conditional Use Permits, Subdivision 4 General Performance Standards of the Zoning Ordinance establishes additional general standards that shall be used to evaluate any proposed conditional use permit request.

Conclusions

1. In review of the standards established in Section 21, Article 2 Conditional Use (D); the following conclusions have been made (*conclusions to each requirement are shown in underlined italics*): The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:
 - A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
Institutions such as schools are encouraged within the residential district.
 - B. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.
The proposed use is consistent with the zoning requirements and fits well with the surrounding property uses.
 - C. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
The establishment of the conditional use does not appear to endanger the public health, safety, morals and comfort of the surrounding area or the community.
 - D. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
The conditional use for an educational institution will not alter the character of the area.

- E. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. The educational institution will not impede the normal and orderly development of surrounding properties.
 - F. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed. Adequate public facilities and services are existing in this area.
 - G. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located. The requested conditional use permit appears to conform to the applicable regulations required for the district and the performance standards outlined within the zoning ordinance. Conditions will be placed on any approval to ensure that the property is developed in accordance to ordinance requirements and the proposed plan provided by the applicant.
 - H. The conditional use complies with the general and specific performance standards as specified by within this Article. These have been evaluated as part of the findings of fact; and can be found within this document.
2. In review of the standards established in Section 21, Article 2 Conditional Use, Subdivision 4 General Performance Standards; the following conclusions have been made (conclusions to each requirement are shown in underlined italics):
- A. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated an adequate public right-of-way shall be provided. This site is currently served by a street of sufficient capacity. The proposed conditional use will not change the type or volume of traffic flow for this site. Students attending the school will generally be dropped off by parents at a time slightly different that the existing adjacent school.
 - B. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with Section 17 of this Ordinance. Access to the site is existing and had been approved at an earlier date.
 - C. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles. Existing sidewalks are in place.
 - D. Adequate off-street parking and off-street loading shall be provided in compliance with Section 17 of this Ordinance. Adequate parking is provided on-site.
 - E. Loading areas and drive-thru facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any adjacent residential use or district, and provided in compliance with Section 17 of this Ordinance. Not applicable.
 - F. Whenever a non-residential use is adjacent to a residential use or district, a buffer area with screening and landscaping shall be provided in accordance with the provisions of Section 15 of this Ordinance. Not applicable.
 - G. General site screening and landscaping shall be provided in compliance with Section 15 of this Ordinance. Landscaping is existing.
 - H. All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, and shall be in compliance with Section 14 of this Ordinance. Not applicable.
 - I. The site drainage system shall be subject to the review and approval of the City Engineer.

- Not applicable.*
- J. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing and potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
- Not applicable.*
- K. Provisions shall be made for daily litter control, an interior location for recycling and trash handling and storage or an outdoor, enclosed receptacle area shall be provided in compliance with Section 14 of this Ordinance.
- Not applicable.*
- L. All signs and informational or visual communication devices shall be in compliance with Section 16 of this Ordinance.
- A permit shall be applied for, for any new signage.*
- M. The use and site shall be in compliance with any federal, state, or county laws or regulations that are applicable and any related permits shall be obtained and documented to the City.
- N. Any applicable business licenses mandated by City Code are approved and obtained.
- Not applicable.*
- O. The hours of operation may be restricted when there is judged to be an incompatibility with a residential use or district.
- Not applicable.*
- P. The use complies with the applicable performance standards of the zoning district in which it is located and where applicable, any non-conformity shall be eliminated.
- This use complies with all applicable performance standards.*
- Q. Additional Stipulations. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general public health, safety, and welfare, can be served as well or better by modifying or expanding the conditions set forth herein.

Decision

The Planning Commission held a public hearing on the item at the **June 14th, 2016** meeting. The meeting minutes shall be made part of the Findings of Fact.

St. Scholastica is a school currently located in Cambridge, MN. Our academic program is religious based and emphasis is placed on the basics. We offer Kindergarten through 12th grade in multi-level classrooms. Each room will consist of 2 grades which will generally have 15-17 children total. Starting in the primary school, the pupils focus on the basics in reading, language arts, and mathematics. In the early grades, love of learning, neatness, diligence, and responsibility are fostered.

In the intermediate school the pupils continue to grow in these areas as they began to take learning as a personal achievement. The intermediate school focuses on cementing the firm foundation of the primary school and building on it. The pupils began more independent learning.

In the secondary school, pupils have an intense four year study preparing them and equipping them with the ability to succeed in college.

The school includes 8 staff members and 57 students (currently enrolled). The student body transferring to St. Elizabeth will be estimated around 40. Our future plans are to contain the school to a maximum number of 80 students. At no point does our future plan include adding on to the structure of the building.

Beginning this upcoming school year, 2016-2017, we are looking to use 7 classrooms and one office space at St. Elizabeth's. The school would begin to move desks, books, and other school related items into the space as soon as the permit is approved. The space will be in use by teachers and students from Tuesday through Friday, September through May, from 8:00 AM until 3:30 PM. The teachers would also be using the space in between these set schedules to prepare for the year and their classes. There are a few times when there will be meetings in the classrooms after these allotted times for teacher and parent meetings or for the testing of individual students.

Most of our students are transported by parents but some students will utilize the Cambridge-Isanti school district bus transportation in the morning; no afternoon bus transportation is used. Currently, there is only one bus that drops of students in Cambridge. We do not anticipate this changing for St Elizabeth's . However, until we know which students will be taking a bus, it is difficult to predict the bus route that will carry these students into St. Elizabeth's parking lot.

St. Scholastica's Physical Education program is outdoors. The school has no outside play equipment therefore the students participate in organized sports. These sports are always supervised by staff and will be held on (the existing) tarmac and grass.

The school holds state mandated fire and tornadoes lock down drills 9 times in a school year where the students convene in the parking lot.



Public Hearing

To: Chairman Duncan
Members of the Planning Commission

From: Roxanne Achman, AICP
Community Development Director

Date: June 14, 2016

Subject: Request from the City of Isanti to Amend Zoning Ordinance 445, Section 15 Fencing, Screening and Landscaping to update fencing requirement within drainage easements.

Background

Staff has been dealing with drainage and pond issues in a number of areas throughout town. Some of these issues are related to the placement of fences within drainage and utility easements. Considering code does not explicitly prohibit fences within drainage easements, staff would like to amend Section 15 to more accurately represent the City's desire to keep fences out of the spillway within the drainage easement and to limit the type of fencing and/or the ground clearance of fencing within drainage easements, but outside the spillway. Amending this section would make the zoning code more consistent with Ordinance 420 – Stormwater Management. Below is the suggested change.

Section 15 – Fencing, Screening and Landscaping

E. Setbacks.

1. On corner lots or lots adjacent to railroad right-of-ways, streets or public roads, no fence shall be located in the vision clearance triangle, as shown within Section 4 of this Ordinance.
2. Privacy fences shall be setback a minimum of fifteen (15) feet from any street right-of-way.
3. Fences shall be located on the property of the owner.
4. No fences shall be permitted within a stormwater flow path.
5. Fences within a storm pond drainage easement must provide for the free flow of water by using a material such as chain-link or by providing a minimum ground clearance of four (4) inches.
6. Fences located within storm pond drainage easements shall be reviewed by Public Works and/or The City Engineer.

- G. Property Owner Responsibility.** Any fence located on the property line or within a drainage and utility easement shall be removed upon request of the City and at the expense of the property owner.

Ordinance 420 – Stormwater Management

Section 7 – Stormwater Management Plan Approval Standards

7.9 – Wet Detention Basin Design Standards

- (p) Fences may be placed in dry ponds or in wet ponds above the permanent pool elevation. The City shall have the right to remove and or restrict placement of fences where they may contribute to a drainage problem.

Staff Request

To consider recommending approval of the attached ordinance amending Section 15: Fencing, Screening and Landscaping.

Attachments

- Ordinance No. XXX
- Findings of Fact and Conclusions

ORDINANCE NO.

**AN ORDINANCE AMENDING ORDINANCE NO 445 ZONING; SECTION 15 FENCING,
SCREENING AND LANDSCAPING**

THE CITY OF ISANTI DOES ORDAIN:

I. AMENDMENTS

Section 15, Subdivision 1: General Provisions is hereby amended to include and read as follows:

E. Setbacks.

1. On corner lots or lots adjacent to railroad right-of-ways, streets or public roads, no fence shall be located in the vision clearance triangle, as shown within Section 4 of this Ordinance.
2. Privacy fences shall be setback a minimum of fifteen (15) feet from any street right-of-way.
3. Fences shall be located on the property of the owner.
4. No fences shall be permitted within a stormwater flow path.
5. Fences within a storm pond drainage easement must provide for the free flow of water by using a material such as chain-link or by providing a minimum ground clearance of four (4) inches.
6. Fences located within storm pond drainage easements shall be reviewed by Public Works and/or The City Engineer.

II. EFFECTIVE DATE

This ordinance shall take effect upon its adoption and publication in the City's Official Newspaper.

Adopted by the City Council this 21st day of June 2016.

Mayor George A. Wimmer

ATTEST:

Lindsey McInnis
Human Resources/City Clerk

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from the City of Isanti to Amend Zoning Ordinance 445, Section 15 Fencing, Screening and Landscaping to update fencing requirement within drainage easements.

Findings of Fact

1. The Development and Operations Advisory Committee requested the Planning Commission review an amendment to Section 15 of the Zoning Ordinance at their regularly scheduled meeting on June 14, 2016.
2. Staff has begun to notice an increase of drainage issues due to fences within drainage easements.
3. While the intent of the Ordinance remains intact, amendments must be made to the Ordinance regulations to ensure that the appropriate requirements are being used.
4. Notification of the public hearing was provided for within the City's official newspaper on Wednesday, June 1st, 2016.
5. A public hearing date before the Planning Commission was scheduled for Tuesday, June 14th, 2016 at 7:00 p.m. at City Hall within the Council Chambers.

Conclusions

1. In review of the Ordinance requirements provided for within Section 21, Article 1 Amendments (Text and Map), Subdivision 4 (D), the following conclusions have been made (*conclusions to each requirement have been shown in underlined italics*):
 - a. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the City Comprehensive Plan, including public facilities and capital improvement plans.
The ordinance amendment helps to protect the safety of Isanti's citizens and visitors, which is consistent with the City's Comprehensive Plan.
 - b. The proposed action meets the purpose and intent of this Ordinance or in the case of a map amendment; it meets the purpose and intent of the individual district.
The ordinance amendment adds a critical performance standard.
 - c. There is adequate infrastructure available to service the proposed action.
Not applicable.
 - d. There is an adequate buffer or transition provided between potentially incompatible districts.
Not applicable.

Decision

The Planning Commission held a public hearing on the item at the **June 14th, 2016** meeting. The meeting minutes, staff memo, and attachments shall be made a part of the Findings of Fact and Conclusions.



**CITY OF ISANTI
PLANNING COMMISSION MEETING
TUESDAY, JULY 12, 2016 – 7:00 p.m.
CITY HALL**

1. Meeting Opening
 - A. Call to Order
 - B. Pledge of Allegiance
 - C. Roll Call
 - D. Agenda Modifications
2. Approval of Minutes from June 14, 2016 Planning Commission Meeting
3. Public Hearings
 - A. Request from Bobby and Chad Bunes for an Interim Use Permit to allow for a pet grooming salon to be located within the Dual Square Mall located at 401 East Dual Blvd NE, Suite 114.
4. Other Business
 - A. Resolution and Ordinance to Amend Zoning Ordinance No. 445, Section 7 Business District, Subdivision 3 Conditional Uses to Correct an Inadvertent Omission of Motor Vehicle Sales.
5. Discussion Items.
 - A. None.
6. Adjournment

CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
JUNE 14, 2016

1. Meeting Opening.

A. Call to Order.

Bergley 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: Paul Bergley, Steve Lundeen, Wayne Traver, and Jim Kennedy.

Members Absent: Greg Cesafsky, provided prior notice. Jeff Duncan, no notice given.

Staff Present: Community Development Director, Roxanne Achman

Others Present: None

D. Agenda Modifications.

Achman stated there were none.

2. Approval of Minutes from May 10, 2016 Planning Commission Meeting.

Bergley questioned if there were any comments or changes to the minutes.

Motion by Lundeen second by Kennedy to approve the May 10th, 2016 Planning Commission Meeting Minutes. Motion was unanimously approved.

3. Public Hearings.

A. Request from Granger Machine Inc./Crosslake Specialties LLC for Approval of a Conditional Use Permit to allow for Outdoor Storage on the property located at 512 1st Ave NW, Isanti, Minnesota.

Bergley read the item into the minutes.

Achman presented the staff memo.

Bergley opened the public hearing. There was no one to speak on the matter. The public hearing was closed.

Motion by Kennedy second by Lundeen to recommend approval of the request from Granger Machine Inc./Crosslake Specialties LLC for Approval of a Conditional Use Permit to allow for Outdoor Storage on the property located at 512 1st Ave NW, Isanti, Minnesota based on the findings of fact and conclusions with the following conditions:

1. Outside storage areas shall be surfaced with bituminous, concrete, or other surfaces, including but not limited to crushed rock, Class 5, or recycled materials; as recommended by the Planning Commission and approved by the City Council.

2. All outside storage areas shall be effectively screened year-round, by a wall, fence, or densely planted vegetation in accordance with Section 15 of this Ordinance.

Motion carried unanimously.

B. Request from St. Elizabeth Ann Seton for Approval of a Conditional Use Permit to operate an Educational Institution within the church located at 207 Whiskey Road NW, Isanti, Minnesota.

Bergley read the item into the minutes.

Achman presented the staff memo.

Bergley opened the public hearing.

Catherine Klobe, Co-Founder of St. Scholastica, approached the podium to let the Planning Commission know she was in attendance if there were any questions of the school.

Bergley asked if there are any safety concerns at the corner of Whiskey Rd and Oakwood St where many students cross and whether the safety patrol was notified that there will be additional students in the area.

Kennedy stated there is already a crosswalk in that area and posted patrols.

Achman stated that the School for All Seasons was notified through the public hearing process that St. Scholastica was requesting to locate within St. Elizabeth's.

Bergley closed the public hearing.

Motion by Kennedy second by Lundeen to recommend approval of the request from St. Elizabeth Ann Seton for Approval of a Conditional Use Permit to operate an Educational Institution within the church located at 207 Whiskey Road NW, Isanti, Minnesota based on the findings of facts and conclusions with the following condition:

1. An enrollment of greater than 80 students shall require an amendment to the Conditional Use Permit.

Motion carried unanimously.

C. Request from the City of Isanti to Amend Zoning Ordinance 445, Section 15 Fencing, Screening and Landscaping to update the fencing requirement within drainage easements.

Bergley read the item into the minutes.

Achman presented the staff memo.

Bergley opened the public hearing. There was no one to speak on the matter. The public hearing was closed.

Lundeen asked of the amendment was mostly verbiage.

Achman stated that it was but it also adds a stipulation that if the property owner wants to install the fence within the flow path, they can do so as long as the fence is raised up from the ground by 4 inches. There must be free flow of water under the fence.

Motion by Kennedy second by Lundeen to recommend approval of the request from City of Isanti to Amend Zoning Ordinance 445, Section 15 Fencing, Screening and Landscaping to update fencing requirement within drainage easements. Motion carried unanimously.

4. Other Business.

A. None.

5. Discussion Items.

A. None.

6. Adjournment

Motion by Kennedy second by Lundeen to adjourn the June 14th, 2016 meeting of the Planning Commission. Motion was unanimously approved.

The meeting adjourned at 7:13 p.m.

Dated at Isanti, Minnesota this 14th day of June 2016.

Respectfully submitted,

Roxanne Achman, AICP
Community Development Director



Public Hearing

To: Chair Duncan
Members of the Planning Commission

From: Roxanne Achman, AICP
Community Development Director

Date: July 12, 2016

Subject: Request from Bobby and Chad Bunes for an Interim Use Permit to allow for the establishment of a pet grooming salon on the property located at 401 East Dual Blvd NE, Suite 114.

Background

The applicant is proposing to start-up a pet grooming salon within the Dual Square Mall located at 401 East Dual Blvd NE. The salon would provide grooming services for an average of 6-8 customers per day. The salon will have operation hours of 7am to 7pm, but the actual times will be dictated by appointments. There will initially be one groomer, the owner, with plans to bring on an additional two groomers in the next 3-5 years.

Staff would like to add the following conditions based on past Interim Use Permits for pet grooming:

1. The petitioner shall make application for and receive approval of any appropriate additional permits (building, plumbing, etc.) from the Building Official related to the home occupation.
2. The petitioner shall obtain any necessary County or State licenses for the business; and copies of such shall be provided to the City.
3. The premises in which the animals will be kept and groomed shall be kept in a clean, sanitary, healthful, and humane manner at all times; and shall be open to inspection by the Animal Warden or other person charged with the enforcement of Chapter 87 of the Isanti City Code or any other health or sanitary regulation of the City at reasonable times. Failure to do so shall constitute grounds for the revocation of the Interim Use Permit.
4. Dogs shall be leashed at all times coming both to and from any vehicle arriving for an appointment.
5. The property shall be kept clean. All dog feces shall be picked up and removed from the property on a daily basis.
6. The Interim Use Permit is granted to Bobby and Chad Bunes for the property located at 401 East Dual Blvd NE. The Interim Use Permit shall terminate upon the occurrence of any of the following events; whichever comes first: (1) the sale or lease of the property to another renter or owner; (2) the use has been discontinued for one year; or (3) the City Council suspends or revokes the Interim Use Permit upon failure of the interim use to comply with the conditions of approval and/or the property or use is found to be in violation of other City Ordinances

Comprehensive Plan

The Comprehensive Plan guides the area for General Commercial uses. The purpose of this category is to identify portions of Isanti that contain or should be developed as a mixed-use environment for general commercial and service uses. Examples may include highway-oriented businesses such as fast food restaurants, convenience stores, gas stations, retail establishments, and other auto-oriented uses. Limited office and service uses are appropriate in these areas as well, depending on scale and location. Service uses

associated with medical care facilities may also be considered to form a cohesive development. Uses may include medical, professional, or administrative office facilities; hospitals, medical clinics, medical research and development facilities as well as residential care facilities such as nursing homes or assisted living facilities.

Much of this land use is located along the Highway 65 corridor and CSAH 5. General Commercial is the largest commercial land use designation. These uses are predominately auto-oriented in terms of access and services. However, provisions for pedestrian walkways, parking, transit facilities and other site and design characteristics should be considered so as to encourage a walkable area, where commercial, retail, and service uses are easily accessible to the community. Design of both site and buildings are important to maintaining a thriving commercial base. In addition, commercial businesses not located at major intersections should remain small scale, and provide services primarily to the surrounding neighborhood. Also, the architecture and site design of all commercial areas must be compatible with the surrounding neighborhood and landscape. Such issues as building size, location on the lot, building materials, screening and other design issues are important.

It is the overall intent of this land use designation to cultivate a commercial/service environment that not only ensures a future ability for the location of medical facilities able to meet the projected and evolving needs of the City and region, but to promote a commercial district that will better define the community's small town character and create more expansive commercial and retail opportunities for City residents.

Zoning Ordinance Provisions

The property is zoned "B-2" General Business District. The purpose of the district is to promote the development of commercial uses which are predominately auto-oriented in nature. The district caters to highway-oriented businesses as well as to business that provide basic shopping and service needs to the community. When designing a commercial site within the General Business District, compatibility with adjacent uses and buildings is required within the district, as site design, building size and materials, and screening/landscaping are important when creating and maintaining a thriving commercial base. The use is permitted within this particular zoning district designation. The use is subject to the lot requirements and setbacks associated with this district.

Within the "B-2" General Business Districts, parking facilities are permitted to be located on a lot with no principal use, providing a Conditional Use Permit has been granted.

Parking Requirements

The total building size is 9,250 square feet. There are 45 parking stalls on site. The Mall requires 37 stalls (1 stall/250sf floor area). The parking would appear to be sufficient to accommodate the uses on-site.

Interim Use Permit Requirements

Subdivision 5: Criteria for Granting an Interim Use Permit

The Planning Commission and City Council shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding properties. The Planning Commission and City Council shall consider and make findings regarding the following factors:

- A. The proposed use shall meet the applicable zoning regulations; and
- B. The proposed use will not adversely impact implementation of the Comprehensive Plan; and
- C. The proposed use will terminate upon a date or event that can be identified with certainty; and
- D. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and

- E. The applicant has signed a consent agreement agreeing that the applicant, owner, operator, tenant and/or user has no entitlement to future re-approval of the Interim Use Permit; and
- F. The proposed use will be subjected to, by agreement with the property owner, any conditions that the City Council deems appropriate for permission of the proposed interim use, including a condition that the owner may be required to provide an appropriate surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use.

Subdivision 6: Conditions of Approval

In permitting a new interim use permit or amending an existing interim use permit, the Planning Commission may recommend and the City Council may impose, in addition to the standards and requirements expressly specified by this section, additional conditions which the Planning Commission and/or City Council consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

- A. Increasing the required lot size or yard dimensions;
- B. Limiting the height, size, or location of buildings;
- C. Controlling the location and number of vehicles access points;
- D. Increasing the street width;
- E. Increasing the number of required off-street parking spaces;
- F. Limiting the number, size, location or lighting of signs;
- G. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
- H. Designation of open space;
- I. Obtaining the necessary licenses as required by the City of Isanti, Isanti County or State of Minnesota;
- J. Restrictions on the hours of operation;
- K. Exterior lighting is limited to protect adjacent or nearby property;
- L. Controlling architectural appearance and functional design of the building or site;
- M. Applicable performance standards of the zoning district in which such use is located are met and non-conformities are eliminated;
- N. Annual review, if deemed appropriate by the City Council.
- O. Any additional stipulations, pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general public, health, safety, and welfare, can be served as well or better by modifying or expanding upon the conditions set forth herein.

Any change involving structural alterations, enlargement, intensification of use, or similar changes not specifically permitted by the interim use permit shall require an amended interim use permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator or their designee

shall maintain a record of all interim use permits including information on the use, location, and conditions imposed by the City Council, time limits, review dates, and such other information as may be appropriate.

Public Notice

Notice of the Interim Use Permit Request was published within the Isanti County News on Wednesday, June 29th, 2016. Letters were provided to property owners located within 350' of the subject property.

Public Comments

No public comment had been received regarding the Interim Use Permit request prior to the release of the staff memo.

Deadline for City Council Action

The City of Isanti received a complete application for this request on June 9th, 2016. Pursuant to Minnesota State Statute, the City must act on this request by August 8th, 2016 (60-days); unless an extension of the review period has been agreed to by the applicant.

Options & Proposed Motion Language

1. Recommend Approval with No Conditions: Motion to recommend approval of the request from Bobby and Chad Bunes for an Interim Use Permit to allow for the establishment of a pet grooming salon on the property located at 401 East Dual Blvd NE, Suite 114.
2. Recommend Approval with Conditions: Motion to recommend approval of the request from Bobby and Chad Bunes for an Interim Use Permit to allow for the establishment of a pet grooming salon on the property located at 401 East Dual Blvd NE, Suite 114 with the following conditions.....
3. Recommend Denial: Motion to recommend denial of the request from Bobby and Chad Bunes for an Interim Use Permit to allow for the establishment of a pet grooming salon on the property located at 401 East Dual Blvd NE, Suite 114 for the following reasons.....
4. Table: Motion to table the request from Bobby and Chad Bunes for an Interim Use Permit to allow for the establishment of a pet grooming salon on the property located at 401 East Dual Blvd NE, Suite 114 (a specific reason and information request should be included in the motion to table).

Attachments

- Resolution No. 2016-XXX
- Findings of Fact and Conclusion
- Statement of Proposed Use provided by the applicant

RESOLUTION NO. 2016-

A RESOLUTION APPROVING THE INTERIM USE PERMIT AS REQUESTED BY BOBBY AND CHAD BUNES TO OPERATE A PET GROOMING SALON ON THE PROPERTY LOCATED 401 EAST DUAL BOULEVARD NE

WHEREAS, Bobby and Chad Bunes have applied for an Interim Use Permit to operate a pet grooming salon at 401 East Dual Boulevard NE; and,

WHEREAS, the property is located within the "B-2" General Business District and an Interim Use Permit is required for pet grooming; and,

WHEREAS, the petitioner has provided a letter outlining the pet grooming business; and,

WHEREAS, the Planning Commission conducted a public hearing on the proposed Interim Use Permit on July 12th, 2016 and recommended approval of the Interim Use Permit subject to City staff conditions based upon the Findings of Fact and Conclusion as presented; and,

WHEREAS, the City Council reviewed the requested Interim Use Permit at its regularly scheduled meeting on July 19th, 2016; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ISANTI, MINNESOTA, that it adopts the Findings of Fact and Conclusion related to the requested Interim Use Permit and **BE IT FURTHER RESOLVED** by the City Council of the City of Isanti, Minnesota that the Interim Use Permit as requested by Bobby and Chad Bunes to operate a pet grooming business at 401 East Dual Blvd NE, with the following conditions:

1. The petitioner shall make application for and receive approval of any appropriate additional permits (building, plumbing, etc.) from the Building Official related to the home occupation.
2. The petitioner shall obtain any necessary County or State licenses for the business; and copies of such shall be provided to the City.
3. The premises in which the animals will be kept and groomed shall be kept in a clean, sanitary, healthful, and humane manner at all times; and shall be open to inspection by the Animal Warden or other person charged with the enforcement of Chapter 87 of the Isanti City Code or any other health or sanitary regulation of the City at reasonable times. Failure to do so shall constitute grounds for the revocation of the Interim Use Permit.
4. Dogs shall be leashed at all times coming both to and from any vehicle arriving for an appointment.
5. The property shall be kept clean. All dog feces shall be picked up and removed from the property on a daily basis.
6. The Interim Use Permit is granted to Bobby and Chad Bunes for the property located at 401 East Dual Blvd NE. The Interim Use Permit shall terminate upon the occurrence of any of the following events; whichever comes first: (1) the sale or lease of the property to another renter or owner; (2) the use has been discontinued for one year; or (3) the City Council suspends or revokes the Interim Use Permit upon failure of the interim use to comply with the conditions of approval and/or the property or use is found to be in violation of other City Ordinances.

Adopted by the Isanti City Council on this 19th day of July, 2016.

Attest:

Mayor George A. Wimmer

Lindsey McInnis
Human Resources/City Clerk

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from Bobby and Chad Bunes for an Interim Use Permit to allow for the establishment of a pet grooming salon on the property located at 401 East Dual Blvd NE, Suite 114.

Findings of Fact

1. The petitioner, Bobby and Chad Bunes, have received approval from Tyler South LLC, property owners of 401 East Dual Blvd NE.
2. The property is zoned "B-2" General Business District, in which Animal Sales and Services are considered an Interim Use and are regulated by Section 13 of the Zoning Ordinance.
5. In review of the zoning ordinance provisions, the use "dog grooming" would appear to meet the definition of Animal Services.
5. The petitioner submitted a complete Interim Use Permit Application on June 9th, 2016. Pursuant to Minnesota State Statute, the City must act on this request by August 8th, 2016 (60-day rule).
6. A public hearing date before the Planning Commission was scheduled for Tuesday, July 12th at 7:00 p.m. at City Hall within the Council Chambers.
7. Notice of the Interim Use Permit request was published within the Isanti County News on Wednesday, June 29th, 2016. Notices were sent to all property owners located within 350 feet of the subject property.
8. Section 21, Article 3: Interim Uses, Subdivision 5 of the Zoning Ordinance establishes criteria in which the judgment of the Planning Commission and City Council shall be based upon when reviewing an Interim Use Permit request. In addition, the Planning Commission may recommend and the City Council may require additional items so as to protect the best interest of the surrounding properties or the community as a whole and may include, but are not limited to the items listed within Section 21, Article 3: Interim Uses, Subdivision 6 of the Zoning Ordinance.

Conclusions

1. In review of the factors established in Section 21, Article 3: Interim Uses, Subdivision 5, the following conclusions have been made (*conclusions to each requirement are shown in underlined italics*):
 - A. The proposed use shall meet the applicable zoning regulations.
The proposed use has been identified as an Interim Use within the "B-2" General Business District. The use would appear to meet the regulations for the zoning district in which the use will be located. Conditions have been placed upon the approval, so as to ensure that there are no adverse effects to surrounding properties and the City as a whole.
 - B. The proposed use will not adversely impact implementation of the Comprehensive Plan.
The proposed use was previously determined to be acceptable as an Interim Use within the General Business District. The proposed use is an interim use and will only continue on the property until such time as the business would cease to operate or the lease for the unit would expire. The permit is being granted to the applicants only. Conditions have been placed on the use to ensure that the use will not adversely affect the implementation of the Comprehensive Plan.
 - C. The proposed use will terminate upon a date or event that can be identified with certainty.
The proposed use could be conducted on the property until such time as: 1) the business would cease to operate, 2) the tenant vacates the building, or 3) the business is sold to another owner, whichever were to occur first.
 - D. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future.

At this time, the improvements being made to the unit to accommodate the use do not appear to impose additional costs on the public. The unit is within a commercial shopping center owned by a private party.

- E. The applicant has signed a consent agreement agreeing with the applicant, owner, operator, tenant and/or user has no entitlement to future re-approval of the Interim Use Permit.

The applicant is aware of the terms of the Interim Use Permit and that a new permit would be necessary should a different group or entity decide to take over the business/unit in the future.

- F. The proposed use will be subject to, by agreement with the property owner, any conditions that the City Council deems appropriate for permission of the proposed interim use, including a condition that the owner may be required to provide an appropriate surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use.

Additional conditions have been added to the approval and have been provided for within this Findings of Fact and Condition, which the City Council have determined are necessary to protect the best interest of the surrounding area and the community as a whole.

Decision

The Planning Commission reviewed the request in a public hearing on **July 12, 2016**. The meeting minutes shall be made a part of the Findings of Fact and Conclusion.

The Paw Spa LLC

Employees

Being a start-up business the amount of employees will be just the owner (Bobby Bunes) with plans to potentially bring on an additional 2 groomers for a total of 3 in the next 3-5 years.

Customers per Day

With one groomer there will be an average of 6-8 customers per groomer, per day.

Hours of operation

7AM to 7PM would be the earliest and latest times but actual times will be dictated by appointments.

Chad and Bobby Bunes



Request for Action

To: Chair Duncan
Members of the Planning Commission

From: Roxanne Achman, AICP
Community Development Director

Date: July 12, 2016

Subject: Resolution and Ordinance to Amend Zoning Ordinance No. 445, Section 7 Business District, Subdivision 3 Conditional Uses to Correct an Inadvertent Omission of Motor Vehicle Sales.

Background

It was recently discovered that Motor Vehicle Sales was inadvertently left out of the B-2 General Business District when Zoning Ord. 176 was repealed and replaced with Zoning Ord. 445 in 2008. I believe it was inadvertent due to the fact that it was a Conditional Use in Ord. 176 and when the Planning Commission decided to amend Ord. 445 to allow Motor Vehicle Sales in the B-1 District in 2010, it was stated in the minutes that the only other area that allows Motor Vehicles Sales is the B-2 District. I believe everyone was under the assumption that it was allowed with at CUP in the B-2 District. I also did not find any discussion on removing it from the B-2 District when Ord. 445 was being drafted.

City Attorney Joslin was consulted on this matter and agreed that it appeared to be a clerical error. Joslin recommended a resolution directing staff to amend Ordinance 445 to add Motor Vehicle Sales back into the Conditional Use section of the "B-2" General Business District. No public hearing is required.

Attachments

- Resolution No. 2016-XXX
- Ord. No. XXX
- Excerpt from Zoning Ord. 176, Section 9: "B-2" General Business District, Subd. 4 Conditional Uses (see page 7)
- Planning Commission Minutes from August 9, 2010 discussing motor vehicle sales (see page 4)
- Email to City Attorney Clark Joslin regarding Clerical Error dated June 28, 2016

RESOLUTION NO. 2016-

A RESOLUTION DIRECTING STAFF TO CORRECT ZONING ORDINANCE 445, SECTION 7, ARTICLE 2 "B-2" GENERAL BUSINESS DISTRICT DUE TO AN INADVERTANT OMISSION OF MOTOR VEHICLE SALES AS A CONDITIONAL USE PERMIT

WHEREAS, Staff recently discovered that Motor Vehicle Sales were not listed as a Conditional Use within the "B-2" General Business District; and,

WHEREAS, Ordinance No. 176 permitted Motor Vehicle Sales as a Conditional Use prior to its repeal and replacement by Ordinance No. 445; and,

WHEREAS, there is no record of discussion to remove Motor Vehicle Sales from the "B-2" District; and,

WHEREAS, furthermore, past minutes indicated a presumption that Motor Vehicles Sales were carried over from Ord. 176 to Ord. 445; and,

WHEREAS, the exclusion of Motor Vehicle Sales from the "B-2" District was inadvertent clerical oversight; and,

WHEREAS, Motor Vehicle Sales are to be added to Ord. 445, Section 7, Article 2 "B-2" General Business District, Subdivision 3 Conditional Uses; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ISANTI, MINNESOTA, that Ord. 445, Section 7, Article 2 "B-2" General Business District, Subdivision 3 Conditional Uses be amended to include Motor Vehicle Sales.

Adopted by the Isanti City Council on this 19th day of July 2016.

Attest:

Mayor George A. Wimmer

Lindsey McInnis
Human Resources/City Clerk

(SEAL)

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO 445 ZONING; SECTION 7 BUSINESS DISTRICTS; ARTICLE 2 "B-2" GENERAL BUSINESS DISTRICT, SUBDIVISION 3 CONDITIONAL USES

THE CITY OF ISANTI DOES ORDAIN:

I. AMENDMENTS

Section 7: Business Districts, Article 2 "B-2" General Business District is hereby amended to read as follows:

Subdivision 3: Conditional Uses

The following are conditional uses within the "B-2" General Business District and shall require a Conditional Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance. Additional specific standards and criteria may be cited for respective conditional uses and a request shall be evaluated based upon those additional standards and criteria.

...

S. Motor Vehicle Sales, subject to the standards as provided within Section 13 of this Ordinance.

ST. Nursery, retail

TU. Parking facilities, when not accessory to a principal use.

UV. Private clubs.

VW. Public buildings.

WX. Religious institutions.

XY. Restaurants (Carry-out, Drive-in, Fast food, or Sit-down).

YZ. Self storage facility.

ZAA. Senior residential care facilities, as defined within Section 2 of this Ordinance.

AABB. Social service facility.

BBCC. Temporary patient/family housing.

CCDD. Tool / equipment rental facility (with accessory open sales lot), subject to the standards as provided within Section 13 of this Ordinance.

DD EE. Trade / business school.

EEFF. Wholesale establishment, indoors.

FFGG. Wind energy conversion systems, as an accessory use, subject to the standards as provided within Section 13 of this Ordinance.

GGHH. Brewpub.

~~HHI~~. Brewer tap room.

~~HJJ~~. Microbrewery.

~~HKK~~. Micro distillery.

~~KKLL~~. Educational Institutions, subject to the following requirements.

1. Number of students to be defined based on location, traffic and any other factors determined appropriate in relation to school size.
2. The applicant shall submit a plan showing traffic flow and safety concerns.
3. Additional standards as provided in Section 13 shall be met.

~~LLMM~~. Adult Day Center.

II. EFFECTIVE DATE

This ordinance shall take effect upon its adoption and publication in the City's Official Newspaper.

Adopted by the City Council this 19th day of July 2016.

Mayor George A. Wimmer

ATTEST:

Lindsey McInnis
Human Resources/City Clerk

(SEAL)

SECTION 9

TABLE of CONTENTS

SECTION 9: "B-2" GENERAL BUSINESS DISTRICT (GBD)	2
SUBD. 1. PURPOSE	2
SUB. 2. SPECIAL REQUIREMENTS	2
SUB. 3. PERMITTED USES.....	2
SUBD. 4. CONDITIONAL USES.....	5
SUBD. 5. ACCESSORY USES	8
SUBD. 6. HEIGHT REGULATIONS	9
SUBD. 7. FRONT, SIDE AND REAR YARD REQUIREMENTS	ERROR! BOOKMARK NOT DEFINED.
SUBD. 8. SITE PLANS.....	9
SUBD. 9. BUILDING MATERIALS	9
SUBD 10. PARKING REQUIREMENTS.....	9
SUBD. 11. SITE PLAN.....	9
SUBD. 12. IMPERVIOUS SURFACE.....	9

SECTION 9: "B-2" General Business District (GBD)

Subd. 1. Purpose

This district is designed and intended to promote the development of uses which require large concentrations of automobile traffic. This district encourages many types of uses and allows some pedestrian-oriented business under certain conditions. All permitted (and conditional) uses allowed in the CBD (B-1) are allowed in the GBD, providing uses listed in the CBD district shall be over 1,500 square feet unless located in a shopping mall complex consisting of four or more separate contiguous businesses with a minimum total area of 2,400 square feet in the shopping mall. This will allow for an expansion of needed pedestrian-oriented commercial activities in Isanti. Uses in this district other than those allowed in the CBD will be limited to highway-oriented uses.\

Desire to have our City look attractive from all collector and arterial roads.

Subd. 2. Special Requirements

- A. All business, servicing, or processing shall be conducted within completely enclosed buildings, with the following exceptions: establishments of the "drive-in" type, display of merchandise for sale to the public, and off-street parking and loading.
- B. The enclosed _____ parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this section, shall be limited to vehicles of not over 1-1/2 tons capacity when located within 75 feet of a residence district boundary line. Add a maximum number of vehicles?

Subd. 3. Permitted Uses

- A. Agricultural products store.
- B. Ambulance Service
- C. Antique, gift, or jewelry stores.
- D. Apparel and accessory stores.
- E. Appliance store, sales and service.
- F. Art and school supply, book, and stationery stores.
- G. Art, photographic, musical, and theatrical studios.
- H. Auto, glass, muffler, and upholstery shop
- I. Auto parts and sales.

- J. Bakeries employing not more than four persons in the baking process.
- K. Banks, savings and loan associations, and other financial institutions.
- L. Barber and beauty shops.
- M. Bicycle shops.
- N. Blueprinting, photo stating, and lithography.
- O. Bus, railway, or airline depot or ticket office
- P. Camera and photographic supply store.
- Q. Candy, pre-packaged ice cream and confectionery store (retail only.)
- R. Catalog, service and mail order house
- S. Catering Establishments.
- T. Cellular Phone & Accessory Sales
- U. Clinics for human care.
- V. Day Care Center
- W. Delicatessen store.
- X. Discount stores
- Y. Drug store, variety, five-and-ten cent stores.
- Z. Dry cleaning and laundry collection stations.

- AA. Employment Agencies
- BB. Flower shops.
- CC. Furniture store
- DD. Garden supply, landscapes, nursery
- EE. Grocery store, fruit store.

- FF. Hall, renting for meetings, conventions, or social gatherings.
- GG. Hardware store.
- HH. Health club or gym.
- II. Hobby store
- JJ. Hotel or motel
- KK. Interior decorating and/or paint and wallpaper store.
- LL. Laboratories, medical and dental
- MM. Laboratory, scientific testing.
- NN. Laundromats
- OO. Locksmith
- PP. Massage – not adult use
- QQ. Medical appliances, sales, and fittings
- RR. Mortuary
- SS. Motorcycle shop.
- TT. Museum
- UU. Music Store, accessories and studios
- VV. Novelty or souvenir stores
- WW. Office furniture & supplies
- XX. Optical goods and services
- YY. Professional and related business offices
- ZZ. Pet Shop
- AAA. Picture processing and equipment
- BBB. Pipe and tobacco shop

- CCC. Post office
- DDD. Printing and publishing shops
- EEE. Radio, television broadcasting (including transmitter studios)
- FFF. Religious institutions
- GGG. Retail store under 5,000 square feet
- HHH. Shoe and repair shop
- III. Shopping mall complex
- JJJ. Sporting goods and health equipment and supply
- KKK. Tailor shops
- LLL. Tanning salon
- MMM. Telephone booths (outside)
- NNN. Theaters (not outdoors)
- OOO. Tire Sales
- PPP. T.V. and radio sales and repair
- QQQ. Trade schools
- RRR. Upholstery shop of any type
- SSS. Veterinary clinic

Subd. 4. Conditional Uses

The following uses may be conditionally permitted.

- A. Buildings of pole type construction are not permitted under any circumstances; however, other types of buildings or land may be used for the following granted a Conditional Use Permit:
- B. Any building structure that will exceed forty-five (45) feet or three (3) stories in height.

C. Bowling, archery, roller skating, and indoor swimming.

D. Building/lumber materials (retail only).

~~F~~.E. _____ Catalog service, mail order sales and internet sales.

~~G~~.F. _____ Club, lodge or dance hall

~~H~~.G. _____ Community or convention centers.

~~I~~.H. Drive-in and convenience food services, car washes, auto service stations, auto repair, enclosed (define) building material sales, and other auto related services provided that:

- a. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment to property values or constitute a blighting influence within a reasonable distance of the lot.
- ~~a~~.b. When a lot line coincides with a residential district, a buffer of not less than five (5) feet in width shall be landscaped and screened in compliance with Section 13, Subd. 10 of this Ordinance.
- ~~a~~.c. Parking shall be screened from view from butting residential district and uses in compliance with Section 13, Subd. 10 of this Ordinance.
- ~~a~~.d. The entire area other than that occupied by buildings or structures shall be surfaced or grassed to control dust and drainage.
- ~~a~~.e. Vehicular access points shall create a minimum of conflict with through movement.

I. Establishments serving liquor, including, but not limited to, bars, cocktail lounges and taverns.

J. Grocery store, provided it has one (1) off-street parking space for each 100 square feet of building floor space.

K. Gunsmith

L. Indoor ice cream.

M. Indoor tennis, racquet ball, hand ball, and/or similar recreational uses.

N. Library

- O. Liquor and beer establishments requiring any licensing, including, but not limited to, the following: non-intoxicating liquor off-sale, non-intoxicating liquor on-sale; on-sale wine; and establishments requiring consumption and display permits.
- P. Meat market and meat processing facilities to include slaughtering, providing that the following requirements are met:
1. Meat processing facilities may be allowed by a Conditional Use Permit only as an accessory use to a meat market. The meat processing facility shall be located in the same building as a meat market and the floor area of the slaughter area shall not exceed the floor area of the processing area and meat market
 2. The applicant shall submit a plan showing all staging areas for the temporary storage of carcasses and disposal of animal remains, as outside storage is prohibited within the Central Business District.
 3. The applicant shall demonstrate that the general standards and requirements for meat processing facilities as outlined in Section 13: General Provisions, Subdivision 17 can be met.

Q. Miniature Golf

R. Mini Storage.

~~X~~ S. Motor vehicle sales, including new and used automobiles, trucks, motorcycles, recreational vehicles and equipment, boats and marine sales, that involve outdoor display and sales area larger than thirty (30) percent of the area of the principle building providing that:

- a. Outside sales areas are fenced or screened from view of neighboring residential uses or districts in compliance with General Provisions – Fencing regulations, of this Ordinance.
- b. Area is grassed or surfaced to control dust.
- c. Use does not take up parking space as required for conformity to this Ordinance.
- d. The sales area is surfaced with bituminous or concrete.
- e. Accessory automobile repair shall require the processing of a separate Conditional Use Permit (CUP).

- T. Open or outdoor service, sale and rental as a principal or accessory use and including sales in or from motorized vehicles, trailers, or wagons provided that:
- a. Outside services, sales and equipment rental connected with the principal use is limited to thirty (30) percent of the gross floor area of the principal use.
 - a.b. Outside sales areas are fenced or screened from view of neighboring residential uses or districts in compliance with Section 13, Subd. 10, of this Ordinance.

a-c. Storage are is surfaced to control dust such as bituminous, rock, concrete.
Also, see site plan review ordinance.

a-d. The use does not take up parking space as required for conformity to this Ordinance.

U. Parking and vehicles – when not an accessory use to a business.

V. Planned unit developments.

W. Processing, storage, and commercial uses involving the production, processing, or storage of hazardous wastes, or which create hazardous waste as a byproduct. Or involving the production, processing, or storage of explosive or flammable materials.

- a. A site plan shall be submitted describing the storage, transportation, and final disposal of the hazardous waste.
- b. Proof of registration with the Minnesota Pollution Control Agency as a hazardous waste generator shall be submitted to the city prior to approval.

X. Public or quasi-public development

Y. Recreation Center

Z. Residential living quarters if the unit is in the same building as commercial use, and as long as off street parking requirements are met.

AA. Restaurants.

BB. Retail store over 5,000 square feet

CC. Senior citizen apartments.

DD. Youth center.

Subd. 5. Interim Uses

A. Flea Markets

B. Pawn Shops

C. Tattoo Establishments, non-adult use.

Subd. 6. Accessory Uses

- A. Accessory uses incidental to, and on the same zoning lot as, the principal use are allowed.

**CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
AUGUST 9, 2010**

1. Meeting Opening.

A. Call to Order.

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: David Englund, Sue Larson, Cindy Lind-Livingston, Ross Lorinser, Steve Rask, Michael Streiff III, and Sean Stevens.

Members Absent: None.

Staff Present: Lisa Krause, City Planner

D. Agenda Modifications.

Krause stated there were no modifications to the Agenda.

2. Approval of Minutes from July 13, 2010 Planning Commission Meeting.

Motion by Lorinser, second by Larson to approve the July 13th, 2010 Planning Commission Meeting Minutes. Motion was unanimously approved.

3. Public Hearings.

A. Request from Federated Co-op Inc to Amend Ordinance No. 445 Zoning: Section 7 Business Districts, Article 1 "B-1" Central Business District (CBD) to include Motor Vehicle Sales with accessory outdoor sales lot.

Krause presented the staff memo regarding the request. Krause stated that Mr. Scott Laboe was present to answer any questions that the Commission members may have.

Lorinser questioned if there was proposed language for the leasing portion of the request.

Krause stated that City staff would copy the language that is currently used within the zoning ordinance for the leasing request. Krause stated that both leasing and sales are required to meet the same types of performance standards.

Stevens opened the public hearing at 7:03 p.m.

Stevens questioned if the descriptions of the items to be sold should be further defined.

Krause questioned if we were referring to the ATV, etc.

Stevens stated yes. Stevens questioned if they were further defined in ordinance as vehicles under a specific number of cc's.

Krause stated no. Krause stated that under the current definition for recreational vehicles, a large number of items are identified, including campers and motor homes. Krause stated that the property owner is not requesting to have all of those items. Krause stated that staff is trying to narrow the language in the draft Ordinance to identify only those items the property owner would be looking to sell.

Lorinser questioned if there was enough room on the lot.

Krause stated that there is a great deal of impervious surface space available. Krause stated that there is also a parking variation for the property, in which there should be some areas on the property that do not have parking spaces, which could be utilized.

Laboe stated that most will be kept inside or around the skirting of the building. Laboe stated that when it came to the U-Hauls, there would be one or two vehicles. Laboe stated that if there were more than that at any one time, they would have them picked up. Laboe stated that they would not be selling motor vehicles. Laboe stated that it would be small trailers and ATVs.

Lorinser questioned if they were looking at the more northern style trailers.

Laboe stated that was correct. Laboe stated they would be selling the small, aluminum ones that are flat.

Larson questioned what they planned on doing to secure the items over night. Larson questioned if the items would be brought into the store.

Laboe stated that most items would be brought into the store in the evening. Laboe stated that the larger items would have a security system running through them similar to that used for the mowers and snow blowers.

Larson questioned where the U-Hauls would be parked.

Laboe stated that those would be parked out front. Laboe stated that they would be parked near the propane tank. Laboe stated that they would not have more than two. Laboe stated that there is no U-Haul dealer in the area, so this is a plus.

Lorinser questioned if the use would be listed as a CUP or Interim Use

Krause stated that it was proposed as a Conditional Use.

Lorinser questioned if with the Conditional Use the types of vehicles and other provisions can be specified. Lorinser questioned if that was in the Ordinance.

Krause stated that conditions could be placed upon the CUP approval at the time that it is brought back. Krause stated that the conditional use runs with the property.

Lorinser stated that he was looking at the wrong page. Lorinser questioned if G is the actual amendment to the Ordinance. Lorinser questioned if the Planning Commission did include the leasing request, would that need to be added.

