

## **COON RAPIDS PLANNING COMMISSION MEETING OF MAY 17, 2012**

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### **CALL TO ORDER**

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

Members Present: Chairman Donna Naeve, Commissioners Jenny Geisler, Zachary Stephenson and Julia Stevens.

Members Absent: Commissioners Cedric Lattimore, Jonathan Lipinski, and Wayne Schwartz

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

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### **PLEDGE OF ALLEGIANCE**

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Chairman Naeve led the Commission in the Pledge of Allegiance.

### **ADOPTION OF THE AGENDA**

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MOTION BY COMMISSIONER GEISLER, SECONDED BY COMMISSIONER STEVENS, TO ADOPT THE AGENDA AS AMENDED ADDING FOR APPROVAL THE MINUTES OF THE APRIL 19, 2012 WORK SESSION MEETING. THE MOTION PASSED UNANIMOUSLY.

### **APPROVAL OF THE APRIL 19, 2012 REGULAR MINUTES AND APRIL 19, 2012 WORK SESSION MEETING MINUTES**

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Chairman Naeve requested the Chair be reflected to be the Acting Chair as she was the Chairman of the Planning Commission.

MOTION BY COMMISSIONER GEISLER, SECONDED BY COMMISSIONER STEVENS, TO APPROVE THE PLANNING COMMISSION MINUTES OF THE REGULAR MEETING OF APRIL 19, 2012, AS NOTED. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER GEISLER, TO APPROVE THE PLANNING COMMISSION MINUTES OF WORKSHOP MEETING OF APRIL 19, 2012, AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

### **NEW BUSINESS**

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1. PLANNING CASE 12-4 - HOME OCCUPATION PERMIT CUP – DELACRUZ – 10657 XAVIS STREET – PUBLIC HEARING
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It was noted the applicant is requesting a Conditional Use Permit to operate a catering business as a home occupation. This business would involve roasting pigs in a shed in the rear yard of the

applicant. Clients would then