Krause stated that the Ordinance would need to be revised to include that item as well.

Streiff questioned if a definition should be added to narrow down the types of vehicles. Streiff stated that the ATV's, dirt bikes, etc was quite broad. Streiff questioned if it should not be amended to read that anything under 1,000 cc's.

Laboe stated that they would not have anything over 1,000 cc's.

Lorinser questioned if the Ordinance included a definition for an ATV.

Krause stated that it does not.

Streiff stated that anything over 1,000 cc's would be different.

Laboe stated that Federated would not have a problem with the limitation. Laboe stated that they would be fine with a limitation on the number of U-Haul's as well.

Lorinser questioned if there would need to be a second public hearing.

Krause stated that upon submittal of the application for the text amendment, Federated Co-op had not submitted for a conditional use or interim use. Krause stated that at this time, the Planning Commission was holding the hearing to amend the text only. Krause stated that the business would need to apply for the appropriate permit and come back through the process at another meeting.

Lorinser stated that the PC could add to the text as provided. Lorinser stated that they could come back and review further definitions and the leasing item at a different meeting.

Krause stated that the Planning Commission could recommend changes to the Ordinance and have those changes forwarded to Council.

Lorinser questioned what can be changed tonight.

Krause stated that the Planning Commission could recommend changes as outlined.

Lorinser questioned if the leasing item needed a second public hearing.

Krause stated that in discussions with the City Attorney, the Planning Commission would have the authority to include the item if they desire at the time of the public hearing.

Stevens questioned if they park two trucks on the site would there be parking issues.

Krause stated that there is a parking variance on the property. Krause stated that there are spaces available on the lot to park the vehicles. Krause stated that a formal parking count would be taken at the time of the CUP application.

Englund stated that the size of the building required a higher number of parking spaces. Englund stated that the number of parking required was so large compared to the actual number that would be used.

Lind-Livingston questioned the size of the U-Hauls that would be parked.

Laboe stated that there would probably be a larger and smaller vehicle.

Lorinser questioned if there were any parking spaces behind the building.

Laboe stated that there were. Laboe stated that there is ample parking on the property.


Streiff questioned the number of vehicles.

Laboe stated that it varies because of the one-way rentals and drop-offs. Laboe stated that if they had more than the two vehicles they could be put in back.

Lorinser stated that his concern is there is one request in front of the Planning Commission and they are looking at a whole second request. Lorinser stated that he did not feel comfortable with tacking on a second item without having officially advertized for the text amendment request for the leasing. Lorinser questioned if there would need to be a second hearing.

Krause stated that they would have to publish for the item if the Planning Commission did not act on the leasing request.

Stevens questioned where motor vehicle sales are permitted.

 Krause stated that motor vehicle sales are listed as a conditional use in the B-2 district, which is mainly along TH 65.

Stevens stated that it is not permitted in any district.

Krause stated that is correct.

Lorinser questioned if all the items would be on paved surfaces.

Laboe stated that was the plan.

Lorinser stated that currently there is an ATV on the grass. Lorinser stated that they would need to meet the Ordinance requirements.

Stevens stated that he was confident in the language for the sales as provided in the Ordinance. Stevens stated that the leasing portion would need to be removed and public notice provided for a separate hearing.

Stevens closed the public hearing at 7:15 p.m.

Motion by Stevens, second by Lorinser to recommend approval of the amendment to Ordinance No. 445 Zoning: Section 7 Business Districts, Article 1 "B-1" Central Business District (CBD) to include motor vehicles sales with accessory open sales lot as provided. Motion was unanimously approved.

Roxanne Achman

From: Clark Joslin <cjoslin@joslinmoore.com>
Sent: Tuesday, June 28, 2016 9:28 AM
To: Roxanne Achman
Cc: Don Lorsung
Subject: RE: Zoning code error

Roxanne:

Based upon your research and the documentation that you have cited which clearly shows it to have been an inadvertent clerical oversight not to include it in the recodification of the zoning Ordinance it is my opinion it may be corrected by Resolution directing that due to inadvertent omission it is to be added as a conditional use in the B-2 zone under Ordinance 445, as the record clearly indicates that was the intent at the time Ordinance 445 was adopted. In my opinion a new public hearing need not be required under these circumstances.

Clark A. Joslin
Isanti City Attorney
Joslin & Moore Law Offices, P.A.
221 2nd Avenue NW
Cambridge, MN 55008
(763) 689-4101 (phone)
(763) 689-9794 (fax)
cjoslin@joslinmoore.com (e-mail)

From: Roxanne Achman [mailto:RAchman@cityofisanti.us]
Sent: Tuesday, June 28, 2016 9:16 AM
To: Clark Joslin (cjoslin@joslinmoore.com) <cjoslin@joslinmoore.com>
Subject: Zoning code error

Clark,

It was recently discovered that Motor Vehicle Sales was inadvertently left out of the B-2 General Business District when Zoning Ord. 176 was repealed and replaced with Zoning Ord. 445. I believe it was inadvertent due to the fact that it was a Conditional Use in Ord. 176 and when the Planning Commission decided to amend Ord. 445 to allow Motor Vehicle Sales in the B-1 District in 2010, it was stated in the minutes that the only other area that allows Motor Vehicles Sales is the B-2 District. I believe everyone was under the assumption that it was allowed with at CUP in the B-2 District. I also did not find any discussion on removing it from the B-2 District when Ord. 445 was being drafted.

My question is, how do I proceed from here? Do I need to hold a public hearing to add it back into code? Can I just inform the Planning Commission that it is to be added back in due to an error back in 2008?

Thank You!

Roxanne Achman, AICP
Community Development Director
City of Isanti
110 – 1st Ave NW
P.O. Box 428
Isanti, MN 55040



**CITY OF ISANTI
PLANNING COMMISSION MEETING
WEDNESDAY, AUGUST 10, 2016 – 7:00 p.m.
CITY HALL**

1. Meeting Opening
 - A. Call to Order
 - B. Pledge of Allegiance
 - C. Roll Call
 - D. Agenda Modifications
2. Approval of Minutes from July 12, 2016 Planning Commission Meeting
3. Public Hearings
 - A. Request from Blake Jedneak, Soca Powersports, for Approval of a Conditional Use Permit to allow for Motor Vehicle Sales within the Dual Square Mall located at 401 East Dual Blvd NE, Isanti, Minnesota.
 - B. Request from EverCat Fuels for Approval of a Conditional Use Permit to allow for Outdoor Storage on the property located at 425 East Dual Boulevard NE, Isanti, Minnesota.
 - C. Request from the City of Isanti to Approve an Amendment to Zoning Ordinance 445 Opting Out of Minnesota State Statute 462.35.93 which Permit and Regulate Temporary Family Health Care Dwellings.
4. Other Business
 - A. None.
5. Discussion Items
 - A. Update on Highway 65 Overlay District.
6. Adjournment

**CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
JULY 12, 2016**

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, Paul Bergley, Steve Lundeen, Wayne Traver, Greg Cesafsky, and Jim Kennedy.

Members Absent: None

Staff Present: Community Development Director, Roxanne Achman

Others Present: None

D. Agenda Modifications.

Achman stated she wanted to 5.A. to discuss the concept of an overlay district along the Highway 65 corridor.

2. Approval of Minutes from June 14, 2016 Planning Commission Meeting.

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

Motion by Lundeen second by Kennedy to approve the June 14th, 2016 Planning Commission Meeting Minutes. Motion was unanimously approved.

3. Public Hearings.

A. Request from Bobby and Chad Bunes for an Interim Use Permit to allow for a pet grooming salon to be located within the Dual Square Mall located at 401 East Dual Blvd NE, Suite 114.

Duncan read the item into the minutes.

Achman presented the staff memo.

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

Motion by Lundeen second by Bergley to recommend approval of the request from Bobby and Chad Bunes for an Interim Use Permit to allow for the establishment of a pet grooming salon on the property located at 401 East Dual Blvd NE, Suite 114 based on the Findings of Fact and Conclusion with the following conditions:

1. The petitioner shall make application for and receive approval of any appropriate additional permits (building, plumbing, etc.) from the Building Official related to the business operation.
2. The petitioner shall obtain any necessary County or State licenses for the business; and copies of such shall be provided to the City.
3. The premises in which the animals will be kept and groomed shall be kept in a clean, sanitary, healthful, and humane manner at all times; and shall be open to inspection by the Animal Warden or other person charged with the enforcement of Chapter 87 of the Isanti City Code or any other health or sanitary regulation of the City at reasonable times. Failure to do so shall constitute grounds for the revocation of the Interim Use Permit.
4. Dogs shall be leashed at all times coming both to and from any vehicle arriving for an appointment.
5. The property shall be kept clean. All dog feces shall be picked up and removed from the property on a daily basis.
6. The Interim Use Permit is granted to Bobby and Chad Bunes for the property located at 401 East Dual Blvd NE. The Interim Use Permit shall terminate upon the occurrence of any of the following events; whichever comes first: (1) the sale or lease of the property to another renter or owner; (2) the use has been discontinued for one year; or (3) the City Council suspends or revokes the Interim Use Permit upon failure of the interim use to comply with the conditions of approval and/or the property or use is found to be in violation of other City Ordinances.

Motion carried unanimously.

4. Other Business.

A. Resolution and Ordinance to Amend Zoning Ordinance No. 445, Section 7 Business District, Subdivision 3 Conditional Uses to Correct an Inadvertent Omission of Motor Vehicle Sales.

Duncan read the item into the minutes.

Achman presented the staff memo.

Duncan asked if Motor Vehicles Sales were listed as a Condition Use in the B-2 District prior to the rewrite.

Achman confirmed that it was.

Motion by Bergley second by Cesafsky to recommend approval of a Resolution and Ordinance to Amend Zoning Ordinance No. 445, Section 7 Business District, Subdivision 3 Conditional Uses to Correct an Inadvertent Omission of Motor Vehicle Sales. Motion carried unanimously.

5. Discussion Items.

A. Discussion on a Highway 65 Overlay District.

Duncan read the item into the minutes.

Achman stated that with recent development occurring along Highway 65, staff has been discussing the importance of an overlay district. The overlay district would have enhanced requirements to ensure a nicer look along 65. Maybe the district only extends 500 feet out on each side of the highway and those properties need to have a certain type of façade, increased

landscaping, and certain uses typically allowed in the B-2 may not be permitted along this corridor. Maybe we prohibit businesses such as car dealerships and focus on retail/commercial and office along 65. Staff is requesting that the Planning Commission give some consideration to an overlay district.

Lundeen stated he doesn't want to see the City start limiting businesses on what they have to build. He stated he doesn't want to deter businesses from coming to Isanti. He agreed that he doesn't want to see them look trashy, but doesn't think stipulations should be placed on businesses and how they look. Lundeen felt this discussion was stemming from the Coborn's building and how blah it is. He further stated that the building was not constructed as shown in their drawings that were submitted to the City and approved. Lundeen stated he doesn't want to see the City put any stipulations on the buildings. He said he could understand some landscaping. The City already stipulates that it can't be a steel building or a pole structure. That's understandable, but he doesn't want to see the City start forcing decorative building.

Bergley asked if it was staff's intent to start forcing buildings to have a certain type of brick.

Achman stated the B-2 District currently has requirements for what can be on the exterior of a building; however, there are not limitations on the amount of material that can be used. For example, a building could have an exterior material of EFIS. It could span for 100 feet with nothing on it and meet our requirements. The overlay district would require that every 50 feet of building would need to be broken up to give the building more dimension and create a more visually pleasing structure. It could be broken up by windows or architectural features to break up the blank space. Landscaping could be included with this as well. The City currently has an overlay district in the downtown. Overlay districts are not uncommon along main corridors in many communities. It would also provide the City with the opportunity to discuss what uses may or may not fit along the corridor. The uses need to be appealing to people driving through the City.

Bergley asked if this discussion stemmed from Coborn's.

Achman stated that it's a number of projects. The city is getting more and more inquiries about properties along the Highway 65 corridor. There is a lot of land available. If the City wants to make a change and wants the City to look a certain way, now is the time to make some changes.

Lundeen stated that he doesn't want to tell people that they have to do something. He stated he thinks they get regulated enough. As business come into town they don't want to be told they have to put another \$30,000 into their business just to be on 65.

Duncan stated that the question at hand seems to be whether the City wants special overlay restrictions or additional requirements along Highway 65 as opposed to the B-2 District.

Achman clarified that the B-2 District would remain the underlying zoning district. The corridor overlay would have special requirements in addition to the B-2 requirements.

Cesafsky asked if there were any more specifics on this type of overlay district. He asked if there were landscaping, or green space requirements, or is it specifically exterior materials.

Achman indicated she felt there could be more specific landscaping requirements. The current requirements are minimal and the City relies on the applicant to supply a landscaping plan verses the City giving the applicant an idea of what the City really wants. Overlay districts typically cover the amount of signage, which is already covered in code, the visual effects of the building, setbacks- the building should be closer to the road and parking behind, breaking up long spans of the building, screening loading doors, etc. It creates a more visually pleasing corridor.

Bergley asked if cost is taken into consideration when creating an ordinance like this.

Lundeen and Kennedy concurred that creating a better looking building costs more.

Duncan asked for clarification on where else in town there are properties zoned B-2.

Achman stated that there are a lot of B-2 properties along Heritage and within the Anlauf Commercial Park where the clinic is being built. She further stated that if an overlay corridor were created, it should only extend a certain distance out from Highway 65 so that it's only affecting properties directly on 65.

Traver questioned how important it was to have an overlay district. Do people really notice these things when they are driving? Can it just be dressed up with some landscaping?

Achman stated that it would be noticeable.

Lundeen made an example out of the O'Reilly Auto store in Cambridge, where people didn't seem to notice it being built even though it's on a main corridor.

Cesafsky asked if staff was referring more to appearance. He provided an example of how when Siren, Wisconsin was rebuilt after a tornado, most of the structures were rebuilt with a log appearance. He stated he assumed that wasn't all by choice. Cesafsky asked how many businesses already in place wouldn't meet the requirements of the corridor overlay.

Achman stated that the city wouldn't go to the extreme that we are choosing a specific look for our city as Siren, WI did. Staff is interested in holding a slightly higher standard that would prevent a bland building and would create more of an inviting feel to the City.

Lundeen stated he didn't think there were many lots remaining along Highway 65 that would affect the appearance of the corridor. He felt there would only be two or three more buildings.

Achman stated that she felt there were more than ten available sites remaining on Highway 65.

Lundeen stated that businesses everywhere are tired of being regulated. Businesses are going to go where they aren't regulated such as the townships.

Duncan felt that another approach would be to improve some of the requirements in the B-2 district rather than creating an overlay district.

Achman stated that the biggest obstacle with that is there are a number of uses allowed in the B-2 District that are not necessarily ideal to be placed along the Highway 65 corridor.

Cesafsky asked if the goal was to have more control over what type of business can be built there. Achman stated that was correct.

Duncan asked for examples those types of businesses.

Achman indicated that businesses such as auto sales or storage facilities wouldn't necessarily be the most desirable along the corridor.

Cesafsky stated that it would be good for the city to have more control over the premium pieces of property that are available in Isanti.

Lundeen indicated that he didn't think businesses like that would spend the money to purchase those locations. The price and taxes would make it cost prohibitive for some businesses to build there.

Cesafsky stated that with the development along the corridor; with the clinic and Coborn's; the corridor only has so many parcel of premium land and to have some control over what goes along the corridor isn't a bad thing.

Lundeen stated he would be more open to regulating what can and cannot be built along the corridor, rather than what the building needs to look like. He further stated that a discussion on façade gets into forcing someone to build something that goes over budget.

Achman stated she didn't think the requirements would be much different than what is in place now.

Duncan stated that it would be more about breaking up the long horizontal spans of the building.

Achman suggested bringing some ideas back to the Planning Commission to give them a better idea of what staff has in mind for a corridor overlay district.

The Commissioners agreed that staff is to bring back ideas to the next Planning Commission meeting.

6. Adjournment

Motion by Bergley second by Lundeen to adjourn the July 12th, 2016 meeting of the Planning Commission. Motion was unanimously approved.

The meeting adjourned at 7:23 p.m.

Dated at Isanti, Minnesota this 12th day of July 2016.

Respectfully submitted,

Roxanne Achman, AICP
Community Development Director



Public Hearing

To: Chairman Duncan
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: August 10, 2016

Subject: Request from Blake Jedneak, Soca Powersports, for Approval of a Conditional Use Permit to allow for Motor Vehicle Sales within the Dual Square Mall located at 401 East Dual Blvd NE, Isanti, Minnesota.

Background

Blake Jedneak of Soca Powersports is leasing space from Bullseye Properties and sells RC cars and car accessories in addition to mini ATV's, UTV's and dirt bikes. The sale of motor vehicles requires a CUP in the B-2 General Business District.

Staff met with Blake Jedneak, owner of Soca Powersports, to discuss his business. The majority of ATV's and dirt bikes are child size and stored within the office. There would be one UTV that would be parked and stored within the parking lot and would be locked or chained down when the business is closed. Parking of the motor vehicle will only be permitted with two 9'x19' parking stalls. None of the items have ever had gasoline in them and will not have gasoline in them, eliminating the concern of customers driving around the property or on the street. The hours of operation are Monday and Wednesday 6pm – 9pm and Saturday 9am – 5pm.

There is sufficient parking on site. There are 45 parking stalls on site; 37 stalls are required for the entire mall.

Subdivision 12: Motor Vehicle Sales and Rental/Leasing Facilities

- A. Services and sales are associated with a principal building with a minimum floor area of at least one thousand (1,000) square feet. ***The principal building is roughly 9,250 square feet.***
- B. All area of the property not devoted to building, parking, or open sales lot area shall be landscaped in accordance with Section 15 of this Ordinance. ***The use is part of an existing building with previous site plan approval.***
- C. Off-street parking and loading shall meet the requirements as stipulated within Section 17 of this Ordinance. ***There are 45 parking stalls on site. The Mall requires 37 stalls (1 stall/250sf floor area). 2 stalls will be used for display, bring the total used stalls to 39.***
- D. All new or used vehicles parked or displayed outdoors on the property shall conform to all requirements of the State of Minnesota; shall be operable; shall include all engine, muffler, brakes, and operating parts; shall be equipped with all exterior body parts as if new (for a passenger vehicle, truck or van, this shall mean four (4) tires, all doors and windows, headlamps and grillwork, mirrors, fenders, trunk, lids, body panels and molding, etc. or if a boat, all windshields, safety railings, hulls, trailer, etc.); shall be uniformly and wholly painted; and shall be free from having any loose or damaged exterior parts. ***Applicant to be made aware of this requirement.***
- E. All repair, assembly, disassembly or maintenance of motor vehicles or motor vehicle parts shall occur within an enclosed building. ***No on site repair, assembly, disassembly or maintenance will occur on site.***

- F. A detailed site plan conforming to the requirements of Section 18 of this Ordinance shall be submitted. The site plan shall also illustrate the location of all open sales and storage areas. *There will be no changes to the site. Two parking stalls (an area of 18'x19') will be used as a display in spaces nearest the door to Suite 110.*
- G. No outside speaker system shall be permitted without the approval from the City Council. *Applicant to be made aware of this requirement.*
- H. A landscaped buffer shall be provided, if the use abuts any residential zoning district. Solid screening to a minimum height of six (6) feet shall be provided along any portion of the open sales lot abutting a residential property or district. Such screening shall consist of a continuous landscape berm, solid wood fence, wall, or other comparable material. Fencing shall be constructed of wood or comparable material and should be of an ornamental or decorative design. If a chain link or wood fence is used, landscaping shall be provided on the outside of the fence facing the abutting residential property or district. *Not applicable.*

Staff Recommendation:

Staff recommends approval of the Conditional Use Permit subject to the conditions outlined in Sections 13 and 21 of Zoning Ordinance No. 445.

Comprehensive Plan

The 2008 Comprehensive Plan has the area guided for General Commercial Development. The existing uses and the proposed use would appear to meet purpose, goals, and objectives of this land use classification.

Zoning

The property is zoned "B-2" General Business District. Motor Vehicle Sales are listed as a Conditional Use within the "B-2" District. The petitioner is subject to the application requirements, procedure, and performance standards as outlined within Section 21 Administration, Article 2 Conditional Use Permits and Section 13 Use Regulations, Subdivision 12 of Ordinance No. 445: Zoning.

Zoning Ordinance Provisions

The property is zoned "B-2" General Business District. It is the intent of this zoning district to promote the development of commercial uses which are predominately auto-oriented in nature. The district caters to highway-oriented businesses as well as businesses that provide basic shopping and service needs for the community. Compatibility with adjacent uses and buildings is required within the district, as site design, building size and materials, and screening/landscaping are important to the creation and maintenance of a thriving commercial base.

Conditional Use Permit Requirements

Upon review of a Conditional Use Permit request, the Zoning Ordinance provides factors and standards that must be reviewed by the Planning Commission. Section 21, Article 2 Conditional Uses states:

- D. The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:
 - 1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
 - 2. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.
 - 3. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.

4. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
5. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
6. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
8. The conditional use complies with the general and specific performance standards as specified by within this Article.

Certification of Taxes Paid

Prior to approving an application for a conditional use permit, certification must be provided to the City that there are not any delinquent property taxes, special assessments, penalties, interest, or outstanding municipal utility fees. City staff did verify with Isanti County on Wednesday, June 29, 2016; that all taxes associated with the property were current.

Public Notice

Notice was published within the Isanti County News on July 27th, 2016. Written notification was provided to property owners located within 350' of the subject site as required by Minnesota State Statute.

Public Comment

To date, no public comment or questions had been received.

Development and Operations Advisory Committee:

The Development Advisory Committee met on July 21, 2016 to discuss the Conditional Use Permit request. The committee recommended approval of the CUP subject to the submittal of all requested documents and information requested by the Community Development Director.

Deadline for City Council Action

The City of Isanti received a complete application for a Conditional Use Permit on June 29, 2016. Pursuant to Minnesota State Statute, the City must act on this request by August 28, 2016 (60 days). The only exception to these deadlines provided would be if the City provides the petitioner with written reasons for an additional 60-day review period.

Options & Proposed Motion Language

1. Recommend Approval with No Conditions: Motion to recommend approval of the request from Blake Jedneak, Soca Powersports, for Approval of a Conditional Use Permit to allow for Motor Vehicle Sales within the Dual Square Mall located at 401 East Dual Blvd NE, Isanti, Minnesota.
2. Recommend Approval with Conditions: Motion to recommend approval of the request from Blake Jedneak, Soca Powersports, for Approval of a Conditional Use Permit to allow for Motor Vehicle Sales within the Dual Square Mall located at 401 East Dual Blvd NE, Isanti, Minnesota with the following conditions.....
3. Recommend Denial: Motion to recommend denial of the request from Blake Jedneak, Soca Powersports, for Approval of a Conditional Use Permit to allow for Motor Vehicle Sales within the Dual Square Mall located at 401 East Dual Blvd NE, Isanti, Minnesota for the following reasons.....
4. Table: Motion to table the request from Blake Jedneak, Soca Powersports, for Approval of a Conditional Use Permit to allow for Motor Vehicle Sales within the Dual Square Mall located at 401 East Dual Blvd NE, Isanti, Minnesota (a specific reason and information request should be included in the motion to table).

Attachments

- Resolution No. 2016 - XXX
- Findings of Fact and Conclusion
- Narrative of Business Operations

RESOLUTION NO. 2016-

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP) FOR MOTOR VEHICLE SALES IN THE BUILDING LOCATED AT 401 EAST DUAL BOULEVARD NE, ISANTI COUNTY, ISANTI, MINNESOTA

WHEREAS, Bullseye Properties own the property located at 401 East Dual Boulevard NE, Isanti, Minnesota; and,

WHEREAS, Blake Jedneak is requesting to operate a motor vehicle sales office with vehicle displays within the building located at 401 East Dual Boulevard NE; and,

WHEREAS, the property is located within the "B-2" General Business District, which requires a Conditional Use Permit (CUP) for motor vehicle sales and display within said district; and,

WHEREAS, the City of Isanti Planning Commission conducted a public hearing on the proposed Conditional Use Permit on August 10th, 2016; and,

WHEREAS, the City of Isanti Planning Commission recommended approval of the proposed Conditional Use Permit subject to the conditions as listed below; and,

WHEREAS, the City Council reviewed the requested Conditional Use Permit at its regularly scheduled meeting on August 16th, 2016; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ISANTI, MINNESOTA, that it adopts the Findings of Fact and Conclusion related to the requested Conditional Use Permit and **BE IT FURTHER RESOLVED** that the requested Conditional Use Permit for a motor vehicle sales and display to be located at 401 East Dual Boulevard NE be hereby approved subject to the following conditions:

1. Services and sales are associated with a principal building with a minimum floor area of at least one thousand (1,000) square feet.
2. All area of the property not devoted to building, parking, or open sales lot area shall be landscaped in accordance with Section 15 of this Ordinance.
3. Off-street parking and loading shall meet the requirements as stipulated within Section 17 of this Ordinance.
4. All new or used vehicles parked or displayed outdoors on the property shall conform to all requirements of the State of Minnesota; shall be operable; shall include all engine, muffler, brakes, and operating parts; shall be equipped with all exterior body parts as if new (for a passenger vehicle, truck or van, this shall mean four (4) tires, all doors and windows, headlamps and grillwork, mirrors, fenders, trunk, lids, body panels and molding, etc, or if a boat, all windshields, safety railings, hulls, trailer, etc.); shall be uniformly and wholly painted; and shall be free from having any loose or damaged exterior parts.
5. All repair, assembly, disassembly or maintenance of motor vehicles or motor vehicle parts shall occur within an enclosed building.
6. A detailed site plan conforming to the requirements of Section 18 of this Ordinance shall be submitted. The site plan shall also illustrate the location of all open sales and storage areas.
7. No outside speaker system shall be permitted without the approval from the City Council.
8. A landscaped buffer shall be provided, if the use abuts any residential zoning district. Solid screening to a minimum height of six (6) feet shall be provided along any portion of the open sales lot abutting a residential property or district. Such screening shall consist of a continuous landscape berm, solid wood fence, wall, or other comparable material. Fencing shall be constructed of wood or comparable material and should be of an ornamental or decorative design. If a chain link or wood fence is used, landscaping shall be provided on the outside of the fence facing the abutting residential property or district.
9. Motor vehicle displays shall take up no more than two 9'x 19' parking stalls.

Adopted by the Isanti City Council on this 16th day of August 2016.

Attest:

Mayor George A. Wimmer

Lindsey McInnis
Human Resources/City Clerk

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from Blake Jedneak, Soca Powersports, for Approval of a Conditional Use Permit to allow for Motor Vehicle Sales within the Dual Square Mall located at 401 East Dual Blvd NE, Isanti, Minnesota.

Findings of Fact

1. The applicant is requesting to operate a Motor Vehicle Sales and Display on the property located at 401 East Dual Boulevard NE (Dual Square Mall).
2. The property is zoned "B-2" General Commercial District.
3. A Conditional Use Permit is required for Motor Vehicle Sales and Display within the "B-2" General Commercial District.
4. The petitioner submitted a Conditional Use Permit Application, the required application fee and associated materials on June 29th, 2016. Staff had reviewed such application and deemed such application complete on June 29th, 2016. Pursuant to Minnesota State Statute, the City must act on this request by August 28th, 2016 (60-day rule).
5. A public hearing date before the Planning Commission was scheduled for Wednesday, August 10th, 2016 at 7:00 p.m. at City Hall within the Council Chambers.
6. Notice of the Conditional Use Permit request was published within the Isanti- County News on Wednesday, July 27th, 2016. Notices were sent to all property owners located within 350 feet of the subject property.
7. Section 21, Article 2: Conditional Use Permits, Subdivision 3 (D) of the Zoning Ordinance establishes factors that the judgment of the Planning Commission shall be based upon when reviewing a Conditional Use Permit request as well as Section 21, Article 2: Conditional Use Permits, Subdivision 4 General Performance Standards of the Zoning Ordinance establishes additional general standards that shall be used to evaluate any proposed conditional use permit request.

Conclusions

1. In review of the standards established in Section 18, Subdivision 7, the following conclusions have been made (*conclusions to each requirement are shown in underlined italics*):
 - A. Consistency with the elements and objectives of the City's development guides, including the Comprehensive Plan.
As outlined within the staff memo, the elements of the project would appear to meet the requirements of the zoning ordinance and the intent of the land use designation in which the property is located.
 - B. Consistency with City Codes.
Overall, the proposal appears to be consistent with city codes and ordinances. The plans provided would appear to meet the minimum requirements set by the zoning ordinance (setbacks, parking, landscaping, lighting, etc).
 - C. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas.
This is an existing site. There will be no physical changes to the property.
 - D. The amount and location of open space and landscaping.
The amount of open space and landscaping are based upon the original site plan.
 - E. Vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.
The existing parking area meets the parking requirements set forth in Section 17 of the Zoning Ordinance.

- F. Protection of adjacent and neighboring properties through reasonable provision of surface water drainage, sound and light buffers, preservation of views, lights, and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.
There will be no physical changes to the property. Motor vehicle displays are permitted within the General Commercial District. There are no residential properties nearby requiring additional screening.
- G. Consistency with the City's Engineering and Design standards as adopted by Resolution of the City Council.
Not applicable.
2. In review of the standards established in Section 21, Article 2 Conditional Use (D); the following conclusions have been made (conclusions to each requirement are shown in underlined italics): The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:
- A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
As noted, the proposed use for the site would be consistent with the goals and objectives of the comprehensive plan.
- B. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.
The proposed use a permitted conditional use. It fits the intent of the ordinance and underlying zoning district ("B-2" General Commercial District).
- C. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
The establishment of the conditional use does not appear to endanger the public health, safety, morals and comfort of the surrounding area or the community. The proposal follows the requirements further outlined in Section 13: Use Regulations for Motor Vehicle Sales.
- D. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
The use of this property for motor vehicle sales shall abide by the conditions outlined in Section 13: Use Regulations for Motor Vehicle Sales.
- E. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
The use of this property for motor vehicle sales will not be detrimental to surrounding properties, nor will it impede normal and orderly growth.
- F. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
Adequate public facilities and services are existing and available.
- G. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
The requested conditional use permit appears to conform to the applicable regulations required for the district and the performance standards outlined within the zoning ordinance. Conditions will be placed on the approval to ensure that the property is used in accordance to the ordinance requirements.
- H. The conditional use complies with the general and specific performance standards as specified by within this Article.
These have been evaluated as part of the findings of fact; and can be found within this document.

3. In review of the standards established in Section 21, Article 2 Conditional Use, Subdivision 4 General Performance Standards; the following conclusions have been made (conclusions to each requirement are shown in underlined italics):
- A. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated an adequate public right-of-way shall be provided.
This site is currently served by a street of sufficient capacity. The proposed conditional use will not change the type or volume of traffic flow for this site.
 - B. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with Section 17 of this Ordinance.
Access and parking for this development are in compliance with Section 17 of this Ordinance.
 - C. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
Not applicable.
 - D. Adequate off-street parking and off-street loading shall be provided in compliance with Section 17 of this Ordinance.
Access and parking for this development are in compliance with Section 17 of this Ordinance.
 - E. Loading areas and drive-thru facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any adjacent residential use or district, and provided in compliance with Section 17 of this Ordinance.
Not applicable.
 - F. Whenever a non-residential use is adjacent to a residential use or district, a buffer area with screening and landscaping shall be provided in accordance with the provisions of Section 15 of this Ordinance.
Not applicable.
 - G. General site screening and landscaping shall be provided in compliance with Section 15 of this Ordinance.
Landscaping is existing and is consistent with the approved site plan for such building.
 - H. All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, and shall be in compliance with Section 14 of this Ordinance.
No additional lighting will be added.
 - I. The site drainage system shall be subject to the review and approval of the City Engineer.
Not applicable.
 - J. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing and potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
There will be no changes to the existing building.
 - K. Provisions shall be made for daily litter control, an interior location for recycling and trash handling and storage or an outdoor, enclosed receptacle area shall be provided in compliance with Section 14 of this Ordinance.
The refuse container is part of the existing building.
 - L. All signs and informational or visual communication devices shall be in compliance with Section 16 of this Ordinance.
There are no signage changes proposed.
 - M. The use and site shall be in compliance with any federal, state, or county laws or regulations that are applicable and any related permits shall be obtained and documented to the City.

The applicant will need to pull the appropriate permits and any appropriate fees must be paid for these permits and inspections completed by the appropriate staff person prior, during, and following construction if renovations are requested.

- N. Any applicable business licenses mandated by City Code are approved and obtained.
Not applicable.
- O. The hours of operation may be restricted when there is judged to be an incompatibility with a residential use or district.
Not applicable.
- P. The use complies with the applicable performance standards of the zoning district in which it is located and where applicable, any non-conformity shall be eliminated.
All performance standards are to be met and maintained.
- Q. Additional Stipulations. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general public health, safety, and welfare, can be served as well or better by modifying or expanding the conditions set forth herein.

Decision

The Planning Commission held a public hearing on the item at the **August 10th, 2016** meeting. The meeting minutes shall be made part of the Findings of Fact.

Soca powersports & RC cars is located at 401 e dual blvd suite #110 isanti MN 55040 in the middle portion of dual square mall. We sell a variety of small motorized mainly kids items including ATV'S, Dirt Bikes, UTVs, etc. We also sell radio controlled RC cars, trucks, and parts. Our hours of operation are 6-9pm Monday and Wednesday, 9am-5pm on Saturdays. All motorized gasoline powered items are brand new and have never been started. These items do not have gasoline in them. When a customer purchases a gasoline motorized item it is the customers responsibility to bring the item home, fill it with gasoline, and start the item for the first time. None of the items are started or ran for the customer before purchasing unless it is off business property and would only be considered on private property. One UTV will be displayed in front of the store if allowed by the city. When the business is closed the UTV is to remain locked/chained down.



Public Hearing

To: Chairman Duncan
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: August 10, 2016

Subject: Request from EverCat Fuels for Approval of an Amendment to Resolution No. 2013-192 Approving a Conditional Use Permit to allow for Outdoor Storage on the property located at 425 East Dual Boulevard NE, Isanti, Minnesota.

Background

In November 2015 staff met with businesses with outdoor storage who have been operating without the required Conditional Use Permit. The businesses have been given until October 31, 2016 to bring their properties into compliance and apply for a conditional use permit.

EverCat Fuels has outdoor storage on the property located at 425 East Dual Blvd NE. A conditional use permit was issued for outdoor storage via Resolution No. 2013-034 and later amended via Resolution No. 2013-192 in 2013. They currently have storage containers that are located outside of the designated and screened area of the property. This amendment is to expand the outdoor storage area and to require that the screening around the existing storage area is compliant with what is outlined in Resolution No. 2013-034 and 2013-192.

It is stated that:

“The chain-link fence shall be compatible with the building and surrounding area and have a minimum opaqueness of 80%. Slats will need to be woven into the fence to meet this requirement. Fabric cannot be used on the chain-link fence, but rather a heavier slat material must be used.”

The existing fence is currently covered with a nylon fabric, which does not meet the requirement as stated above.

EverCat plans to use a matching chain-link fence and to weave slates into the new and old fence to meet the requirements for a screening fence and what was previously required.

The privacy fence will enclose a majority of the property, to include the parking lot. It is imperative that the minimum number of stalls required remain open and available for staff and/or customers. Storage items shall remain on the concrete surface or other approved surface as described in Section 13, and shall not be placed in the required parking spaces.

Staff Recommendation:

Staff recommends approval of the conditional use permit subject to the conditions for outdoor storage.

Comprehensive Plan

The Industrial Land Use category “provides for areas in the community for industrial related businesses including manufacturing, warehousing, automotive, trucking, office and other related industrial uses. This designation is primarily located on the north portion of the community between the railroad and Highway 65. These uses are not as compatible with residential as well as some commercial uses. In locations where the

use may be located near residential and/or more sensitive commercial uses, screening and berming should be used to reduce its impact”.

Zoning Ordinance Provisions

The “I-1” Industrial Park District is established, in an effort to expand upon employment opportunities within the community. The purpose of the Industrial Park District is to group industrial uses in locations that have adequate and convenient access to major streets, highways and the railroad line. While the City is predominately residential in character, industrial uses are an important part of the City’s land use pattern. Regulations encourage the development of industrial uses that are compatible with surrounding and abutting land uses. In order to accomplish this compatibility, development within the district is intended for administrative, wholesaling, manufacturing, warehousing, office, and related uses which can maintain high standards of appearance, through building design, site design, and landscaping / screening, and not require a high level of public services. With proper control, these areas should be compatible with commercial or residential areas.

Conditional Use Permit Requirements

Upon review of a Conditional Use Permit request, the Zoning Ordinance provides factors and standards that must be reviewed by the Planning Commission. Section 21, Article 2 Conditional Uses states:

- D. The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:
1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
 2. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.
 3. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
 4. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
 5. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 6. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
 7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
 8. The conditional use complies with the general and specific performance standards as specified by within this Article.

Outdoor Storage Requirements

- A. Outside storage areas shall be surfaced with bituminous, concrete, or other surfaces, including but not limited to crushed rock, Class 5, or recycled materials; as recommended by the Planning Commission and approved by the City Council.
- B. Outside storage area shall not be placed within required parking or loading areas, which are deemed necessary to meet code requirements.
- C. Outside storage areas shall be located within the rear yard; however, outdoor storage may be located within the side yard, providing the side yard is not adjacent to or across the street from any residentially zoned property.
- D. All outside storage areas shall be effectively screened year-round, by a wall, fence, or densely planted vegetation in accordance with Section 15 of this Ordinance.

- E. Cars, vans, and pickup trucks parked outside and used by employees and/or visitors in the normal course of business operation will not be construed as outdoor storage. Further, outside parked trucks and semitrailers used in conjunction with normal business activities will not be construed to be outdoor storage provided (a) the total number of trucks and semi-trailers does not exceed the number of docks and/or bay doors; (b) such vehicles are currently licensed by the State of Minnesota and are in the process of delivering or picking up goods or materials, and (c) such use is not construed as an operation listed as a conditional use in the industrial zone. All other vehicles and/or equipment associated with the business shall meet the fencing and screening requirements as stipulated within this ordinance.

Certification of Taxes Paid

Prior to approving an application for approval of a Conditional Use Permit, certification must be provided to the City that there are not any delinquent property taxes, special assessments, penalties, interest, or outstanding municipal utility fees. City staff did verify with Isanti County on Friday, July 22, 2016; that all taxes associated with the property were current.

Public Notice

Notice was published within the Isanti County News on July 27th, 2016. Written notification was provided to property owners located within 350' of the subject site as required by Minnesota State Statute.

Public Comment

To date, no public comment or questions had been received.

Deadline for City Council Action

The City of Isanti received a complete application for a Conditional Use Permit on July 22, 2016. Pursuant to Minnesota State Statute, the City must act on this request by September 20, 2016 (60 days). The only exception to these deadlines provided would be if the City provides the petitioner with written reasons for an additional 60-day review period.

Options & Proposed Motion Language

1. **Recommend Approval with No Conditions:** Motion to recommend approval of the request from EverCat Fuels for Approval of an Amendment to Resolution No. 2013-192 Approving a Conditional Use Permit to allow for Outdoor Storage on the property located at 425 East Dual Boulevard NE, Isanti, Minnesota.
2. **Recommend Approval with Conditions:** Motion to recommend approval of the request from EverCat Fuels for Approval of an Amendment to Resolution No. 2013-192 Approving a Conditional Use Permit to allow for Outdoor Storage on the property located at 425 East Dual Boulevard NE, Isanti, Minnesota with the following conditions.....
3. **Recommend Denial:** Motion to recommend denial of the request from EverCat Fuels for Approval of an Amendment to Resolution No. 2013-192 Approving a Conditional Use Permit to allow for Outdoor Storage on the property located at 425 East Dual Boulevard NE, Isanti, Minnesota for the following reasons.....
4. **Table:** Motion to table the request from EverCat Fuels for Approval of an Amendment to Resolution No. 2013-192 Approving a Conditional Use Permit to allow for Outdoor Storage on the property located at 425 East Dual Boulevard NE, Isanti, Minnesota (a specific reason and information request should be included in the motion to table).

Attachments

- Resolution No. 2016 - XXX
- Findings of Fact and Conclusion
- Conditional Use Permit Narrative
- Site Plan layout

RESOLUTION NO. 2016-

A RESOLUTION APPROVING AN AMENDMENT TO RESOLUTION NO. 2013-192 APPROVING A CONDITIONAL USE PERMIT (CUP) FOR OUTDOOR STORAGE THE PROPERTY LEGALLY DESCRIBED AS LOT 1, BLOCK 2, DUAL INDUSTRIAL PARK

WHEREAS, Northwoods Bank of America currently owns the property at 425 East Dual Boulevard NE, legally described as Lot 1, Block 2, Dual Industrial Park; and,

WHEREAS, the petitioner has requested an Amendment to the Conditional Use Permit Approved through Resolution No. 2013-192 for outdoor storage; and,

WHEREAS, EverCat Fuels currently uses the property for outdoor storage; and,

WHEREAS, the amendment would provide for an expansion of the outdoor storage area; and,

WHEREAS, following publication, posted and mailed notice thereof, the City of Isanti Planning Commission conducted a public hearing on the proposed Conditional Use Permit on August 10th, 2016; and,

WHEREAS, the City of Isanti Planning Commission recommended approval of the proposed Amendment to the Conditional Use Permit subject to the conditions as listed below based upon the Findings of Fact and Conclusion as presented; and,

WHEREAS, the City Council reviewed the requested Amendment to the Conditional Use Permit at its regularly scheduled meeting on August 16th, 2016; and,

WHEREAS, the City Council of the City of Isanti has determined that the Conditional Use Permit meets the ordinance requirements necessary for granting approval; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ISANTI, MINNESOTA, that it adopts the Findings of Fact and Conclusion related to the requested Amendment to the Conditional Use Permit for EverCat Fuels and **BE IT FURTHER RESOLVED** that the requested Amendment to the Conditional Use Permit to be located on the property at 425 East Dual Boulevard NE, be hereby approved subject to the following conditions:

1. Outside storage areas shall be surfaced with bituminous, concrete, or other surfaces, including but not limited to crushed rock, Class 5, or recycled materials; as recommended by the Planning Commission and approved by the City Council.
2. All outside storage areas shall be effectively screened year-round, by a wall, fence, or densely planted vegetation in accordance with Section 15 of this Ordinance.
3. The chain-link fence surrounding the existing outdoor storage area shall be brought into compliance with conditions approved via Resolution No.'s 2013-034 and 2013-192.
4. The new chain-link fence shall be compatible with the building and surrounding area and have a minimum opaqueness of 80%. Slats will need to be woven into the fence to meet this requirement. Fabric cannot be used on the chain-link fence, but rather a heavier slat material must be used.
5. A minimum of 5 parking stall shall be maintained at all times. Storage shall not impede the spaces at any time.

Adopted by the Isanti City Council on this 16th day of August 2016.

Attest:

Mayor George A. Wimmer

Lindsey McInnis
Human Resources/City Clerk

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from EverCat Fuels for Approval of an Amendment to Resolution No. 2013-192 Approving a Conditional Use Permit to allow for Outdoor Storage on the property located at 425 East Dual Boulevard NE, Isanti, Minnesota.

Findings of Fact

1. The applicant is requesting approval to expand outdoor storage on the property located at 425 East Dual Boulevard NE.
2. The property is zoned "I-1" Industrial District.
3. A Conditional Use Permit is required for Outdoor Storage within the "I-1" Industrial District.
4. The petitioner received a Conditional Use Permit via Resolution No. 2013-034 for outdoor storage, and later amended via Resolution No. 2013-192 for the driveway location.
5. The petitioner submitted a Conditional Use Permit Amendment Application, the required application fee and associated materials on July 22nd, 2016. Staff had reviewed such application and deemed such application complete on July 22nd, 2016. Pursuant to Minnesota State Statute, the City must act on this request by September 20th, 2016 (60-day rule).
6. A public hearing date before the Planning Commission was scheduled for Wednesday, August 10th, 2016 at 7:00 p.m. at City Hall within the Council Chambers.
7. Notice of the Conditional Use Permit Amendment request was published within the Isanti-County News on Wednesday, July 27th, 2016. Notices were sent to all property owners located within 350 feet of the subject property.
8. Section 21, Article 2: Conditional Use Permits, Subdivision 3 (D) of the Zoning Ordinance establishes factors that the judgment of the Planning Commission shall be based upon when reviewing a Conditional Use Permit request as well as Section 21, Article 2: Conditional Use Permits, Subdivision 4 General Performance Standards of the Zoning Ordinance establishes additional general standards that shall be used to evaluate any proposed conditional use permit request.

Conclusions

1. In review of the standards established in Section 21, Article 2 Conditional Use (D); the following conclusions have been made (*conclusions to each requirement are shown in underlined italics*): The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:
 - A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans. *The proposed use for the site would be consistent with the goals and objectives of the comprehensive plan and helps bring the site into compliance.*
 - B. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district. *The proposed use is existing. Amending the existing conditional use permit and correcting the existing screening brings the property into compliance.*
 - C. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort. *The establishment of the conditional use does not appear to endanger the public health, safety, morals and comfort of the surrounding area or the community. The proposal follows the requirements further outlined in Section 13: Use Regulations for Outdoor Storage.*

- D. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
The conditional use for outdoor storage and a screening fence does not appear to diminish or impair surrounding property values. Much of the area surrounding this property is also zoned for similar uses.
- E. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
The outdoor storage area will be entirely enclosed by a screening fence, vegetation and an accessory structure. There is no reason for the storage or fence to impede development.
- F. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
Additional public facilities and services are not necessary for the proposed use.
- G. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
The requested conditional use permit appears to conform to the applicable regulations required for the district and the performance standards outlined within the zoning ordinance. Conditions will be placed on any approval to ensure that the property is developed in accordance to ordinance requirements and the proposed plan provided by the applicant.
- H. The conditional use complies with the general and specific performance standards as specified by within this Article.
These have been evaluated as part of the findings of fact; and can be found within this document.
2. In review of the standards established in Section 21, Article 2 Conditional Use, Subdivision 4 General Performance Standards; the following conclusions have been made (conclusions to each requirement are shown in underlined italics):
- A. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated an adequate public right-of-way shall be provided.
This site is currently served by a street of sufficient capacity. The proposed conditional use will not change the type or volume of traffic flow for this site.
- B. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with Section 17 of this Ordinance.
Access to the site is existing and had been approved at an earlier date.
- C. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
Not applicable.
- D. Adequate off-street parking and off-street loading shall be provided in compliance with Section 17 of this Ordinance.
Not applicable.
- E. Loading areas and drive-thru facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any adjacent residential use or district, and provided in compliance with Section 17 of this Ordinance.
Not applicable.
- F. Whenever a non-residential use is adjacent to a residential use or district, a buffer area with screening and landscaping shall be provided in accordance with the provisions of Section 15 of this Ordinance.
Not applicable.
- G. General site screening and landscaping shall be provided in compliance with Section 15 of this Ordinance.

The outdoor storage area will be properly screened by a screening fence as required in Section 13 and Section 15 of this Ordinance.

- H. All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, and shall be in compliance with Section 14 of this Ordinance.
Not applicable.
- I. The site drainage system shall be subject to the review and approval of the City Engineer.
Not applicable.
- J. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing and potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
The screening fence is required to be of a nature that compliments the building and is fitted with slates that achieve a minimum 80% opaqueness.
- K. Provisions shall be made for daily litter control, an interior location for recycling and trash handling and storage or an outdoor, enclosed receptacle area shall be provided in compliance with Section 14 of this Ordinance.
Not applicable.
- L. All signs and informational or visual communication devices shall be in compliance with Section 16 of this Ordinance.
Not applicable.
- M. The use and site shall be in compliance with any federal, state, or county laws or regulations that are applicable and any related permits shall be obtained and documented to the City.
The applicant will need to pull a fencing permit in order to install the fence.
- N. Any applicable business licenses mandated by City Code are approved and obtained.
Not applicable.
- O. The hours of operation may be restricted when there is judged to be an incompatibility with a residential use or district.
Not applicable.
- P. The use complies with the applicable performance standards of the zoning district in which it is located and where applicable, any non-conformity shall be eliminated.
This permit and the screening of the storage container will bring the property into compliance.
- Q. Additional Stipulations. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general public health, safety, and welfare, can be served as well or better by modifying or expanding the conditions set forth herein.
3. In review of the standards established in Section 13, Article 2 Non-Residential Use Regulations, Subdivision 16 Outdoor Storage; the following conclusions have been made (conclusions to each requirement are shown in underlined italics):
- A. Outside storage areas shall be surfaced with bituminous, concrete, or other surfaces, including but not limited to crushed rock, Class 5, or recycled materials; as recommended by the Planning Commission and approved by the City Council.
The storage container is placed on existing pavement/concrete.
- B. Outside storage area shall not be placed within required parking or loading areas, which are deemed necessary to meet code requirements.
The storage is placed outside of any parking or loading areas.
- C. Outside storage areas shall be located within the rear yard; however, outdoor storage may be located within the side yard, providing the side yard is not adjacent to or across the street from any residentially zoned property.
The storage is in the side yard and not adjacent to any residential.
- D. All outside storage areas shall be effectively screened year-round, by a wall, fence, or densely planted vegetation in accordance with Section 15 of this Ordinance.

The storage will be screened on all sides by a chain-link fence fitted with slates to achieve a minimum opaqueness of 80%. The fence shall be complimentary to the building.

- E. Cars, vans, and pickup trucks parked outside and used by employees and/or visitors in the normal course of business operation will not be construed as outdoor storage. Further, outside parked trucks and semitrailers used in conjunction with normal business activities will not be construed to be outdoor storage provided (a) the total number of trucks and semi-trailers does not exceed the number of docks and/or bay doors; (b) such vehicles are currently licensed by the State of Minnesota and are in the process of delivering or picking up goods or materials, and (c) such use is not construed as an operation listed as a conditional use in the industrial zone. All other vehicles and/or equipment associated with the business shall meet the fencing and screening requirements as stipulated within this ordinance.

Decision

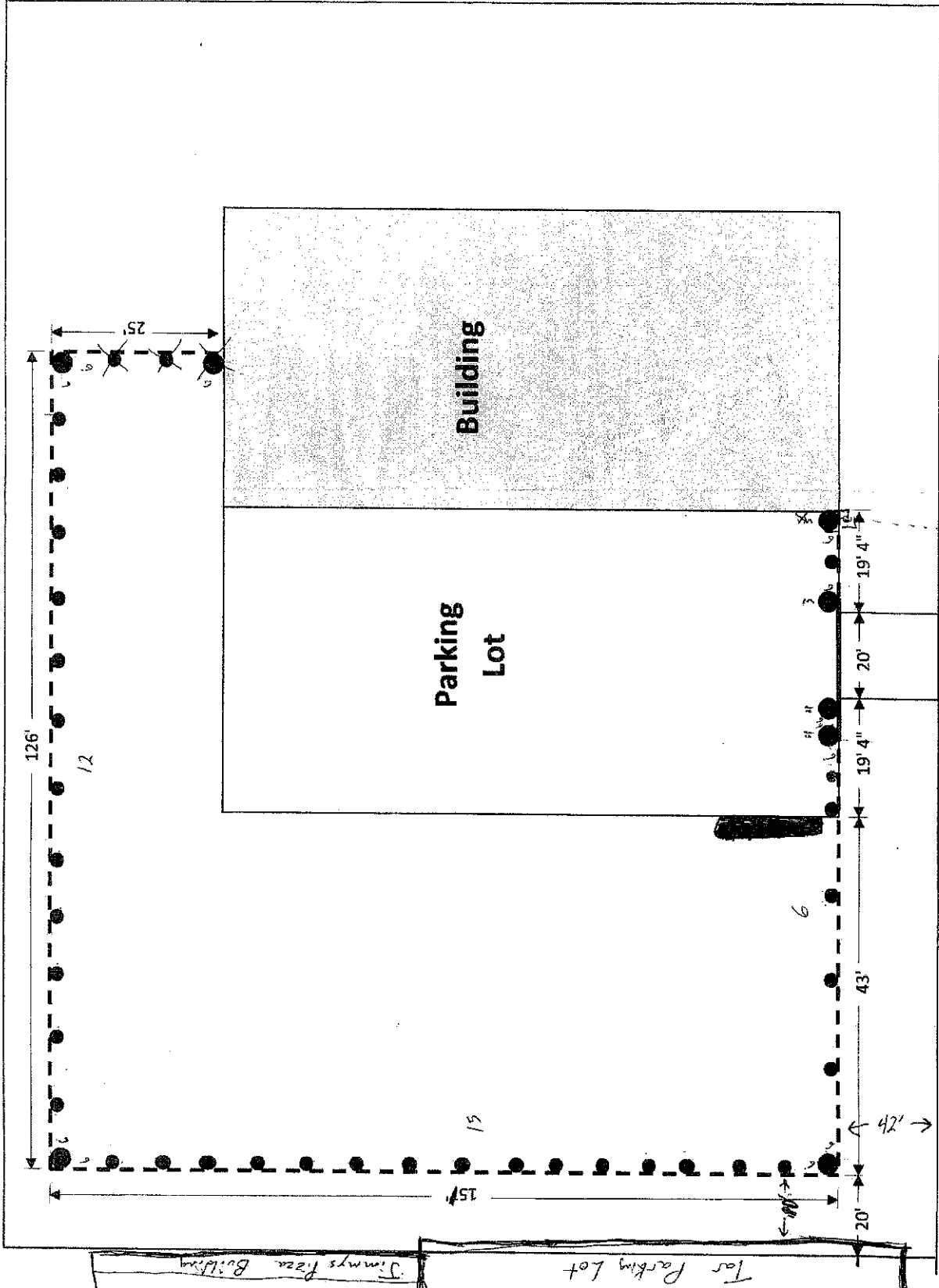
The Planning Commission held a public hearing on the item at the **August 10th, 2016** meeting. The meeting minutes shall be made part of the Findings of Fact.

Application for Conditional Use Permit

I. Written Description of Proposed Changes

Two storage containers are located on the southwest corner of the driveway/parking lot located on the south side of the building on the premises at 425 E Dual Blvd NE. In order to bring these containers into compliance, Ever Cat Fuels will be constructing a screening fence around the entire parking lot and connecting it to the existing fence that encloses the area north and part of the area west of the building. The fence will be a 6 foot tall screened chain-link fence and it will include a gate at the entrance to the parking lot from E Dual Blvd NE. The materials of construction will be galvanized steel chain-link ~~and nylon screening (similar to the screening material already in place on the existing fence).~~

*Discussed the need for slates.
Further outlined in CUP. TMA*



- 26 x 1/2" Post 2"
- 1 x 3" Term Post 9'
- 5 x 3" Term Post 8'6"
- 2 x 4" Gate Post 9'



1963

1 x 20' Gate x 6'

19 Top x 11' 1/2
 19 Top x 11' 1/2
 19 Top x 11' 1/2
 19 Top x 11' 1/2

10

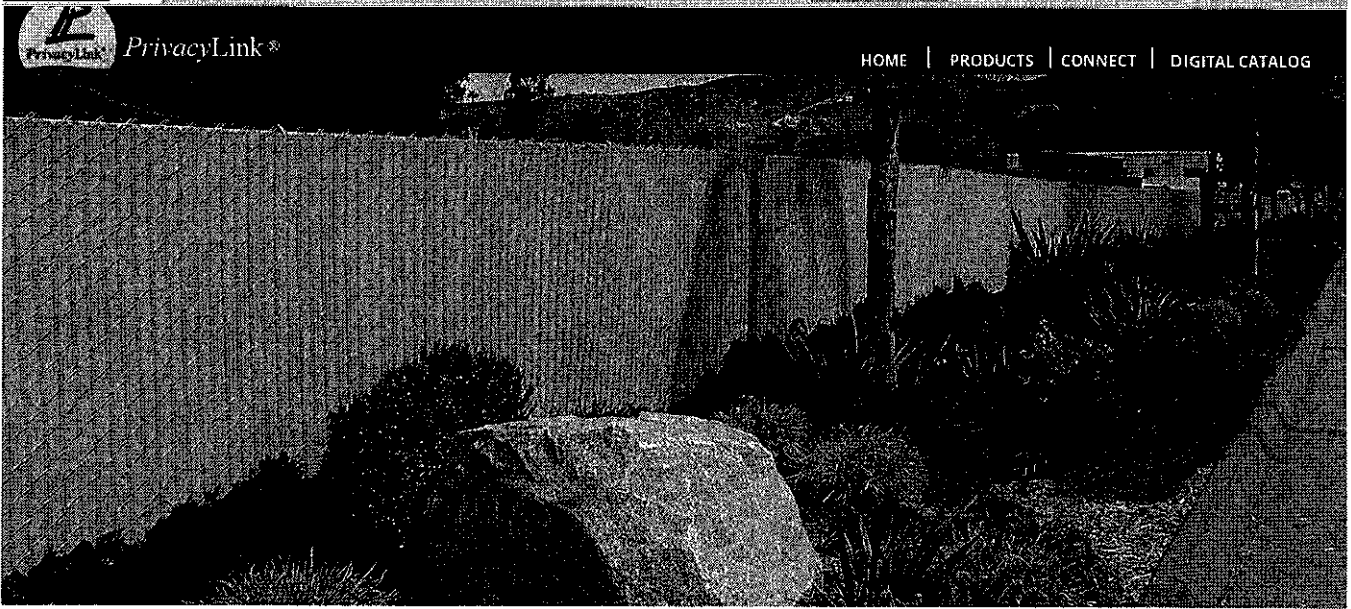
Top Parking Lot
 Jimmys Fizza Building

E. Dual Blvd



PrivacyLink®

HOME | PRODUCTS | CONNECT | DIGITAL CATALOG



PrivacyLink®
(3 1/2" x 5" mesh - near total privacy)

Slates will be hunter green



Public Hearing

To: Chairman Duncan
Members of the Planning Commission

From: Roxanne Achman, AICP
Community Development Director

Date: August 10, 2016

Subject: Request from the City of Isanti to Approve an Amendment to Zoning Ordinance 445 Opting Out of Minnesota State Statute 462.35.93 which Permit and Regulate Temporary Family Health Care Dwellings.

Background

On May 12, 2016, Gov. Dayton signed, into law, a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling. Community desire to provide transitional housing for those with mental or physical impairments and the increased need for short term care for aging family members served as the catalysts behind the legislature taking on this initiative. The resulting legislation sets forth a short term care alternative for a "mentally or physically impaired person", by allowing them to stay in a "temporary dwelling" on a relative's or caregiver's property.

The structures can be no more than 300sf and are limited to 6 months, with a one-time 6-month renewal option. One structure per property. Structures must be connected to sewer and water.

Staff is concerned that these structures are set up to be fairly permanent which could lead to issues in getting them removed after the permit expired. There is also the concern of reviewing medical documents to determine if an individual is eligible for a permit.

The law requires that cities follow and implement the new law unless the City chooses to pass an ordinance opting out of it. The LMC has provided a model ordinance for opting out. Andover was once of the first Cities to adopt an ordinance to opt out. Staff have been in contact with them regarding the process. It was added to their General Zoning Provisions (Section 4 of Isanti's Zoning Code) The law goes into effect September 1, 2016, so it would be best to decide whether the City would like to opt out prior to that date.

Staff Request

To consider recommending approval of the attached ordinance amending Zoning Ord. 445, Section 4 General Provisions.

Attachments

- Ordinance No. XXX
- Findings of Fact and Conclusions
- LMC – Temporary Family Health Care Dwellings of 2016 Fact Sheet.

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE 445 ZONING; SECTION 4 GENERAL PROVISIONS; SUBDIVISION 3 BUILDING RESTRICTIONS TO OPT-OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES, SECTION 462.3593

THE CITY OF ISANTI DOES ORDAIN:

I. AMENDMENTS

Ordinance 445 Zoning, Section 4: General Provisions, Subdivision 2 Building Restrictions is hereby amended to read as follows:

- A. No cellar, garage, tent, or accessory building shall at anytime be used as an independent residence or dwelling unit, temporarily or permanently.
- B. Existing basements used as an independent dwelling unit shall have the status of a nonconforming use, subject to the provisions of Section 19 of this Ordinance and to applicable building codes.
- C. Except in the case of Planned Unit Developments and multi-family developments as provided in this Ordinance, not more than one (1) principal building shall be located on a lot. The words "principal building" shall be given their common, ordinary meanings, in case of doubt or on any question or interpretation; the decisions of the Zoning Administrator shall be final, subject to the right of appeal to the City Council.
- D. Temporary Habitations. Temporary dwellings including travel trailers, campers, tents, recreational vehicles, and other vehicles or structures which are adaptable for living and may be reasonably transported may be used for dwelling purposes for a period not to exceed thirty (30) consecutive days in any twelve (12) month period. Only one (1) temporary dwelling may be placed on a parcel or lot.
- E. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Isanti opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.
- ~~E.F.~~ Moved Buildings. No building shall at anytime be moved into or within the City without being issued a building permit and without being in compliance with City ordinances. Any building or structure being moved into the City shall be required to notify City staff as to the date, time and route of such a move.
- ~~F.G.~~ Height Exceptions. The building height limits established shall not apply to belfries, cupolas, domes, spires, monuments, airway beacons, radio towers, flag poles, chimneys or flues; nor to elevators, watertanks, poles, towers, or other structures for essential service; nor to agricultural structures for essential service; nor to similar structures extending above the roof of any building, nor to necessary mechanical appurtenances.
- ~~G.H.~~ General Building Standards. Unless specified elsewhere within this Ordinance, the following standards shall apply to all residential structures:
 - 1. The length of a residential structure shall not exceed three (3) times the width, excluding the garage.
 - 2. A permanent, full perimeter foundation that complies with building code requirements shall be provided with frost footings.
 - 3. All residential structures, including manufactured homes, must comply with building code requirements for single-family detached dwellings.

4. All manufactured homes shall have available for inspection, manufacturer's instructions specifying how said dwelling is to be situated on a permanent foundation.
5. Unless located in a designated manufactured home development subject to standards as provided within this Ordinance, all manufactured homes located within a residential district shall comply with the provisions of the underlying zoning district.

H.I. Minimum Ground Floor Area. All dwellings must have a ground floor area of at least five hundred (500) square feet, unless stipulated otherwise within this Ordinance.

H.J. Buildings or structures consisting of pole type construction are prohibited in all zoning district classifications.

II. EFFECTIVE DATE

This ordinance shall take effect upon its adoption and publication in the City's Official Newspaper.

Adopted by the City Council this 16th day of August 2016.

Mayor George A. Wimmer

ATTEST:

Lindsey McInnis
Human Resources/City Clerk

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from the City of Isanti to Approve an Amendment to Zoning Ordinance 445 Opting Out of Minnesota State Statute 462.35.93 which Permit and Regulate Temporary Family Health Care Dwellings

Findings of Fact

1. The Development and Operations Advisory Committee requested the Planning Commission review an amendment to Section 4 General Provisions of the Zoning Ordinance at their regularly scheduled meeting on July 21st, 2016.
2. On May 12, 2016 Governor Dayton signed, into law, a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling.
3. The law exempts these dwellings from typical zoning authority and requires cities to approve them within 15 days.
4. The law would create higher densities by allowing two dwelling units on lots zoned for one dwelling unit.
5. The structure does not have to meet state building, plumbing, electrical code or building permit requirements.
6. There are no provisions for permit administration, inspections or enforcement action, to include an escrow for the cost of bringing the property back into compliance once the permit expires.
7. The law includes a provision for cities to opt out of the requirement through an ordinance.
8. The law goes into full effect September 1, 2016.
9. While the intent of the Ordinance remains intact, amendments must be made to the Ordinance regulations to ensure that the appropriate requirements are being used.
10. Notification of the public hearing was provided for within the City's official newspaper on Wednesday, July 27th, 2016.
11. The Planning Commission reviewed the requested text amendment to the Zoning Ordinance during a public hearing held at their regularly scheduled meeting on August 10th, 2016.

Conclusions

1. In review of the Ordinance requirements provided for within Section 21, Article 1 Amendments (Text and Map), Subdivision 4 (D), the following conclusions have been made (*conclusions to each requirement have been shown in underlined italics*):
 - a. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the City Comprehensive Plan, including public facilities and capital improvement plans.
The ordinance amendment helps to protect the future development of Isanti, which is consistent with the City's Comprehensive Plan.
 - b. The proposed action meets the purpose and intent of this Ordinance or in the case of a map amendment; it meets the purpose and intent of the individual district.
The ordinance amendment adds a critical provision regarding temporary dwellings.
 - c. There is adequate infrastructure available to service the proposed action.
Not applicable.
 - d. There is an adequate buffer or transition provided between potentially incompatible districts.
Not applicable.

Decision

The Planning Commission held a public hearing on the item at the **August 10th, 2016** meeting. The meeting minutes, staff memo, and attachments shall be made a part of the Findings of Fact and Conclusions.



Temporary Family Health Care Dwellings of 2016 Allowing Temporary Structures – What it means for Cities

Introduction:

On May 12, 2016, Gov. Dayton signed, into law, a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling.¹ Community desire to provide transitional housing for those with mental or physical impairments and the increased need for short term care for aging family members served as the catalysts behind the legislature taking on this initiative. The resulting legislation sets forth a short term care alternative for a “mentally or physically impaired person”, by allowing them to stay in a “temporary dwelling” on a relative’s or caregiver’s property.²

Where can I read the new law?

Until the state statutes are revised to include bills passed this session, cities can find this new bill at [2016 Laws, Chapter 111](#).

Does the law require cities to follow and implement the new temporary family health care dwelling law?

Yes, unless a city opts out of the new law or currently allows temporary family health care dwellings as a permitted use.

Considerations for cities regarding the opt-out?

These new temporary dwellings address an emerging community need to provide more convenient temporary care. When analyzing whether or not to opt out, cities may want to consider that:

- The new law alters a city’s level of zoning authority for these types of structures.
- While the city’s zoning ordinances for accessories or recreational vehicles do not apply, these structures still must comply with setback requirements.
- A city’s zoning and other ordinances, other than its accessory use or recreational vehicle ordinances, still apply to these structures. Because conflicts may arise between the statute and a city’s local ordinances, cities should confer with their city attorneys to analyze their current ordinances in light of the new law.

¹ [2016 Laws, Chapter 111](#).

² Some cities asked if other states have adopted this type of law. The only states that have a somewhat similar statute at the time of publication of this FAQ are North Carolina and Virginia. It is worth noting that some states have adopted Accessory Dwelling Unit (ADU) statutes to allow granny flats, however, these ADU statutes differ from Minnesota’s Temporary Health Care Dwelling law.

- Although not necessarily a legal issue for the city, it seems worth mentioning that the permit process does not have the individual with the physical or mental impairment or that individual's power of attorney sign the permit application or a consent to release his or her data.
- The application's data requirements may result in the city possessing and maintaining nonpublic data governed by the Minnesota Government Data Practices Act.
- The new law sets forth a permitting system for both cities and counties³. Cities should consider whether there is an interplay between these two statutes.

Do cities need to do anything to have the new law apply in their city?

No, the law goes into effect Sept. 1, 2016 and automatically applies to all cities that do not opt out or don't already allow temporary family health care dwellings as a permitted use under their local ordinances.

Do cities lose the option to opt out after the Sept. 1, 2016 effective date?

No, the law does not set a deadline for opting out, so cities can opt out after Sept. 1, 2016. However, if the city has not opted out by Sept. 1, 2016, then the city must not only have determined a permit fee amount⁴ before that date (if the city wants to have an amount different than the law's default amount), but also must be ready on that date to accept applications and process the permits in accordance with the short timeline required by the law. Cities should consult their city attorney to analyze how to handle applications submitted after Sept. 1, 2016, but still pending at the time of a later opt out.

What if a city already allows a temporary family health care dwelling as a permitted use?

If the city already has designated temporary family health care dwellings as a permitted use, then the law does not apply and the city follows its own ordinance. The city should consult its city attorney for any uncertainty about whether structures currently permitted under existing ordinances qualify as temporary family health care dwellings.

What process should the city follow if it chooses to opt out of this statute?

Cities that wish to opt out of this law must pass an ordinance to do so. The statute does not provide clear guidance on how to treat this opt-out ordinance. However, since the new law adds section 462.3593 to the land use planning act (Minn. Stat. ch. 462), arguably, it may represent the adoption or an amendment of a zoning ordinance, triggering the requirements of Minn. Stat. § 462.357, subd. 2-4, including a public hearing with 10-day published notice. Therefore, cities may want to err on the side of caution and treat the opt-out ordinance as a zoning provision.⁵

³ See Minn. Stat. §394.307

⁴ Cities do have flexibility as to amounts of the permit fee. The law sets, as a default, a fee of \$100 for the initial permit with a \$50 renewal fee, but authorizes a city to provide otherwise by ordinance.

⁵ For smaller communities without zoning at all, those cities still need to adopt an opt-out ordinance. In those instances, it seems less likely that the opt-out ordinance would equate to zoning. Because of the ambiguity of the

Does the League have a model ordinance for opting out of this program?

Yes. Link to opt out ordinance here: [Temporary Family Health Care Dwellings Ordinance](#)

Can cities partially opt out of the temporary family health care dwelling law?

Not likely. The opt-out language of the statute allows a city, by ordinance, to opt out of the requirements of the law but makes no reference to opting out of parts of the law. If a city wanted a program different from the one specified in statute, the most conservative approach would be to opt out of the statute, then adopt an ordinance structured in the manner best suited to the city. Since the law does not explicitly provide for a partial opt out, cities wanting to just partially opt out from the statute should consult their city attorney.

Can a city adopt pieces of this program or change the requirements listed in the statute?

Similar to the answer about partially opting out, the law does not specifically authorize a city to alter the statutory requirements or adopt only just pieces of the statute. Several cities have asked if they could add additional criteria, like regulating placement on driveways, specific lot size limits, or anchoring requirements. As mentioned above, if a city wants a program different from the one specified in the statute, the most conservative approach would involve opting out of the statute in its entirety and then adopting an ordinance structured in the manner best suited to the city. Again, a city should consult its city attorney when considering adopting an altered version of the state law.

What is required in an application for a temporary family health care dwelling permit?

The mandatory application requests very specific information including, but not limited to:⁶

- Name, address, and telephone number of the property owner, the resident of the property (if different than the owner), and the primary care giver;
- Name of the mentally or physically impaired person;
- Proof of care from a provider network, including respite care, primary care or remote monitoring;
- Written certification signed by a Minnesota licensed physician, physician assistant or advanced practice registered nurse that the individual with the mental or physical impairment needs assistance performing two or more “instrumental activities of daily life;”⁷

statute, cities should consult their city attorneys on how best to approach adoption of the opt-out ordinance for their communities.

⁶ New Minn. Stat. § 462.3593, subd. 3 sets forth all the application criteria.

⁷ This is a term defined in law at Minn. Stat. § 256B.0659, subd. 1(i) as “activities to include meal planning and preparation; basic assistance with paying bills; shopping for food, clothing, and other essential items; performing household tasks integral to the personal care assistance services; communication by telephone and other media; and traveling, including to medical appointments and to participate in the community.”

Temporary Family HealthCare Dwellings

June 27, 2016

Page 4

- An executed contract for septic sewer management or other proof of adequate septic sewer management;
- An affidavit that the applicant provided notice to adjacent property owners and residents;
- A general site map showing the location of the temporary dwelling and the other structures on the lot; and
- Compliance with setbacks and maximum floor area requirements of primary structure.

The law requires all of the following to sign the application: the primary caregiver, the owner of the property (on which the temporary dwelling will be located) and the resident of the property (if not the same as the property owner). However, neither the physically disabled or mentally impaired individual nor his or her power of attorney signs the application.

Who can host a temporary family health care dwelling?

Placement of a temporary family health care dwelling can only be on the property where a “caregiver” or “relative” resides. The statute defines caregiver as “an individual, 18 years of age or older, who: (1) provides care for a mentally or physically impaired person; and (2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.” The definition of “relative” includes “a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew or niece of the mentally or physically impaired person. Relative also includes half, step and in-law relationships.”

Is this program just for the elderly?

No. The legislature did not include an age requirement for the mentally or physically impaired dweller.⁸

Who can live in a temporary family health care dwelling and for how long?

The permit for a temporary health care dwelling must name the person eligible to reside in the unit. The law requires the person residing in the dwelling to qualify as “mentally or physically impaired,” defined as “a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified by a physician, a physician assistant, or an advanced practice registered nurse, licenses to practice in this state.” The law specifically limits the time frame for these temporary dwellings permits to 6 months, with a one-time 6 month renewal option. Further, there can be only one dwelling per lot and only one dweller who resides within the temporary dwelling

⁸ The law expressly exempts a temporary family health care dwelling from being considered “housing with services establishment”, which, in turn, results in the 55 or older age restriction set forth for “housing with services establishment” not applying.

What structures qualify as temporary family health care dwellings under the new law?

The specific structural requirements set forth in the law preclude using pop up campers on the driveway or the “granny flat” with its own foundation as a temporary structure. Qualifying temporary structures must:

- Primarily be pre-assembled;
- Cannot exceed 300 gross square feet;
- Cannot attach to a permanent foundation;
- Must be universally designed and meet state accessibility standards;
- Must provide access to water and electrical utilities (by connecting to principal dwelling or by other comparable means⁹);
- Must have compatible standard residential construction exterior materials;
- Must have minimum insulation of R-15;
- Must be portable (as defined by statute);
- Must comply with Minnesota Rules chapter 1360 (prefabricated buildings) or 1361 (industrialized/modular buildings), “and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2”¹⁰; and
- Must contain a backflow check valve.¹¹

Does the State Building Code apply to the construction of a temporary family health care dwelling?

Mostly, no. These structures must meet accessibility standards (which are in the State Building Code). The primary types of dwellings proposed fall within the classification of recreational vehicles, to which the State Building Code does not apply. Two other options exist, however, for these types of dwellings. If these structures represent a pre-fabricated home, the federal building code requirements for manufactured homes apply (as stated in Minnesota Rules, Chapter 1360). If these structures are modular homes, on the other hand, they must be constructed consistent with the State Building Code (as stated in Minnesota Rules, Chapter 1361).

What health, safety and welfare requirements does this new law include?

Aside from the construction requirements of the unit, the temporary family health care dwelling must be located in an area on the property where “septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.”

What local ordinances and zoning apply to a temporary health care dwelling?

The new law states that ordinances related to accessory uses and recreational vehicle storage and parking do not apply to these temporary family health care dwellings.

⁹ The Legislature did not provide guidance on what represents “other comparable means”.

¹⁰ ANSI Code 119.2 has been superseded by NFPA 1192. For more information, the American National Standards Institute website is located at <https://www.ansi.org/>.

¹¹ New Minn. Stat. § 462.3593, subd. 2 sets forth all the structure criteria.

However, unless otherwise provided, setbacks and other local ordinances, charter provisions, and applicable state laws still apply. Because conflicts may arise between the statute and one or more of the city's other local ordinances, cities should confer with their city attorneys to analyze their current ordinances in light of the new law.

What permit process should cities follow for these permits?

The law creates a new type of expedited permit process. The permit approval process found in Minn. Stat. § 15.99 generally applies; however, the new law shortens the time frame within which the local governmental unit can make a decision on the permit. Due to the time sensitive nature of issuing a temporary dwelling permit, the city does not have to hold a public hearing on the application and has only 15 days (rather than 60 days) to either issue or deny a permit. For those councils that regularly meet only once a month, the law provides for a 30-day decision. The law specifically prohibits cities from extending the time for making a decision on the permit application. The new law allows the clock to restart if a city deems an application incomplete, but the city must provide the applicant written notice within five business days of receipt of the application identifying the missing information.

Can cities collect fees for these permits?

Cities have flexibility as to amounts of the permit fee. The law sets the fee at \$100 for the initial permit with a \$50 renewal fee, unless a city provides otherwise by ordinance

Can cities inspect, enforce and ultimately revoke these permits?

Yes, but only if the permit holder violates the requirements of the law. The statute allows for the city to require the permit holder to provide evidence of compliance and also authorizes the city to inspect the temporary dwelling at times convenient to the caregiver to determine compliance. The permit holder then has sixty (60) days from the date of revocation to remove the temporary family health care dwelling. The law does not address appeals of a revocation.

How should cities handle data it acquires from these permits?

The application data may result in the city possessing and maintaining nonpublic data governed by the Minnesota Government Data Practices Act. To minimize collection of protected health data or other nonpublic data, the city could, for example, request that the required certification of need simply state "that the person who will reside in the temporary family health care dwelling needs assistance with two or more instrumental activities of daily living", without including in that certification data or information about the specific reasons for the assistance, the types of assistance, the medical conditions or the treatment plans of the person with the mental illness or physical disability. Because of the complexities surrounding nonpublic data, cities should consult their city attorneys when drafting a permit application.

Should the city consult its city attorney?

Yes. As with any new law, to determine the potential impact on cities, the League recommends consulting with your city attorney.

Temporary Family HealthCare Dwellings

June 27, 2016

Page 7

Where can cities get additional information or ask other questions.

For more information, contact Staff Attorney Pamela Whitmore at pwhitmore@lmc.org or LMC General Counsel Tom Grundhoefer at tgrundho@lmc.org. If you prefer calling, you can reach Pamela at 651.281.1224 or Tom at 651.281.1266.



Discussion Item

To: Chairman Duncan
Members of the Planning Commission

From: Roxanne Achman, AICP
Community Development Director

Date: August 10, 2016

Subject: Update on Highway 65 Overlay District.

Background

Staff is continuing to gather information. The Development and Operations Advisory Committee (DOAC) has reviewed some of the basic information provided to them and has requested that more research be conducted and presented to them at their next meeting, August 18, 2016. Once DOAC is comfortable with the direction the overlay district is going, it will be placed on City Council who will request that the Planning Commission review it and hold a public hearing.



**CITY OF ISANTI
PLANNING COMMISSION MEETING
TUESDAY, SEPTEMBER 13, 2016 – 7:00 p.m.
CITY HALL**

1. Meeting Opening
 - A. Call to Order
 - B. Pledge of Allegiance
 - C. Roll Call
 - D. Agenda Modifications

2. Approval of Minutes from August 10, 2016 Planning Commission Meeting

3. Public Hearings
 - A. Request from Tim Taylor for an Amendment to Villages on the Rum Third Addition, Phase 4 Planned Unit Development to reduce the interior side yard setback from fifteen (15) feet to ten (10) feet for the home and from fifteen (15) feet to five (5) feet for an attached garage (garage only), located in Isanti County, Isanti, Minnesota.

 - B. Request from TH Construction of Anoka Inc. for Preliminary Plat approval of the Plat of Sun Prairie Second Addition, legally described as Outlot F, Sun Prairie First Addition, Isanti County, Isanti, Minnesota.

4. Other Business
 - A. None.

5. Discussion Items.
 - A. None.

6. Adjournment

CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
AUGUST 10, 2016

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, Paul Bergley, Wayne Traver, Greg Cesafsky, and Jim Kennedy.

Members Absent: Steve Lundeen (prior notice given)

Staff Present: Community Development Director, Roxanne Achman

Others Present: None

D. Agenda Modifications.

Achman stated that item 3.B. has been withdrawn from the agenda. EverCat Fuels has decided to move their storage container into their existing outdoor storage area rather than expand the area to include the containers outside of it.

2. Approval of Minutes from July 12, 2016 Planning Commission Meeting.

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

Motion by Bergley second by Traver to approve the July 12th, 2016 Planning Commission Meeting Minutes. Motion was unanimously approved.

3. Public Hearings.

A. Request from Blake Jedneak, Soca Powersports, for Approval of a Conditional Use Permit to allow for Motor Vehicle Sales within the Dual Square Mall located at 401 East Dual Blvd NE, Isanti, Minnesota.

Duncan read the item into the minutes.

Achman presented the staff memo.

Duncan opened the public hearing.

Bergley asked what a UTV was.

Kennedy stated it was a Utility Trail Vehicle.

Bergley wanted to make sure that Mr. Jedneak was aware that there would be no outdoor speaker system allowed.

Mr. Jedneak stated that he was not aware of that, but would not be using one.

Achman stated that one of the conditions of motor vehicle sales is that no outdoor speaker systems can be used. She further stated this is something that is more often requested by larger dealerships.

Bergley asked if there was another auto sales office in the Dual Square Mall.

Achman stated that several have been approved to be within the Dual Square Mall, but none of them have come to fruition.

Duncan asked if the items come fully assembled.

Mr. Jedneak stated that they did not. Typically, the handle bars and a front or back tire need to be put on. They are about 95% assembled. For shipping purposes, they come stacked on pallets.

Duncan asked how the assembly relates to the statement that no onsite assembly will occur.

Achman stated that as long as the assembly occurs within the building, there should be no issues.

Mr. Jedneak stated that the UTV's are assembled at another site.

The public hearing was closed.

Motion by Kennedy second by Bergley to recommend approval of the request from Blake Jedneak, Soca Powersports, for Approval of a Conditional Use Permit to allow for Motor Vehicle Sales within the Dual Square Mall located at 401 East Dual Blvd NE, Isanti, Minnesota based on the Finding of Fact and Conclusions with the following conditions:

1. Services and sales are associated with a principal building with a minimum floor area of at least one thousand (1,000) square feet.
2. All area of the property not devoted to building, parking, or open sales lot area shall be landscaped in accordance with Section 15 of this Ordinance.
3. Off-street parking and loading shall meet the requirements as stipulated within Section 17 of this Ordinance.
4. All new or used vehicles parked or displayed outdoors on the property shall conform to all requirements of the State of Minnesota; shall be operable; shall include all engine, muffler, brakes, and operating parts; shall be equipped with all exterior body parts as if new (for a passenger vehicle, truck or van, this shall mean four (4) tires, all doors and windows, headlamps and grillwork, mirrors, fenders, trunk, lids, body panels and molding, etc, or if a boat, all windshields, safety railings, hulls, trailer, etc.); shall be uniformly and wholly painted; and shall be free from having any loose or damaged exterior parts.
5. All repair, assembly, disassembly or maintenance of motor vehicles or motor vehicle parts shall occur within an enclosed building.
6. A detailed site plan conforming to the requirements of Section 18 of this Ordinance shall be submitted. The site plan shall also illustrate the location of all open sales and storage areas.
7. No outside speaker system shall be permitted without the approval from the City Council.

8. A landscaped buffer shall be provided, if the use abuts any residential zoning district. Solid screening to a minimum height of six (6) feet shall be provided along any portion of the open sales lot abutting a residential property or district. Such screening shall consist of a continuous landscape berm, solid wood fence, wall, or other comparable material. Fencing shall be constructed of wood or comparable material and should be of an ornamental or decorative design. If a chain link or wood fence is used, landscaping shall be provided on the outside of the fence facing the abutting residential property or district.
9. Motor vehicle displays shall take up no more than two 9'x 19' parking stalls.

Motion carried unanimously.

B. Request from EverCat Fuels for Approval of an Amendment to Resolution No. 2013-192 Approving a Conditional Use Permit to allow for Outdoor Storage on the property located at 425 East Dual Boulevard NE, Isanti, Minnesota.

This item has been withdrawn from the agenda.

C. Request from the City of Isanti to Approve an Amendment to Zoning Ordinance 445 Opting Out of Minnesota State Statute 462.35.93 which Permit and Regulate Temporary Family Health Care Dwellings.

Duncan read the item into the minutes.

Achman presented the staff memo.

Duncan opened the public hearing.

Duncan asked if there was any guidance in the bill for what types of medical conditions would be eligible for the temporary healthcare dwelling?

Achman informed the Planning Commission that there was no guidance. Staff would rely on a note from the person's medical provider stating the dwelling was necessary in order to receive care from a family member, relative or another caregiver. It wouldn't necessarily always be a family member.

Traver asked if this would allow the small homes to be placed right on someone's lot.

Achman confirmed that would be the case, which would create density issues, impervious surface issues, etc.

The public hearing was closed.

Bergley asked what was trying to be accomplished with this bill.

Achman stated that it may be providing an alternative to placing someone in a nursing home or assisted living facility for short term care.

Motion by Bergley second by Cesafsky to recommend approval of the request from the City of Isanti to Approve an Amendment to Zoning Ordinance 445 Opting Out of Minnesota State Statute 462.35.93 which Permit and Regulate Temporary Family Health Care Dwellings based on the Findings of Fact and Conclusions. Motion carried unanimously.

4. Other Business.

A. None.

5. Discussion Items.

A. Update on Highway 65 Overlay District.

Duncan read the item into the minutes.

Achman provided an update stating that the Development and Operations Advisory Committee is reviewing the ordinance and flushing out some of the concerns prior to bringing it forward to the Planning Commission. This will hopefully eliminate a lengthy Planning Commission meeting.

6. Adjournment

Motion by Kennedy second by Cesafsky to adjourn the August 10th, 2016 meeting of the Planning Commission. Motion was unanimously approved.

The meeting adjourned at 7:17 p.m.

Dated at Isanti, Minnesota this 10th day of August 2016.

Respectfully submitted,

Roxanne Achman, AICP
Community Development Director



Public Hearing

To: Chairman Duncan
Members of the Planning Commission

From: Roxanne Achman, AICP
Community Development Director

Date: September 13, 2016

Subject: Request from Tim Taylor for an Amendment to Villages on the Rum Third Addition, Phase 4 Planned Unit Development to reduce the interior side yard setback from fifteen (15) feet to ten (10) feet for the home and from fifteen (15) feet to five (5) feet for an attached garage (garage only), located in Isanti County, Isanti, Minnesota.

Background

Tim Taylor of Taylor Holdings Inc., owner of the remaining vacation lots in Villages on the Rum Third Addition Phase 4, is requesting to reduce the sideyard setbacks. When the plat was approved it was stated that homes shall follow the R-3 zoning requirements. At that time, a 15' setback was required on each side of the property. In 2008, when the zoning code was repealed and replaced, sideyard setbacks were reduced to 10'. Six homes out of the 16 lots that comprise VOR 3, 4 have been constructed and all six homes have less than a 15' sideyard setback on at least one side, if not both.

Mr. Taylor is requesting a 10' sideyard setback for the home and a 5' sideyard setback for the garage in order to accommodate 3 stall garages. Similar requests have been approved for Villages on the Rum Third Addition Phase 3, Villages on the Rum 4th Addition, and portions of Fairway Greens. The front and rear setbacks will remain at 30 feet.

Public Notice

Notice of the Amendment to the Planned Unit Development was published in the official City newspaper, Isanti County News; on Wednesday, August 31, 2016. Written notification was sent to surrounding properties owner located within 350' of said development.

Public Comments

No public comments had been received regarding the proposed amendment prior to the release of the staff memo.

Deadline for City Council Action

The applicant submitted a complete application for the amendment to the Villages on the Rum Third Addition, Phase 4 Planned Unit Development on August 8, 2016. Pursuant to Minnesota State Statute, the City must act on this request by October 7, 2016 (60-days); unless an extension of the review period has been agreed to by the applicant.

Development and Operations Advisory Committee Comments

City staff is requesting a recommendation on the proposed Planned Unit Development Amendment request. The recommendation would carry forward to the City Council meeting on Tuesday, September 20, 2016. The Development and Operations Advisory Committee reviewed the request at their meeting held on

Thursday, August 18th. The Development and Operations Advisory Committee had the following comments/conditions:

1. The only item being amended as part of the applicant's request is the interior side yard setback for an attached garage only (not the entire garage side of the home) and the side yard setback for the home. The interior side yard setback for an attached garage would be decreased from fifteen (15) feet to five (5) feet and the home setback would be decreased from fifteen (15) feet to ten (10) feet. All other previously approved standards, conditions, and plans associated with the original Villages on the Rum Third Addition, Phase 3 Planned Unit Development must be met.

Options & Proposed Motion Language

1. Recommend Approval with No Conditions: Motion to recommend approval of the request by Tim Taylor for an Amendment to Villages on the Rum Third Addition, Phase 4 Planned Unit Development to reduce the interior side yard setback from fifteen (15) feet to ten (10) feet for the home and from fifteen (15) feet to five (5) feet for an attached garage (garage only), located in Isanti County, Isanti, Minnesota.
2. Recommend Approval with Conditions: Motion to recommend approval of the request by Tim Taylor for an Amendment to Villages on the Rum Third Addition, Phase 4 Planned Unit Development to reduce the interior side yard setback from fifteen (15) feet to ten (10) feet for the home and from fifteen (15) feet to five (5) feet for an attached garage (garage only), located in Isanti County, Isanti, Minnesota with the following conditions.....
3. Recommend Denial: Motion to recommend denial of the request by Tim Taylor for an Amendment to Villages on the Rum Third Addition, Phase 4 Planned Unit Development to reduce the interior side yard setback from fifteen (15) feet to ten (10) feet for the home and from fifteen (15) feet to five (5) feet for an attached garage (garage only), located in Isanti County, Isanti, Minnesota for the following reasons.....
4. Table: Motion to table the request by Tim Taylor for an Amendment to Villages on the Rum Third Addition, Phase 4 Planned Unit Development to reduce the interior side yard setback from fifteen (15) feet to ten (10) feet for the home and from fifteen (15) feet to five (5) feet for an attached garage (garage only), located in Isanti County, Isanti, Minnesota (a specific reason and information request should be included in the motion to table).

Attachments

- Resolution No. 2016-XXX
- Findings of Fact and Conclusion
- Letter of Request provided by Tim Taylor of Taylor Holdings, Inc. dated July 21, 2016, which includes a home rendering showing three a stall garage.
- Copy of the Grading Plan for Villages on the Rum 3rd Addition, Phase 4 as prepared by Anderson Land Surveying
- Copy of Final Plat for Villages on the Rum 3rd Addition, Phase 4 as prepared by Anderson Land Surveying

RESOLUTION NO. 2016-

A RESOLUTION APPROVING AN AMENDMENT TO THE VILLAGES ON THE RUM THIRD ADDITION, PHASE 4 PLANNED UNIT DEVELOPMENT TO REDUCE THE INTERIOR SIDE YARD SETBACK FROM FIFTEEN (15) FEET TO TEN (10) FEET FOR THE HOME AND FROM FIFTEEN (15) FEET TO FIVE (5) FEET FOR AN ATTACHED GARAGE (GARAGE PORTION ONLY)

WHEREAS, Timothy Taylor, on behalf of Taylor Holdings Inc. (the ‘applicant’) submitted a complete application for an amendment to the conditional use permit for the Villages on the Rum Planned Unit Development to include all property located within Villages on the Rum Third Addition Phase 4 Development; and,

WHEREAS, the Amendment to the Villages on the Rum Planned Unit Development interior side yard setback from fifteen (15) feet to ten (10) feet for the home and from fifteen (15) feet to five (5) feet for an attached garage (garage only); and,

WHEREAS, all required public notices regarding the public hearing were posted and sent; and,

WHEREAS, the Isanti Planning Commission held a public hearing on the request at their regularly scheduled meeting on September 13th, 2016; and,

WHEREAS, the Planning Commission recommended approval of the proposed amendment to the Villages on the Rum Third Addition, Phase 4 Planned Unit Development; and,

WHEREAS, the City Council reviewed the Amendment to the Villages on the Rum Third Addition, Phase 4 Planned Unit Development to reduce the interior side yard setback from fifteen (15) feet to ten (10) feet for the home and from fifteen (15) feet to five (5) feet for an attached garage (garage only) at its regularly scheduled meeting on September 20th, 2016; and,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Isanti, Minnesota, that it adopts the Findings of Fact and Conclusion related to the requested Amendment to the Villages on the Rum Third Addition Phase 4 Development as legally described within this Resolution and **BE IT FURTHER RESOLVED** that the requested amendment to reduce the interior side yard setback from fifteen (15) feet to ten (10) feet for the home and from fifteen (15) feet to five (5) feet for an attached garage (garage only) side be hereby approved with the following conditions/stipulations:

1. All other previously approved standards, conditions, and plans associated with the original Villages on the Rum Third Addition, Phase 4 Planned Unit Development must be met.

Adopted by the Isanti City Council on this 20th day of September 2016.

Attest:

Mayor George A. Wimmer

Lindsey McInnis
Human Resources/City Clerk

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from Tim Taylor for an Amendment to Villages on the Rum Third Addition, Phase 4 Planned Unit Development to reduce the interior side yard setback from fifteen (15) feet to ten (10) feet for the home and from fifteen (15) feet to five (5) feet for an attached garage (garage only), located in Isanti County, Isanti, Minnesota.

Findings of Fact

1. The applicant, Tim Taylor, on behalf of Taylor Holdings Inc. purchased the ten (10) remaining vacant lots within the Villages on the Rum Third Addition, Phase 4 development.
2. The City of Isanti, approved the Villages on the Rum Development with its various additions and phases; and entered into an agreement with the developer for each individual addition and/or phase.
3. The property located within the portion of the Planned Unit Development known as Villages on the Rum Third Addition, Phase 4.
3. The property is zoned "PUD-R" Planned Unit Development Residential.
4. The developer does not wish to change the overall general concept approved for this portion of the development; however, is requesting an amendment to the side yard setbacks originally approved for the development.
5. Within the Villages on the Rum Third Addition, Phase Four portion of the development, the side yard setback for both the house and garage side, is fifteen (15) feet.
6. The developer would like to enable any potential property owner within the development the opportunity to have a three-stall garage. This does exceed the requirements placed upon the original Planned Unit Development, as a 400 square foot garage is required.
7. Such an amendment is considered a major change requiring a public hearing and notification of all property owners within 350'; and final approval by the City Council.
8. The initial Planned Unit Development for Villages on the Rum and all subsequent additions and phases had been established through the issuance of a Conditional Use Permit for a PUD; in which all plans are considered to be part of the approved PUD.
9. The Applicant submitted a complete application for an Amendment to the Conditional Use Permit for a Planned Unit Development on August 8th, 2016.
10. A public hearing date before the Planning Commission was scheduled for Tuesday, September 13th, 2016 at 7:00 p.m. at City Hall within the Council Chambers.
11. Notice of the Amendment to the Planned Unit Development request was published within the Isanti County News on Wednesday, August 31st, 2016. Notices were sent to all property owners located within the development and within 350 feet of the subject property.
12. Section 10 Special Purpose Districts, Article 3 Planned Unit Development District establishes the objectives and rules/regulations for the review and approval of these types of developments.
13. Section 21, Article 2: Conditional Uses, Subdivision 3 Procedures (D) of the Zoning Ordinance establishes criteria in which the judgment of the Planning Commission and City Council shall be based upon when reviewing a Conditional Use Permit request. In addition, the Conditional Use Permit Request is subject to general performance standards and criteria as provided within Section 21, Article 2 Conditional Uses, Subdivision 4 General Performance Standards.

Conclusions

- A. In review of the factors established in Section 21, Article 2 Conditional Uses (D) the following conclusions have been made (*conclusions to each requirement are shown in underlined italics*):
 1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
The developer is not looking to increase the density or number of units, rather is looking to provide for different housing options for buyers within the area. The request is consistent with the policies that are currently in place as the development was approved based on a set of policies that have since been repealed.
 2. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.

The property does have an R-3A designation, but the development was approved as a PUD. While the setback within the R-3A designation is ten (10) feet for a side yard, the PUD designation does allow for modifications from the R-3A standards providing the developer is meeting the intent of the PUD ordinance. Within a residential PUD, the underlying zoning district is the guides the initial development; however, density bonuses/transfers, etc. are all options when developing using this concept.

3. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
The side yard setback reduction will not be detrimental or endanger the public health, safety, morals, or comfort. The City has permitted this type of reduced side yard setback in other planned unit developments. The request is not necessarily inconsistent with previous approvals in residential areas where there are smaller lots, smaller homes, and higher densities. The smaller setback for the garage would allow for an additional stall, in which a future homeowner could store items inside rather than outside on the lot. The five (5) foot setback as proposed does meet the building code requirements.
4. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
The proposed use does not appear to be injurious to surrounding properties, nor does the proposed use appear to impair property values in the neighborhood. In terms of the reduced side yards within the Villages on the Rum Third Addition, Phase Four portion of the development, the reduction in the side yard is not different from what has been permitted in other developments. The developer intends to maintain all of the other requirements approved for this portion of the VOR PUD. The addition of a three stall garage to the home may actually increase values in the area.
5. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
The reduction in the side yard setback in the development would not appear to impede the normal and orderly development of surrounding properties. The lots were previously platted and several properties have already been developed. While these properties have only been developed for a two car garage, the placement of a three stall garage on the surrounding properties will not impede further development on these parcels. There are many developments in which the number of garage stalls on lots throughout the development varies.
6. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
All of the properties throughout the development have adequate public facilities and services, in which to accommodate the proposed use for each vacant parcel.
7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
As for the reduction of the side yard setback for an attached garage, if the property were to be zoned based upon the lot size and home size that was negotiated for this segment of the development, a ten-foot side yard setback would be required on the home side. However, the property is part of a PUD, in which modifications are allowed to be made to the underlying ordinance requirements providing the developer is meeting the intent of the PUD ordinance.
8. The conditional use complies with the general and specific performance standards as specified by within this Article.
The proposed use has been evaluated against the general performance standards provided for within the Zoning Ordinance. The evaluation can be found below.

B. In review of the general performance standards established in Section 21, Article 2 Conditional Uses, Subdivision 4, the following conclusions have been made (conclusions to each requirement are shown in underlined italics):

1. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated an adequate public right-of-way shall be provided.
The volume of traffic should not change much or at all. The street is sufficient for this development and beyond.

2. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with Section 17 of this Ordinance.
All properties were developed in accordance with the zoning ordinance that was in place at that time. This does not appear to be an issue for the development. The street system through this segment of the development has been platted and constructed according to specifications.
3. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
Sidewalk has been provided where required throughout the development.
4. Adequate off-street parking and off-street loading shall be provided in compliance with Section 17 of this Ordinance.
All properties have or will have a driveway constructed in accordance with zoning requirements.
5. Loading areas and drive-thru facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any adjacent residential use or district, and provided in compliance with Section 17 of this Ordinance.
Not applicable.
6. Whenever a non-residential use is adjacent to a residential use or district, a buffer area with screening and landscaping shall be provided in accordance with the provisions of Section 15 of this Ordinance.
Not applicable.
7. General site screening and landscaping shall be provided in compliance with Section 15 of this Ordinance.
As the lots develop, they will be required to meet the landscaping requirements as provided within the zoning ordinance.
8. All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, and shall be in compliance with Section 14 of this Ordinance.
Not applicable, residential neighborhood. Street lighting has been provided and homes are anticipated to have lighting as well.
9. The site drainage system shall be subject to the review and approval of the City Engineer.
The site drainage will be reviewed in accordance with approved grading plans.
10. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing and potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
All units that have been constructed or will be constructed in the future will meet any covenants or restrictions as may be required by the PUD.
11. Provisions shall be made for daily litter control, an interior location for recycling and trash handling and storage or an outdoor, enclosed receptacle area shall be provided in compliance with Section 14 of this Ordinance.
All properties have or will have trash/recyclable service in accordance with City Code requirements.
12. All signs and informational or visual communication devices shall be in compliance with Section 16 of this Ordinance.
Not applicable.
13. The use and site shall be in compliance with any federal, state, or county laws or regulations that are applicable and any related permits shall be obtained and documented to the City.
The PUD was designed and approved in accordance with federal, state, and county laws that may be applicable.
14. Any applicable business licenses mandated by City Code are approved and obtained.
Not Applicable.
15. The hours of operation may be restricted when there is judged to be an incompatibility with a residential use or district.
Not Applicable.
16. The use complies with the applicable performance standards of the zoning district in which it is located and where applicable, any non-conformities shall be eliminated.
Overall, the development was created so as to meet any performance standards as required by the zoning ordinance and the plans approved by the City. Any future home to be constructed on a

vacant lot within the development will meet the intent of the original planned unit development.
The homes that have been constructed would still meet the necessary requirements of the PUD.

17. Additional Stipulations. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general public health, safety, and welfare, can be served as well or better by modifying or expanding the conditions set forth herein.

Additional conditions may be placed upon the approval to ensure that through the reduction of the interior side yard setback, for any attached garage on a future home does not have negative affects upon surrounding properties or the community. Such conditions would be outlined below.

- C. The reduction in the interior side yard setback for the attached garage only was found to be consistent with the existing platted density within the Villages on the Rum Third Addition, Phase 4 Planned Unit Development.

Decision

The Planning Commission reviewed the request in a public hearing on **September 13th, 2016**. The meeting minutes shall be made a part of the Findings of Fact and Conclusion.

Conditions

1. The only item being amended as part of the applicant's request is the side yard setback. The interior side yard setback for an attached garage would be decreased from fifteen (15) feet to five (5) feet. The home side yard setback would be decreased from fifteen (15) feet to five (5) feet. All other previously approved standards, conditions, and plans associated with the original Villages on the Rum Third Addition, Phase 4 Planned Unit Development must be met.

July 21, 2016

Roxanne Achman
Community Development Director
City of Isanti

Dear Roxanne;

I would like to make a change to the lots I currently own. They have a side setback of 15 feet and 15 feet. I would like to make a request to amend this to 10 feet and 5 feet. The purpose is to fit a three car garage on the property. The plan is to put two story houses on the parcels.

The houses should be priced in the area of \$235-\$245; making them some of the more expensive houses in the city. To make this project successful, owners will want a three car garage.

I have included a site plan and if you look at it, you will see that the shape of the lot on the opposite corners restricts the three car garage. Opening it up to 5 and 10 will allow the 3 car garage and there will still be space between the houses.

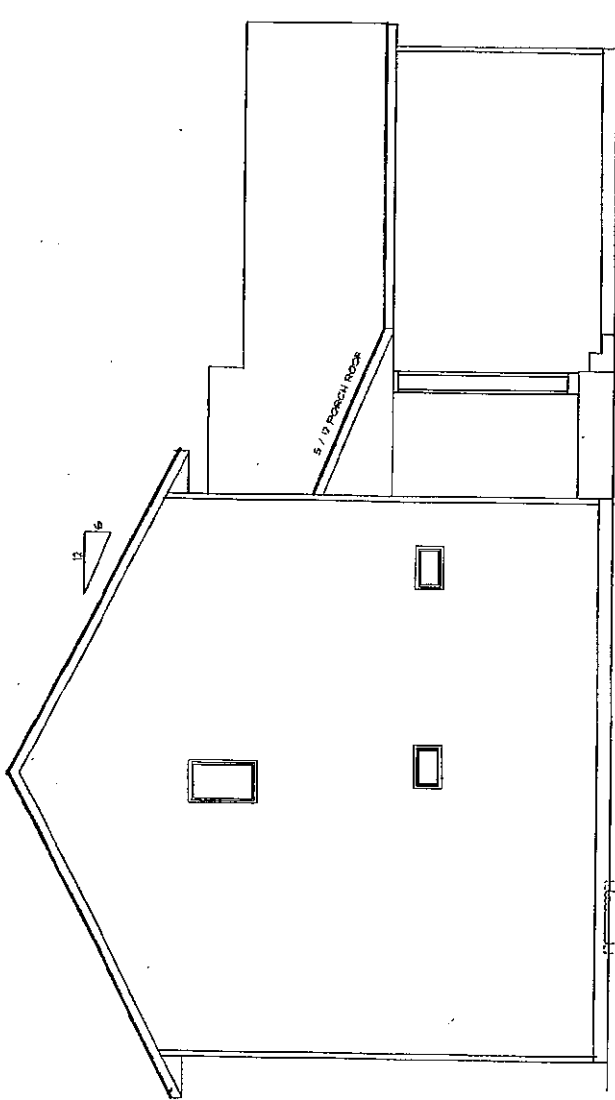
I have also included a print of the house style we are planning for.

Please contact me if you have any further questions.

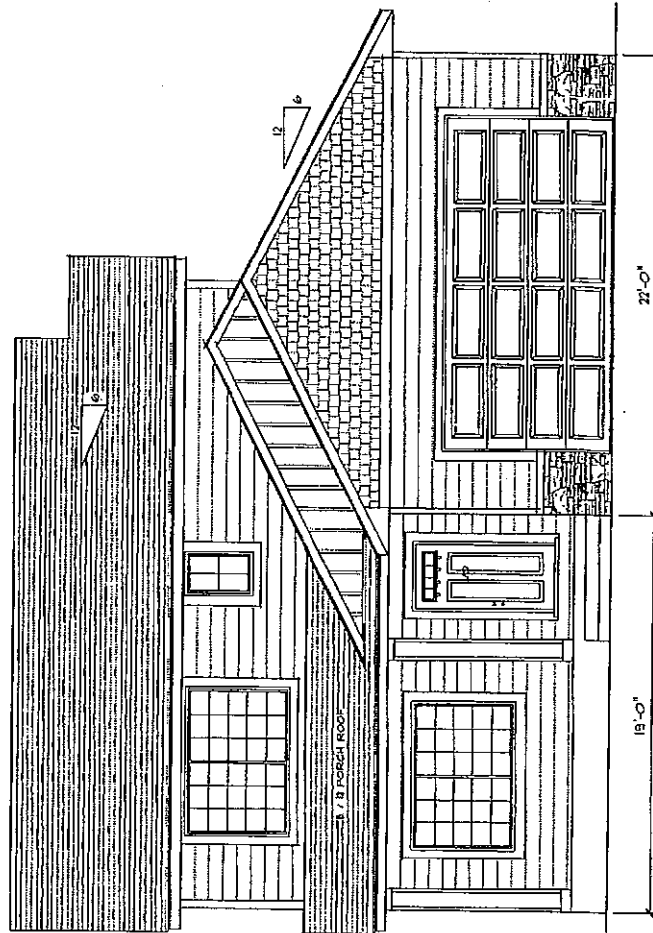
Thanks



Tim Taylor
Taylor Holdings Inc.
763-245-6507



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

Contractor:

L & C CONTRACTING

for **SAYANNA**
3 BEDROOM
2-STORY HOME

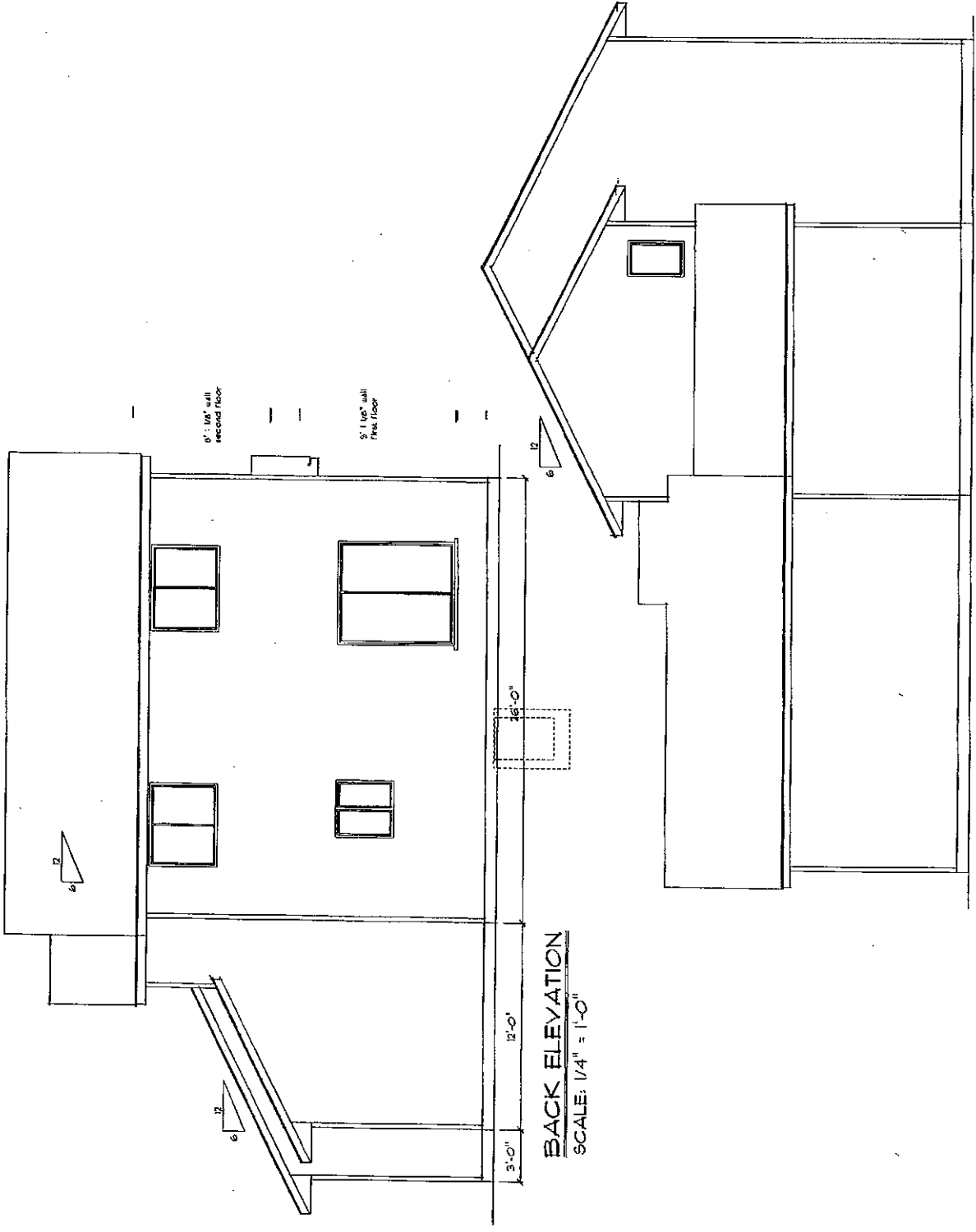
Date
JUNE
28
2016

Revised

plan #
L16
233

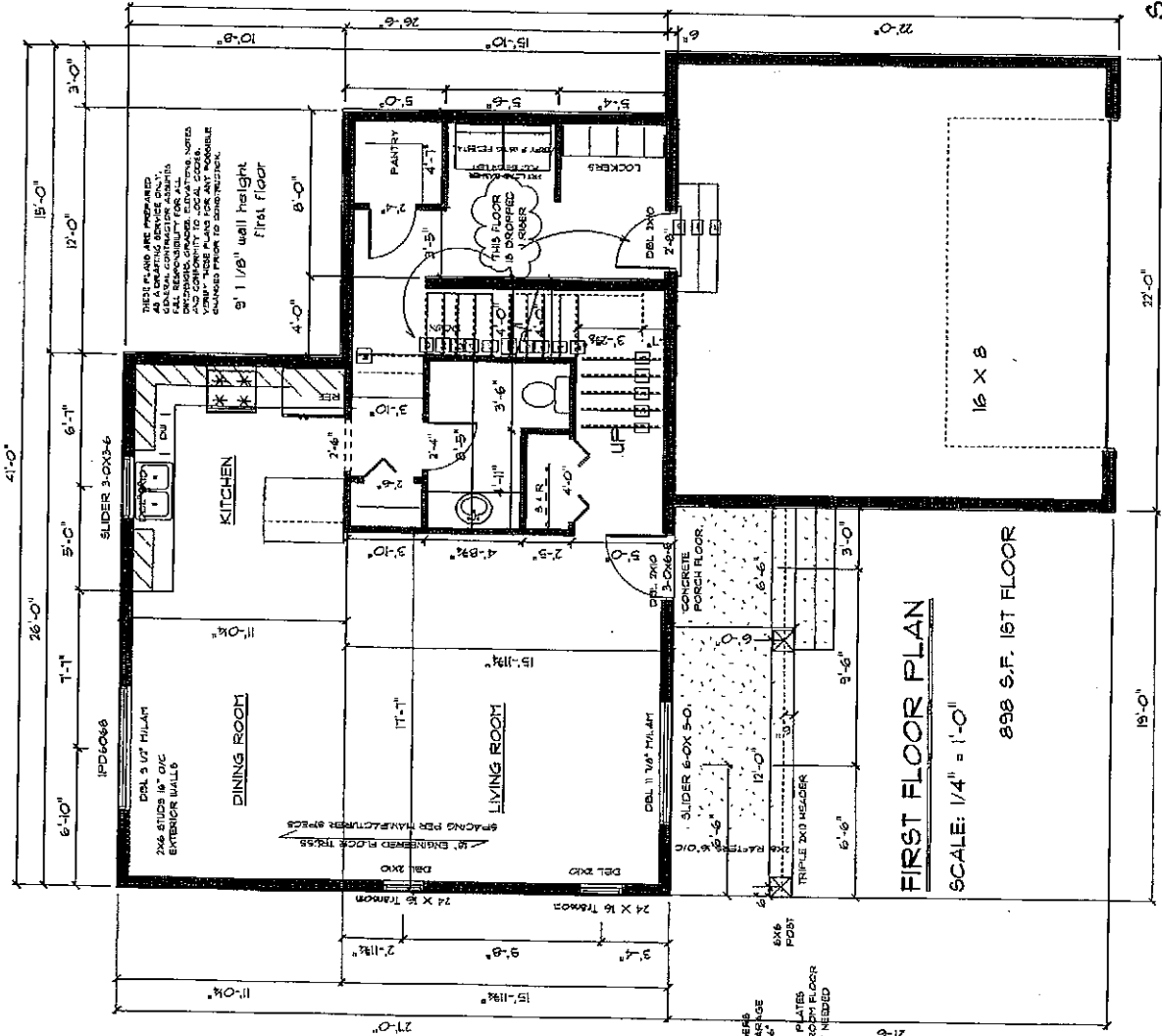
sheet
1 of 6

These plans are prepared as a service only. They are not to be used for construction, and the contractor is responsible for verifying all dimensions, notes, and conditions. The contractor shall be held responsible for any errors or omissions that may occur in the construction process.

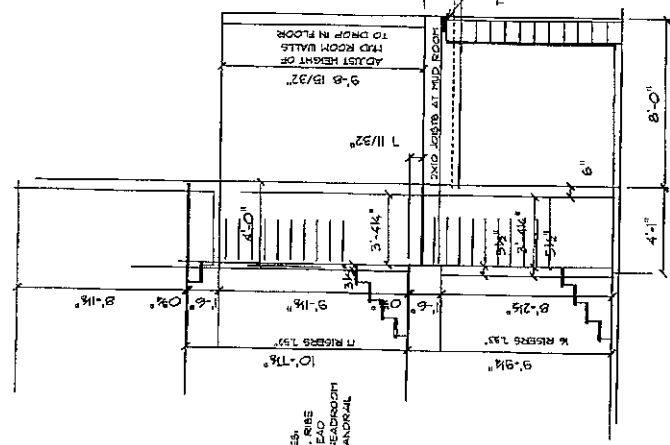


BACK ELEVATION
SCALE: 1/4" = 1'-0"

RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 898 S.F. 1ST FLOOR



STAIR SECTION
 SCALE: 1/4" = 1'-0"

STAIR NOTES:
 1. 3/4" x 1 1/2" TREADS
 2. 1" x 6" NOSING
 3. 1" x 6" HANDRAIL
 4. 36" HIGH HANDRAIL

THESE PLANS ARE PREPARED AS DRAFTING SERVICE ONLY. GENERAL CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR ALL DIMENSIONS, GRADES, ELEVATIONS AND CONFORMITY TO LOCAL CODES. VERIFY DRAWINGS COMPLETELY BEFORE CONSTRUCTION AND HAVE ANY NECESSARY CHANGES MADE.

ROOM SIZES NOTED ARE APPROXIMATE INSIDE DIMENSIONS ONLY.

FOUNDATION NOTES

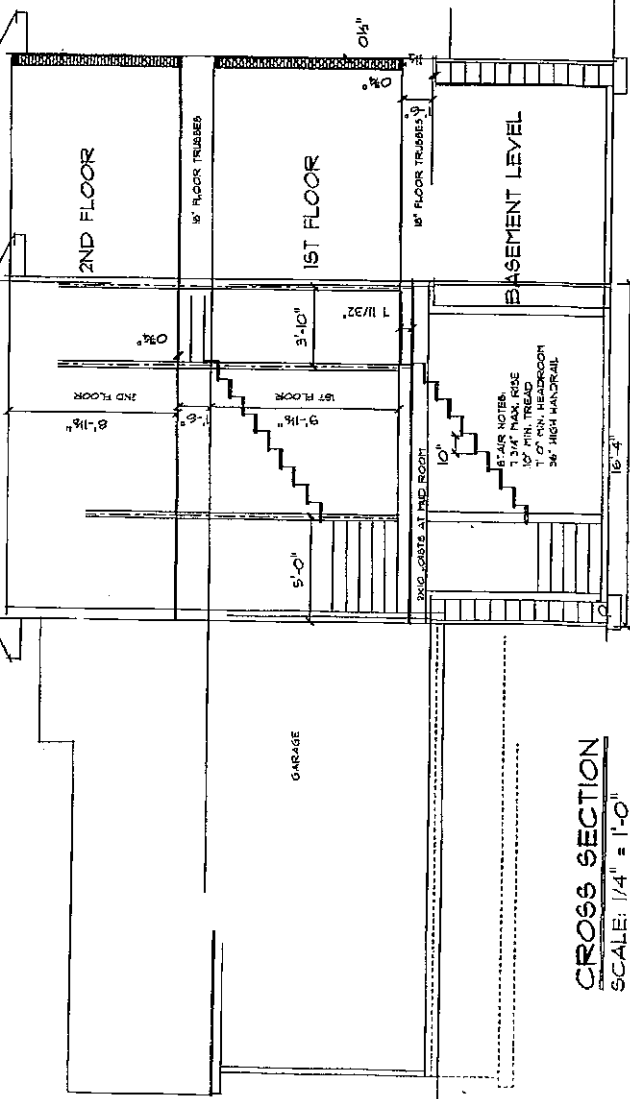
- * STEP FOOTINGS AS REQUIRED TO MAINTAIN 4" MIN BELOW GRADE.
- * OR AS REQUIRED IN MINNESOTA PROVISIONS TO MRC 1303.1600 FOR LOCAL REQUIREMENTS
- * ALL STRUCTURAL MEMBERS MUST BE VERIFIED BY THE SUPPLIER, PER THE MANUFACTURER'S SPECIFICATIONS.
- * REINFORCE FOUNDATION WALLS PER MINNESOTA RESIDENTIAL CODE TABLE R404-1 (1) (PART 1)
- * FOOTINGS AS SOIL CONDITIONS REQUIRE.
- * FILL BLOCK CORES AT ANY BEAM POCKETS.
- * FOUNDATION ANCHORS MINIMUM 1" O/C AND 1" FROM EACH CORNER, OR AS PER MINNESOTA RESIDENTIAL CODE TABLE R404-1 (1) (PART 1)
- * WOOD ON CONCRETE OR LESS THAN 6" FROM GRADE, MUST BE TREATED OR DECAY RESISTANT.

WINDOW FALL PROTECTION
PER MINNESOTA CODE 1303.0302
OPERABLE WINDOWS MORE THAN 1" ABOVE GRADE, AND LESS THAN 36 INCHES ABOVE FINISHED FLOORS, MUST OPEN ENOUGH FOR A 4 INCH SPHERE TO PASS THROUGH THAT HAVE A WINDOW FALL PROTECTION DEVICE PER ASTM F 2090

FIRE PROTECTION OF FLOORS
PER CODE 901.3
BASEMENT CEILING MUST BE PROTECTED WITH 1/2 INCH GYPSUM WALLBOARD, 5/8 INCH WOOD STRUCTURAL PANEL, OR EQUIVALENT.
EXCEPT 80 S.F. MECHANICAL SPACE TO BE FIREBLOCKED

TO BE INSULATED PER MINNESOTA RESIDENTIAL ENERGY CODE - 2015
R 21 WALLS
R 49 CEILINGS
R 15 FOUNDATION (2" R4D EXTERIOR) (1" R-5 INTERIOR)

ROOF VENTS AS REQD
R-49 INSULATION
5 MIL POLY
5/8" SHEETROCK
ENGINEERED ROOF TRUSSES PER MANUFACTURER



CROSS SECTION
SCALE: 1/4" = 1'-0"

WALL DETAIL
SCALE 1/2" = 1'-0"

ASPHALT SHINGLES
15# FELT
2 ROWS 36" ICE & WATER SHIELD
15/32" OSB ROOF SHTG
INSULATION BAFFLE BETWEEN EACH TRUSS
ROOF TRUSSES
24" O/C
PER MANUFACTURER

R-49 INSULATION
5 MIL POLY
5/8" SHEETROCK

R-20 SPRAY FOAM INSUL. @ RIM
3/4" TAG OSB

18" FLOOR TRUSSES
INSTALL PER MANUFACTURER

2X6 STUDS 16" O/C
R-21 INSULATION
5 MIL POLY
1/2" SHEETROCK

R-20 SPRAY FOAM INSUL. @ RIM
3/4" TAG OSB

18" FLOOR TRUSSES
INSTALL PER MANUFACTURER

2X6 TREATED SILL PLATE
& SILL SEALER (L & C CONTRACTING)

BASEMENT

12" CONCRETE BLOCK
FULL HEIGHT
12 COURSES

1" FOAM BOARD INSULATION R-5 - INTERIOR
3-1/2" CONC. SLAB

○ DRAIN TILE

2" R-10 250 LB EXTERIOR RIGID FOAM
1/4" AIR SPACE
NO RESPECTIVE EXT. COATING AT UNIT'S BLOW-UP

WATERPROOF FDN PER CODE OVER TOP AND ENTIRE EXT. SURFACE TO FTG

ADD RE-BAR AS SOIL CONDITIONS REQUIRE
20'x8" CONC. FOOTING

VILLAGES ON THE RUM THIRD ADDITION PHASE FOUR

VILLAGES ON THE RUM THIRD ADDITION PHASE THREE

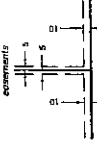


GRAPHIC SCALE
(1" = 100')

LEGEND

- BOUNDARIES FROM ARCH MONUMENT
- CENTER POINT OF ARCH MONUMENT
- CAP-BANKED BLOCK VHS. 40227

Standard Railings & Utility
Comments



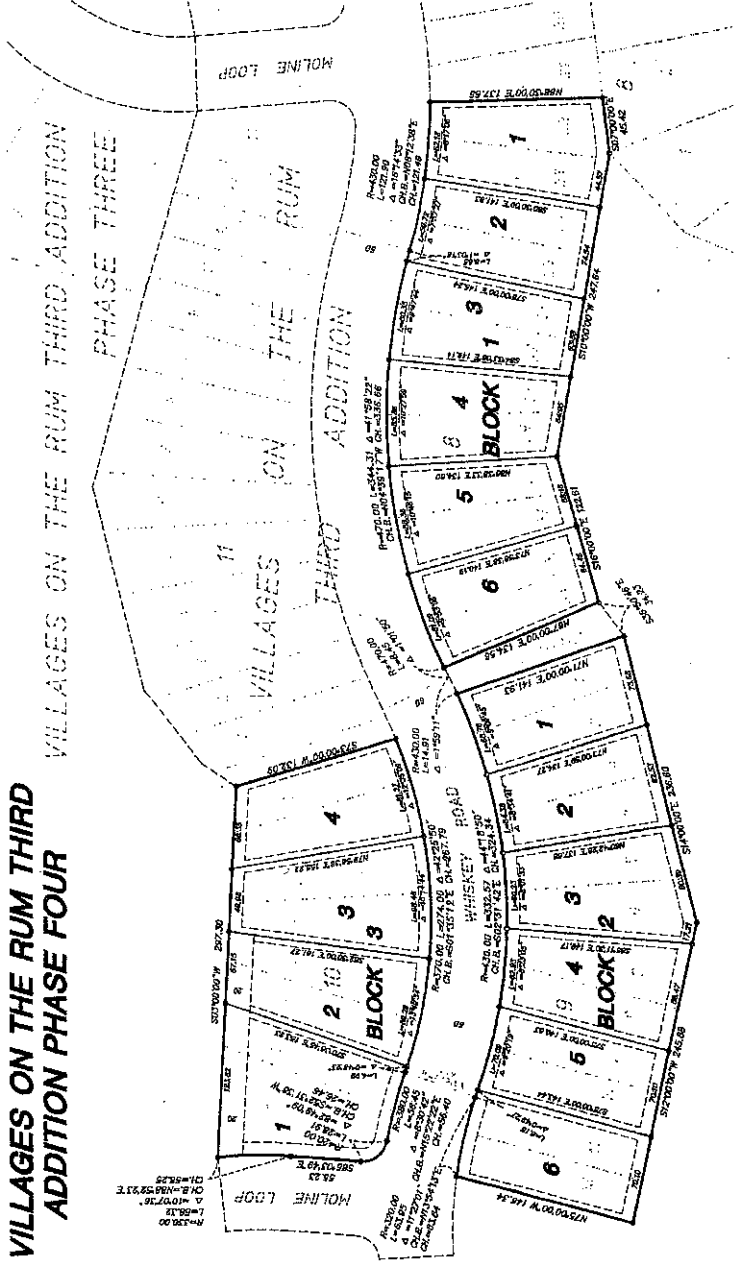
Beings 10 feet in width and adjoining street
and rear lot lines and 5 feet in width and
adjoining side lot lines unless otherwise shown.

BEARING NOTE

For the purpose of this plan, the east line of Lot 1, Block 10
situated on the 100' wide street, is assumed to bear
North 89 degrees 00' minutes 00" seconds East.

NOTE REGARDING WETLANDS

The Minnesota Department of Natural Resources, Natural
Stages Corps of Engineers and other water management
agencies have determined that the wetlands shown on this
plan are not subject to Chapter 60A.02, Subchapter 1 of Minnesota
Statutes and are not subject to the National Wetlands
Deliberation and Regulatory process. The wetlands shown on this
plan are not subject to the National Wetlands
Deliberation and Regulatory process.



State of Minnesota
County of _____
The following plat of _____
City of _____
is hereby approved by the Board of Supervisors of the City of _____
this _____ day of _____, 20____.

Approved in its form and location this _____ day of _____, 20____.

By _____
Mayor

By _____
City Attorney

Recommended for approval this _____ day of _____, 20____.

By _____
City Engineer

Approved by the Planning Commission of the City of _____ on this _____ day of _____, 20____.

By _____
Chairman

By _____
Secretary

By _____
City Clerk

State of Minnesota
County of _____
The following plat of _____
City of _____
is hereby approved by the Board of Supervisors of the City of _____
this _____ day of _____, 20____.

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By _____
City Engineer

Approved by the Planning Commission of the City of _____ on this _____ day of _____, 20____.

By _____
Chairman

By _____
Secretary

By _____
City Clerk



Public Hearing

To: Chairman Duncan
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: September 13, 2016

Subject: Request from TH Construction of Anoka Inc. for Preliminary Plat approval of the Plat of Sun Prairie Second Addition, legally described as Outlot F, Sun Prairie First Addition, Isanti County, Isanti, Minnesota.

Background

TH Construction recently submitted a preliminary plat, grading plan and wetland delineation for Sun Prairie Second Addition. The plat consists of 11 single family lots on the east side of 9th Ave NE/SE, East of the Intermediate School. The average lot size is 11,843sf. Home will be required to be a minimum of 1200sf with 720sf garages. The home will be a mix of split-entry and basement with look-out windows.

Lot Requirements:

Size: Minimum 11,000sf

Width: Corner – 95ft, Other – 80ft

Depth: 137ft

All lots appear to meet the minimum standards.

Comments:

- The developer shall install 1 tree per 50 of lot frontage (roughly 21 trees)
- The developer needs to be informed that they are to avoid curbstops within the driveway.

This development has existing city infrastructure and is covered by the original development agreement for Sun Prairie First Addition. The Signal Light Fee for these lots was paid at the time the original development agreement was signed.

The fees due include:

Park Dedication Fee: 11 lots at \$1500 = \$16,500

Trunk Sewer Charge: 11 lots at \$1000 = \$11,000

The development is consistent with original preliminary plat for this area and with the comprehensive plan.

The City Engineer has reviewed the development plan and recommends approval.

Certification of Taxes Paid

Prior to approving an application for Preliminary Plat, certification must be provided to the City that there are no delinquent property taxes, special assessments, penalties, interest, or outstanding municipal utility fees. City staff did verify with Isanti County on Thursday, August 18th, 2016; that all taxes associated with the property were current.

Public Notice

Notice was published within the Isanti County News on August 31st, 2016. Written notification was provided to property owners located within 350' of the subject site as required by Minnesota State Statute.

Public Comments

No public comments had been received regarding the proposed amendment prior to the release of the staff memo.

Deadline for City Council Action

The applicant submitted an application for Preliminary Plat approval on August 11, 2016. City staff did verify that the application was complete on August 11, 2016. Pursuant to Minnesota State Statute, the City must act on this request by December 9, 2016 (120-days); unless an extension of the review period has been agreed to by the applicant.

Development and Operations Advisory Committee Comments

The Development and Operations Advisory Committee reviewed the request at their meeting held on Thursday, August 18th, 2016. The Committee recommended approval with the condition that trees be installed at one tree per 50 feet of lot frontage and that the developer be made aware that all attempts possible shall be made to ensure driveways are not installed over curbstops.

Options & Proposed Motion Language

1. **Recommend Approval with No Conditions:** Motion to recommend approval of the request from TH Construction of Anoka Inc. for Preliminary Plat approval of the Plat of Sun Prairie Second Addition, legally described as Outlot F, Sun Prairie First Addition, Isanti County, Isanti, Minnesota.
2. **Recommend Approval with Conditions:** Motion to recommend approval of the request from TH Construction of Anoka Inc. for Preliminary Plat approval of the Plat of Sun Prairie Second Addition, legally described as Outlot F, Sun Prairie First Addition, Isanti County, Isanti, Minnesota with the following conditions.....
3. **Recommend Denial:** Motion to recommend denial of the request from TH Construction of Anoka Inc. for Preliminary Plat approval of the Plat of Sun Prairie Second Addition, legally described as Outlot F, Sun Prairie First Addition, Isanti County, Isanti, Minnesota for the following reasons.....
4. **Table:** Motion to table the request from TH Construction of Anoka Inc. for Preliminary Plat approval of the Plat of Sun Prairie Second Addition, legally described as Outlot F, Sun Prairie First Addition, Isanti County, Isanti, Minnesota (a specific reason and information request should be included in the motion to table).

Attachments

- Resolution No. 2016-XXX
- Findings of Fact and Conclusions
- City Engineers Review Comments dated 8.15.2016
- Preliminary Plat for Sun Prairie Second Addition as prepared by E.G. Rud & Sons, Inc., dated 8/3/2016

RESOLUTION NO. 2016-

**A RESOLUTION APPROVING THE PRELIMINARY PLAT
FOR SUN PRAIRIE SECOND ADDITION**

WHEREAS, TH Construction of Anoka Inc., has made application for Preliminary Plat Approval for Sun Prairie Second Addition; which is legally described as Outlot F, Sun Prairie First Addition, Isanti County, Minnesota; and,

WHEREAS, the Isanti Planning Commission conducted a public hearing on the Preliminary Plat on September 13th, 2016; and,

WHEREAS, all required public notices regarding the public hearing were posted and sent; and,

WHEREAS, the Isanti Planning Commission had recommended approval with conditions of the requested Preliminary Plat based upon the Findings of Fact and Conclusion as presented; and,

WHEREAS, the City Council reviewed the Preliminary Plat request at its meeting on September 20th, 2016; and,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Isanti, Minnesota, that it adopts the Findings of Fact and Conclusion related to the requested Preliminary Plat and **BE IT FURTHER RESOLVED** that the requested Preliminary Plat Approval from TH Construction of Anoka Inc., be approved with the following conditions:

1. The developer shall install 1 tree per 50 of lot frontage (roughly 21 trees)
2. The developer shall avoid curbstops within the driveway.

Adopted by the Isanti City Council on this 20th day of September 2016.

Attest:

Mayor George A. Wimmer

Lindsey McInnis
Human Resources/City Clerk

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from TH Construction of Anoka Inc. for Preliminary Plat approval of the Plat of Sun Prairie Second Addition, legally described as Outlot F, Sun Prairie First Addition, Isanti County, Isanti, Minnesota.

Findings of Fact

1. The applicant, TH Construction of Anoka Inc. ('the applicant'), has made application for Preliminary Plat Approval of Sun Prairie Second Addition, Isanti County, Minnesota.
2. The property is legally described as Outlot F, Sun Prairie Second Addition, Isanti County, Minnesota.
3. The Applicant is requesting Preliminary Plat Approval in an effort to create 11 single-family lots.
4. The property is zoned "R-1" Single-Family Residential District.
5. A preliminary plat is considered a major change requiring a public hearing and notification of all property owners within 350'; and final approval by the City Council.
6. The Applicant submitted an application for Preliminary Plat Approval on August 11th, 2016. It was deemed complete on August 11th, 2016.
7. A public hearing date before the Planning Commission was scheduled for Tuesday, September 13th, 2016 at 7:00 p.m. at City Hall within the Council Chambers.
8. Notices were sent to all property owners located within the development and within 350 feet of the subject property.

Conclusions

1. The platting of the property would appear to meet the lot requirements and setback requirements as provided within the zoning ordinance for properties located within the "R-1" Single-Family Residential Districts.
2. The platting of the property would appear to meet the Design Standards as required by Ordinance No. 536.

Decision

The Planning Commission held a public hearing on the item at the **September 13th, 2016** meeting. The meeting minutes, staff memo and exhibits will be made part of the Findings of Facts and Conclusions.




BOLTON & MENK, INC.

Consulting Engineers & Surveyors

7533 Sunwood Drive NW • Ramsey, MN 55303
Phone (763) 433-2851 • Fax (763) 427-0833
www.bolton-menk.com

MEMORANDUM

Date: August 15, 2016
To: Roxanne Achman, Community Development Director
From: Bradley C. DeWolf, P.E. 
City Engineer
Subject: Sun Prairie 2nd Addition – Development Plan Review
Isanti, Minnesota

We have reviewed the Development Plan created by E.G. Rud & Sons, Inc. entitled "Sun Prairie Second Addition" with a signature date of August 3, 2016.

The development plan includes subdividing Outlot F of Sun Prairie 1st Addition into 11 residential lots. The site was graded and sewer and water services were stubbed out in anticipation of this 11 lot layout as part of the Sun Prairie 1st Addition construction.

We have reviewed the submitted development plan and have no comments.

We recommend approval of the development plan as submitted.

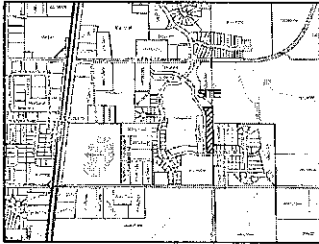
Please contact me if you have any questions.

CERTIFICATE OF SURVEY

~of~ SUN PRAIRIE SECOND ADDITION
 ~for~ TH CONSTRUCTION OF ANOKA
 617 EAST MAIN STREET, SUITE 3
 ANOKA, MN 55303

VICINITY MAP

PART OF SEC. 29, TWP. 35, RING. 23



ISANTI COUNTY, MINNESOTA
 (NO SCALE)

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 08/21/16.
- Bearings shown are on an assumed datum.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional assessments, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Utility information is from field observation and Record Drawings by Ploew Engineering, Inc. dated 7/24/2009.

PROPERTY DESCRIPTION

Outlot F, SUN PRAIRIE FIRST ADDITION, Isanti County Minnesota.

PROPERTY DATA

- Existing Zoning: R-1 Single Family Residential
- Total Site Area: 130,276± SQ. FT. - 2.99± ACRES
- Parcel ID: - 16.109.0550

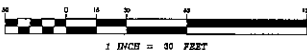
LEGEND

- DENOTES CATCH BASIN
- ▣ DENOTES CABLE PEDESTAL
- DENOTES CURB STOP
- ⊞ DENOTES ELECTRICAL BOX
- ⊞ DENOTES EXISTING SPOT ELEVATION
- ⊞ DENOTES GAS METER
- ⊞ DENOTES HYDRANT
- ⊞ DENOTES LIGHT POLE
- ⊞ DENOTES SANITARY SEWER MANHOLE
- ⊞ DENOTES SOIL BORING (BY OTHERS)
- ⊞ DENOTES STORM SEWER APRON
- ⊞ DENOTES STORM SEWER MANHOLE
- ⊞ DENOTES TELEPHONE PEDESTAL
- ⊞ DENOTES WATER VALVE
- ⊞ DENOTES EXISTING CONTOURS
- ⊞ DENOTES EXISTING SANITARY SEWER
- ⊞ DENOTES EXISTING STORM SEWER
- ⊞ DENOTES EXISTING WATER MAIN
- ⊞ DENOTES ADJACENT PARCEL OWNER INFORMATION (PER ISANTI COUNTY TAX INFORMATION)

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

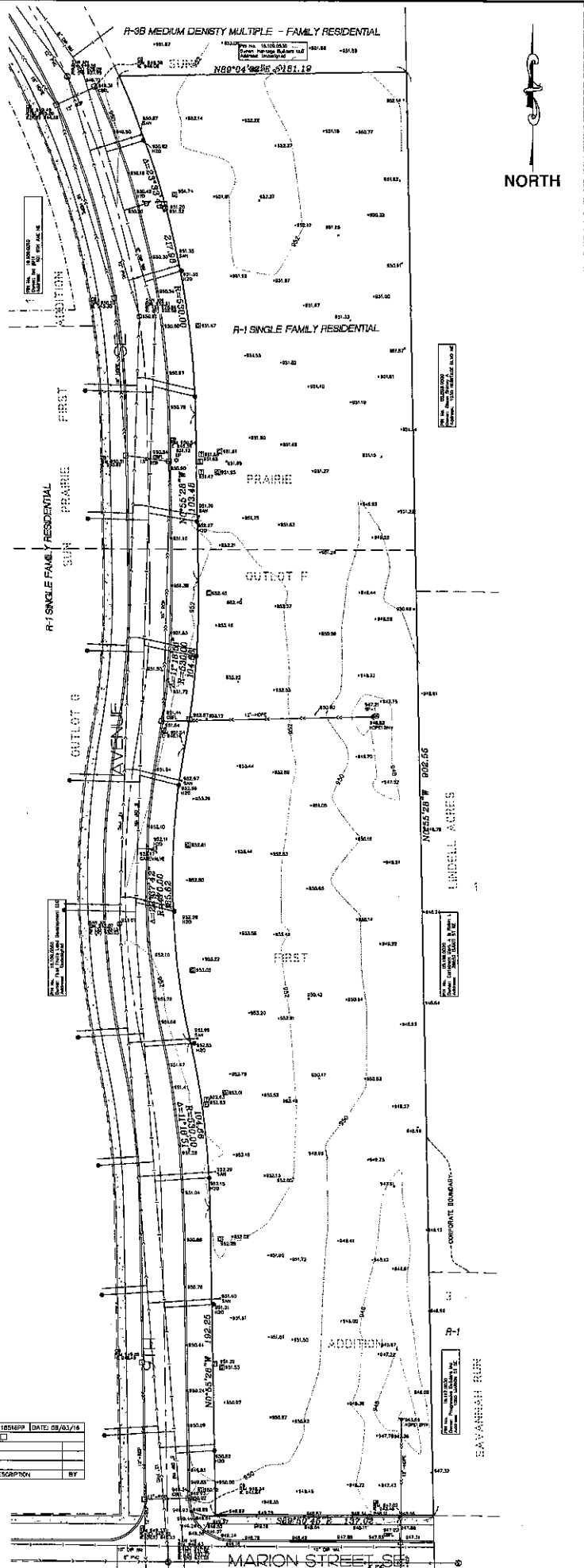
JASON E. RUD
 Date: 08/03/16 License No. 41578

GRAPHIC SCALE



DRAWN BY:	MJD	JOB NO.:	16516PP	DATE:	08/03/16
CHECK BY:	AC	SCALED:	□		
	1				
	2				
	3				
NO.	DATE	DESCRIPTION	BY		

E.G. RUD & SONS, INC.
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 310
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701

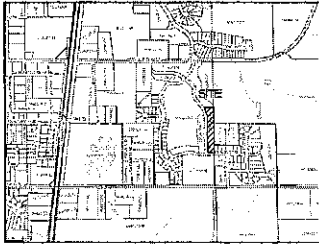


PRELIMINARY PLAT

~of~ SUN PRAIRIE SECOND ADDITION
 ~for~ TH CONSTRUCTION OF ANOKA
 617 EAST MAIN STREET, SUITE 3
 ANOKA, MN 55303

VICINITY MAP

PART OF SEC. 29, TWP. 35, RNG. 23



ISANTI COUNTY, MINNESOTA
 (NO SCALE)

NOTES

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- Utility information is from field observation and Record Drawings by Flow Engineering, Inc. dated 7/24/2009.

PROPERTY DESCRIPTION

Outlot F, SUN PRAIRIE FIRST ADDITION, Isanti County Minnesota.

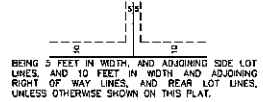
DEVELOPMENT DATA

- Existing Zoning: R-1 Single Family Residential
- Parcel ID: - 16,109,055D
- Total Site Area: 130,276± SQ. FT. - 2.99± ACRES
- 11 Proposed Single Family Lots
- Average Lot Size - 11,843 SQ. FT.

R-1 DEVELOPMENT STANDARDS

Minimum Lot Size - 11,000 sq. ft.
 Minimum Lot Width - 50 feet, corner lots 95 feet
 Minimum Lot Depth - 157 feet
 Front Yard Setback - 30 feet
 Rear Yard Setback - 30 feet
 Side Yard Setback - 10 feet, or 20 feet abutting RW

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



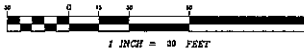
LEGEND

- DENOTES CATCH BASIN
- DENOTES CURB STOP
- DENOTES ELECTRICAL BOX
- DENOTES EXISTING SPOT ELEVATION
- DENOTES GAS METER
- DENOTES HYDRANT
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- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING WATER MAIN
- DENOTES BUILDING SETBACK LINE
- DENOTES ADJACENT PARCEL OWNER INFORMATION (PER ISANTI COUNTY TAX INFORMATION)

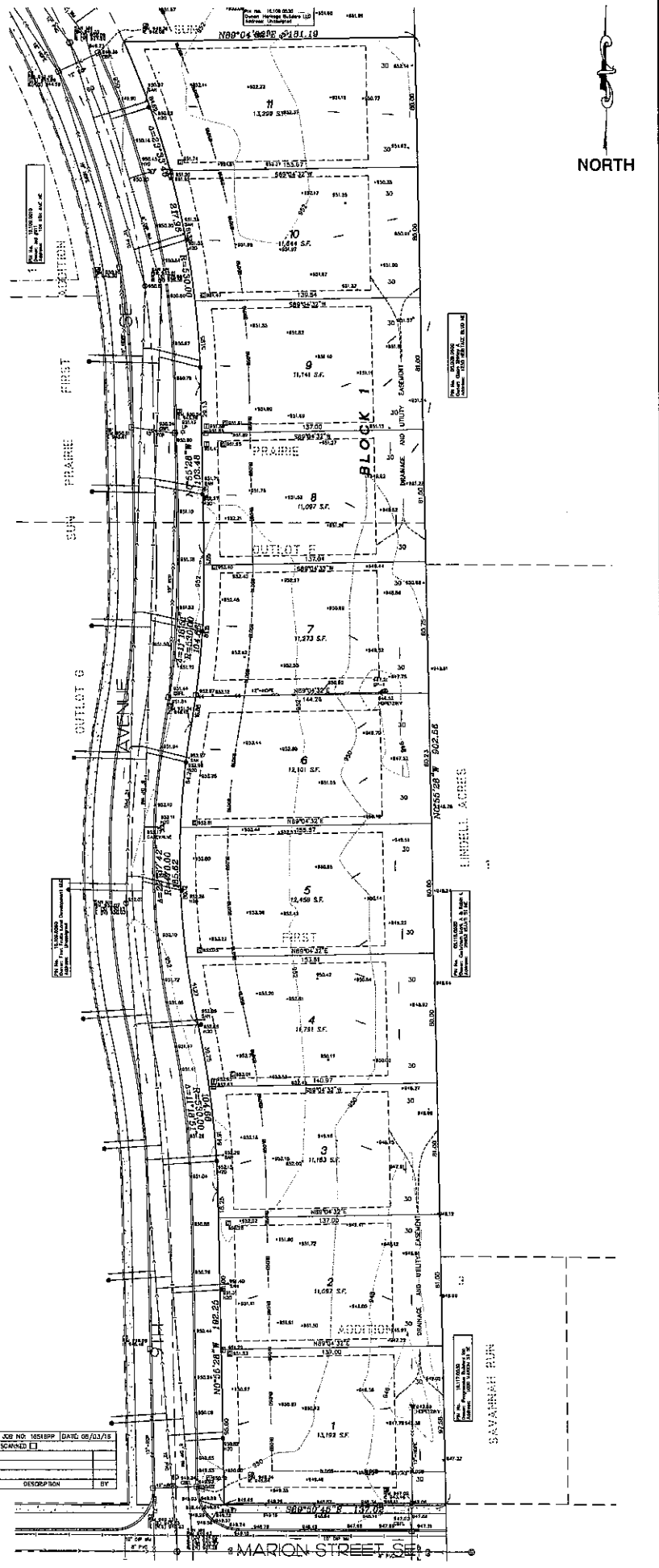
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASON E. RUD
 Date: 08/03/16 License No. 41578

GRAPHIC SCALE



NO.	DATE	DESCRIPTION	BY
1			
2			
3			



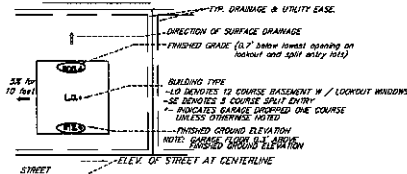
NORTH

E.G. RUD & SONS, INC.
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701

DEVELOPMENT PLAN

~of~ SUN PRAIRIE SECOND ADDITION
 ~for~ TH CONSTRUCTION OF ANOKA
 617 EAST MAIN STREET, SUITE 3
 ANOKA, MN 55303

TYPICAL LOT



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- Utility information is from field observation and Record Drawings by Plowe Engineering, Inc. dated 7/24/2009.

TREE PRESERVATION AND LANDSCAPING NOTES

- There are no significant trees on site. Site has been previously mowed.
- Builder to install 1 boulevard tree for every 50 feet of lot frontage.
- Deciduous trees shall be 2.5 inches in diameter and Coniferous / Evergreen trees shall be 6 feet in height above the root ball at the time of planting.
- Boulevard trees must be on the approved species list in Section 15 of the City of Anoka Zoning Ordinance, or be approved by City staff.

GRADING AND EROSION CONTROL NOTES

- Jacobson Environmental Services, LLC has visited the site and determined that there are no wetlands present.
- No mass grading of the site is proposed. Site was graded as part of the Grading Plan of SUN PRAIRIE FIRST ADDITION.
- Builders are to install silt fence around the perimeter of the lot at time of house construction.
- See "STORM WATER POLLUTION PREVENTION PLAN" for additional erosion control notes and site sequencing.

LEGEND

- DENOTES CATCH BASIN
- DENOTES CABLE PEDESTAL
- DENOTES CURB STOP
- DENOTES ELECTRICAL BOX
- DENOTES EXISTING SPOT ELEVATION
- DENOTES GAS METER
- ▽ DENOTES HYDRANT
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- ⊕ DENOTES WATER VALVE
- DENOTES EXISTING CONTOURS
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING WATER MAIN
- DENOTES BUILDING SETBACK LINE
- DENOTES PROPOSED ELEVATION
- DENOTES PROPOSED EMERGENCY OVERFLOW ELEVATION

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASON E. RUD
 Date: 08/03/16 License No. 41578

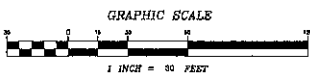
PONDING CALCULATIONS AND STORM SEWER DESIGN BY PLOWE ENGINEERING, INC.

PLOWE ENGINEERING, INC.
 6776 LAKE DRIVE
 SUITE 110
 LINO LAKES, MN 55014
 PHONE: (651) 361-8210
 FAX: (651) 361-8701

SITE PLANNING & ENGINEERING

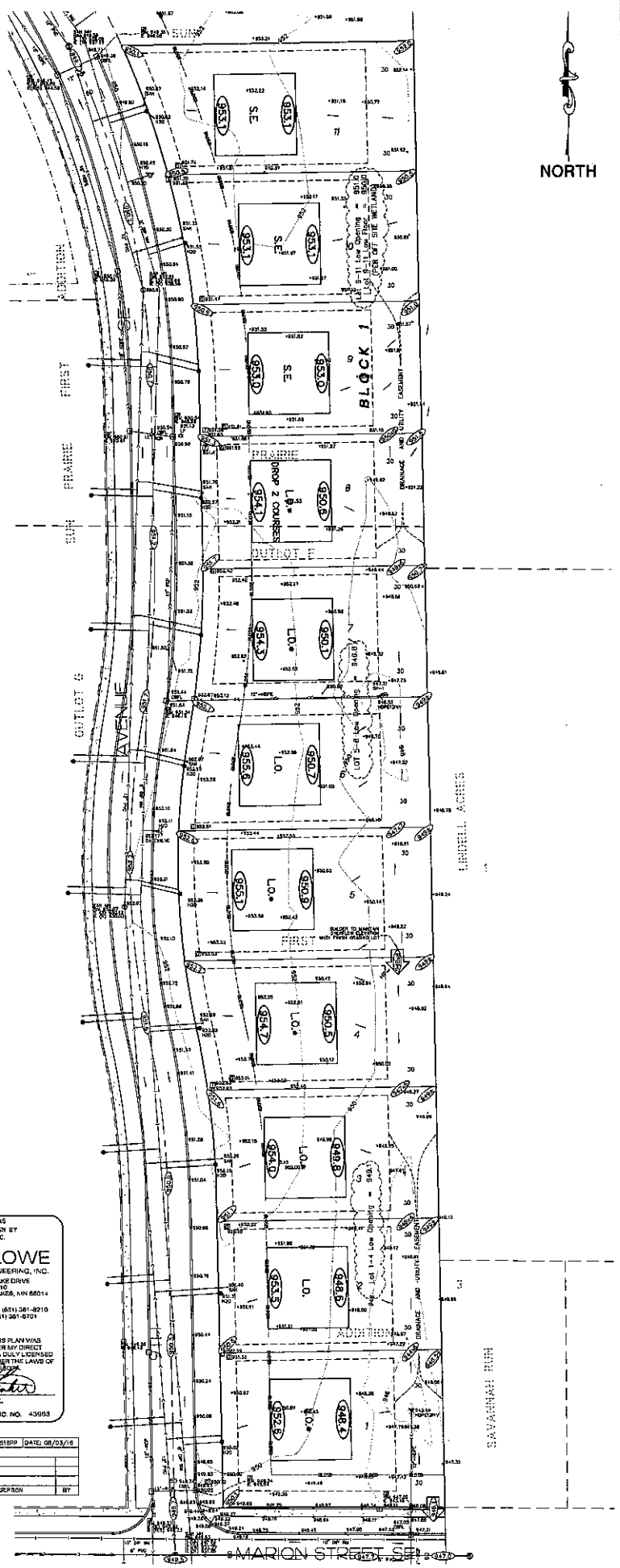
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Adam Gunkel
 ADAM GUNKEL
 DATE: 08/03/16 L.D. NO. 43965



NO.	DATE	DESCRIPTION	BY
1			
2			
3			

E.G. RUD & SONS, INC.
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701



NORTH



**CITY OF ISANTI
PLANNING COMMISSION MEETING
TUESDAY, OCTOBER 11, 2016 – 7:00 p.m.
CITY HALL**

1. Meeting Opening
 - A. Call to Order
 - B. Pledge of Allegiance
 - C. Roll Call
 - D. Agenda Modifications

2. Approval of Minutes from September 13, 2016 Planning Commission Meeting

3. Public Hearings
 - A. Request from TH Construction of Anoka Inc. for Final Plat approval of the Plat of Sun Prairie Second Addition, legally described as Outlot F, Sun Prairie First Addition, Isanti County, Isanti, Minnesota.

 - B. Request from Kardo Properties, LLC, for approval of a Conditional Use Permit for Outdoor Storage located at 605 1st Ave NW, legally described as Lot 1, Block 2, Isanti Centennial Complex, Isanti County, Minnesota.

4. Other Business
 - A. None.

5. Discussion Items
 - A. None.

6. Adjournment

CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
SEPTEMBER 13, 2016

1. Meeting Opening.

A. Call to Order.

Cesafsky 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: Paul Bergley, Wayne Traver, Greg Cesafsky, Steve Lundeen, and Jim Kennedy.

Members Absent: Jeff Duncan (prior notice given)

Staff Present: Community Development Director, Roxanne Achman

Others Present: None

D. Agenda Modifications.

None.

2. Approval of Minutes from August 10, 2016 Planning Commission Meeting.

Cesafsky questioned if there were any comments or changes to the minutes.

Motion by Kennedy second by Bergley to approve the August 10th, 2016 Planning Commission Meeting Minutes. Motion was unanimously approved.

3. Public Hearings.

A. Request from Tim Taylor for an Amendment to Villages on the Rum Third Addition, Phase 4 Planned Unit Development to reduce the interior side yard setback from fifteen (15) feet to ten (10) feet for the home and from fifteen (15) feet to five (5) feet for an attached garage (garage only), located in Isanti County, Isanti, Minnesota.

Cesafsky read the item into the minutes.

Achman presented the staff memo.

Cesafsky opened the public hearing.

Lundeen asked if the lots were irregularly shaped.

Achman stated the lots were not extremely irregular, but they don't allow for a three stall garage based on the sideyard setbacks required for this development.

Randy Bollinger, 926 Whiskey Rd NW, stated he didn't have any objections to the reduced sideyard setbacks. He just wanted clarification on whether this would shorten the driveway.

Achman clarified by stating that the home would be built wider but the driveway would stay the same. Homes are required to be setback a minimum of thirty feet from the front property line.

Mr. Bollinger stated that he was just concerned that the driveway would be shorter causing more of a parking issue in the neighborhood.

The public hearing was closed.

Motion by Lundeen second by Kennedy to recommend approval of the request from Tim Taylor for an Amendment to Villages on the Rum Third Addition, Phase 4 Planned Unit Development to reduce the interior side yard setback from fifteen (15) feet to ten (10) feet for the home and from fifteen (15) feet to five (5) feet for an attached garage (garage only), located in Isanti County, Isanti, Minnesota based on the Finding of Fact and Conclusions with the following conditions:

1. All other previously approved standards, conditions, and plans associated with the original Villages on the Rum Third Addition, Phase 4 Planned Unit Development must be met.

Motion carried unanimously.

B. Request from TH Construction of Anoka Inc. for Preliminary Plat approval of the Plat of Sun Prairie Second Addition, legally described as Outlot F, Sun Prairie First Addition, Isanti County, Isanti, Minnesota.

Cesafsky read the item into the minutes.

Achman presented the staff memo.

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

Motion by Kennedy second by Bergley to recommend approval of the request from the TH Construction of Anoka Inc. for Preliminary Plat approval of the Plat of Sun Prairie Second Addition, legally described as Outlot F, Sun Prairie First Addition, Isanti County, Isanti, Minnesota based on the Findings of Fact and Conclusions with the following conditions:

1. The developer shall install 1 tree per 50 of lot frontage (roughly 21 trees)
2. The developer needs to be informed that they are to avoid curbstops within the driveway.

Motion carried unanimously.

4. Other Business.

A. None.

5. Discussion Items.

A. Update on Highway 65 Overlay District.

Achman provided an update stating that staff is continuing to work on the Overlay District. Staff was hoping to have it ready for a public hearing at the October Planning Commission meeting, but it is more likely to be brought forward at the November or December meeting. Staff is reviewing the uses at this time and trying to make a determination on what uses would best create a gateway to the community.

Bergley asked if staff was looking for input from businesses yet.

Achman stated that would occur at the public hearing.

Cesafsky asked what the area was that would be part of the Overlay District.

Achman stated that it would be along the Highway 65 Corridor to the city limits and to include portions of the Tier One area.

6. Adjournment

Motion by Bergley second by Lundeen to adjourn the September 13th, 2016 meeting of the Planning Commission. Motion was unanimously approved.

The meeting adjourned at 7:08 p.m.

Dated at Isanti, Minnesota this 13th day of September 2016.

Respectfully submitted,

Roxanne Achman, AICP
Community Development Director



Public Hearing

To: Chairman Duncan
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: October 11, 2016

Subject: Request from TH Construction of Anoka Inc. for Final Plat approval of the Plat of Sun Prairie Second Addition, legally described as Outlot F, Sun Prairie First Addition, Isanti County, Isanti, Minnesota.

Background

In September the Planning Commission and City Council approved the Preliminary Plat of Sun Prairie Second Addition for 11 Single Family lots subject to the following conditions:

- The developer shall install 1 tree per 50 of lot frontage (roughly 21 trees)
- The developer needs to be informed that they are to avoid curbstops within the driveway.

The developer is aware of the conditions and has provided all necessary title work.

The City Engineer's memorandum dated September 6, 2016, recommends approval.

Staff recommends approval of the Final Plat of Sun Prairie Second Addition.

Certification of Taxes Paid

Prior to approving an application for Final Plat, certification must be provided to the City that there are no delinquent property taxes, special assessments, penalties, interest, or outstanding municipal utility fees. City staff did verify with Isanti County on October 4, 2016; that all taxes associated with the property were current.

Public Notice

Written notification was sent to surrounding properties owner located within 350' of said development. Such letters were sent on September 26th, 2016.

Public Comments

No public comments had been received regarding the proposed text amendment prior to the release of the staff memo.

Deadline for City Council Action

The applicant submitted an application for Final Plat approval on September 6, 2016. City staff did verify that the application was complete on September 12, 2016. Pursuant to Minnesota State Statute, the City must act on this request by November 11, 2016 (60-days); unless an extension of the review period has been agreed to by the applicant.

Options & Proposed Motion Language

1. Recommend Approval with No Conditions: Motion to recommend approval of the request from TH Construction of Anoka Inc. for Final Plat approval of the Plat of Sun Prairie Second Addition, legally described as Outlot F, Sun Prairie First Addition, Isanti County, Isanti, Minnesota.
2. Recommend Approval with Conditions: Motion to recommend approval of the request from TH Construction of Anoka Inc. for Final Plat approval of the Plat of Sun Prairie Second Addition, legally described as Outlot F, Sun Prairie First Addition, Isanti County, Isanti, Minnesota with the following conditions.....
3. Recommend Denial: Motion to recommend denial of the request from TH Construction of Anoka Inc. for Final Plat approval of the Plat of Sun Prairie Second Addition, legally described as Outlot F, Sun Prairie First Addition, Isanti County, Isanti, Minnesota for the following reasons.....
4. Table: Motion to table the request from TH Construction of Anoka Inc. for Final Plat approval of the Plat of Sun Prairie Second Addition, legally described as Outlot F, Sun Prairie First Addition, Isanti County, Isanti, Minnesota (a specific reason and information request should be included in the motion to table).

Attachments

- Resolution No. 2016-XXX
- Findings of Fact and Conclusions
- City Engineers Review Comments dated 9.6.2016
- Final Plat for Sun Prairie Second Addition as prepared by E.G. Rud and Sons, Inc.

RESOLUTION NO. 2016-XXX

**A RESOLUTION APPROVING THE FINAL PLAT
OF SUN PRAIRIE SECOND ADDITION, LEGALLY DESCRIBED AS OUTLOT F, SUN
PRAIRIE FIRST ADDITION**

WHEREAS, TH Construction of Anoka, Inc. has made application for Final Plat Approval for Sun Prairie Second Addition; which is legally described as Outlot F, Sun Prairie First Addition, Isanti County, Isanti, Minnesota; and,

WHEREAS, the Isanti Planning Commission conducted a public hearing on the Final Plat on October 11th, 2016; and,

WHEREAS, all required public notices regarding the public hearing were posted and sent; and,

WHEREAS, the Isanti Planning Commission had recommended approval of the requested Final Plat based upon the Findings of Fact and Conclusion as presented with conditions; and,

WHEREAS, the City Council reviewed the Final Plat request at its meeting on October 18th, 2016; and,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Isanti, Minnesota, that it adopts the Findings of Fact and Conclusion related to the requested Final Plat and **BE IT FURTHER RESOLVED** that the requested Final Plat Approval from TH Construction of Anoka, Inc., be approved with the following conditions:

1. Upon approval of the Final Plat by the City Council, the City Clerk or his/her designee shall record it with the County Recorder's Office within ninety (90) days after the date of approval; otherwise, failure of the applicant to comply and submit the necessary items and fees for the recording of the Final Plat by the City shall be cause for revoking the City's approval and the Final Plat shall be considered void, unless the developer or applicant requests an extension, in writing and receives approval from the City Council. The City Council may approve up to two (2) extensions for a term not to exceed one (1) additional year for each extension. Fees associated with the recording of the Final Plat will be charged back to the developer or subdivider.
2. The subdivider shall immediately upon approval, furnish the City Administrator or his/her designee with three (3) full size mylar transparencies of the Final Plat, two (2) for the County and one (1) for the City. Three (3) additional 11 inch by 17 inches mylar transparencies shall be given to the City Planner, the City Clerk, and Isanti County. No building permits shall be issued until these conditions have been complied with.

Adopted by the Isanti City Council on this 18th day of October 2016.

Attest:

Mayor George A. Wimmer

Lindsey Giese
Human Resources/City Clerk

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from TH Construction of Anoka Inc. for Final Plat approval of the Plat of Sun Prairie Second Addition, legally described as Outlot F, Sun Prairie First Addition, Isanti County, Isanti, Minnesota.

Findings of Fact

1. The applicant, TH Construction of Anoka Inc. ('the applicant'), has made an application for Final Plat Approval of Sun Prairie Second Addition.
2. The property is legally described as Outlot F, Sun Prairie First Addition, Isanti County, Minnesota.
3. The Applicant is requesting Final Plat Approval in an effort to create 11 single family lots.
4. Such requests are considered a major change requiring a public hearing and notification of all property owners within 350'; and final approval by the City Council.
5. The Applicant submitted a complete application for Final Plat Approval on September 6, 2016.
6. A public hearing date before the Planning Commission was scheduled for Tuesday, October 11, 2016 at 7:00 p.m. at City Hall within the Council Chambers.
7. Notice of the Final Plat Approval was published within the Isanti County News on Wednesday, September 28th, 2016. Notices were sent to all property owners located within the development and within 350 feet of the subject property.

Conclusions

1. The subdivision of the property would appear to meet the lot requirements and setback requirements as provided within the zoning ordinance for properties located within the "R-1" Single Family Residential District for Sun Prairie Second Addition.
2. The subdivision of the property would appear to meet the Design Standards as required by Ordinance No. 536.

Decision

The Planning Commission held a public hearing on the item at the **October 11th, 2016** meeting. The meeting minutes, staff memo and exhibits will be made part of the Findings of Facts and Conclusions



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MEMORANDUM

Date: September 6, 2016
To: Roxanne Achman, Community Development Director
From: Bradley C. DeWolf, P.E.
City Engineer
Subject: Sun Prairie 2nd Addition – Final Plan Review
City of Isanti, MN
Project No.: R13.111162

We have reviewed the Final Plat created by E.G. Rud & Sons, Inc. entitled "Sun Prairie Second Addition" with a preliminary copy date of September 6, 2016.

The plat includes subdividing Outlot F of Sun Prairie 1st Addition into 11 residential lots. The site was graded and sewer and water services were stubbed out in anticipation of this 11 lot layout as part of the Sun Prairie 1st Addition construction.

We have reviewed the submitted final plat and have no comments.

We recommend approval of the final plat as submitted.

Please contact me if you have any questions.



Public Hearing

To: Chairman Duncan
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: October 11, 2016

Subject: Request from Kardo Properties, LLC, for approval of a Conditional Use Permit for Outdoor Storage located at 605 1st Ave NW, legally described as Lot 1, Block 2, Isanti Centennial Complex, Isanti County, Minnesota.

Background

In November 2015 staff met with businesses with outdoor storage who have been operating without the required Conditional Use Permit. The businesses have been given until October 31, 2016 to bring their properties into compliance and apply for a conditional use permit.

Outdoor storage requires screening on all visible sides. Conveyors Direct (Kardo Properties, LLC) has two storage containers on the west side of their lot which requires screening. The attached site plan indicates the location of the storage containers. A 6-foot-high, treated lumber fence will be installed around the containers. The fence will be painted gray to match the building once the wood has seasoned enough to accept paint. The plans indicate that Class 5 will be used as the surfacing material within the storage area.

Staff Recommendation:

Staff recommends approval of the conditional use permit subject to the conditions for outdoor storage.

Comprehensive Plan

The Industrial Land Use category "provides for areas in the community for industrial related businesses including manufacturing, warehousing, automotive, trucking, office and other related industrial uses. This designation is primarily located on the north portion of the community between the railroad and Highway 65. These uses are not as compatible with residential as well as some commercial uses. In locations where the use may be located near residential and/or more sensitive commercial uses, screening and berming should be used to reduce its impact".

Zoning Ordinance Provisions

The "I-1" Industrial Park District is established, in an effort to expand upon employment opportunities within the community. The purpose of the Industrial Park District is to group industrial uses in locations that have adequate and convenient access to major streets, highways and the railroad line. While the City is predominately residential in character, industrial uses are an important part of the City's land use pattern. Regulations encourage the development of industrial uses that are compatible with surrounding and abutting land uses. In order to accomplish this compatibility, development within the district is intended for administrative, wholesaling, manufacturing, warehousing, office, and related uses which can maintain high standards of appearance, through building design, site design, and landscaping / screening, and not require a high level of public services. With proper control, these areas should be compatible with commercial or residential areas.

Conditional Use Permit Requirements

Upon review of a Conditional Use Permit request, the Zoning Ordinance provides factors and standards that must be reviewed by the Planning Commission. Section 21, Article 2 Conditional Uses states:

- D. The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:
1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
 2. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.
 3. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
 4. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
 5. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 6. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
 7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
 8. The conditional use complies with the general and specific performance standards as specified by within this Article.

Outdoor Storage Requirements

- A. Outside storage areas shall be surfaced with bituminous, concrete, or other surfaces, including but not limited to crushed rock, Class 5, or recycled materials; as recommended by the Planning Commission and approved by the City Council.
- B. Outside storage area shall not be placed within required parking or loading areas, which are deemed necessary to meet code requirements.
- C. Outside storage areas shall be located within the rear yard; however, outdoor storage may be located within the side yard, providing the side yard is not adjacent to or across the street from any residentially zoned property.
- D. All outside storage areas shall be effectively screened year-round, by a wall, fence, or densely planted vegetation in accordance with Section 15 of this Ordinance.
- E. Cars, vans, and pickup trucks parked outside and used by employees and/or visitors in the normal course of business operation will not be construed as outdoor storage. Further, outside parked trucks and semitrailers used in conjunction with normal business activities will not be construed to be outdoor storage provided (a) the total number of trucks and semi-trailers does not exceed the number of docks and/or bay doors; (b) such vehicles are currently licensed by the State of Minnesota and are in the process of delivering or picking up goods or materials, and (c) such use is not construed as an operation listed as a conditional use in the industrial zone. All other vehicles and/or equipment associated with the business shall meet the fencing and screening requirements as stipulated within this ordinance.

Certification of Taxes Paid

Prior to approving an application for approval of a Conditional Use Permit, certification must be provided to the City that there are not any delinquent property taxes, special assessments, penalties, interest, or outstanding municipal utility fees. City staff did verify with Isanti County on October 4, 2016; that all taxes associated with the property were current.

Public Notice

Notice was published within the Isanti County News on September 28, 2016. Written notification was provided to property owners located within 350' of the subject site as required by Minnesota State Statute.

Public Comment

To date, no public comment or questions had been received.

Deadline for City Council Action

The City of Isanti received a complete application for a Conditional Use Permit on September 6, 2016. Pursuant to Minnesota State Statute, the City must act on this request by November 5, 2016 (60 days). The only exception to these deadlines provided would be if the City provides the petitioner with written reasons for an additional 60-day review period.

Options & Proposed Motion Language

1. **Recommend Approval with No Conditions:** Motion to recommend approval of the request from Kardo Properties, LLC, for approval of a Conditional Use Permit for Outdoor Storage located at 605 1st Ave NW, legally described as Lot 1, Block 2, Isanti Centennial Complex, Isanti County, Minnesota.
2. **Recommend Approval with Conditions:** Motion to recommend approval of the request from Kardo Properties, LLC, for approval of a Conditional Use Permit for Outdoor Storage located at 605 1st Ave NW, legally described as Lot 1, Block 2, Isanti Centennial Complex, Isanti County, Minnesota with the following conditions.....
3. **Recommend Denial:** Motion to recommend denial of the request from Kardo Properties, LLC, for approval of a Conditional Use Permit for Outdoor Storage located at 605 1st Ave NW, legally described as Lot 1, Block 2, Isanti Centennial Complex, Isanti County, Minnesota for the following reasons.....
4. **Table:** Motion to table the request from Kardo Properties, LLC, for approval of a Conditional Use Permit for Outdoor Storage located at 605 1st Ave NW, legally described as Lot 1, Block 2, Isanti Centennial Complex, Isanti County, Minnesota (a specific reason and information request should be included in the motion to table).

Attachments

- Resolution No. 2016 - XXX
- Findings of Fact and Conclusion
- Site Plan layout

RESOLUTION NO. 2016-

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP) FOR KARDO PROPERTIES, LLC FOR OUTDOOR STORAGE THE PROPERTY LEGALLY DESCRIBED AS LOT 1, BLOCK 2, ISANTI CENTENNIAL COMPLEX

WHEREAS, Kardo Properties, LLC currently owns the property at 605 1st Ave NW, legally described as Lot 1, Block 2, Isanti Centennial Complex; and,

WHEREAS, the petitioner has requested a Conditional Use Permit (CUP) to allow for outdoor storage; and,

WHEREAS, the property is located within the "I-1" Industrial District, which requires a Conditional Use Permit (CUP) for outdoor storage; and,

WHEREAS, following publication, posted and mailed notice thereof, the City of Isanti Planning Commission conducted a public hearing on the proposed Conditional Use Permit on September 28th, 2016; and,

WHEREAS, the City of Isanti Planning Commission recommended approval of the proposed Conditional Use Permit subject to the conditions as listed below based upon the Findings of Fact and Conclusion as presented; and,

WHEREAS, the City Council reviewed the requested Conditional Use Permit at its regularly scheduled meeting on October 18th, 2016; and,

WHEREAS, the City Council of the City of Isanti has determined that the Conditional Use Permit meets the ordinance requirements necessary for granting approval; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ISANTI, MINNESOTA, that it adopts the Findings of Fact and Conclusion related to the requested Conditional Use Permit for Kardo Properties, LLC and **BE IT FURTHER RESOLVED** that the requested Conditional Use Permit to be located on the property at 605 1st Ave NW, be hereby approved subject to the following conditions:

1. Outside storage areas shall be surfaced with bituminous, concrete, or other surfaces, including but not limited to crushed rock, Class 5, or recycled materials; as recommended by the Planning Commission and approved by the City Council.
2. All outside storage areas shall be effectively screened year-round, by a wall, fence, or densely planted vegetation in accordance with Section 15 of this Ordinance.

Adopted by the Isanti City Council on this 18th day of October 2016.

Attest:

Mayor George A. Wimmer

Lindsey Giese
Human Resources/City Clerk

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from Kardo Properties, LLC for Approval of a Conditional Use Permit to allow for Outdoor Storage on the property located at 605 1st Ave NW, Isanti, Minnesota.

Findings of Fact

1. The applicant is requesting approval of outdoor storage at the property located at 605 1st Ave NW.
2. The property is zoned "I-1" Industrial District.
3. A Conditional Use Permit is required for Outdoor Storage within the "I-1" Industrial District.
4. The petitioner submitted a Conditional Use Permit Application, the required application fee and associated materials on September 6, 2016. Staff had reviewed such application and deemed such application complete on September 6, 2016. Pursuant to Minnesota State Statute, the City must act on this request by November 5th, 2016 (60-day rule).
5. A public hearing date before the Planning Commission was scheduled for Tuesday, October 11th, 2016 at 7:00 p.m. at City Hall within the Council Chambers.
6. Notice of the Conditional Use Permit request was published within the Isanti- County News on Wednesday, September 28th, 2016. Notices were sent to all property owners located within 350 feet of the subject property.
7. Section 21, Article 2: Conditional Use Permits, Subdivision 3 (D) of the Zoning Ordinance establishes factors that the judgment of the Planning Commission shall be based upon when reviewing a Conditional Use Permit request as well as Section 21, Article 2: Conditional Use Permits, Subdivision 4 General Performance Standards of the Zoning Ordinance establishes additional general standards that shall be used to evaluate any proposed conditional use permit request.

Conclusions

1. In review of the standards established in Section 21, Article 2 Conditional Use (D); the following conclusions have been made (*conclusions to each requirement are shown in underlined italics*): The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:
 - A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans. *The proposed use for the site would be consistent with the goals and objectives of the comprehensive plan and helps bring the site into compliance.*
 - B. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district. *The proposed use is existing. Receiving a conditional use permit and providing screening brings the property into compliance.*
 - C. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort. *The establishment of the conditional use does not appear to endanger the public health, safety, morals and comfort of the surrounding area or the community. The proposal follows the requirements further outlined in Section 13: Use Regulations for Outdoor Storage.*
 - D. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.

The conditional use for outdoor storage and a screening fence does not appear to diminish or impair surrounding property values. Much of the area surrounding this property is also zoned for similar uses.

- E. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. The outdoor storage area will be entirely enclosed by a screening fence, vegetation and an accessory structure. There is no reason for the storage or fence to impede development.
- F. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed. Additional public facilities and services are not necessary for the proposed use.
- G. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located. The requested conditional use permit appears to conform to the applicable regulations required for the district and the performance standards outlined within the zoning ordinance. Conditions will be placed on any approval to ensure that the property is developed in accordance to ordinance requirements and the proposed plan provided by the applicant.
- H. The conditional use complies with the general and specific performance standards as specified by within this Article. These have been evaluated as part of the findings of fact; and can be found within this document.

2. In review of the standards established in Section 21, Article 2 Conditional Use, Subdivision 4 General Performance Standards; the following conclusions have been made (conclusions to each requirement are shown in underlined italics):

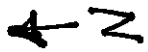
- A. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated an adequate public right-of-way shall be provided. This site is currently served by a street of sufficient capacity. The proposed conditional use will not change the type or volume of traffic flow for this site.
- B. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with Section 17 of this Ordinance. Access to the site is existing and had been approved at an earlier date.
- C. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles. Not applicable.
- D. Adequate off-street parking and off-street loading shall be provided in compliance with Section 17 of this Ordinance. Not applicable.
- E. Loading areas and drive-thru facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any adjacent residential use or district, and provided in compliance with Section 17 of this Ordinance. Not applicable.
- F. Whenever a non-residential use is adjacent to a residential use or district, a buffer area with screening and landscaping shall be provided in accordance with the provisions of Section 15 of this Ordinance. Not applicable.
- G. General site screening and landscaping shall be provided in compliance with Section 15 of this Ordinance. The outdoor storage area will be properly screened by a screening fence, vegetation and an accessory structure as required in Section 13 and Section 15 of this Ordinance.

- H. All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, and shall be in compliance with Section 14 of this Ordinance.
Not applicable.
- I. The site drainage system shall be subject to the review and approval of the City Engineer.
Not applicable.
- J. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing and potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
The fencing will be of a neutral color that coordinates with the main building. It will encompass the existing storage containers.
- K. Provisions shall be made for daily litter control, an interior location for recycling and trash handling and storage or an outdoor, enclosed receptacle area shall be provided in compliance with Section 14 of this Ordinance.
Not applicable.
- L. All signs and informational or visual communication devices shall be in compliance with Section 16 of this Ordinance.
Not applicable.
- M. The use and site shall be in compliance with any federal, state, or county laws or regulations that are applicable and any related permits shall be obtained and documented to the City.
The applicant will need to pull a fencing permit in order to install the fence.
- N. Any applicable business licenses mandated by City Code are approved and obtained.
Not applicable.
- O. The hours of operation may be restricted when there is judged to be an incompatibility with a residential use or district.
Not applicable.
- P. The use complies with the applicable performance standards of the zoning district in which it is located and where applicable, any non-conformity shall be eliminated.
This permit and the screening of the storage container will bring the property into compliance.
- Q. Additional Stipulations. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general public health, safety, and welfare, can be served as well or better by modifying or expanding the conditions set forth herein.
3. In review of the standards established in Section 13, Article 2 Non-Residential Use Regulations, Subdivision 16 Outdoor Storage; the following conclusions have been made (conclusions to each requirement are shown in underlined italics):
- A. Outside storage areas shall be surfaced with bituminous, concrete, or other surfaces, including but not limited to crushed rock, Class 5, or recycled materials; as recommended by the Planning Commission and approved by the City Council.
The storage container is placed on Class 5.
- B. Outside storage area shall not be placed within required parking or loading areas, which are deemed necessary to meet code requirements.
The storage is placed outside of any parking or loading areas.
- C. Outside storage areas shall be located within the rear yard; however, outdoor storage may be located within the side yard, providing the side yard is not adjacent to or across the street from any residentially zoned property.
The storage is in the rear yard.
- D. All outside storage areas shall be effectively screened year-round, by a wall, fence, or densely planted vegetation in accordance with Section 15 of this Ordinance.
The storage will be screened on all sides by a 6-foot-high fence.

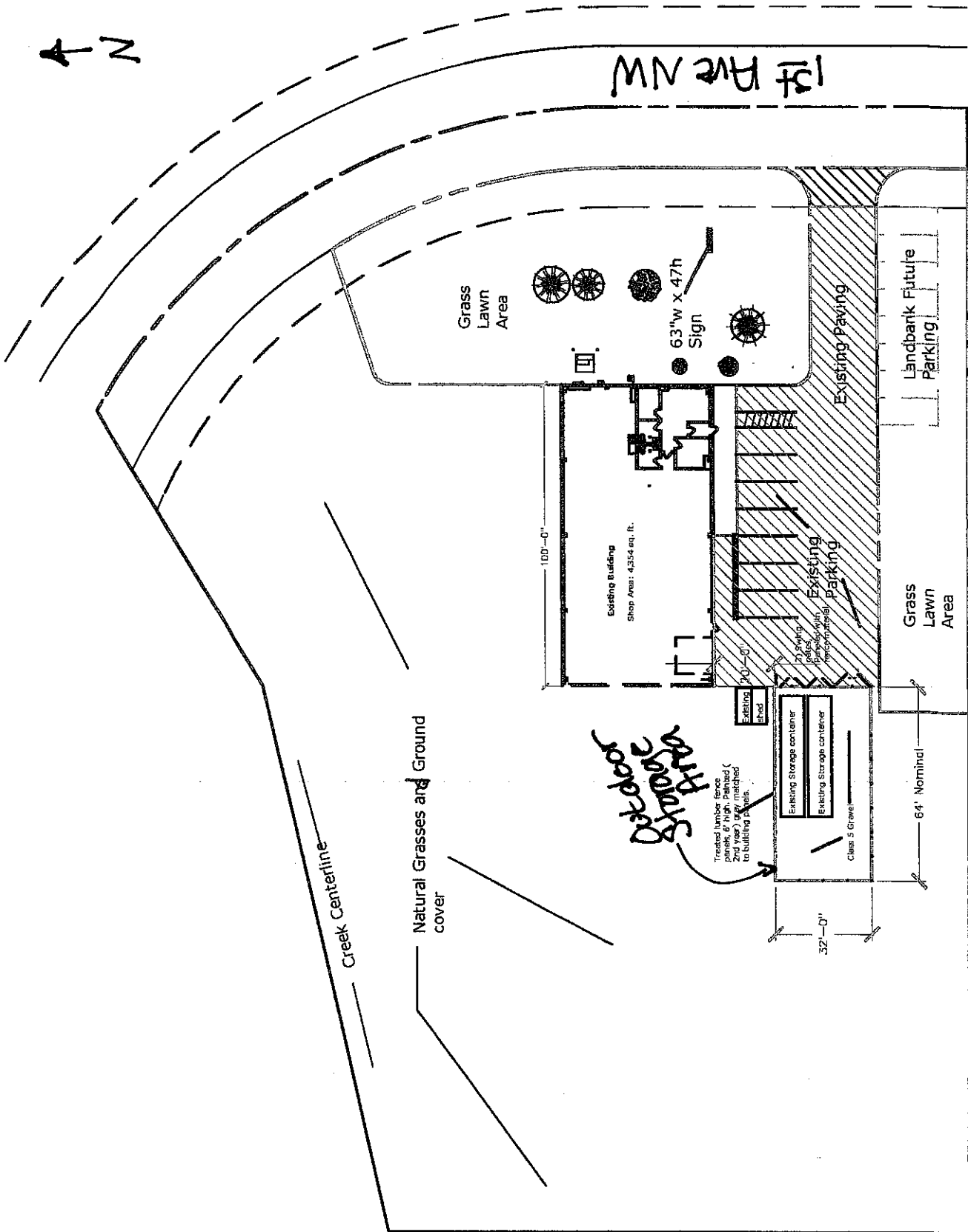
- E. Cars, vans, and pickup trucks parked outside and used by employees and/or visitors in the normal course of business operation will not be construed as outdoor storage. Further, outside parked trucks and semitrailers used in conjunction with normal business activities will not be construed to be outdoor storage provided (a) the total number of trucks and semi-trailers does not exceed the number of docks and/or bay doors; (b) such vehicles are currently licensed by the State of Minnesota and are in the process of delivering or picking up goods or materials, and (c) such use is not construed as an operation listed as a conditional use in the industrial zone. All other vehicles and/or equipment associated with the business shall meet the fencing and screening requirements as stipulated within this ordinance.

Decision

The Planning Commission held a public hearing on the item at the **October 11th, 2016** meeting. The meeting minutes shall be made part of the Findings of Fact.



1st Ave NW



Kardo Properties, LLC
 605 1st Av. NW
 Isanti, MN
 CUP plan for fenced outdoor storage.
 8/10/11



**CITY OF ISANTI
PLANNING COMMISSION MEETING
WEDNESDAY, NOVEMBER 9, 2016 – 7:00 p.m.
CITY HALL**

1. Meeting Opening
 - A. Call to Order
 - B. Pledge of Allegiance
 - C. Roll Call
 - D. Agenda Modifications

2. Approval of Minutes from October 11, 2016 Planning Commission Meeting

3. Public Hearings
 - A. Request from O'Reilly Auto Enterprises, LLC, for Site Plan and Building Appearance approval of a Retail Auto Parts Store on the property located at 101 6th Ave NE, legally described as Lot 2, Block 1, Isanti Commons Second Addition, Isanti, Minnesota.

 - B. Request from Rice Building Systems Inc., on behalf of Coborn's, for approval of an Amendment to the Site Plan and Conditional Use Permit approved through Resolution 2015-253, to allow for significant changes to the development located at 209 6th Ave NE, legally described as Lot 1, Block 1, Isanti Commons Second Addition, Isanti County, Isanti, Minnesota.

 - C. Request from the City of Isanti to Amend Ordinance No. 445 Zoning, Section 7 Business Districts, Section 11 Overlay Districts to include Article 5: "H65" Highway 65 Corridor Overlay District, and Section 12 Tier One Districts.

4. Other Business
 - A. Request from Allina Health and MSP Commercial for Approval of a Signage Master Plan for the facility located at 300 5th Ave NE.

5. Discussion Items.
 - A. None.

6. Adjournment

CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
OCTOBER 11, 2016

1. Meeting Opening.

A. Call to Order.

Cesafsky 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: Paul Bergley, Wayne Traver, Greg Cesafsky, Steve Lundeen, and Jim Kennedy.

Members Absent: Jeff Duncan (no notice given)

Staff Present: Community Development Director, Roxanne Achman

Others Present: None

D. Agenda Modifications.

None.

2. Approval of Minutes from September 13, 2016 Planning Commission Meeting.

Cesafsky questioned if there were any comments or changes to the minutes.

Motion by Lundeen second by Bergley to approve the September 13th, 2016 Planning Commission Meeting Minutes. Motion was unanimously approved.

3. Public Hearings.

A. Request from TH Construction of Anoka Inc. for Final Plat approval of the Plat of Sun Prairie Second Addition, legally described as Outlot F, Sun Prairie First Addition, Isanti County, Isanti, Minnesota.

Cesafsky read the item into the minutes.

Achman presented the staff memo.

Cesafsky opened the public hearing.

The public hearing was closed.

Motion by Lundeen second by Bergley to recommend approval of the request from TH Construction of Anoka Inc. for Final Plat approval of the Plat of Sun Prairie Second Addition, legally described as Outlot F, Sun Prairie First Addition, Isanti County, Isanti, Minnesota based on the Findings of Fact and Conclusions and with the following conditions:

1. Upon approval of the Final Plat by the City Council, the City Clerk or his/her designee shall record it with the County Recorder's Office within ninety (90) days after the date of approval; otherwise, failure of the applicant to comply and submit the necessary items and fees for the recording of the Final Plat by the City shall be cause for revoking the City's approval and the Final Plat shall be considered void, unless the developer or applicant requests an extension, in writing and receives approval from the City Council. The City

Council may approve up to two (2) extensions for a term not to exceed one (1) additional year for each extension. Fees associated with the recording of the Final Plat will be charged back to the developer or subdivider.

2. The subdivider shall immediately upon approval, furnish the City Administrator or his/her designee with three (3) full size mylar transparencies of the Final Plat, two (2) for the County and one (1) for the City. Three (3) additional 11 inch by 17 inches mylar transparencies shall be given to the City Planner, the City Clerk, and Isanti County. No building permits shall be issued until these conditions have been complied with.

Motion carried unanimously.

B. Request from Kardo Properties, LLC, for approval of a Conditional Use Permit for Outdoor Storage located at 605 1st Ave NW, legally described as Lot 1, Block 2, Isanti Centennial Complex, Isanti County, Minnesota.

Cesafsky read the item into the minutes.

Achman presented the staff memo.

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

Motion by Lundeen second by Bergley to recommend the approval of the request from Kardo Properties, LLC, for approval of a Conditional Use Permit for Outdoor Storage located at 605 1st Ave NW, legally described as Lot 1, Block 2, Isanti Centennial Complex, Isanti County, Minnesota based on the Finding of Fact and Conclusions and with the following conditions:

1. Outside storage areas shall be surfaced with bituminous, concrete, or other surfaces, including but not limited to crushed rock, Class 5, or recycled materials; as recommended by the Planning Commission and approved by the City Council.
2. All outside storage areas shall be effectively screened year-round, by a wall, fence, or densely planted vegetation in accordance with Section 15 of this Ordinance.

Motion carried unanimously.

4. Other Business.

A. None.

5. Discussion Items.

A. None.

6. Adjournment

Motion by Bergley second by Kennedy to adjourn the October 11th, 2016 meeting of the Planning Commission. Motion was unanimously approved.

The meeting adjourned at 7:05 p.m.

Dated at Isanti, Minnesota this 11th day of October 2016.

Respectfully submitted,

Roxanne Achman, AICP
Community Development Director



PUBLIC HEARING

To: Vice Chairman Cesafsky
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: November 9, 2016

Subject: Request from O'Reilly Auto Enterprises, LLC, for Site Plan and Building Appearance approval of a Retail Auto Parts Store on the property located at 101 6th Ave NE, legally described as Lot 2, Block 1, Isanti Commons Second Addition, Isanti, Minnesota.

Background

O'Reilly Auto Parts is requesting Site Plan and Building Appearance Approval of a 7,453sf building on a 1.89 acre lot zoned "B-2" General Business District. An auto parts store is a permitted use within the B-2 District. The submitted plans generally meet all code requirements. All items not meeting code are listed below and have been sent back to the developer for revisions in order to meet code.

The following is a list of items that have been reviewed and are considered complete:

1. All building and parking setbacks are met.
2. Parking: 30 stall required, 41 provided. Includes 2 handicapped. Stall meet required dimensions. Aisles meet requirements.
3. Bicycle parking is shown. (*see item 2 below*).
4. Building height: One story
5. Impervious surface: 34.4% (permitted up to 75%)
6. Landscaping: 17 trees (Autumn Maple, Black Hills Spruce, Bur Oak and Honeylocust. The parking lot and driveways are lined with shrubbery. (*see item 5 & 6 below*).
7. Exterior: The majority of the building is split face block (decorative concrete block) in two different colors. The main entrance area is EIFS/Stucco. All materials are permitted. (*see item 3 & 4 below*).
8. Trash area is properly screened.
9. Sidewalk is shown on perimeter of property.
10. Lighting meets requirements.
11. Sign location and size (pylon only) meets requirements (will require separate approval via sign permit).

Items that need to be addressed:

1. Change address on plans to the correct address of: 101 6th Ave NE
2. Indicate the type of bike rack to be installed. Must have two-points of support and accommodate a U-shaped locking device. (*Section 17, Subdivision 14 (C)*)
3. Submit colored renderings of the exterior.

4. Roof-top mechanical equipment is to be screened unless it is low-profile, self-contained units which blend in with the building architecture. Provide visuals to show screening or how equipment will blend in. (*Section 18, Subdivision 8 (B)*)
5. Hydro-seeding is not permitted. All landscaped areas must have sod and be irrigated. (*Section 15, Subdivision 5, B. General Requirements (6)(a) and Section 15, Subdivision 5, D. Non-Residential Requirements (5)*)
6. Shift trees on the southern boundary slightly to the north to bring them out of the drainage and utility easement.
7. Pole sign location is approved; however, official approval of the sign appearance and size will be reviewed and approved through the sign permit application process.
8. Address all City Engineer comments.

Development and Operations Advisory Committee Recommendations

The Development and Operations Advisory Committee reviewed the item at their regularly scheduled meeting held on October 20th, 2016. The committee members had the following comments/recommendations regarding the proposal:

Address comments as outlined by the Community Development Director and the City Engineer.

Staff Recommendation:

Staff recommends approval of the site plan subject to successfully addressing the review comments provided by the Community Development Director and the City Engineer.

Comprehensive Plan

The purpose of this (the General Business District) category is to identify portions of Isanti that contain or should be developed for general commercial use. Examples may include highway oriented businesses such as fast food restaurants, convenience stores, gas stations and other auto-oriented businesses. Limited office and service uses are appropriate in these areas as well, depending on scale and location.

Much of this land use is located along the Highway 65 corridor and CSAH 5. General Commercial is the largest commercial land use designation. These uses are predominantly auto-oriented in terms of access and services. Design of both site and buildings are important to maintaining a thriving commercial base. In addition, commercial businesses not located at major intersections should remain small scale, and provide services primarily to the surrounding neighborhood. Also, the architecture and site design of all commercial areas must be compatible with the surrounding neighborhood and landscape. Such issues as building size, location on the lot, building materials, screening and other design issues are important.

Zoning Ordinance Provisions

The property is zoned "B-2" General Business District. It is the intent of this zoning district to promote the development of commercial uses which are predominately auto-oriented in nature. The district caters to highway-oriented businesses as well as businesses that provide basic shopping and service needs for the community. Compatibility with adjacent uses and buildings is required within the district, as site design, building size and materials, and screening/landscaping are important to the creation and maintenance of a thriving commercial base.

Site Plan Review Requirements

Prior to the construction of any new building or addition to a building that expands or changes the use of the building or parcel of land or modifies a building, accessory structure or site or land feature in any manner which results in a different intensity of use, including the requirement for additional parking or the enlargement of a building by more than 10% of its gross floor area would require a Site Plan/Building Appearance Review. When evaluating a site and building plan; Section 18, Subdivision 7 of the Zoning Ordinances states that City staff and the City Council must consider its compliance with the following:

- A. Consistency with the elements and objectives of the City's development guides, including the comprehensive plan.
- B. Consistency with City Codes.
- C. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas.
- D. The amount and location of open space and landscaping.
- E. Vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.
- F. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.
- G. Consistency with the City's Engineering Design Standards as adopted by Resolution of the City Council.

Certification of Taxes Paid

Prior to approving an application for Site Plan approval, certification must be provided to the City that there are not any delinquent property taxes, special assessments, penalties, interest, or outstanding municipal utility fees. City staff did verify with Isanti County on Tuesday, October 27, 2016; that all taxes associated with the property were current.

Public Notice

Notice was published within the Isanti County News on October 26th, 2016. Written notification was provided to property owners located within 350' of the subject site as required by Minnesota State Statute.

Public Comment

To date, no public comment or questions had been received.

Deadline for City Council Action

The City of Isanti received a complete application for the Site Plan/ Building Appearance Review request on October 6, 2016. Pursuant to Minnesota State Statute, the City must act on this request by December 5, 2016 (60 days). The only exception to these deadlines provided would be if the City provides the petitioner with written reasons for an additional 60-day review period.

Options & Proposed Motion Language

- 1. Recommend Approval with No Conditions: Motion to recommend approval of the request from O'Reilly Auto Enterprises, LLC, for Site Plan and Building Appearance approval of a Retail Auto Parts Store on the property located at 101 6th Ave NE, legally described as Lot 2, Block 1, Isanti Commons Second Addition, Isanti, Minnesota.
- 2. Recommend Approval with Conditions: Motion to recommend approval of the request from O'Reilly Auto Enterprises, LLC, for Site Plan and Building Appearance approval of a Retail Auto Parts Store on the property located at 101 6th Ave NE, legally described as Lot 2, Block 1, Isanti Commons Second Addition, Isanti, Minnesota with the following conditions.....
- 3. Recommend Denial: Motion to recommend denial of the request from O'Reilly Auto Enterprises, LLC, for Site Plan and Building Appearance approval of a Retail Auto Parts Store on the property located at 101 6th Ave NE, legally described as Lot 2, Block 1, Isanti Commons Second Addition, Isanti, Minnesota for the following reasons.....
- 4. Table: Motion to table the request from O'Reilly Auto Enterprises, LLC, for Site Plan and Building Appearance approval of a Retail Auto Parts Store on the property located at 101 6th Ave NE, legally

described as Lot 2, Block 1, Isanti Commons Second Addition, Isanti, Minnesota (a specific reason and information request should be included in the motion to table).

Attachments

- Resolution No. 2016 - XXX
- Findings of Fact and Conclusion
- Review Comments from City Engineer DeWolf
- Review Comments from Community Development Director Achman
- A3 – Exterior Elevation
- C2 – Site Development Plan
- L1 – Landscape Planting Plan
- L3 – Irrigation Plan
- US1 – Utilities Site Plan

RESOLUTION NO. 2016-

A RESOLUTION APPROVING THE SITE PLAN/BUILDING APPEARANCE FOR O'REILLY AUTO PARTS TO BE CONSTRUCTED ON THE PROPERTY LEGALLY DESCRIBED AS LOT 2, BLOCK 1, ISANTI COMMONS SECOND ADDITION, ISANTI COUNTY, MINNESOTA

WHEREAS, O'Reilly Auto Enterprises LLC currently own the property legally described as Lot 2, Block 1, Isanti Commons Second Addition; and,

WHEREAS, O'Reilly Auto Enterprises is requesting Site Plan/Building Appearance approval to allow for the construction of an Auto Parts store on the property at 101 6th Ave NE; and,

WHEREAS, the property is located within the "B-2" General Business District; and,

WHEREAS, following publication, posted and mailed notice thereof, the City of Isanti Planning Commission conducted a public hearing on the proposed Site Plan on November 9th, 2016; and,

WHEREAS, the City of Isanti Planning Commission recommended approval of the proposed Site Plan/Building Appearance based upon the Findings of Fact and Conclusion as presented; and,

WHEREAS, the City Council reviewed the requested Site Plan/Building Appearance at its regularly scheduled meeting on November 15th, 2016; and,

WHEREAS, the City Council of the City of Isanti has determined that the Site Plan/Building Appearance meets the ordinance requirements necessary for granting approval; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ISANTI, MINNESOTA, that it adopts the Findings of Fact and Conclusion related to the requested Site Plan/Building Appearance review for the construction of an Auto Parts store to be located on the property at 101 6th Ave NE, legally described as Lot 2, Block 1, Isanti Commons Second Addition, and is hereby approved with the following conditions:

1. Revisions to the plans based review comments from the Community Development Director and City Engineer.

Adopted by the Isanti City Council on this 15th day of November 2016.

Attest:

Mayor George A. Wimmer

Lindsey Giese
Human Resources/City Clerk

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from O'Reilly Auto Enterprises, LLC, for Site Plan and Building Appearance approval of a Retail Auto Parts Store on the property located at 101 6th Ave NE, legally described as Lot 2, Block 1, Isanti Commons Second Addition, Isanti, Minnesota.

Findings of Fact

1. The applicant O'Reilly Auto Enterprises, LLC, submitted an application for Site Plan Review of an Auto Parts store to be located at 101 6th Ave NE, legally described as Lot 2, Block 1, Isanti Commons Second Addition.
2. The property is zoned "B-2" General Business District. In which, the use is permitted.
3. Any new building or addition to a building that expands or changes the use of the building or parcel of land or modifies a building, accessory structure or site or land feature in any manner which results in a different intensity of use, including the requirement for additional parking or the enlargement of a building by more than 10% of its gross floor area requires a site plan/building appearance approval.
4. The proposed new use would meet the requirements as noted within the Zoning Ordinance for requiring site plan/building appearance approval prior to construction.
5. The applicant would appear to have met the requirements for approving the construction of a retail store, as stipulated in Section 7 Business Districts, Article 2, Subdivision 2 Permitted Uses, (P).
6. A complete application was received on October 6, 2016 and a public hearing date before the Planning Commission was scheduled for November 9, 2016.
7. Notice of the Site Plan Review request was published within the Isanti County News on Wednesday, October 26th, 2016. Notices were sent to all property owners located within 350 feet of the subject property.

Conclusions

1. In review of the standards established in Section 18, Subdivision 7, the following conclusions have been made (*conclusions to each requirement are shown in underlined italics*):
 - A. Consistency with the elements and objectives of the City's development guides, including the Comprehensive Plan.
The proposal would appear to be consistent with the elements and objectives of the City's development guides and the Comprehensive Plan. The use is consistent with the intent of the Comprehensive Plan designation.
 - B. Consistency with City Codes.
A review of the proposal against zoning ordinance requirement has been completed. The requirements would appear to have been met by the proposal as presented for the site plan review. Any deficiencies or inconsistencies with ordinance requirements have been noted.
 - C. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas.
The site will be preserved to the fullest extent possible. Existing trees will remain in the berm and additional trees and shrubs will be added to the site.
 - D. The amount and location of open space and landscaping.

The amount of landscaping will meet code and open space requirements will be met. Sod and irrigation is required on all disturbed areas of the lot. Revisions have been requested.

- E. Vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.
Vehicular and pedestrian circulation will meet the site requirements. Sufficient onsite vehicle and bicycle parking are provided on site. Access points and drive aisles meet the requirements.
- F. Protection of adjacent and neighboring properties through reasonable provision of surface water drainage, sound and light buffers, preservation of views, lights, and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.
The drainage/grading have been reviewed by the City Engineer. Changes are necessary prior to approval. A lighting plan has been reviewed and approved.
- G. Consistency with the City's Engineering and Design standards as adopted by Resolution of the City Council.
The City Engineer's comments are to be addressed and approved prior to the issuance of a building permit.

Decision

The Planning Commission reviewed the request in a public hearing on November 9th, 2016. The meeting minutes, staff memo, and attachments shall be made a part of the Findings of Fact and Conclusion.




**BOLTON
& MENK**

Real People. Real Solutions.

7533 Sunwood Drive NW
Suite 206
Ramsey, MN 55303-5119

Ph: (763) 433-2851
Fax: (763) 427-0833
Bolton-Menk.com

MEMORANDUM

Date: October 12, 2016
To: Roxanne Achman, Community Development Director
From: Bradley C. DeWolf, P.E. 
Subject: O'Reilly Auto Parts Site Plan & Hydraulics Review
City of Isanti, MN

We have reviewed the site plan for the proposed O'Reilly Auto Parts building created by Smith-Goth Engineers, Inc. with a signature date of July 29, 2016.

The site plan includes a proposed building with a new parking lot and storm water pond located at the intersection of TH 65 and Broadway Street SE, on the south side of Coborn's Grocery Store.

We have reviewed the submitted site & grading plan and have the following comments:

1. General Comments:
 - a. The City street storm drainage flows through the proposed storm pipes and into the proposed pond. A drainage and utility easement will need to be established over these storm system elements.
 - b. A long term pond maintenance plan needs to be created and submitted.
 - c. Add 6' wide sidewalk along the west side of 6th Avenue and along the north side of Broadway Street extending the existing walk from the north.
 - d. The proposed site looks like it is set relatively low compared to the existing grade. Would it be beneficial to raise the entire site up 1-3 feet to avoid added over curb flow from the TH 65 ditch runoff and to save on hauling out excess material?
2. Sheet C4:
 - a. Extending the gravity sanitary sewer main to a depth of 4 feet doesn't benefit grade or freeze issues. We recommend running the force main to the existing gravity manhole in the boulevard at a minimum depth of 7.5 feet.
 - b. Provide a detail showing how the forcemain will connect to the structure and how it will be insulated when under 7.5 feet of cover.
 - c. The existing manhole is located in the valley gutter entrance to Coborn's. Include the removal & replacement of this portion of the entrance as well as the pedestrian ramp in these plans as well as any street curb & gutter needed to be removed to construct the service line.
 - d. Detail 4 - We use a Neenah 1733 Casting with Concealed pick holes. See attached Sanitary Manhole Detail.
 - e. Detail 5 - Please submit a detail on the Neenah R-4859C casting. We usually use round openings with a Neenah R4342 Casting. See attached 4020 manhole detail for standard structure.

Name: O'Reilly Auto Parts Site Plan & Hydraulics Review

Date: 10/12/2016

Page: 2

3. Sheet US1:

- a. There is a 6" water service stub located at the intersection of Broadway Street & 6th Avenue as shown on the plans. We recommend connecting to this stub to not disturb the existing curb or street.
- b. The water meters should be by the building not in the boulevard.
- c. The "Contractor Caution" note is confusing, a grinder pump is already shown on the plan. Is there still thought of raising the site and using gravity sewer?

We have reviewed the submitted Drainage Report prepared by Anderson Engineering, Inc. dated July 15, 2016 and have the following comments:

1. The soil boring at the pond does not clearly show the water table elevation is a minimum of 3 feet below the pond bottom. Please verify the 3 foot minimum separation.
2. A swale currently drains from the TH 65 ditch to the existing infiltration basin on Broadway Street. Is this accounted for in your drainage calculations and should it be blocked off with the proposed construction.

We would recommend the plans and hydraulics be revised to reflect the above comments and resubmitted.

Please contact me if you have any questions.



C.M. Architecture
c/o Brandon Cutler
800 Washington Ave N. #208
Minneapolis, MN 55401

October 5, 2016

RE: Site Plan and Building Appearance Review – O'Reilly Auto Parts

Dear Mr. Cutler,

On October 3, 2016; a Site Plan and Building Appearance Application were received for O'Reilly Auto Parts on the lot legally described as Lot 2, Block 1, Isanti Commons Second Addition. City staff has completed a preliminary review of the application materials. Based upon that review the application is considered complete; however, some additional information and/or further clarification is required for a number items related to the proposal. The following items must be submitted and/or further clarified for further review.

1. Change address on plans to the correct address of: 101 6th Ave NE
2. Indicate the type of bike rack to be installed. Must have two-points of support and accommodate a U-shaped locking device. (*Section 17, Subdivision 14 (C)*)
3. Submit colored renderings of the exterior.
4. Roof-top mechanical equipment is to be screened unless it is low-profile, self-contained units which blend in with the building architecture. Provide visuals to show screening or how equipment will blend in. (*Section 18, Subdivision 8 (B)*)
5. Hydro-seeding is not permitted. All landscaped areas must have sod and be irrigated. (*Section 15, Subdivision 5, B. General Requirements (6)(a) and Section 15, Subdivision 5, D. Non-Residential Requirements (5)*)
6. Shift trees on the southern boundary slightly to the north to bring them out of the drainage and utility easement.
7. Pole sign location is approved, however, official approval of the sign appearance and size will be reviewed and approved through the sign permit application process.
8. Address all City Engineer comments.

A response to each of the concerns listed above must be addressed in writing and re-submitted to City staff for further review. Once that information is received, City staff will complete the review of the Site Plan Review request. If you have questions regarding the request for additional information, please let me know and I will be happy to assist. I can be reached at (763) 444-5512 or rachman@cityofisanti.us.

Sincerely,



Roxanne Achman, AICP
Community Development Director

cc: Development File



G.M. ARCHITECTURE, P.A.
 209 5TH AVE. NE
 ISANTI, MN 55040
 PHONE: (763) 547-1571
 FAX: (763) 547-1571
 CONTACT: TONY@GMARCH.COM
 WWW.GMARCH.COM

CONSULTANTS:
 ANSON ENGINEERING, INC.
 2015 WEST WOODWAY
 PLYMOUTH, MN 55441
 PHONE: (763) 205-2211
 FAX: (763) 205-2211

ASST. MGR. BUS.
 ERICA M. HANSEN
 209 5TH AVE. NE
 ISANTI, MN 55040
 PHONE: (763) 547-1571
 FAX: (763) 547-1571

SEE ME
 209 5TH AVE. NE
 ISANTI, MN 55040
 PHONE: (763) 547-1571
 FAX: (763) 547-1571

SEAL

PAVING CONTRACTOR:
 JAMES J. BLACK, ARCHITECT
 209 5TH AVE. NE
 ISANTI, MN 55040
 PHONE: (763) 547-1571
 FAX: (763) 547-1571

DATE DESIGNED: 07/28/18
REC. NO.: 18029

Belly AUTO PARTS
 209 5TH AVE. NE
 ISANTI, MN 55040

SHEET TITLE:
 LANDSCAPE PLANNING PLAN

PROJECT NO.:	18114209
DRAWN BY:	AD
CHECKED BY:	
DATE:	

L1
 SHEET 1 OF 3
 COPYRIGHT © G.M. ARCHITECTURE, P.A. 2018

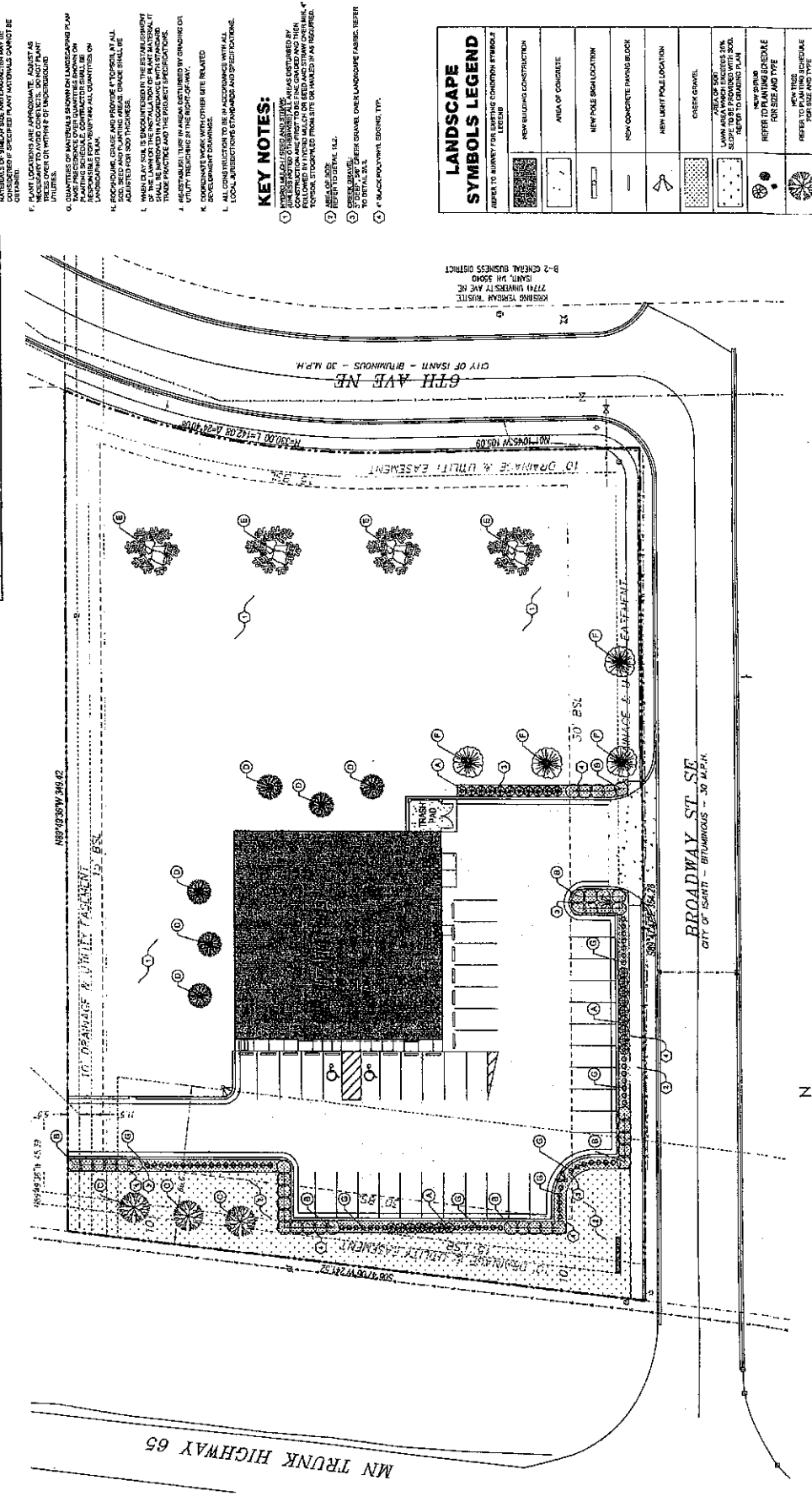
GENERAL NOTES:

- REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS.
- ALL PLANTING SHALL BE PROVIDED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ISANTI AND THE STATE OF MINNESOTA.
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PLANTING SCHEDULE

REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF ISANTI AND THE STATE OF MINNESOTA.

PLANT	QUANTITY	SIZE	DATE
1. DARTS BOLD IRISBARK	27	#4	4/13
2. ARCHAZA JUNIPER	38	#5	4/13
3. AUTUMN SPICE MAPLE	3	2 1/2" DB	3/12
4. BLACK HILLS SPRUCE	7	2 1/2" DB	3/12
5. BLUE OAK	4	2 1/2" DB	3/12
6. BIRCH	4	2 1/2" DB	3/12
7. BIRCH	4	2 1/2" DB	3/12
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100. BIRCH	4	2 1/2" DB	3/12



LANDSCAPE SYMBOLS LEGEND

NEW BUILDING CONSTRUCTION	REFER TO SURVEY FOR EXISTING CONDITIONS SYMBOLS LEGEND
AREA OF CONCRETE	
NEW POLE SIGN LOCATION	
NEW CONCRETE PAVING BLOCK	
NEW LIGHT POLE LOCATION	
GRASS GRATEL	
AREA OF SOIL	
REFER TO SURVEY FOR EXISTING CONDITIONS SYMBOLS LEGEND	
REFER TO SURVEY FOR EXISTING CONDITIONS SYMBOLS LEGEND	
REFER TO SURVEY FOR EXISTING CONDITIONS SYMBOLS LEGEND	
REFER TO SURVEY FOR EXISTING CONDITIONS SYMBOLS LEGEND	

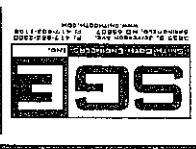
KEY NOTES:

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1 LANDSCAPE PLANNING PLAN
 SCALE: 1"=20'

L1

STATE OF MINNESOTA
 PROFESSIONAL ENGINEER
 LICENSE NO. 1137
 TONY JOHNSON
 CONTACT: tonyjohnson.com



REVISIONS:
 NO. DATE BY
 1 11/12/12
 2 11/12/12

PROJECT TITLE:
 101 6TH AVE. NE
 ISANTI, MN 55040

REVISIONS:
 NO. DATE BY
 1 11/12/12
 2 11/12/12

US1
 SHEET 1 OF 1

STATE OF MINNESOTA LIMITATION
 I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. I AM NOT PROVIDING ENGINEERING SERVICES TO ANY OTHER PARTY UNDER THE LAWS OF THE STATE OF MINNESOTA.
 PROJECT NAME: 101 6TH AVE. NE
 DATE: 11/12/12

UTILITIES CONTRACTS:
 ELECTRIC: 554-252-8214
 WATER: 554-252-8214
 GAS: 554-252-8214
 SANITARY: 554-252-8214

NEW UTILITIES:
 WATER SERVICE
 SANITARY SERVICE
 GAS SERVICE
 EGRESS SERVICE

EXISTING CONDITIONS NOTES:
 1. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES AND RECORD THEM AS SHOWN ON THE PLANS.
 2. EXISTING UTILITIES SHALL BE PROTECTED AND NOT DAMAGED.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ISANTI AND THE STATE OF MINNESOTA.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ISANTI AND THE STATE OF MINNESOTA.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ISANTI AND THE STATE OF MINNESOTA.

LED LIGHT MOUNTING DETAIL
 GENERAL NOTE:
 THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES AND RECORD THEM AS SHOWN ON THE PLANS.
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ISANTI AND THE STATE OF MINNESOTA.

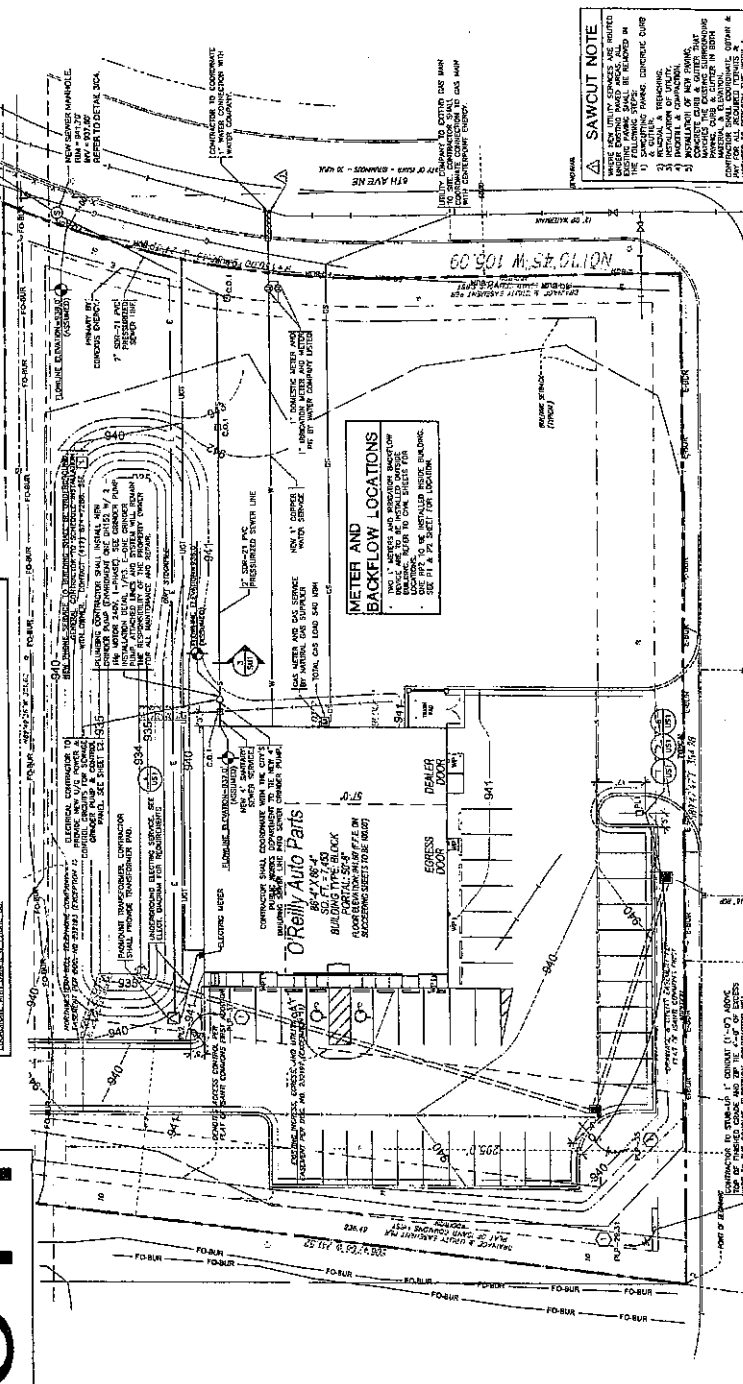
CONCRETE POLE BASE DETAIL
 GENERAL NOTE:
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 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ISANTI AND THE STATE OF MINNESOTA.

CONTRACTOR CAUTION!!
 VERIFY SEWER LINE ELEVATION
 BEFORE STARTING ANY BUILDING OR FINISHING WORK, THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH, AND ELEVATION OF THE EXISTING SANITARY SEWER LINE ON MAIN. IF A DISCREPANCY HAS NOT BEEN ESTABLISHED AT THE TIME OF MAIN, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ISANTI AND THE STATE OF MINNESOTA.

TELEPHONE SERVICE REQUIREMENTS
 SPECIAL NOTE: THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES AND RECORD THEM AS SHOWN ON THE PLANS.
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ISANTI AND THE STATE OF MINNESOTA.

VENSTAR KEYNOTE
 STOP-CALL BEFORE YOU DIG!
 811

PIPE INSTALLATION DETAIL
 GENERAL NOTE:
 THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES AND RECORD THEM AS SHOWN ON THE PLANS.
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ISANTI AND THE STATE OF MINNESOTA.



UNDERGROUND ELECTRICAL CONDUITS
 GENERAL NOTE:
 THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES AND RECORD THEM AS SHOWN ON THE PLANS.
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WATER/SEWER SEPARATION DETAIL
 GENERAL NOTE:
 THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES AND RECORD THEM AS SHOWN ON THE PLANS.
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ISANTI AND THE STATE OF MINNESOTA.

ANCHOR BOLT DETAIL BASE DIAGRAM
 GENERAL NOTE:
 THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES AND RECORD THEM AS SHOWN ON THE PLANS.
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ISANTI AND THE STATE OF MINNESOTA.

SAWCUT NOTE
 MAKE SURE ALL SAWCUTS ARE PROTECTED AND NOT DAMAGED.
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ISANTI AND THE STATE OF MINNESOTA.

METER AND BACKFLOW LOCATIONS
 THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES AND RECORD THEM AS SHOWN ON THE PLANS.
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ISANTI AND THE STATE OF MINNESOTA.

UTILITIES SITE PLAN
 SCALE: 1" = 30'



Public Hearing

To: Vice Chairman Cesafsky
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: November 9, 2016

Subject: Request from Rice Building Systems Inc., on behalf of Coborn's, for approval of an Amendment to the Site Plan and Conditional Use Permit approved through Resolution 2015-253, to allow for significant changes to the development located at 209 6th Ave NE, legally described as Lot 1, Block 1, Isanti Commons Second Addition, Isanti County, Isanti, Minnesota

Background

Coborn's is requesting a site plan amendment. The original site plan included a gas station/convenience store and car wash. They are requesting to revise the site plan to allow for a "pay at the pump" facility. The facility would have a fuel canopy with several fuel pumps and a mechanical box for the fuel controls. The area where the convenience store and car wash were planned, would be landscaped using a combination of rock, boulders and greenery. The canopy will be wrapped in a metal material in a color that matches the main building. Most gas canopies are wrapped with this type of material.

Zoning Ordinance Requirements

The property is zoned "B-2" General Business District. It is the intent of this zoning district to promote the development of commercial uses which are predominately auto-oriented in nature. The district caters to highway-oriented businesses as well as businesses that provide basic shopping and service needs for the community. Compatibility with adjacent uses and buildings is required within the district, as site design, building size and materials, and screening/landscaping are important to the creation and maintenance of a thriving commercial base.

Plan Modifications

An amended site plan involving major changes, as determined by the City Council, shall be re-applied for and administered in the same manner as required for a new site plan.

Public Notice

Notice of the Text Amendment was published in the official City newspaper, Isanti County News; on Wednesday, October 26th, 2016. Mailed notice was provided to property owners within 350' of the subject property.

Public Comments

No public comments had been received regarding the proposed text amendment prior to the release of the staff memo.

Deadline for City Council Action

The City of Isanti received a complete application for this request on October 13, 2016. Pursuant to Minnesota State Statute, the City must act on this request by December 12, 2016 (60-days); unless an extension of the review period has been agreed to by the applicant.

Development and Operations Advisory Committee Comments

The Development and Operations Advisory Committee met on Thursday, October 20, 2016 and had the following comments/conditions:

1. Should Coborn's decide to move forward with the convenience store and car wash in the future, a new site plan and application will need to be submitted and approved by the Planning Commission and City Council.

Staff Request

City staff is requesting action on this item.

Options and Proposed Motion Language

1. Recommend Approval with No Conditions: Motion to recommend approval of the request from Rice Building Systems Inc., on behalf of Coborn's, for approval of an Amendment to the Site Plan and Conditional Use Permit approved through Resolution 2015-253, to allow for significant changes to the development located at 209 6th Ave NE, legally described as Lot 1, Block 1, Isanti Commons Second Addition, Isanti County, Isanti, Minnesota.
2. Recommend Approval with Conditions: Motion to recommend approval of the from Rice Building Systems Inc., on behalf of Coborn's, for approval of an Amendment to the Site Plan and Conditional Use Permit approved through Resolution 2015-253, to allow for significant changes to the development located at 209 6th Ave NE, legally described as Lot 1, Block 1, Isanti Commons Second Addition, Isanti County, Isanti, Minnesota with the following conditions....
3. Recommend Denial: Motion to recommend denial of the from Rice Building Systems Inc., on behalf of Coborn's, for approval of an Amendment to the Site Plan and Conditional Use Permit approved through Resolution 2015-253, to allow for significant changes to the development located at 209 6th Ave NE, legally described as Lot 1, Block 1, Isanti Commons Second Addition, Isanti County, Isanti, Minnesota for the following reasons....
4. Table: Motion to table the request from Rice Building Systems Inc., on behalf of Coborn's, for approval of an Amendment to the Site Plan and Conditional Use Permit approved through Resolution 2015-253, to allow for significant changes to the development located at 209 6th Ave NE, legally described as Lot 1, Block 1, Isanti Commons Second Addition, Isanti County, Isanti, Minnesota (a specific reason and information request should be included in the motion to table).

Attachments

- Resolution 2016-XXX
- Findings of Fact and Conclusion
- Narrative of the Requested Changes from Rice Building Systems, Inc. dated Oct. 10, 2016
- Site Plan with Landscaping Details
- Rendering of Existing Conditions, A601
- Rendering of Proposed Site Layout, A602

RESOLUTION NO. 2016-

A RESOLUTION AMENDING THE CONDITIONAL USE PERMIT (CUP) AND SITE PLAN/BUILDING APPEARANCE APPROVED THROUGH RESOLUTION NO. 2015-253 FOR COBORN'S LOCATED ON THE PROPERTY LEGALLY DESCRIBED AS LOT 1, BLOCK 1, ISANTI COMMONS SECOND ADDITION, ISANTI COUNTY, MINNESOTA

WHEREAS, Isanti Holdings, LLC currently owns the property a legally described as Lot 1, Block 1, Isanti Commons Second Addition, Isanti County, Minnesota; and,

WHEREAS, the applicant, Rice Building Systems, on behalf of Coborn's, has requested an Amendment to the Site Plan/Building Appearance and Conditional Use Permit originally approved through Resolution 2015-253; and,

WHEREAS, the Amendment to the Site Plan includes the construction of the fuel canopy for a "pay-at-the-pump" system, rather than the build out of a full gas station/convenience store and car wash; and,

WHEREAS, landscaping will replace the previously approved convenience store and car wash; and,

WHEREAS, it is unknown when or if the convenience store and car wash will be constructed; and,

WHEREAS, the decision to construct either, or both, the convenience store and car wash, a new application and plans shall be submitted and approved by the Planning Commission and City Council; and,

WHEREAS, the Planning Commission had recommended approval of the requested Amendment based upon the Findings of Fact and Conclusion as presented with conditions; and,

WHEREAS, the City Council reviewed the requested Amendment to the Site Plan and Conditional Use Permit at its regularly scheduled meeting on November 15th, 2016; and,

WHEREAS, the City Council of the City of Isanti has determined that the Conditional Use Permit and Site Plan Amendment meets the ordinance requirements necessary for granting approval; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ISANTI, MINNESOTA, that it adopts the Findings of Fact and Conclusion related to the requested Amendment to Resolution 2015-253 and **BE IT FURTHER RESOLVED** that the requested Amendment on the property legally described as Lot 1, Block 1, Isanti Commons Second Addition, Isanti County, Minnesota, be hereby approved subject to the following conditions:

1. Resubmittal and approval shall be required for the future construction of the convenience store and/or car wash.

Adopted by the Isanti City Council on this 15th day of November 2016.

Attest:

Mayor George A. Wimmer

Lindsey Giese
Human Resources/City Clerk

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from Rice Building Systems Inc., on behalf of Coborn's, for approval of an Amendment to the Site Plan and Conditional Use Permit approved through Resolution 2015-253, to allow for significant changes to the development located at 209 6th Ave NE, legally described as Lot 1, Block 1, Isanti Commons Second Addition, Isanti County, Isanti, Minnesota.

Findings of Fact

1. The applicant is requesting to amend resolution 2015-253 to allow for a significant change to the development on the property legally described as Lot 1, Block 1, Isanti Commons Second Addition, Isanti County, Minnesota
2. The property is zoned "B-2" General Business District.
3. Site Plan/Building Appearance Review is required for is required for changes greater than 10% of the project.
4. The petitioner submitted a Site Plan/Building Appearance and Conditional Use Permit Amendment Application, the required application fee and associated materials on October 13th, 2016. It was deemed complete at that time. Pursuant to Minnesota State Statute, the City must act on this request by December 12th, 2016 (60-day rule).
5. A public hearing date before the Planning Commission was scheduled for Wednesday, November 9th, 2016 at 7:00 p.m. at City Hall within the Council Chambers.
6. Notice of the Site Plan and Conditional Use Permit request was published within the Isanti County News on Wednesday, October 26th, 2016. Notices were sent to all property owners located within 350 feet of the subject property.
7. Section 18, Subdivision 7 Standards of the Zoning Ordinance shall be used to evaluate any proposed site plans.
8. Section 21, Article 2: Conditional Use Permits, Subdivision 3 (D) of the Zoning Ordinance establishes factors that the judgment of the Planning Commission shall be based upon when reviewing a Conditional Use Permit request as well as Section 21, Article 2: Conditional Use Permits, Subdivision 4 General Performance Standards of the Zoning Ordinance establishes additional general standards that shall be used to evaluate any proposed conditional use permit request.

Conclusions

1. In review of the standards established in Section 18, Subdivision 7, the following conclusions have been made (*conclusions to each requirement are shown in underlined italics*):
 - A. Consistency with the elements and objectives of the City's development guides, including the Comprehensive Plan.
As outlined within the staff memo, the elements of the project would appear to meet the requirements of the zoning ordinance and the intent of the land use designation in which the property is located.
 - B. Consistency with City Codes.
Overall, the proposal appears to be consistent with city codes and ordinances. The plans provided would appear to meet the minimum requirements set by the zoning ordinance (setbacks, parking, landscaping, lighting, etc.).
 - C. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas.
Changes to the site have already occurred. Landscaping will be installed in place of structures in some areas.
 - D. The amount and location of open space and landscaping.
The amount of open space and landscaping exceeds the required amount.

- E. Vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.
All parking and drive aisles meet or exceed code requirements. Sidewalk and crosswalks are appropriately placed throughout the site. Interior circulation appears to meet code.
- F. Protection of adjacent and neighboring properties through reasonable provision of surface water drainage, sound and light buffers, preservation of views, lights, and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.
Surface drainage will be less than with the plans approved through resolution 2015-253.
- G. Consistency with the City's Engineering and Design standards as adopted by Resolution of the City Council.
Storm water ponding was approved with resolution 2015-253 and has been installed.

2. In review of the standards established in Section 21, Article 2 Conditional Use (D); the following conclusions have been made (conclusions to each requirement are shown in underlined italics): The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:

- A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
The proposed uses for the site would be consistent with the goals and objectives of the comprehensive plan.
- B. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district.
The proposed uses fit the intent of the ordinance and underlying zoning district ("B-2" General Business District). The overall site layout of uses is complementary of each of the uses.
- C. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort.
The establishment of the conditional use does not appear to endanger the public health, safety, morals and comfort of the surrounding area or the community. The proposal follows the requirements further outlined in Section 13: Use Regulations for Gas Stations/Convenience Stores, Car Washes, and Drive-Thru Facilities.
- D. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood.
The conditional uses do not appear to diminish or impair surrounding property values. Much of the area surrounding this property is also zoned for similar uses.
- E. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
The conditional uses on this lot will likely enhance development in this area.
- F. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
Additional public facilities and services are not necessary for the proposed uses.
- G. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
The requested conditional use permit appears to conform to the applicable regulations required for the district and the performance standards outlined within the zoning ordinance. Conditions will be placed on any approval to ensure that the property is

developed in accordance to ordinance requirements and the proposed plan provided by the applicant.

H. The conditional use complies with the general and specific performance standards as specified by within this Article.

These have been evaluated as part of the findings of fact; and can be found within this document.

3. In review of the standards established in Section 21, Article 2 Conditional Use, Subdivision 4 General Performance Standards; the following conclusions have been made (conclusions to each requirement are shown in underlined italics):

A. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated an adequate public right-of-way shall be provided.

This site is currently served by a street of sufficient capacity. The proposed conditional use will not change the type or volume of traffic flow that 6th Ave NE was designed to accommodate. The amendment may slightly decrease the amount of traffic as compared to the plan approved through resolution 2015-253.

B. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with Section 17 of this Ordinance.

Sufficient access points have been provided for this site. Parking meets the standards outlined in Section 17 of this Ordinance.

C. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.

Sidewalks are being extended along 6th Ave NE. Crosswalks are being installed throughout the site for pedestrian circulation and safety.

D. Adequate off-street parking and off-street loading shall be provided in compliance with Section 17 of this Ordinance.

Adequate off-street parking will be provided on site.

E. Loading areas and drive-thru facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any adjacent residential use or district, and provided in compliance with Section 17 of this Ordinance.

Not applicable to the amendment.

F. Whenever a non-residential use is adjacent to a residential use or district, a buffer area with screening and landscaping shall be provided in accordance with the provisions of Section 15 of this Ordinance.

Not applicable.

G. General site screening and landscaping shall be provided in compliance with Section 15 of this Ordinance.

The landscaping meets and exceeds the requirements outlined in Section 15 of this Ordinance.

H. All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, and shall be in compliance with Section 14 of this Ordinance.

Lighting meets the requirements of Section 14 of this Ordinance.

I. The site drainage system shall be subject to the review and approval of the City Engineer.

Site drainage was addressed and approved with the original plans.

J. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing and potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.

The building meets the exterior material requirements outlined in code. The fuel canopy will be wrapped in a metal material in a color that compliments the main building.

- K. Provisions shall be made for daily litter control, an interior location for recycling and trash handling and storage or an outdoor, enclosed receptacle area shall be provided in compliance with Section 14 of this Ordinance.
Not applicable to the amendment.
- L. All signs and informational or visual communication devices shall be in compliance with Section 16 of this Ordinance.
Signage will be reviewed and approved at a later date if necessary.
- M. The use and site shall be in compliance with any federal, state, or county laws or regulations that are applicable and any related permits shall be obtained and documented to the City.
The applicant will need to pull the appropriate permits. Any appropriate fees must be paid for these permits and inspections completed by the appropriate staff person prior, during, and following construction.
- N. Any applicable business licenses mandated by City Code are approved and obtained.
Not applicable.
- O. The hours of operation may be restricted when there is judged to be an incompatibility with a residential use or district.
Not applicable.
- P. The use complies with the applicable performance standards of the zoning district in which it is located and where applicable, any non-conformity shall be eliminated.
The use complies with the applicable performance standards as further outlined in Section 13 Use Regulations of this Ordinance. No non-conformity exists.
- Q. Additional Stipulations. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general public health, safety, and welfare, can be served as well or better by modifying or expanding the conditions set forth herein.

Decision

The Planning Commission held a public hearing on the item at the **November 9th, 2016** meeting. The meeting minutes shall be made part of the Findings of Fact.



October 10th, 2016

Roxanne Achman
Community Development Director
City of Isanti
1011 – 1st Ave NW
PO Box 428
Isanti, MN 55040

**RE: SITE PLAN REVIEW APPLICATION NARRATIVE
COBORNS GROCERY
ISANTI, MN**

Dear Roxanne:

We have prepared a narrative to better describe our requests in our recent site plan review application dated October 7th, 2016.

As discussed, the intent of this application is to revise the previously approved site plan to allow for a "pay at the pump only" design, whereas in lieu of building a full service convenience store, car wash and fuel canopy, Coborn's desires to build only the fuel canopy with a small mechanical building to house the fuel canopy controls at this time. We would add landscaping and cover the existing car wash drive lanes, footings and foundations so those items are not visible. They would not be removed at this time but simply covered, with the intent to build the car wash and/ or C-store in the future.

The submitted site plan illustrates the changes and improvements being requested at this time, describing the additional landscaping and the small mechanical building.

Coborn's is requesting these changes be approved in order to begin selling fuel while preserving the opportunity to build the car wash and/ or convenience store in the future.

If you have any questions, feel free to contact us. We appreciate the city's assistance on this request.

Respectfully Submitted:
RICE BUILDING SYSTEMS, INC.

Christopher J. Rice, LEED AP
President/ CEO

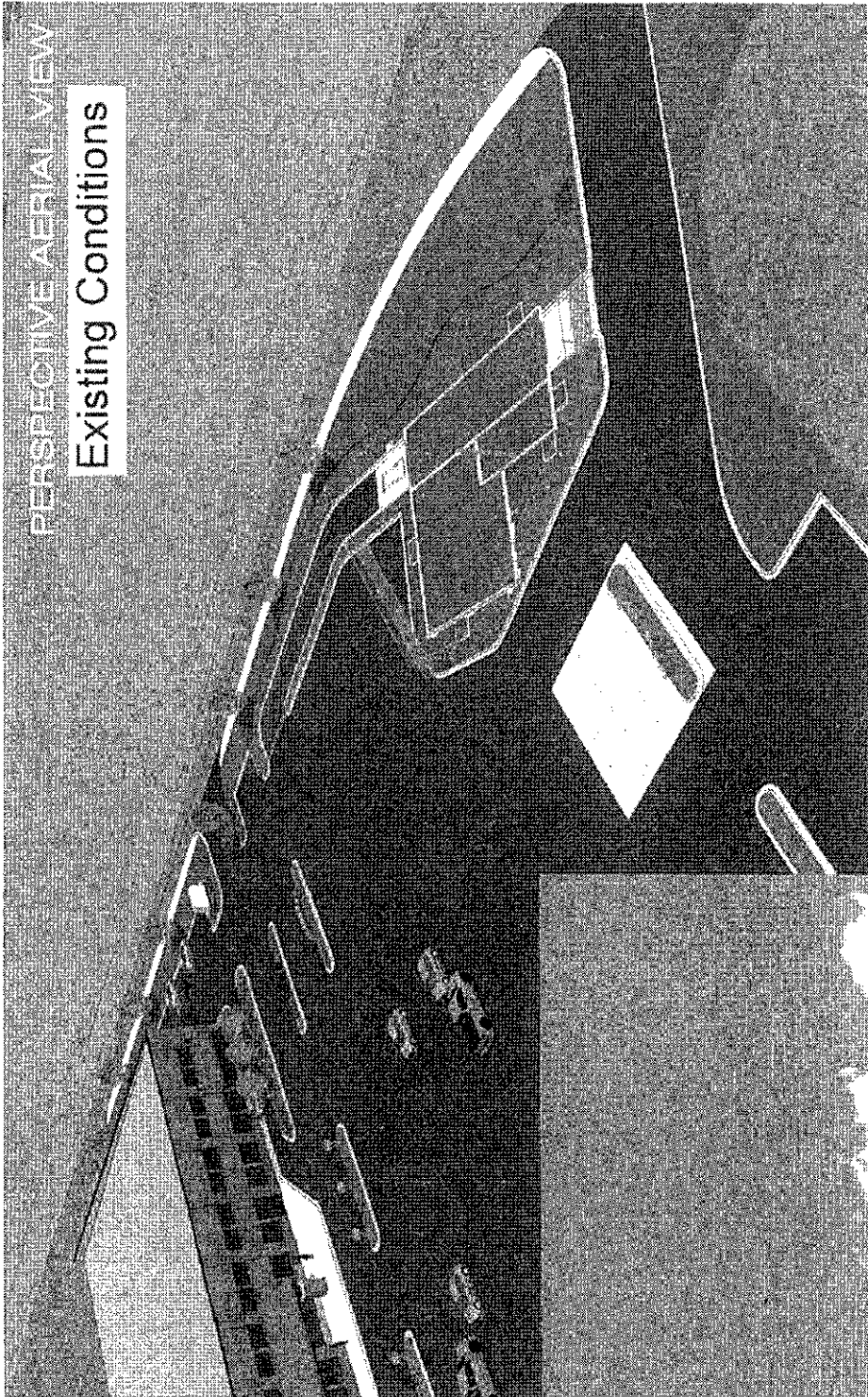
1019 Industrial Drive S.
P.O. Box 128
Sauk Rapids, MN 56379

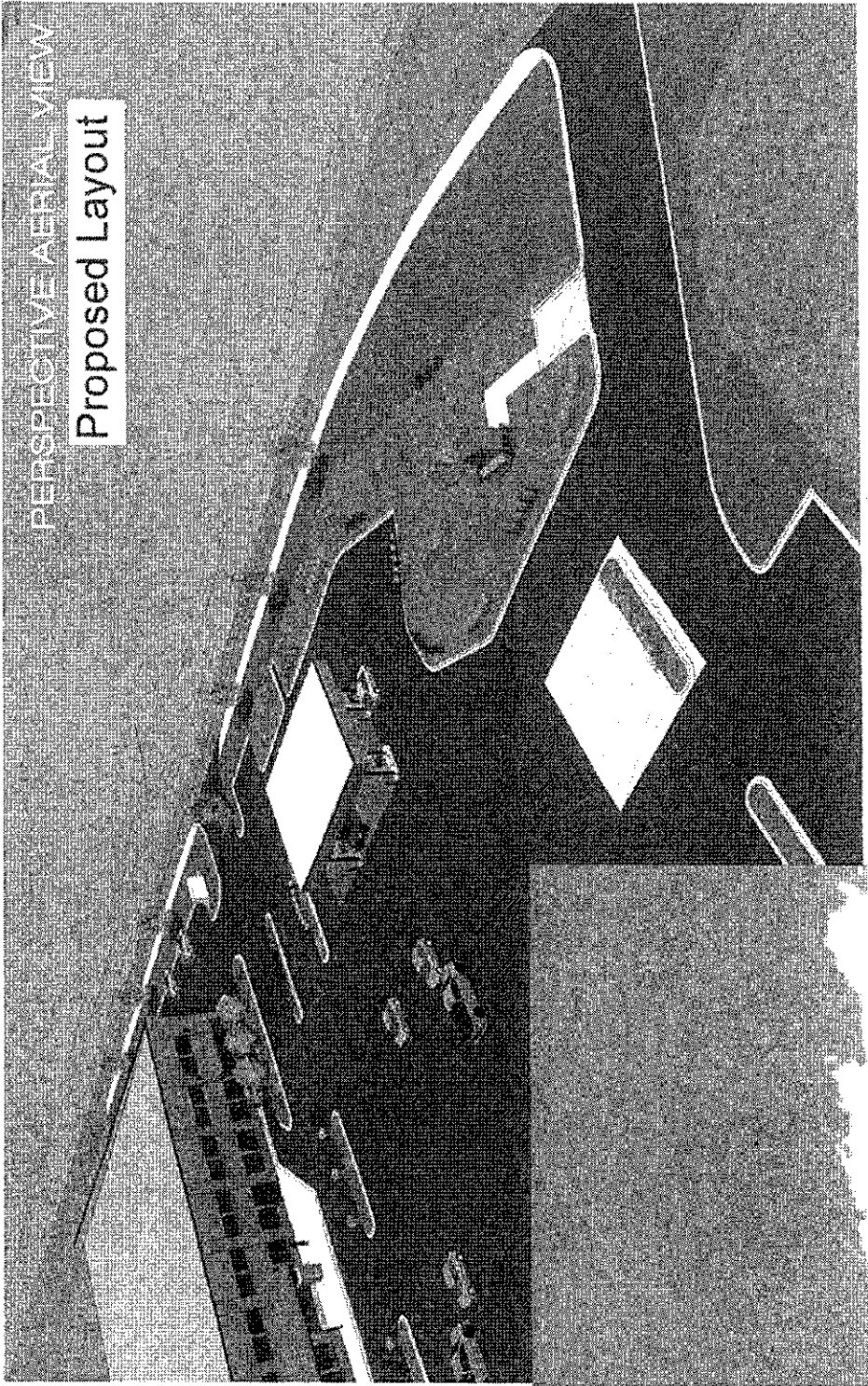
320.252.0404 | phone
320.252.0470 | fax

ricebuildingsystems.com

PERSPECTIVE AERIAL VIEW

Existing Conditions





PERSPECTIVE AERIAL VIEW

Proposed Layout



Public Hearing

To: Vice Chairman Cesafsky
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: November 9, 2016

Subject: Request from the City of Isanti to Amend Ordinance No. 445 Zoning, Section 7 Business Districts and Section 11 Overlay Districts to include Article 5: "H65" Highway 65 Corridor Overlay District.

Background

In light of the recent growth along Highway 65 it was imperative that the City evaluate the corridor to ensure this area "will truly define the community and let travelers know that they have entered a unique, vital and vibrant place," as stated in the 2008 Comprehensive Plan. A place that will provide jobs, value and services the city needs. The City only gets one opportunity to create an entrance into the community that showcases who we are and what we can provide.

In an effort to give staff, to include the City Attorney, and the Development and Operations Advisory Committee, ample time to update the zoning ordinance and to be in compliance with the Comprehensive Plan, the City Council approved Ordinance No. 652 on September 20th, 2016. This Ordinance established a one (1) year moratorium on specific uses within the "B-2" General Business District and "T1-B" Tier One Business District along the Highway 65 Corridor.

City Staff and Officials have spent several months researching, reviewing, compiling and drafting an ordinance that meets not only the City's needs, but its goals as well. While researching, and drafting the changes, it was important to city staff and officials to create an area that expresses Isanti and invites passersby to stop and spend time in the community. That environment is created by generating a visually pleasing and inviting corridor that causes people to notice what Isanti has to offer. It is also important to line this corridor with businesses that are more than a destination, but a place that passersby will stop on a whim because a business caught their eye.

By limiting the uses that can be placed along the corridor and increasing the design standards for buildings facing Highway 65, city staff and officials believe Isanti can enhance the appeal and experience of the highway for both residents and passersby alike.

Isanti is keeping pace with its goals and objectives as well as reviewing whether the current standards are keeping pace with market trends and other planning related issues that may arise by revising the zoning ordinance and zoning map. Through discussions with other cities and

developers, it is apparent that corridor overlay districts are expected, and respected, parameters along important roadways.

A detailed explanation of the changes can be found in the next few pages and within the attachments to this memo.

Overview of Proposed Zoning Ordinance Changes

(Comparison with underlying zoning district, B-2. Please note, this is not an all-inclusive list of the changes; however, staff did want to note a few items of change within each of the Sections for the Planning Commission and City Council).

Section 11: Overlay Districts

Article 5

Subdivision 1: Purpose

Highway 65 provides the main entrance into Isanti from the north and south. It is the purpose of this district to enhance the first impression of Isanti through development of a corridor that is inviting, visually appealing and a place that community members want to visit and passersby want to stop. This district is designed and intended to promote the development of an attractive view of the community from Highway 65 through architectural and signage controls, landscaping, screening, building orientation and other features.

Subdivision 2: Boundaries

Describes the boundaries of the district as depicted on the map.

Subdivision 3: Permitted Uses

Permitted Uses focuses on uses that will draw in the public as they are passing by creating a visually appealing and inviting entrance into the City of Isanti. The intent of the uses in this district is promote compatibility amongst land uses, site characteristics and architecture.

Subdivision 4: Conditional Uses

The Conditional Uses within this district where chosen for the same reasons as stated within the Permitted Uses section.

Subdivision 5: Interim Uses

The Interim Uses within this district where chosen for the same reasons as stated within the Permitted Uses section

Subdivision 6: Uses By Administrative Permit

Remains the same as in the B-2 District.

Subdivision 7: Permitted Accessory Uses

Adult uses removed.

Subdivision 8: Lot Requirements and Setbacks

Lots must be a minimum of 1 acre and buildings are required to be a minimum of 15% of the lot size. Setbacks remain the same as in the B-2 District.

Subdivision 9: Site Plan Approval Required

Remains the same as in the B-2 District.

Subdivision 10: Use and Standards Flexibility Rules

The City Council may approve dimensional, design and use modifications if the applicant demonstrates how such modification will further the intent of the Ordinance.

Subdivision 11: Exterior Building Materials

While the exterior materials remain the same, there is now a limit on the percentage of certain materials (no more than 75% decorative concrete block, pre-cast concrete or stucco). In order to obtain more visually appealing structures, walls greater than 50' in length must include varying architectural details to provide visual relief. The requirements promote visual harmony and minimize adverse impacts on adjacent properties. Exterior building colors shall be complimentary to other buildings within the district.

Subdivision 12: Building Orientation

In order to create a more inviting and visually appealing corridor, it's important that buildings along the corridor face, or appear to front, the corridor.

Subdivision 13: Parking and Driveways

Parking and driveway standards remain the same. Overhead doors, loading spaces and service areas are not to face Highway 65.

Subdivision 14: Lighting

Remains the same as in the B-2 District.

Subdivision 15: Screening and Landscaping

Remains the same as in B-2 District. Language added to reiterate the need for the submittal of a landscaping plan at the same time that the site plan is submitted.

Public Comment

City staff provided letters to each property owner that would be affected by the proposed rezoning of their property from "B-2" General Commercial or "T1-B" Tier One Business District to "H65" Highway 65 Corridor Overlay District. Per MN State Statute, property owners within 350 feet of such rezoning, were also notified. Staff has received calls, e-mails, and visits from a number of property owners. All inquiries were, in general, what are the specific changes and how will this affect my property? Staff walked through the ordinance changes and what it meant for development on their property with each property owner that called.

Staff Request

The draft Ordinance has been reviewed by City staff, to include: City Administrator, Community Development Director, City Attorney, and Economic Development Director, to ensure that the rules and regulations provided for within the document are both reasonable and legal from various

standpoints. At this time, staff would be looking for a recommendation on the proposed text and map, which will be forwarded to the City Council for final review and approval.

Attachments

- Draft Text Amendment Ordinance No. XXX
- Draft Zoning Map Amendment Ordinance No. XXX
- Findings of Fact and Conclusions
- Proposed Zoning Map of the Area to be Zone to Highway 65 Corridor Overlay District
- Future Land Use Plan (*clipped from original map for ease of viewing*)

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO 445 ZONING; SECTION 7 BUSINESS DISTRICTS, SECTION 11 OVERLAY DISTRICTS, AND SECTION 12 TIER ONE DISTRICTS

THE CITY OF ISANTI DOES ORDAIN:

I. AMENDMENTS

Section 7: Business Districts, Article 2 "B-2" General Business is hereby amended to include and read as follows:

Subdivision 13: Additional Standards

Properties along Highway 65 are subject to the regulations presented in Section 11, Article 5: "H65" Highway 65 Corridor Overlay District.

II. AMENDMENTS

Section 11: Overlay Districts is hereby amended to read and include the following:

Article Five: "H65" Highway 65 Corridor Overlay District

Subdivision 1: Purpose

Highway 65 provides the main entrance into Isanti from the north and south. It is the purpose of this district to enhance the first impression of Isanti through development of a corridor that is inviting, visually appealing and a place that community members want to visit and passersby want to stop. This district is designed and intended to promote the development of an attractive view of the community from Highway 65 through architectural and signage controls, landscaping, screening, building orientation and other features.

Subdivision 2: Boundaries

The Highway 65 Corridor Overlay District shall include all properties zoned "B-2" General Business District and "T1-B" Tier One Business District lying east of the of 5th Ave NE (a line drawn north and south using this section of 5th Ave NE as a reference point) and west of 6th Ave NE (a line drawn north and south based on the future plans for 6th Ave NE), and between the north and south jurisdictional boundaries of the City. In the event a property is split by this boundary, the property shall be considered within the Highway 65 Overlay District if the majority of the property is within the described boundaries above or has frontage along Highway 65.

Subdivision 3: Permitted Uses

The following are considered permitted uses within the Highway 65 Overlay District:

- A. Artist studios.
- B. Bakery.
- C. Broadcasting and recording studio.
- D. Business service.
- E. Catering establishments.
- F. Coffee house.
- G. Community shopping centers (medium-scale).
- H. Convenience store (not accessory to a gas station).

- I. Essential services.
- J. Financial institutions.
- K. General office.
- L. General retail establishments.
- M. Government office.
- N. Health care clinic.
- O. Health club.
- P. Hospital.
- Q. Hotel or motel.
- R. Instruction/learning center.
- S. Massage therapy (not adult use).
- T. Personal service establishments.
- U. Print shop.
- V. Showroom.
- W. Theaters, indoor (not adult use).

Subdivision 4: Conditional Uses

The following are conditional uses within the Highway 65 Corridor Overlay District and shall require a Conditional Use Permit based upon the procedures set forth and regulated by Section 21 of this Ordinance. Additional specific standards and criteria may be cited for respective conditional uses and a request shall be evaluated based upon those additional standards and criteria.

- A. Automobile car wash establishment, subject to those standards as provided within Section 13 of this Ordinance. Only in conjunction with a permitted use.
- B. Commercial recreation, indoor only. Outdoor commercial recreation permitted as an accessory to a permitted use with sufficient screening as determined by the City Council.
- C. Community centers.
- D. Drive-thru facilities.
- E. Gas stations, subject to the standards as provided within Section 13 of this Ordinance.
- F. Garden center as an accessory to a permitted use.
- G. Helipad or helistop in conjunction with a hospital.
- H. Home improvement center.

- I. Hospice as an accessory to a permitted or conditional use.
- J. Meat markets.
- K. Medical research laboratory.
- L. Medical support facilities.
- M. Nursery, retail, as an accessory to a permitted use.
- N. Private clubs.
- O. Public buildings.
- P. Restaurants (Carry-out, Drive-in, Fast food, or Sit-down).
- Q. Senior residential care facilities, as defined within Section 2 of this Ordinance.
- R. Trade / business school.
- S. Brewpub.
- T. Brewer tap room.
- U. Microbrewery.
- V. Micro distillery.

Subdivision 5: Interim Uses

- A. Bars.
- B. Gunsmith.
- C. Liquor store.
- D. Temporary motor vehicle sales, accessory to a financial institution, in which such sales event is permitted two (2) times per calendar year and shall not exceed three (3) days per event. No more than the number of events identified shall be permitted for the same property in any given calendar year.

Subdivision 6: Uses by Administrative Permit

- A. Outdoor Sales, Temporary (General Retail Establishments and Civic Organizations), providing that such uses meet the requirements as provided within Section 13 of this Ordinance.
- B. Transient merchants, providing that such uses meet the requirements as provided within Section 13 of this Ordinance and Chapter 245 of the Isanti City Code of Ordinances.

Subdivision 7: Permitted Accessory Uses

- A. Accessory buildings and uses customarily incidental to any of the permitted uses. Accessory buildings are subject to the regulations as provided within Section 13 of this Ordinance.
- B. Off-street parking and loading, in accordance with Section 17 of this Ordinance.

- C. Outdoor patios and decks, as an accessory use to a bar, restaurant, club, or other assembly use with liquor or food sales, providing the requirements as listed in Section 13 are met.
- D. Outdoor smoking shelters, as an accessory use to a bar, restaurant, club, or other assembly use with liquor or food sales, providing the requirements as listed in Section 13 are met.
- E. Recreation support facilities may be permitted only as an accessory use to commercial recreation facilities.
- F. Signs, in accordance with Section 16 of this Ordinance.
- G. Supporting retail and service uses associated and located within a hospital or health care clinic, to include: cafeteria, employee exercise facilities, shops for medical equipment, pharmaceutical supplies, gift shops, bookstores, florists, banking facilities, laundry/dry cleaning, community rooms, and chapels.
- H. Trash receptacle enclosures, in accordance with the provisions within Section 14, Subdivision 3 of this Ordinance.

Subdivision 8: Lot Requirements and Setbacks

The following minimum requirements shall be observed in the Highway 65 Corridor Overlay District; subject to additional requirements, exceptions, and modifications as set forth within this Ordinance:

A. Lot and Building Size Requirements.

<u>Minimum Lot Size</u>	<u>1 acre</u>
<u>Minimum Building Size</u>	<u>15% of lot size</u>

B. Setbacks and Height Restrictions – Principal Building.

<u>Minimum Front Yard Setback</u>	<u>30 feet</u>
<u>Minimum Side Yard Setback</u>	<u>15 feet</u>
<u>Minimum Street Side Yard Setback</u>	<u>20 feet</u>
<u>Minimum Rear Yard Setback</u>	<u>15 feet</u>
<u>Maximum Building Height</u>	<u>Three (3) stories or forty-five (45) feet, whichever is less.</u>

C. Impervious Surface Coverage.

Twenty-five (25) percent of the total lot area shall consist of green space. Five (5) percent of the total lot area shall be green space within the parking perimeter. (Ord. No. 618)

Subdivision 9: Site Plan Approval Required

Prior to the construction of any building within the Highway 65 Corridor Overlay District; Site Plan Approval and Building Appearance Review shall be required in accordance with Section 18 of this Ordinance.

Subdivision 10: Use and Standards Flexibility Rules

- A. Dimensional Flexibility. The City Council may approve modifications of one or more area or dimensional standards of an underlying district if an applicant demonstrates such modification will result in better integration of uses or additional public amenities that will further the intent of this Section.
- B. Design Standard Flexibility. The City Council may approve an alternative approach to meeting any of the design standards in this Section if an applicant demonstrates such modification is necessary to respond to site conditions, will result in better integration of uses, or provide significant site amenities, buffers, and other elements to offset any potential harmful effect that could be caused by the use and will further the intent of this Section.

- C. Use Flexibility. The City Council may recommend a use, a density of use, or a mix of uses different from what is allowed upon findings that:
1. The modification significantly advances the intent of this Section;
 2. The modification is necessary to develop the property in an efficient, well-organized way; and
 3. The plan provides significant site amenities, buffers, and other elements to offset any potential harmful effects that could be caused by the use.

Subdivision 11: Exterior Building Materials

These standards are intended to ensure coordinated design of building exteriors, additions and accessory structure exteriors in order to prevent visual disharmony, minimize adverse impacts on adjacent properties from buildings which are or may become unsightly, and buildings that detract from the character and appearance of the area. It is not the intent of this division of unduly restrict design freedom when reviewing and approving project architecture in relationship to the proposed land use, and site characteristics.

- A. The exterior wall finishes on any building shall be comprised of one or more of the following materials:
1. Face brick.
 2. Natural stone.
 3. Glass.
 4. Decorative concrete block as approved by the City Council.
 5. Specifically designed pre-cast concrete units; if the surfaces have been integrally treated with an applied decorative material or texture.
 6. Masonry stucco.
 7. Other comparable or superior material as recommended by the Planning Commission and approved by the City Council.
 8. No more than 75% of the building sides visible from Highway 65 may be constructed of decorative concrete block, pre-cast concrete or stucco.
 9. The exterior of the building shall have varied and interesting detailing. Large unadorned walls shall be prohibited (50' or more). All large walls viewable from Highway 65 must be relieved by architectural detailing, such as change in materials, change in color, offsets, or other significant visual relief provided in a manner or at intervals in keeping with the size, mass and scale of the wall and its views from the public right-of-way.
 10. Exterior building material colors shall be complimentary of other buildings within the district.
 11. Exterior elevations of all sides of a proposed building noting the material and color of each component, to include exterior building materials, awnings, mechanical screening material, fencing and the like, shall be submitted with the site plan for determination of compliance with the above requirements.
 12. Mechanical equipment
 - a. Ground equipment shall be screened per Section 14, Subdivision 4 Mechanical Equipment.
 - b. Rooftop mechanical equipment, and head-houses for elevators and stairs, shall be concealed from public view.

- B. All subsequent additions and accessory buildings constructed after the erection of the original building or buildings, shall be constructed with exterior finishes comprised of the same materials as the original structure(s).

Subdivision 12: Building Orientation

Building shall be oriented towards Highway 65 or, at a minimum, give the appearance of having a front facing Highway 65 (second front).

Subdivision 13: Parking and Driveways

Parking, driveways, and driving areas shall meet the requirements of Section 17 of this Ordinance, subject to the following additional requirements, exceptions, and modifications as set forth:

- A. Parking lots and drive aisles shall be setback a minimum of ten (10) feet from front, rear, and side yards.
- B. When abutting a residentially zoned district, parking and drive aisles shall be setback a minimum of twenty (20) feet.
- C. Loading Spaces, Overhead Doors and Service Areas.
1. Loading spaces, overhead doors and service areas cannot face Highway 65 and must be located in designated rear yards.
 2. Loading and service areas must be separated from visitor and employee parking areas and general traffic circulation.
 3. Loading spaces, overhead doors and service areas must be designed to be compatible with the principal building. Architectural techniques, color, and landscaping must be employed to eliminate visual impacts from adjacent properties and roadways.

Subdivision 14: Lighting

Any lighting used to illuminate off-street parking areas, signage, or buildings shall be directed away from residential properties and shall meet the standards as stipulated within Section 14 of this Ordinance.

Subdivision 15: Screening and Landscaping

Screening and Landscaping within the Highway 65 Overlay District shall be provided in accordance with the requirements as stipulated within Section 15 of this Ordinance. On lots adjacent to a residential district, a minimum twenty (20) foot landscaped buffer strip shall be planted. Landscaping plans shall be submitted and approved at the same time as the site plan.

III. AMENDMENTS

Section 12: Tier One Zoning Districts, Article 2 "T1-B" Tier One Business Districts is hereby amended to include and read as follows:

Subdivision 11: Special Regulations

- A. All businesses within the corporate city limits have one (1) year from the date City water and sewer is extended to the property to connect to City services. Variances from this stipulation are prohibited.
- B. Pole type buildings are prohibited.
- C. Properties along Highway 65 are subject to the regulations presented in Section 11, Article 5: "H65" Highway 65 Corridor Overlay District.

IV. EFFECTIVE DATE

This ordinance shall take effect upon its adoption and publication in the City's Official Newspaper.

Adopted by the City Council this 15th day of November 2016.

Mayor George A. Wimmer

ATTEST:

Lindsey Giese
Human Resources/City Clerk

(SEAL)

ORDINANCE NO.

**AN ORDINANCE APPROVING AN AMENDMENT TO ORDINANCE NO.445
(ZONING): THE OFFICIAL ZONING MAP**

THE CITY OF ISANTI DOES ORDAIN:

WHEREAS, the City of Isanti, in light of the recent and expected increase in development along the Highway 65 Corridor, has conducted research on the best way to ensure that the Highway 65 Corridor is developed as stated in the 2008 Comprehensive Plan; and,

WHEREAS, the 2008 Comprehensive Plan states that this area “will truly define the community and let travelers know that they have entered a unique, vital and vibrant place.”; and,

WHEREAS, the City Council finds that the consequences of allowing certain uses may be incompatible with said long term planning goals for the Highway 65 corridor. And that such uses currently allowed in the “B-2” General Business District and “T1-B” Tier One Business District may not be consistent with the city’s long term planning goals within said district goals for the Highway 65 corridor; and,

WHEREAS, development along Highway 65 has set a standard of superior commercial development attracting both residents and travelers alike; and,

WHEREAS, it is in the best interest of the City and its residents to attract such development, and to uphold a standard that has already been set by numerous existing and in-progress developments along the Highway 65 corridor; and,

WHEREAS, Ordinance No. _____ creating the “H65” Highway 65 Corridor Overlay District was approved in conjunction with this ordinance; and,

WHEREAS, all properties zoned “B-2” General Business District and “T1-B” Tier One Business District lying east of the of 5th Ave NE (*a line drawn north and south using this section of 5th Ave NE as a reference point*) and west of 6th Ave NE (*a line drawn north and south based on the future plans for 6th Ave NE*), and between the north and south jurisdictional zoning boundaries of the City of Isanti, shall be zoned “H65” Highway 65 Corridor Overlay District. In the event a property is split by this boundary; the property shall be considered within the Highway 65 Overlay District if the majority of the property is within the described boundaries above or has frontage along Highway 65 as Highway 65 Corridor Overlay District; and,

WHEREAS, Exhibit A provides a list of properties, identified by their Property Identification Number (PIN), subject to the rezoning; and,

WHEREAS, existing educational facility improvements and pending educational facility improvement previously approved by the City Council shall be permitted; and,

WHEREAS, at their regular meeting on November 9, 2016, the City of Isanti Planning Commission held a public hearing to take public comments; and

WHEREAS, the Planning Commission voted to recommend approval of the rezone request; and,

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Isanti that all properties zoned "B-2" General Business District and "T1-B" Tier One Business District lying east of the of 5th Ave NE (*a line drawn north and south using this section of 5th Ave NE as a reference point*) and west of 6th Ave NE (*a line drawn north and south based on the future plans for 6th Ave NE*), and between the north and south jurisdictional zoning boundaries of the City of Isanti, subject to easements, restrictions and reservations of record, approves the re-zone request from "B-2" General Business District and "T1-B" Tier 1 Business District to "H65" Highway 65 Corridor Overlay District; and,

BE IT FURTHER RESOLVED that the ordinance be approved with the exception that existing educational facility improvements and pending educational facility improvements previously approved by the City Council be permitted.

EFFECTIVE DATE

This Ordinance shall take effect the day following its publication in the City's Official Newspaper.

Adopted by the City Council this 15th day of November 2016.

Mayor George A. Wimmer

ATTEST:

Lindsey Giese
Human Resources/City Clerk

(SEAL)

'Exhibit A'

List of Properties Identified by their Property Identification Number that are Subject to Rezoning

16.020.0500
05.029.0400
05.032.1300
16.113.0010
16.020.1100
16.113.0020
05.029.2500
16.020.0702
16.049.0070
05.032.0400
16.113.0780
16.029.0900
16.139.0020
16.132.0030
16.029.2901
16.093.0010
16.090.0060
16.502.0050
16.116.0010
16.029.0101
16.029.1500
16.120.0010
05.020.1804
16.126.0060
05.029.3200
16.140.0010
16.029.3000
05.032.1000
16.134.0010
05.020.1802
05.020.2500
16.029.0500
05.032.1400
05.029.3000
05.029.2700
05.032.0200

FINDINGS OF FACT AND CONCLUSION

Request

Request from the City of Isanti to Amend Ordinance No. 445 Zoning, Section 7 Business Districts, Section 11 Overlay Districts to include Article 5: "H65" Highway 65 Corridor Overlay District, and Section 12 Tier One Districts.

Findings of Fact

1. The City of Isanti is proposing the creation and implementation of an overlay district along Highway 65 to include properties within the City and extending to the outer boundaries of the Tier 1 Districts.
2. The affected properties are described as all properties zoned "B-2" General Business District and "T1-B" Tier One Business District lying east of the of 5th Ave NE (*a line drawn north and south using this section of 5th Ave NE as a reference point*) and west of 6th Ave NE (*a line drawn north and south based on the future plans for 6th Ave NE*), and between the north and south jurisdictional zoning boundaries of the City of Isanti.
3. Highway 65 is a gateway into Isanti from the north and the south.
4. The rezoning of the property would permit uses that are geared toward developing an attractive and inviting entrance into the City of Isanti.
5. The Comprehensive Plan has a land use designation for this area as General Commercial and states that this area "will truly define the community and let travelers know that they have entered a unique, vital and vibrant place."
6. The City Council finds that the consequences of allowing certain uses may be incompatible with said long term planning goals for the Highway 65 corridor. And that such uses currently allowed in the "B-2" General Business District may not be consistent with the city's long term planning goals within said district goals for the Highway 65 corridor.
7. Development along Highway 65 has set a standard of superior commercial development. It is in the best interest of the City and its residents to attract such development, and to uphold a standard that has already been set by numerous existing and in-progress developments along the Highway 65 corridor.
8. A public hearing date before the Planning Commission was scheduled for Wednesday, November 9th, 2016 at 7:00 p.m. at City Hall within the Council Chambers.
9. Notice of the Rezoning request was published within the Isanti County News on Wednesday, October 26th, 2016. Notices were sent to all property owners located within 350 feet of the subject property.
10. Section 21, Article 1: Amendments (Text and Map), Subdivision 4 (D) of the Zoning Ordinance establishes criteria in which the judgment of the Planning Commission and City Council shall be based upon when reviewing a Rezoning request.

Conclusions

- A. In review of the factors established in Section 21, Article 1 Amendments (Text and Map), Subdivision 4 (D) the following conclusions have been made (*conclusions to each requirement are shown in underlined italics*):
 1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the Comprehensive Plan, including public facilities and capital improvement plans.
The proposed action helps to define the community by creating a "unique, vital and vibrant place," as defined in the Comprehensive Plan. The creation of the Highway 65


Corridor Overlay District does not require additional public facilities and/or capital improvement plans.


2. The proposed action meets the purpose and intent of this Ordinance or in the case of a map amendment; it meets the purpose and intent of the individual district.
The purpose and intent of this Ordinance is to provide for a way to amend the text and map when deemed appropriate. The Comprehensive Plan calls for this area to be a unique, vital and vibrant place. The amending of the ordinance and map, further emphasizes the City's dedication to creating the space outlined within the Comprehensive Plan by upholding standards that are geared toward a unique, vital and vibrant place.
3. There is adequate infrastructure available to service the proposed action.
The proposed action would not require additional infrastructure in order to service the area. Development of the areas affected will occur as guided by the comprehensive plan and the capital improvements plans.
4. There is an adequate buffer or transition provided between potentially incompatible districts.
The Highway 65 Corridor Overlay District would be created out of an area already zoned for commercial development, thus, not affecting the buffering between districts. The Highway 65 Corridor Overlay District would easily transition into the adjacent districts, and may in some cases be a better transition than when it was zoned "B-2" or "T1-B".

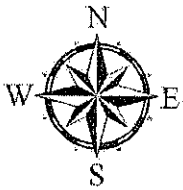
Decision

The Planning Commission reviewed the request in a public hearing on **November 9th, 2016**. The meeting minutes, staff memo, and attachments shall be made a part of the Findings of Fact and Conclusion.

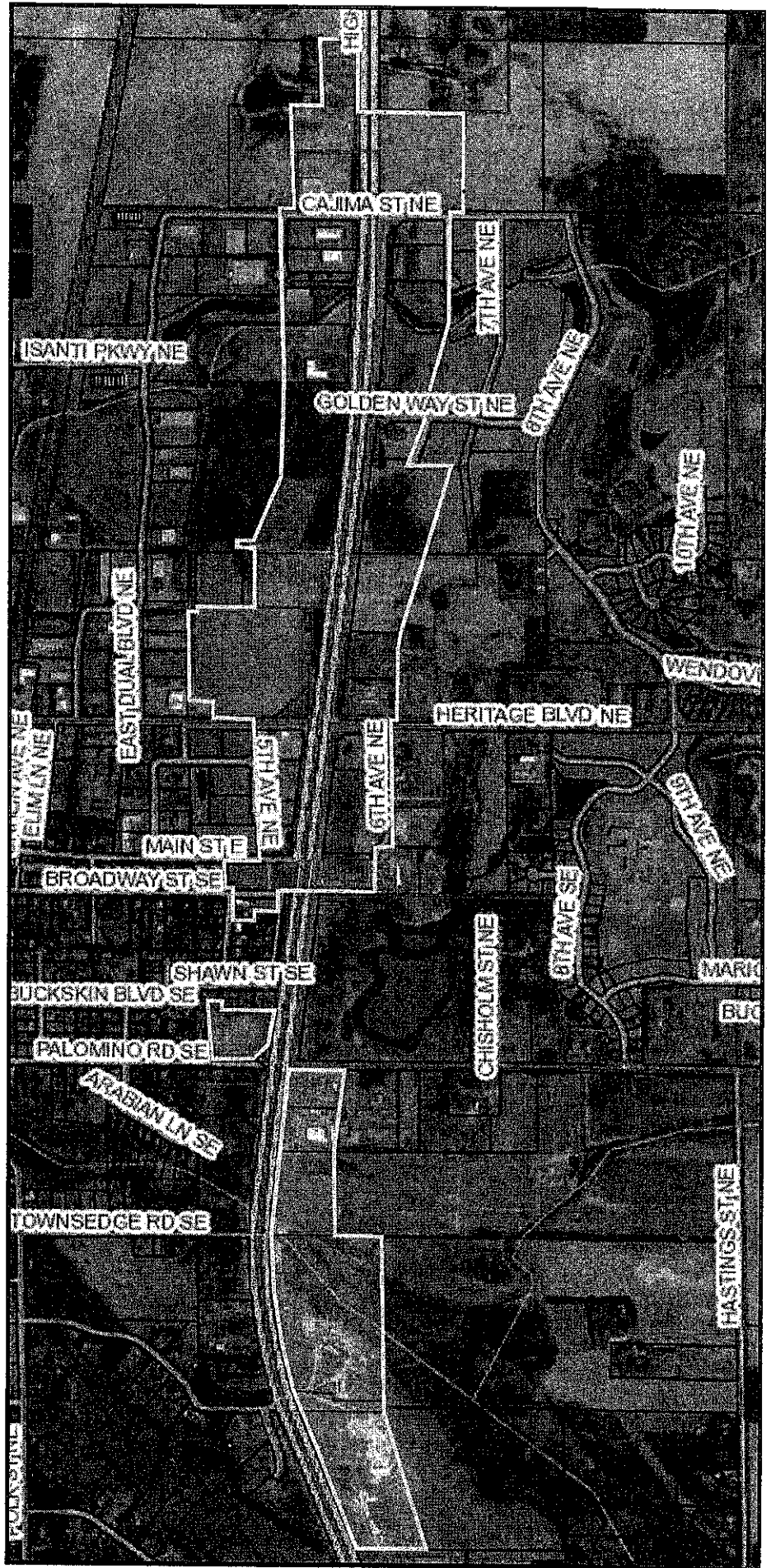
Proposed
**HIGHWAY 65 CORRIDOR
 OVERLAY DISTRICT**
 Map

 Proposed Boundary of the Highway 65 Corridor Overlay District (east of 5th Avenue, west of 6th Avenue and to the City's zoning jurisdictional boundaries to the north & south as shown).

 Tier 1 Business Parcels (shaded yellow)




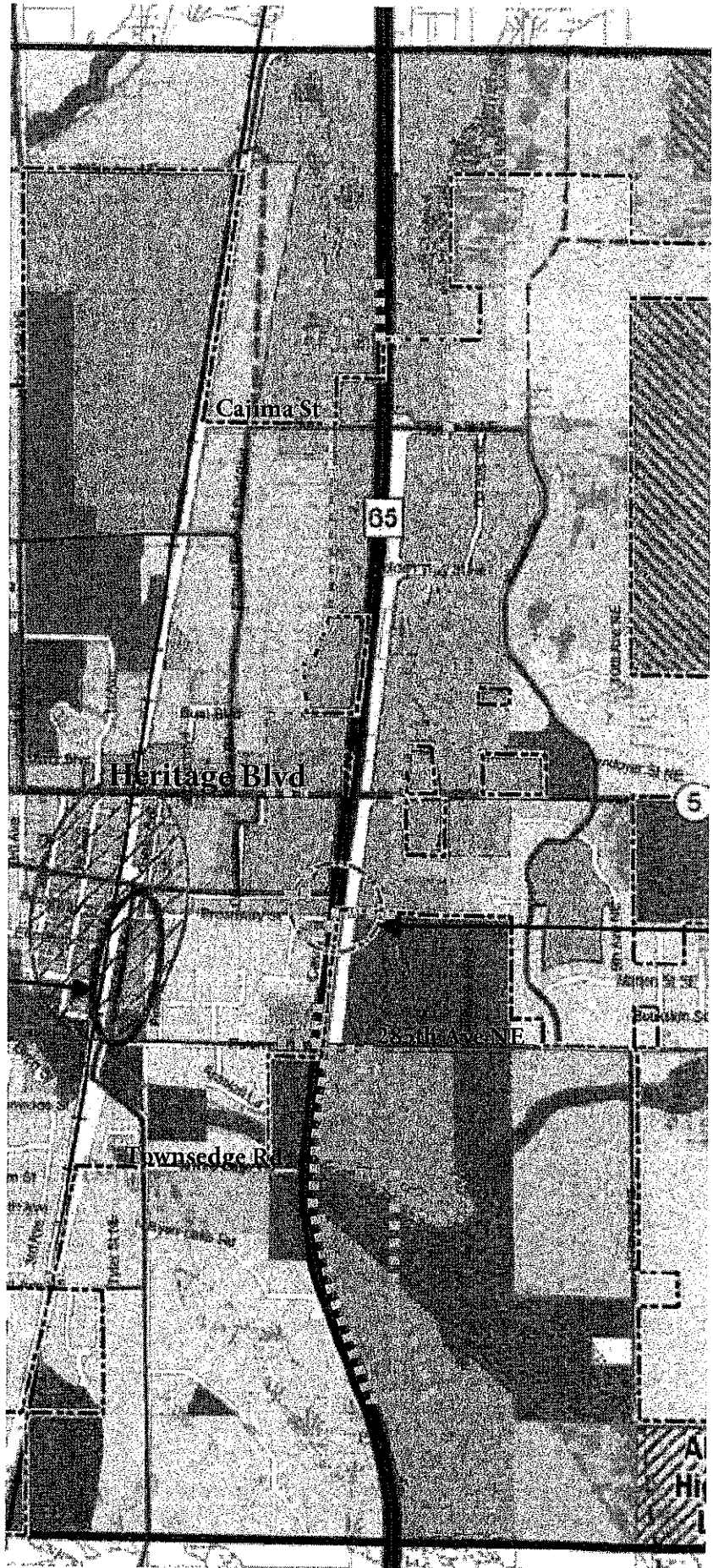
** Please note, some of the parcels on the outside edges of the proposed Highway 65 Corridor Overlay District are split by the overlay district boundary line. The ordinance outlining the requirements for the Highway 65 Corridor Overlay District will assist in determining the exact boundaries over time as properties are legally subdivided and developed.



Future Land Use Plan
 City of Isanti Comprehensive Plan Update

-  Planning Boundary
-  City Boundary
-  Rural Residential
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  CBD Business
-  Mixed Use
-  General Commercial
-  Neighborhood Commercial
-  Public/Semi-Public
-  Industrial
-  Model Development
-  Alternative High School Sites
-  Agricultural
-  Recreational Commercial
-  Existing Active Park
-  Existing Passive Park
-  Future Park/Open Space
-  Vacant
-  Open Water
-  NWA Wetland
-  Natural Areas
-  Proposed Road
-  Mixed Use Overlay

 **Approx. Boundaries of Highway 65 Corridor Overlay District**





Request for Planning Commission Action

To: Vice Chairman Cesafsky
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: November 9, 2016

Subject: Request from Allina Health and MSP Commercial for Approval of a Signage Master Plan for the facility located at 300 5th Ave NE.

Background

Several years ago, Section 16 Signs was amended to include an option to submit signage master plans for certain uses. The purpose is to accommodate complex signage situations where the standard sign code would not be effective. The Allina Clinic appears to meet the purpose outlined.

Allina is proposing two monument signs, one pylon sign and wall signage for both the main clinic and the Courage Kenny component. The Penny George Institute for Health and Healing will not have exterior signage. The following is a list of signs and how they compare to the general sign requirements:

	Requested	Permitted	Difference
# of Wall Signs Requested	2	1 per unit	Meets Code
Wall Sign Area	115.8sf	300sf	Meets code
# of Monument / Freestanding / Pylon Signs Requested	3	1 per 300ft of lot frontage and must be 300ft between signs	Signs A & B are roughly <u>296ft</u> apart. Signs A & C are roughly <u>285ft</u> apart
Sign A: Pylon	<ul style="list-style-type: none"> • 19' in height • 101sf per side 	<ul style="list-style-type: none"> • 45' permitted • 100sf per side 	Height meets code. Sign area is 2sf <u>over</u> .
Sign B: Monument	<ul style="list-style-type: none"> • 13' in height • 45.8sf per side 	<ul style="list-style-type: none"> • 8' permitted • 50sf per side 	Height <u>exceeded</u> by 5' Sign area meets code.
Sign C: Monument	<ul style="list-style-type: none"> • 7.5' in height • 18.9sf only one side 	<ul style="list-style-type: none"> • 8' permitted • 50sf per side 	Sign meets code.

** All signs are illuminated internally.

***All ground signs require landscaping at sign base. 1sf of landscaping per 1sf of sign.

The Development and Operations Advisory Committee has reviewed the sign plans for the Allina Clinic and feels the signs meet the intent of the Signage Master Plan section of the zoning code. Approval is recommended.

Attachments:

- Resolution No. 2016-XXX
- Section 16, Sub. 13 Signage Master Plans
- Site Layout of Ground Sign Locations
- Allina Clinic Wall Sign
- Courage Kennedy Wall Sign
- Pylon Sign – A
- Monument Sign – B
- Monument Sign – C

RESOLUTION NO. 2016-

A RESOLUTION APPROVING THE SIGNAGE MASTER PLAN FOR THE ALLINA HEALTH CLINIC ON THE PROPERTY LEGALLY DESCRIBED AS LOT 1, BLOCK 1, ANLAUF COMMERCIAL PARK 1ST ADDITION

WHEREAS, MSP Commercial has made application, on behalf of Allina Health, for Approval of a Signage Master Plan on the property legally described as Lot 1, Block 1, Anlauf Commercial Park 1st Addition, Isanti County, Minnesota; and,

WHEREAS, Section 16 Signs, of Zoning Ordinance No. 445, provides for the submittal of a Signage Master Plan for certain developments further described in Section 16 Signs; and,

WHEREAS, the Isanti Planning Commission reviewed the Signage Master Plan and concluded it meets the intent of the sign code at the regularly scheduled meeting on November 9th, 2016; and,

WHEREAS, the Isanti Planning Commission had recommended approval with the condition that landscaping be install at the base of the signs as required by code; and,

WHEREAS, the City Council reviewed the Signage Master Plan request at its meeting on November 15th, 2016; and,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Isanti, Minnesota, that the requested Signage Master Plan Approval from MSP Commercial, on behalf of Allina Health, be approved with the following conditions:

1. Landscaping shall be installed at the base of the signs as required by code.

Adopted by the Isanti City Council on this 15th day of November 2016.

Attest:

Mayor George A. Wimmer

Lindsey McInnis
Human Resources/City Clerk

(SEAL)

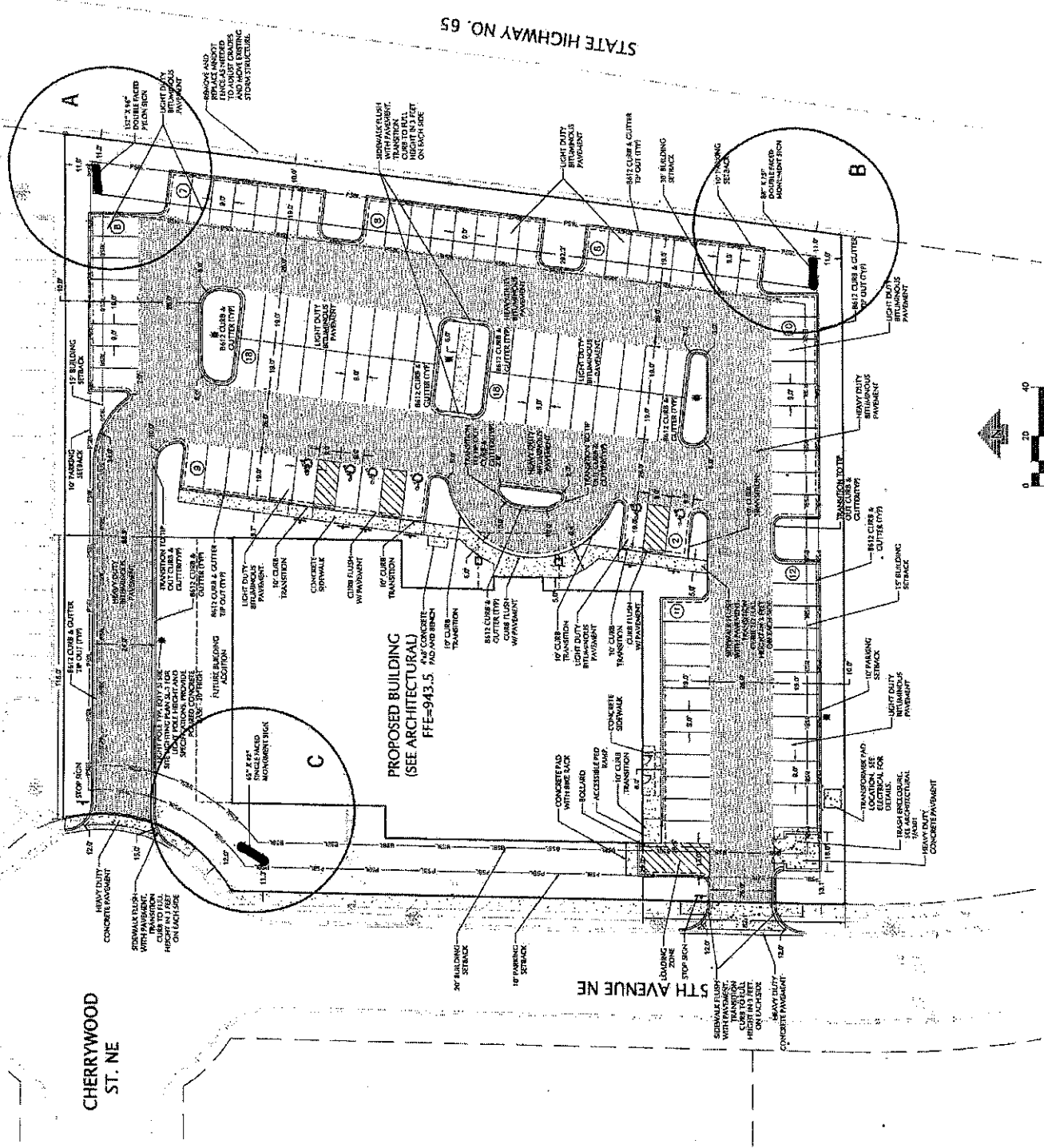
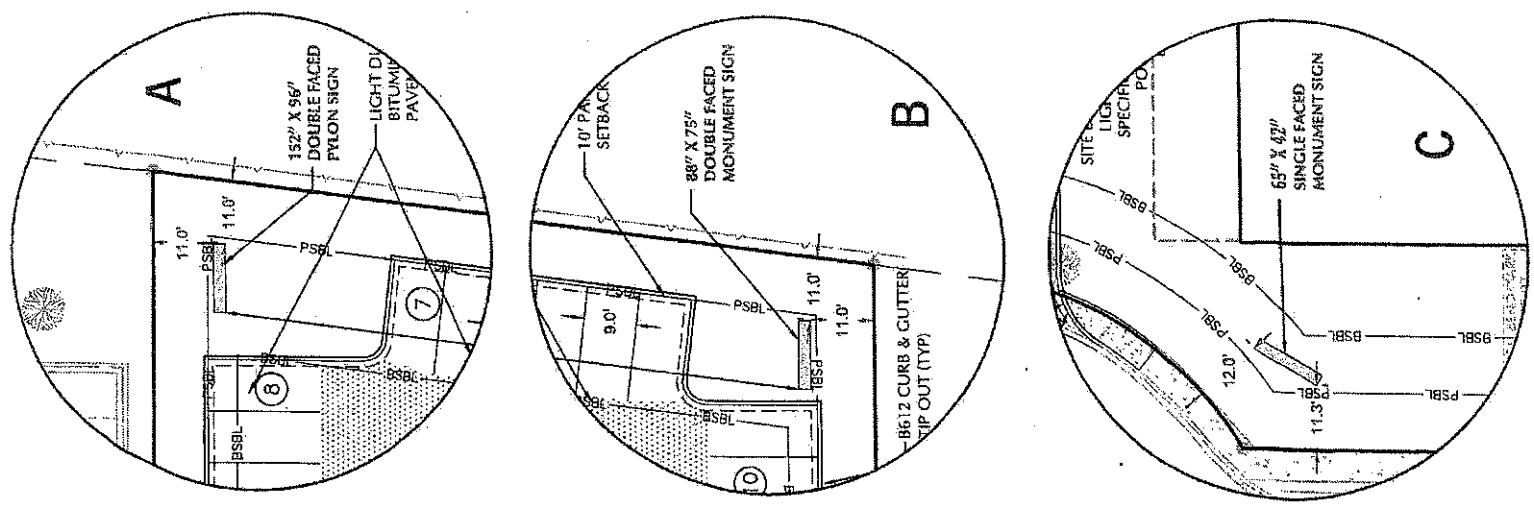
Section 16 Signs

Subdivision 13: Signage Master Plans (*Ord. No. 595*)

- A. Purpose. The purpose of a signage master plan is to establish a fair and equitable process for complex signage situations that accommodate the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification.

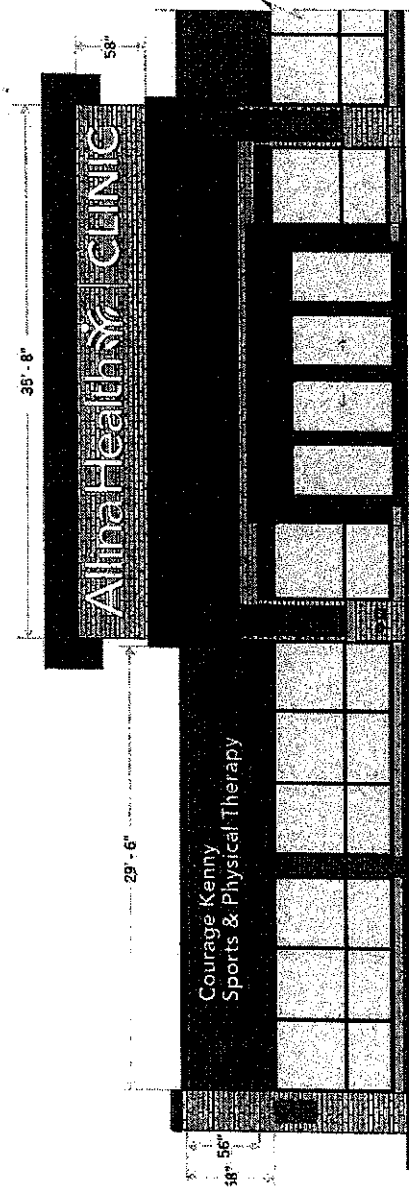
- B. Entities subject to this section are as outlined below:
 - 1. Sports/Recreation Facilities. To include, soccer fields, sports arenas, baseball fields, and other similar uses.
 - a. Additional signage may be permitted with the submittal of a signage master plan, recommendation by the Park, Recreation, and Culture Board, and approval by the City Council.
 - b. Special events must submit an application for temporary signage as part of the Special Event Permitting process.
 - c. No advertisements for products or services detrimental or inappropriate to the health or welfare of children including, but not limited to, alcoholic beverages, tobacco products, adult entertainment, gambling, or questionable content will be permitted.
 - 2. Hospitals.
 - 3. Businesses with campus-like settings.
 - 4. Colleges
 - 5. Strip malls or office complexes, with two (2) or more tenants, constructed after December 2014.
 - 6. Other similar facilities.

- C. Review. Master sign plans shall follow the Application for Permit process as outlined in Subdivision 12(B), in addition to a recommendation for approval by the appropriate committee and approval by the City Council. Park and recreation facility sign plans shall be reviewed by the Park, Recreation, and Culture Board, all other facilities shall be reviewed by the Planning Commission prior to City Council approval.



Scale: 1"=50'-0"

Clinic Sign



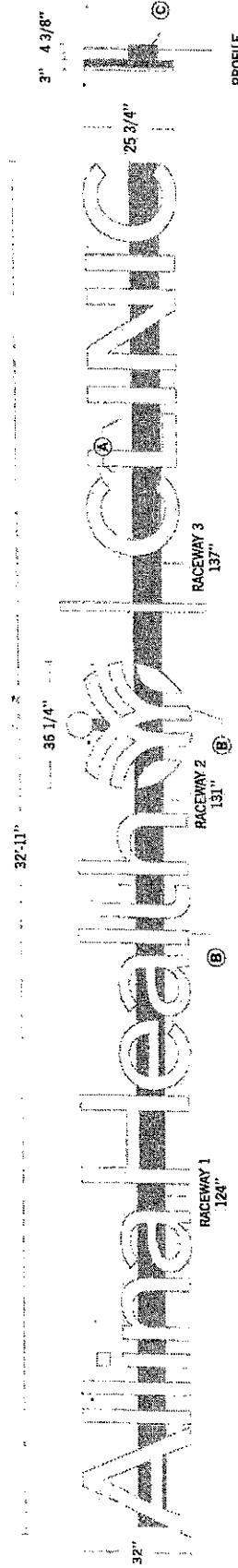
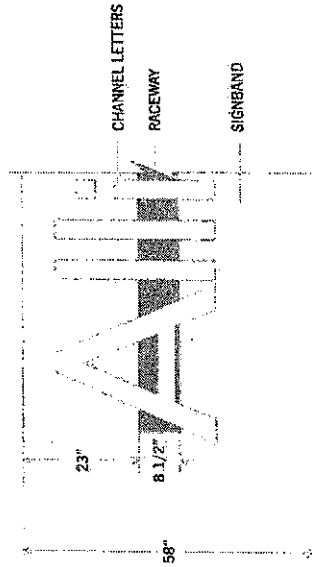
① East Elevation (Partial)
Scale: 1/8"=1'-0"

Description

- (A) Logo & Alina Health**
 3" CHANNEL
 3/16" CLEAR ACRYLIC FACES
 SECOND SURFACE ALINA CUSTOM TRANSLUCENT VINYL
 FIRST SURFACE WHITE PERFORATED VINYL OVERLAY
 1" SILVER TRIMCAP
 RETURNS PAINTED GREY MP74935 (PMS 428C)
 - (B) Letters: | CLINIC**
 3" CHANNEL LETTERS
 3/16" CLEAR ACRYLIC FACES
 SECOND SURFACE TRANSLUCENT WHITE VINYL DIFFUSER
 FIRST SURFACE WHITE PERFORATED VINYL OVERLAY
 1" SILVER TRIMCAP
 RETURNS PAINTED GREY MP74935 (PMS 428C)
 - (C) Raceways**
 SIGNCOMP 1 PIECE 3" NARROW RACEWAY
 PAINTED TO MATCH MOUNTING SURFACE
- Install**
 ANCHOR TO BRICK WALL W/ LAGS AND SHIELDS
- Illumination**
 232 - WHITE VL-R PLUS LONG MODULES (75 FT)
 3 - MOD60-W DRIVERS
 34 @ 120V

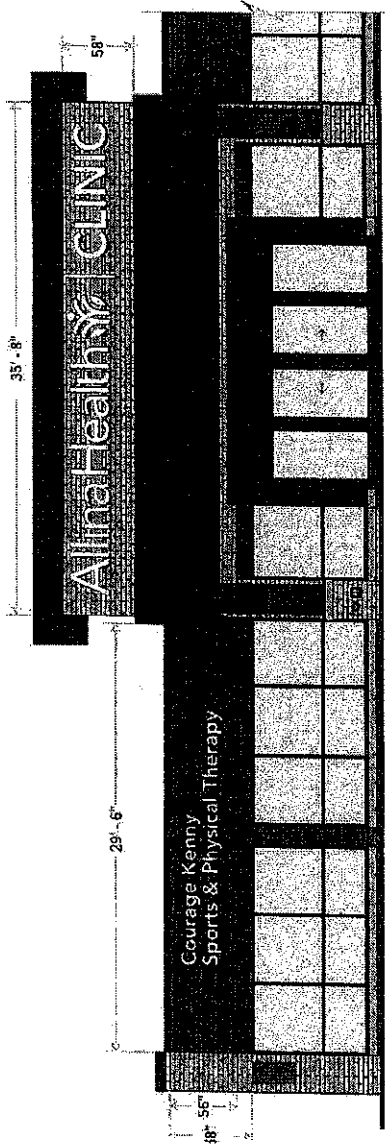


ILLUMINATED SIGN



② Channel Letters / Raceway
Scale: 3/8"=1'-0"

Courage Kenny Wall Sign

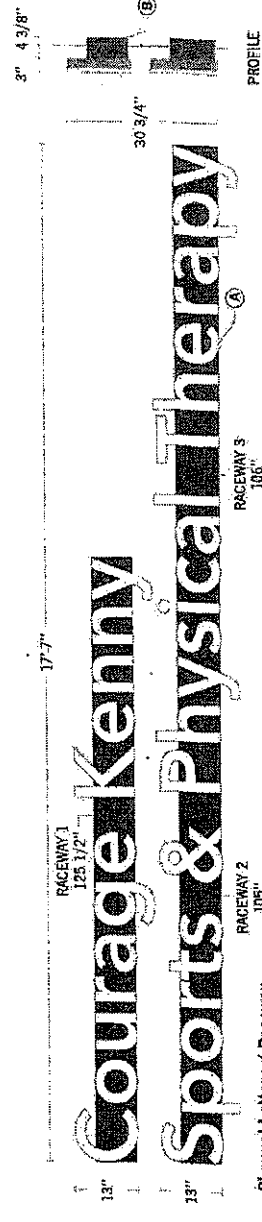
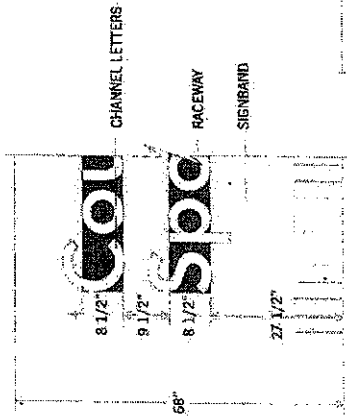


① East Elevation (Partial)

Scale: 1/8"=1'-0"

Description

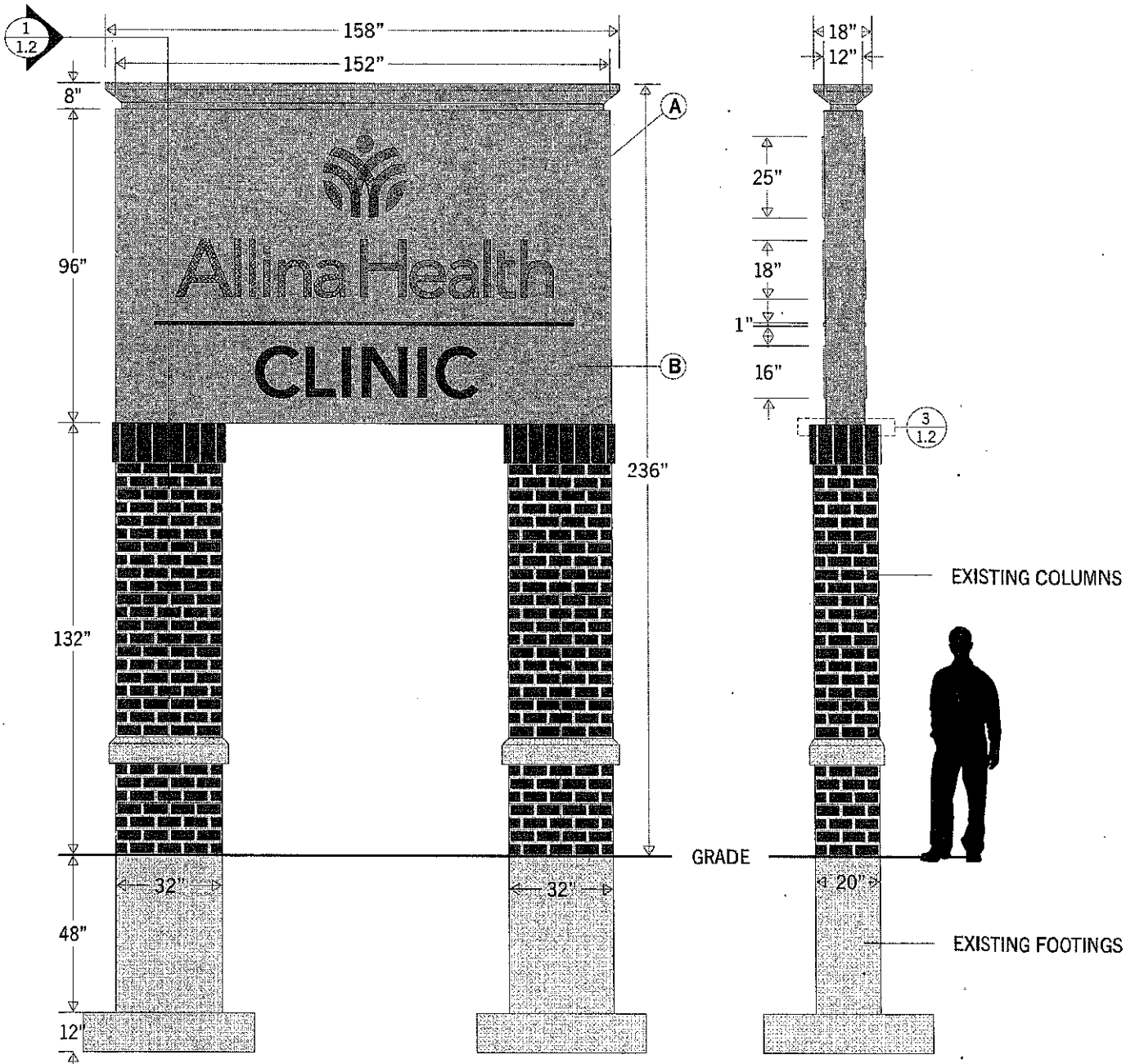
- A** Letters
 - 3" RETURNS - PAINTED GREY (PMS 428C)
 - 3/16" WHITE ACRYLIC FACES (7328)
 - 1" SILVER TRIMCAP
 - B** Raceways
 - SIGNCOMP 1 PIECE 5" NARROW RACEWAY
 - PAINTED TO MATCH MOUNTING SURFACE
- Install**
ANCHOR TO BRICK WALL W/ LAGS AND SHIELDS
- Illumination**
256 - WHITE XL PLUS SHORT MODULES (108 FT)
3 - MODULAR DRIVERS
3A @ 120V



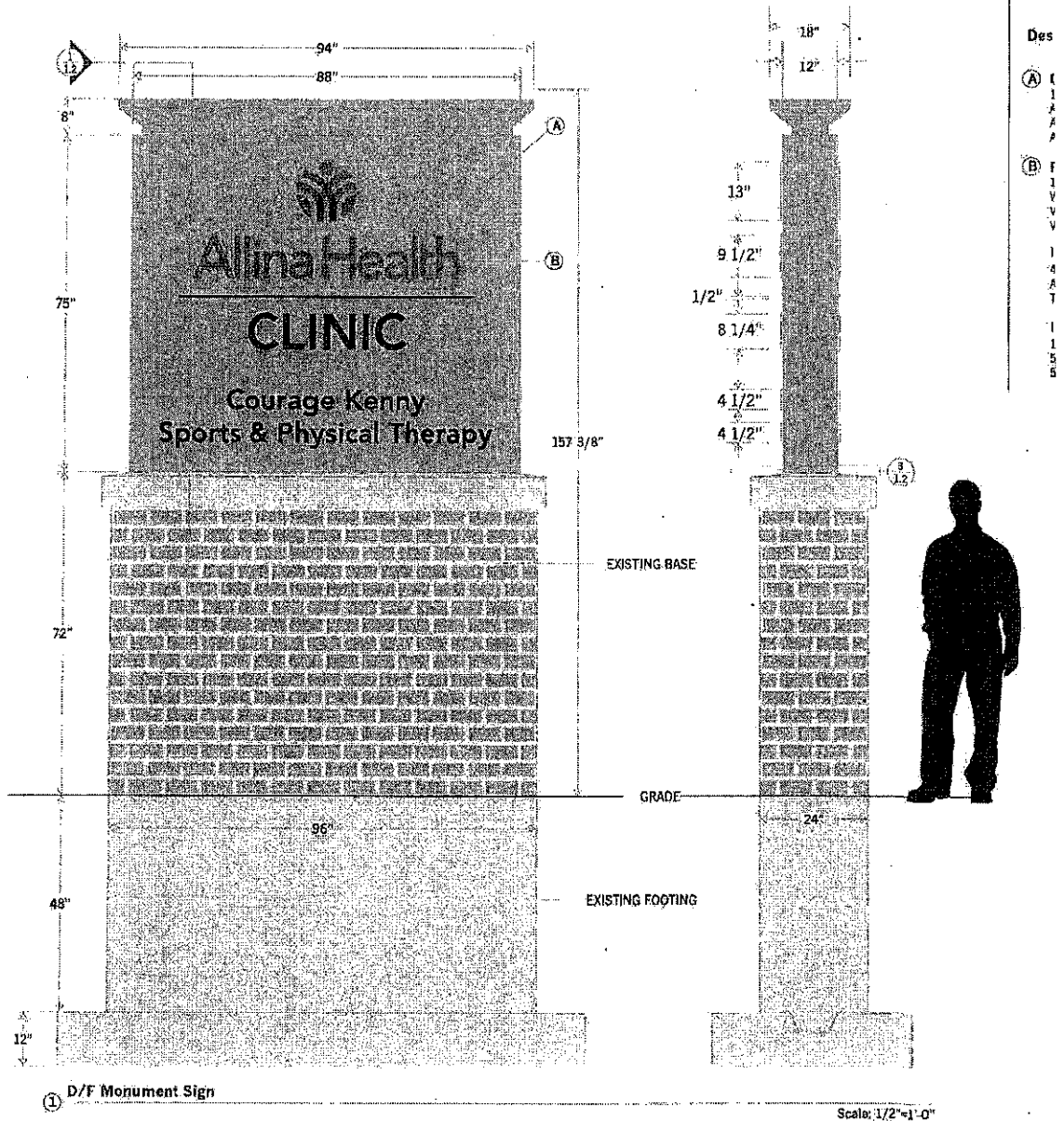
② Channel Letters / Raceway

Scale: 1/2"=1'-0"

Sign A - Pylon



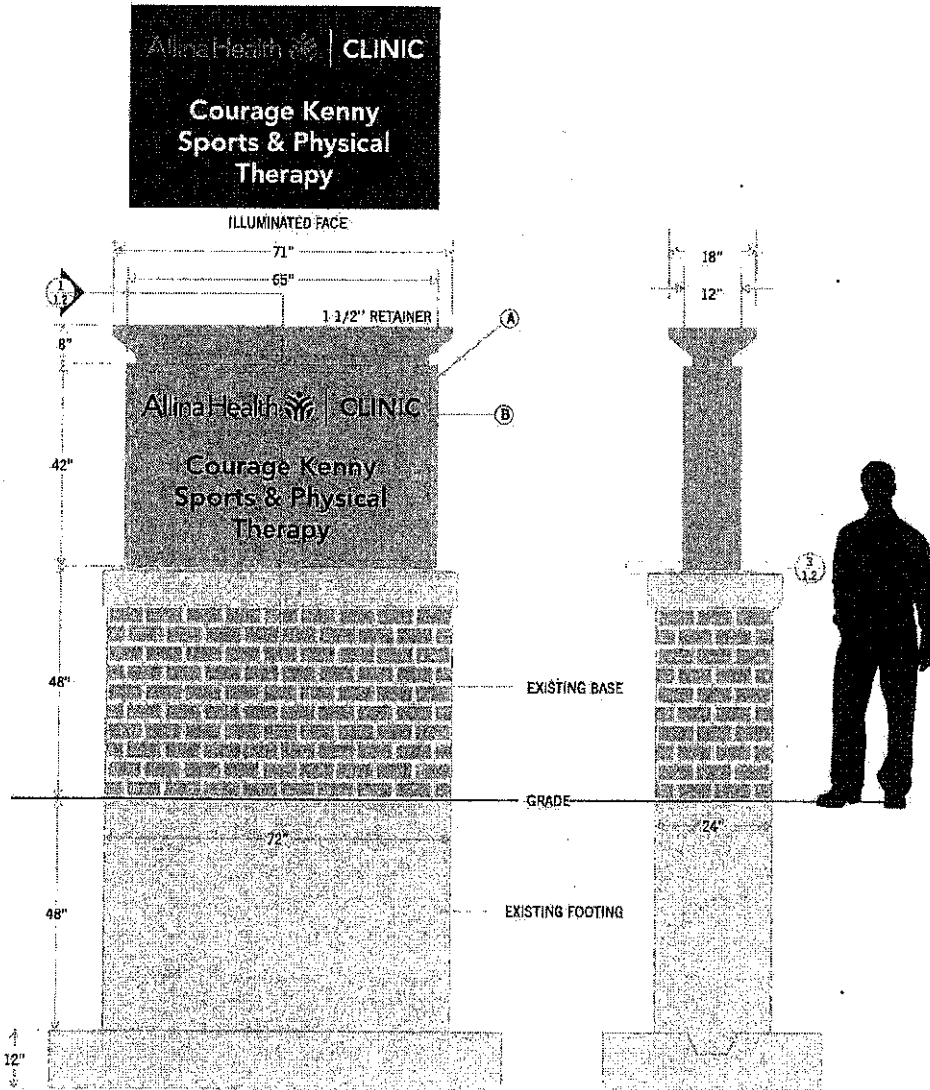
Sign B - Monument



① D/F Monument Sign

Scale: 1/2"=1'-0"

Sign C - Monument



① S/F Monument Sign

Scale: 1/2"=1'-0"



**CITY OF ISANTI
PLANNING COMMISSION MEETING
TUESDAY, DECEMBER 13, 2016 – 7:00 p.m.
CITY HALL**

1. Meeting Opening
 - A. Call to Order
 - B. Pledge of Allegiance
 - C. Roll Call
 - D. Agenda Modifications
2. Approval of Minutes from November 9, 2016 Planning Commission Meeting
3. Public Hearings
 - A. Request from First Fruits Land Development LLC for Preliminary Plat approval of the Plat of Sun Prairie Third and Fourth Addition, legally described as Outlot G and H, Sun Prairie First Addition, Isanti County, Isanti, Minnesota.
4. Other Business
 - A. None.
5. Discussion Items.
 - A. None.
6. Adjournment

CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
NOVEMBER 9, 2016

1. Meeting Opening.

A. Call to Order.

Cesafsky 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: Paul Bergley, Wayne Traver, Greg Cesafsky, and Jim Kennedy.

Members Absent: Steve Lundeen (notice given)

Staff Present: Community Development Director, Roxanne Achman

Others Present: Clark Joslin, Isanti City Attorney

D. Agenda Modifications.

None.

2. Approval of Minutes from October 11, 2016 Planning Commission Meeting.

Cesafsky questioned if there were any comments or changes to the minutes.

Motion by Kennedy second by Bergley to approve the October 11th, 2016 Planning Commission Meeting Minutes. Motion was unanimously approved.

3. Public Hearings.

A. Request from O'Reilly Auto Enterprises, LLC, for Site Plan and Building Appearance approval of a Retail Auto Parts Store on the property located at 101 6th Ave NE, legally described as Lot 2, Block 1, Isanti Commons Second Addition, Isanti, Minnesota.

Cesafsky read the item into the minutes.

Achman presented the staff memo.

Cesafsky opened the public hearing. There was no one to speak on the matter. The public hearing was closed.

Motion by Kennedy second by Bergley to recommend approval of the request from O'Reilly Auto Enterprises, LLC, for Site Plan and Building Appearance approval of a Retail Auto Parts Store on the property located at 101 6th Ave NE, legally described as Lot 2, Block 1, Isanti Commons Second Addition, Isanti, Minnesota based on the Findings of Fact and Conclusions and with the following conditions:

- 1. Revisions to the plans based review comments from the Community Development Director and City Engineer.

Motion carried unanimously.

B. Request from Rice Building Systems Inc., on behalf of Coborn's, for approval of an Amendment to the Site Plan and Conditional Use Permit approved through Resolution 2015-253, to allow for significant changes to the development located at 209 6th Ave NE, legally described as Lot 1, Block 1, Isanti Commons Second Addition, Isanti County, Isanti, Minnesota.

Cesafsky read the item into the minutes.

Achman presented the staff memo.

Cesafsky opened the public hearing.

Dave Meyer, Coborn's Representative, approached the podium to state he was available for questions and that he has a representative from Rice Companies along to answer questions as well.

Bergley asked if Mr. Meyer had met with the Mayor, Sean Sullivan and the Economic Development Authority.

Meyer stated that he had not met with the EDA, but had spoken with the Mayor about the change.

Bergley stated the matter had been discussed at City Council and he was under the impression that the convenience store was going away, but because the water was installed for the car wash, that the car wash would still be installed.

Meyer stated that he had informed the Mayor that would be the intent, but he wasn't going to promise it will get done at the same time. It's an economic decision at this point because the tanks are in the ground and can be pumping gas relatively quickly. Coborn's is looking to install the car wash next year, but they don't want to say that for sure because they don't have the capital approved to do so at this time, but the infrastructure is there.

Bergley stated that this matter will be forwarded on to the City Council and the matter can be further discussed there. Bergley mentioned that it was his impression that the City wanted to see the car wash installed because the infrastructure was there the City wanted the water to be used. He was under the impression there was a compromise that the convenience store didn't need to be built but the car wash did.

Meyer informed the Planning Commission that their short-term intent would be to do that, but the plans at this time are just to finish the gas canopy area.

Bergley stated he had no further questions.

The public hearing was closed.

Motion by Kennedy second by Bergley to recommend approval of the request from Rice Building Systems Inc., on behalf of Coborn's, for approval of an Amendment to the Site Plan and Conditional Use Permit approved through Resolution 2015-253, to allow for significant changes to the development located at 209 6th Ave NE, legally described as Lot 1, Block 1, Isanti Commons Second Addition, Isanti County, Isanti, Minnesota based on the Findings of Fact and Conclusions and with the following conditions:

1. Resubmittal and approval shall be required for the future construction of the convenience store and/or car wash.

Motion carried unanimously.

C. Request from the City of Isanti to Amend Ordinance No. 445 Zoning, Section 7 Business Districts, Section 11 Overlay Districts to include Article 5: "H65" Highway 65 Corridor Overlay District, and Section 12 Tier One Districts and Amend the Zoning Map to Include Specified Properties Zoned B-2 and T1-B along Highway 65 within the Highway 65 Corridor Overlay District.

Cesafsky read the item into the minutes.

Achman presented the staff memo and a full summary of the ordinance.

Cesafsky opened the public hearing.

Brian Strike, 409 Broadway St SE, Strike Funeral Home, wanted to express his concern over the zoning change and the overlay. He stated that his parents, Hugo and Elaine Strike, had dropped off a letter to the Planning Commission earlier in the week. Strike stated that his concern is that their businesses hands will be tied and they won't be able to make any structural changes to their building, which is a concern for them. He mentioned that they've completed some remodeling and are in good shape right now, but the zoning change is forever. Strike stated he has no immediate plans for the building but something similar to what they did in Cambridge may be a possibility at some point. They bumped the building out by three feet to accommodate more DVD programs; changing things to meet the public's needs. Strike described a few things that may be future projects for their building; covering the garage, adding on to the lobby. Change is critical in a business to be able to grow long term. He stated they could still redecorate, but they couldn't do anything substantial. It was stated that if a business doesn't change over time, they are at a severe disadvantage. Strike stated that he doesn't foresee another funeral home coming to Isanti, but then again, the City now has two grocery stores. Strikes informed the Planning Commission he understood that additional parking would be required and it will be a challenge to obtain it, but he hopes the City would help them find a way to make it work. It may be possible to put 8-10 more stalls on the existing lot. In addition, Strike felt it may be possible to work with the lot to the north of their business in order to obtain the additional parking. He stated that working with a neighboring business may help that lot develop as well. Strike explained that they have done it before with Walgreens in Cambridge. They obtained a permanent, exclusive easement for 13 parking spots from Walgreens. It wasn't required by the City, but Strikes wanted to provide more parking for their patrons. He further explained that actions like that are hard to do and they are expensive to do, but at least it's a possibility. Strike stated that's all the funeral home is asking for is a chance if and when they come up with a project. With the proposed ordinance, Strike felt they would have no chance to expand their business or parking. He stated that if they had even a small chance to work with someone who may develop north of them, it would be worth it. Strike went on to explain a few options he felt were worth the Planning Commission considering. One would be to include funeral home in the permitted uses within the district. Move the zoning across the street so that it would start right across from Strike Funeral Home. Lastly, add a condition for existing businesses that will become non-conforming uses within the district to have the ability to grow by at least 10 percent. Strikes stated he spoke with the Mayor about adding a provision for 10 percent, but after doing some calculations, Strike felt that 10 percent was light and that it should be more like 15 percent. They could live with 10 percent, but that is only about 620sf for their building. Strike stated that the only businesses excluded from the district are his and John Deere from his understanding so he felt allowing an increase in the business would only affect two businesses in the district.

Bergley asked Strike to repeat option number three.

Strike repeated option number three to allow some expansion and further stated that he is open to other options but would like the ability to make small changes to his building. He felt it would be reasonable to have that ability in the long run.

Traver asked if Strike's had any plans for future expansion.

Strike stated he doesn't foresee any plan in the next 3-5 years. They completed a major remodeling a few years ago. He explained some of the remodeling that has occurred at their Cambridge building. They have remodeled the Isanti business four or five times since it was built in 1965 and it's in pretty good shape, so, there are no immediate plans for changes to the building.

Bergley asked Strike if people can see his business pretty readily from the highway.

Strike said it is difficult to see from the highway. Their business is sometimes hard to find, but he felt it was a good transition from the commercial district to the residential district.

Bergley stated it was hard to see it when driving south, but was guessing the building wasn't visible at all when driving north. Bergley further commented that from an aesthetic point, the building is nice looking and he wouldn't be ashamed to have it along Highway 65. Bergley stated that since it's not visible he's not sure why it's on the list.

Kennedy asked why the old businesses are involved with this district, they should all be grandfathered in.

Achman stated that the businesses are grandfathered in as far as use. They are allowed to remain; they just cannot expand. The business could stay there for 100 years if they chose. Kennedy asked why they couldn't expand. Achman explained that they are not a permitted use within the district.

Cesafsky asked if there was a reason funeral homes were excluded from the district.

Achman explained that the focus was to have uses that were draws to the community.

Bergley asked why the district boundary line couldn't change. He felt their building was aesthetically pleasing and they've been here 51 years. Bergley stated he wouldn't be very pleased if someone told him he couldn't expand his business.

Achman stated she wouldn't advise changing the boundaries of the district. That would be an obvious exclusion of a business to benefit them. She further stated they would need a rational reason to do so.

Bergley asked which of the options staff would advise them to choose.

Achman stated she would explain to them the research that was conducted. She informed the Planning Commission that the option to allow an expansion to non-conforming uses was explored deeply and found to not be in the city's best interest. The expansion to non-conforming uses would need to be allowed in all districts, which causes concern. The reason for rezoning's and businesses becoming non-conforming, is to change and shape the district. For example, 1st Ave NW in the downtown area has many houses that are non-conforming uses right now. If they were allowed to expand, the district would take much much longer to transform in to a downtown business district.

Bergley stated that the Planning Commission should place funeral homes within the permitted uses in the overlay district. He agrees with Mr. Strike in that he cannot imagine another funeral home coming in to the city, and furthermore, he hasn't seen an unpleasing funeral home. Bergley stated he wouldn't be ashamed to have their business expand. He stated another option would be to install some trees so the business wouldn't be seen from Highway 65.

Achman explained that it's not an aesthetic issue with funeral homes. There is nothing wrong with the way Strikes Funeral Home looks.

Bergley stated that's what it feels like with the way the ordinance is structured and that we want people to stop and view the city.

Achman further explained that the City wants to have businesses along the corridor that people want to stop at and visit; things that will pull people in.

Bergley felt that funeral homes were something that people stopped for and came to view.

Cesafsky felt that the overlay district was to protect the value of the city and to maintain a high-quality gateway into the city.

Kennedy said he can understand this for new businesses but not existing businesses.

Cesafsky asked how the new overlay district affects the changes that Strike Funeral Home can make today.

Achman stated that if funeral homes were permitted within the overlay district they would need to meet the aesthetics, which may not be an issue. There would still be issues that would need to be addressed such as the parking, setbacks, the fact that there is a residence attached to the business, which is a non-conforming use in the current district. It is still a non-conforming use of the property. The overlay district doesn't change things a lot for the funeral home.

Strike stated he couldn't expand at all with the overlay district.

Achman explained there are a number of issues with the property right now that would need to be worked out before anything could happen with this property.

Strike stated he would like to work with the city to figure something out. He stated he hopes the city would help with the parking issue.

Bergley stated he was confused and wanted to know how the overlay district affected Strike Funeral Home.

Achman explained that if the business is not a permitted use in the overlay district, they cannot expand. She further stated that right now they have performance standards that aren't met, which is making them non-conforming.

Bergley restated his understanding was that they can't expand as they sit right now. Achman confirmed.

Kennedy had questions on the fact that a residence was attached to the funeral home.

Strike explained that the home has always been a part of the business since it was constructed in 1965 and since residence are not a permitted use in the existing zoning district, they cannot expand. Achman confirmed that was correct.

Kennedy stated that it was permissible to construct that residence and business at the time it was constructed in 1965 and then an ordinance was passed and now he can't live there anymore. This isn't North Oaks. This is Isanti.

Strikes stated he received a permit for remodeling. Achman stated that remodeling is permitted. Expansion is not.

Cesafsky stated that as the business sits today, there are issues, but there's a chance for changes. With the rezoning, the door would be closed.

Bergley asked if a conditional use permit would be needed right now if they wanted to expand their business.

Traver asked if it was an option to table the items and gather more information.

Achman stated it would not be a conditional use permit. A variance would need to be granted in order to expand at this time. A variance from the required performance standards.

Clark stated that if the item is tabled it will delay action the City Council can take on the matter. The City Council will need a report and a recommendation one way or the other. What the law provides is that if the Planning Commission doesn't make a recommendation within 60 days from the date in which the matter was submitted to the Planning Commission, then the City Council could act.

Kennedy stated they could table the matter. Clark reiterated that would delay the action the City Council could take.

Bergley asked if there was a rush to implement the overlay district.

Achman stated that there has been considerable time and effort put into the ordinance. The matters have been reviewed with Mr. Strike. And the options for Mr. Strike have been vetted through. What is being presented is the recommendation by staff and others who have helped to draft the ordinance.

Bergley stated that Strike's letter makes it sound like there is some back and forth on the options, and he doesn't doubt that staff has put an effort forth in reviewing the options and meeting with Mr. Strike. He further stated that he hates to tell a business that has been in operation for 51 years with an exemplary reputation that they can't expand. He just wants to know that everything has been done and that everyone involved has been talked to.

Achman stated that out of everyone that was notified, Strike's the only opposition that we've received comments from. Staff has completed a lot of research and really does feel that the ordinance presented does provide for what is in best interest for the City of Isanti. Allowing for non-conforming uses to expand is not going to provide anything beneficial to the city.

Bergley stated he respectfully disagrees. He stated he feels the Strike Funeral Home is aesthetically pleasing and would be proud to have someone drive through and say they like the way Strike Funeral Home presented themselves.

Cesafsky asked if it would be possible to make a recommendation that the ordinance be approved with conditions, such as including funeral homes within the permitted uses. Achman stated it was possible. Cesafsky stated that he agrees with the overlay district but he can see where Bergley is coming from.

Kennedy stated he agrees with the ordinance for new businesses.

Travers stated that Strike is not just a business, it's also a residence, and everything about it is non-conforming.

Cesafsky asked how Isanti County Equipment is affected.

Achman stated they would not be allowed to expand. They can remain there, but not expand.

Cesafsky asked what that business was classified as. Achman stated that they would have fallen under farm implement.

Bergley asked Strike if he would be happy being added to the permitted uses list. Strike confirmed that he would.

Dwight McCullough, part owner of BMC Auto at 444 E Dual Blvd, approached the podium and stated that his business is outside of the overlay district but he has concerns that one day they will be subject to the same standards down the road.

Bergley stated he's not concerned about the overlay district expanding. The purpose of the overlay is to make Isanti aesthetically pleasing from the highway. He stated he's been privy to a lot of the conversations and doesn't feel this will affect McCullough's business.

Achman stated she doesn't see any changes coming for that area any time soon.

Connie Anderson, 409 Shawn St SE, approached the podium to state that there is a concern in the neighborhood about what is going to happen to the homes along Candy Ave SE, Richard Ave SE and Shawn St SE. They are stuck on an island in the middle of a commercial district. Anderson stated that she understood the overlay district wouldn't affect the residence but wanted to know if coming down the road they be told they need to brick their house because they are right on the highway and very visible.

Achman stated she doesn't foresee anything like that coming along. She stated there hasn't been any discussions about changes to that area.

Anderson stated there is a commercial piece to the south of her, so she expects that a day will come along when the city wants that whole block to be commercial. She further stated that her neighbors have voiced a similar opinion.

Achman stated again that there have been no discussions of any matter like that.

Anderson asked if there was a reason the parcel between Palomino and Shawn Street is zoned commercial.

Clark stated it was zoned commercial because it was kiddy-corner from the commercial property on the opposite side of the street and there were commercial plans at that time to develop the property. It was determined under the comprehensive plan at that time that it was appropriate for that to be commercial.

Cesafsky asked in order to alleviate Andersons concerns, is it possible to rezone that residential area to commercial.

Clark stated that it would be possible but it's not in the comprehensive plan and there's no thought to even move in that direction. Clark stated that none of us can see what will happen down the road but there is no discussion of such possibility at this time. Clark further stated that it's important to know and clarify that zoning changes, such as what is being proposed, existing uses in place can remain in place as long as that use continues. It can be maintained and wouldn't be subject to the standards unless there is a change to the property. Then the property would be required to be brought into conformance. But a non-conforming use cannot be expanded on. There are two types of issues that are at play. One is the type of use of the property, as is the case with Strike Funeral Home. With the proposed ordinance, they would be allowed to continue to operate forever so long as they continue to operate without discontinuing for one year or more. The other thing that comes in to play, besides the use, is the performance standards. The building doesn't need to be improved unless the building is changed, for example, renovating the whole exterior of the building as opposed to just performing maintenance of it, then it would need to be brought up to the standards. The buildings can be maintained, but there cannot be an expansion of the footprint. That is how the term "grandfathering" or legal non-conforming came into use. You cannot put someone out of business without there being an eminent domain proceeding; there would have to be payment for the taking of the property. But that isn't what is being proposed here, just the zoning is changing.

Anderson asked why the property on the east side of the highway isn't part of the corridor. Achman clarified that it was residentially zoned.

Jerry Laase, Isanti Ready -Mix, 28103 Hwy 65, Isanti, approached the podium asking if he could expand as Tier 3.

Achman stated that Mr. Laase's business is already an existing non-conforming use. Laase asked if his business was now done after 40 years. Achman clarified that the rezoning that affected his property occurred a number of years ago when that area was taken into the city's zoning jurisdiction.

Laase stated that he's in Isanti County, not the City of Isanti. Achman reiterated that the City of Isanti has zoning jurisdiction over that area. Laase stated that changes need to be made with the County Commissioners and County Planning Commission to go over the City's head to make the appropriate changes. He stated he now has 83 acres that he can't do anything with.

Clark stated he can continue to do business as he has been. Laase stated that the City is putting Strike out of business, to which Clark stated that Strike's is not being put out of business, they just cannot expand.

Laase said this cannot be voted in and continued to describe how the County needs to take back authority and that new County Commissioners need to be voted in. Laase and Kennedy continued discussions on voting and County Commissioners.

Cesafsky called the meeting to order.

Laase explained that he thought the overlay district was now only encompassing the part of his property closest to Highway 65. So, if the back part of his property is rented out, he doesn't need to go to the City for permission, he can go to the Township.

Achman clarified that he would still need permission from the City. She further explained that Laase's entire property is zoned Tier 1 – Business, not just a portion of it. The overlay district line is an arbitrary line that indicates that when, and if, the property develops, that section would be subject to the overlay district requirements. The boundary is in line with 6th Ave. Achman explained that Laase's property has been in the Tier 1 – Business District since at least the early 1990's.

Bergley informed Laase that he didn't think his issue is with the overlay, it's with a decision that was made many years ago.

Laase stated that his land is in Isanti Township. Achman confirmed that was true, but the City of Isanti has zoning jurisdiction over it.

Trey Laase, Isanti Ready-Mix, approached the podium to ask how they are expected to stay in business without being able to expand. Why does the City want to play the role of forcing businesses out? He felt there should be variances or expansions allowed.

Achman stated that Isanti Ready-Mix is already a non-conforming use that would not be allowed to expand. That was a decision that was made in the early 1990's. The overlay does not affect Isanti Ready-Mix because it's already a non-conforming use.

Trey Laase explained that they have never gone to the city meetings because they are in the township, not the city. He stated that it's looking like they may need to move out of Isanti if they want to expand their business. He further stated that it sounds like they missed something along the way that was important to them. Trey Laase stated he felt that any previous business shouldn't be under these regulations.

Bergley again restated that the decision on this property years ago. He stated that Isanti Ready-Mix can't expand based on something in the 1990's, not what's happening right now.

Jerry Laase restated that it comes down to the County Commissioners.

Clark clarified the County has no authority to “take it back”. It’s under city jurisdiction.

John Hendrickson, owner of 703 Heritage Blvd NE, approached the podium to ask about how the boundary line for the overlay district appears to split his property. Does the property have to be subdivided? Hendrickson stated he understood the front part of the property against Highway 65 would be subject to the overlay district, but wanted to know if the back portion of the property would also need to meet those requirements.

Achman explained that it would depend on how the property is split. Any property that is west of where 6th Ave would go would be subject to the overlay district standards and any property to the east of 6th Ave would be subject to the B-2 standards. The way the current boundary line is drawn, is to reflect where 6th Ave would be located based on ghost plats from years ago.

Hendrickson asked if he needed to split the property at this time or if it could sit until it was ready to be developed. Achman confirmed that it did not need to be split with the passing of the overlay district. Hendrickson asked if a large retail store such as Walmart could be within the overlay district. Achman stated that it would be an allowed use.

Cesafsky asked if there was anyone else from the public who wished to speak. Seeing no one, the public hearing was closed.

Bergley stated that with respect to the hard work that was put in by staff and others, in the drafting of the ordinance, he recommends the passing of the ordinance with the condition that funeral homes are a permitted use within the district.

Motion by Bergley second by Traver to recommend approval of the request from City of Isanti to Amend Ordinance No. 445 Zoning, Section 7 Business Districts and Section 11 Overlay Districts to include Article 5: “H65” Highway 65 Corridor Overlay District and to Amend the Zoning Map to Include Specified Properties Zoned B-2 and T1-B along Highway 65 within the Highway 65 Corridor Overlay District based on the Findings of Fact and Conclusions with the condition that Funeral Homes be a Permitted Use within the Highway 65 Corridor Overlay District. Motion carried 3-1 with Kennedy voting Nay.

4. Other Business.

A. Request from Allina Health and MSP Commercial for Approval of a Signage Master Plan for the facility located at 300 5th Ave NE.

Cesafsky read the item into the minutes.

Achman presented the staff memo.

Bergley asked if traffic was taken into consideration for the signs along Highway 65.

Achman stated they are set back quite always from the highway due to the amount of right-of-way.

Motion by Kennedy second by Cesafsky to recommend approval of the request from Allina Health and MSP Commercial for Approval of a Signage Master Plan for the facility located at 300 5th Ave NE. Motion carried unanimously.

5. Discussion Items.

A. None.

6. Adjournment

Motion by Bergley second by Kennedy to adjourn the November 9th, 2016 meeting of the Planning Commission. Motion was unanimously approved.

The meeting adjourned at 8:12 p.m.

Dated at Isanti, Minnesota this 9th day of November 2016.

Respectfully submitted,

Roxanne Achman, AICP
Community Development Director



Public Hearing

To: Chairman Duncan
Members of the Planning Commission

From: Roxanne Achman
Community Development Director

Date: December 13, 2016

Subject: Request from First Fruits Land Development LLC for Preliminary Plat approval of the Plat of Sun Prairie Third and Fourth Addition, legally described as Outlots G and H, Sun Prairie First Addition, Isanti County, Isanti, Minnesota.

Background

First Fruits Land Development LLC recently submitted a preliminary plat for Sun Prairie Third and Fourth Addition. The plat consists of 16 single family lots south and east of the Intermediate School along 9th Ave SE and Marion St SE. The average lot size is 11,325sf. Home will be required to be a minimum of 1200sf with 720sf garages. The developer plans to final plat the lots in two phases. The first phase will be 7 lots. The second phase will be 9 lots.

Lot Requirements:

Size: Minimum 11,000sf

Width: Corner – 95ft, Other – 80ft

Depth: 137ft

All lots appear to meet the minimum standards.

This development has existing city infrastructure and is covered by the original development agreement for Sun Prairie First Addition. The Signal Light Fee for these lots was paid at the time the original development agreement was signed.

The fees due include:

Park Dedication Fee: 16 lots at \$1500 = \$24,000

Trunk Sewer Charge: 16 lots at \$1000 = \$16,000

*Fees will be split based on the number of lots final platted.

The development is consistent with original preliminary plat for this area and with the comprehensive plan.

The City Engineer has reviewed the development plan and recommends approval with the condition that the review comments are addressed.

Certification of Taxes Paid

Prior to approving an application for Preliminary Plat, certification must be provided to the City that there are no delinquent property taxes, special assessments, penalties, interest, or outstanding municipal utility fees. City staff did verify with Isanti County on Monday, November 28th, 2016; that all taxes associated with the property were current.

Public Notice

Notice was published within the Isanti County News on November 30th, 2016. Written notification was provided to property owners located within 350’ of the subject site as required by Minnesota State Statute.

Public Comments

No public comments had been received regarding the proposed amendment prior to the release of the staff memo.

Deadline for City Council Action

The applicant submitted an application for Preliminary Plat approval on November 21, 2016. City staff did verify that the application was complete on November 21, 2016. Pursuant to Minnesota State Statute, the City must act on this request by March 21, 2017 (120-days); unless an extension of the review period has been agreed to by the applicant.

Development and Operations Advisory Committee Comments

The Development and Operations Advisory Committee reviewed the request at their meeting held on Thursday, December 8th, 2016. The Committee recommended approval with the condition that all review comments are addressed.

Options & Proposed Motion Language

1. Recommend Approval with No Conditions: Motion to recommend approval of the request from First Fruits Land Development LLC for Preliminary Plat approval of the Plat of Sun Prairie Third and Fourth Addition, legally described as Outlots G and H, Sun Prairie First Addition, Isanti County, Isanti, Minnesota.
2. Recommend Approval with Conditions: Motion to recommend approval of the request from First Fruits Land Development LLC for Preliminary Plat approval of the Plat of Sun Prairie Third and Fourth Addition, legally described as Outlots G and H, Sun Prairie First Addition, Isanti County, Isanti, Minnesota with the following conditions.....
3. Recommend Denial: Motion to recommend denial of the request from First Fruits Land Development LLC for Preliminary Plat approval of the Plat of Sun Prairie Third and Fourth Addition, legally described as Outlots G and H, Sun Prairie First Addition, Isanti County, Isanti, Minnesota for the following reasons.....
4. Table: Motion to table the request from First Fruits Land Development LLC for Preliminary Plat approval of the Plat of Sun Prairie Third and Fourth Addition, legally described as Outlots G and H, Sun Prairie First Addition, Isanti County, Isanti, Minnesota (a specific reason and information request should be included in the motion to table).

Attachments

- Resolution No. 2016-XXX
- Findings of Fact and Conclusions
- City Engineers Review Comments dated 11.28.2016
- Preliminary Plat for Sun Prairie Third and Fourth Addition as prepared by LHB, Inc. received 11.21.2016

RESOLUTION NO. 2016-

**A RESOLUTION APPROVING THE PRELIMINARY PLAT
FOR SUN PRAIRIE THIRD AND FOURTH ADDITION**

WHEREAS, First Fruits Land Development LLC has made application for Preliminary Plat Approval for Sun Prairie Third and Fourth Addition; which is legally described as Outlots G and H, Sun Prairie First Addition, Isanti County, Minnesota; and,

WHEREAS, the Isanti Planning Commission conducted a public hearing on the Preliminary Plat on December 13th, 2016; and,

WHEREAS, all required public notices regarding the public hearing were posted and sent; and,

WHEREAS, the Isanti Planning Commission had recommended approval with conditions of the requested Preliminary Plat based upon the Findings of Fact and Conclusion as presented; and,

WHEREAS, the City Council reviewed the Preliminary Plat request at its meeting on December 20th, 2016; and,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Isanti, Minnesota, that it adopts the Findings of Fact and Conclusion related to the requested Preliminary Plat and **BE IT FURTHER RESOLVED** that the requested Preliminary Plat Approval from First Fruits Land Development., be approved.

Adopted by the Isanti City Council on this 20th day of December 2016.

Attest:

Mayor George A. Wimmer

Lindsey Giese
Human Resources/City Clerk

(SEAL)

FINDINGS OF FACT AND CONCLUSION

Request

Request from First Fruits Land Development LLC for Preliminary Plat approval of the Plat of Sun Prairie Third and Fourth Addition, legally described as Outlots G and H, Sun Prairie First Addition, Isanti County, Isanti, Minnesota.

Findings of Fact

1. The applicant, First Fruits Land Development LLC ('the applicant'), has made application for Preliminary Plat Approval of Sun Prairie Third and Fourth Addition, Isanti County, Minnesota.
2. The property is legally described as Outlots G and H, Sun Prairie Second Addition, Isanti County, Minnesota.
3. The Applicant is requesting Preliminary Plat Approval in an effort to create 16 single-family lots.
4. The property is zoned "R-1" Single-Family Residential District.
5. A preliminary plat is considered a major change requiring a public hearing and notification of all property owners within 350'; and final approval by the City Council.
6. The Applicant submitted an application for Preliminary Plat Approval on November 21st, 2016. It was deemed complete on November 21st, 2016.
7. A public hearing date before the Planning Commission was scheduled for Tuesday, December 13th, 2016 at 7:00 p.m. at City Hall within the Council Chambers.
8. Notices were sent to all property owners located within the development and within 350 feet of the subject property.

Conclusions

1. The platting of the property would appear to meet the lot requirements and setback requirements as provided within the zoning ordinance for properties located within the "R-1" Single-Family Residential Districts.
2. The platting of the property would appear to meet the Design Standards as required by Ordinance No. 536.

Decision

The Planning Commission held a public hearing on the item at the **December 13th, 2016** meeting. The meeting minutes, staff memo and exhibits will be made part of the Findings of Facts and Conclusions.



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MEMORANDUM

Date: December 8, 2016
To: Roxanne Achman, Community Development Director
From: Bradley C. DeWolf, P.E.
City Engineer
Subject: Sun Prairie 3rd & 4th Additions – Preliminary Plat Review
City of Isanti, MN
Project No.: R13.111162

We have reviewed the Preliminary Plat created by LHB entitled "Preliminary Plat of: Sun Prairie Third Addition and Sun Prairie Fourth Addition" dated 12/8/2016.

The preliminary plat includes subdividing Outlot H of Sun Prairie 1st Addition into 7 residential lots as Sun Prairie 3rd Addition. The preliminary plat also includes subdividing Outlot G of Sun Prairie 1st Addition into 9 residential lots as Sun Prairie 4th Addition. The site was graded and sewer and water services were stubbed out in anticipation of this 16 lot layout as part of the Sun Prairie 1st Addition construction.

We have reviewed the submitted preliminary plat and have no additional comments.

We recommend approval of the preliminary plat as submitted.

Please contact me if you have any questions.

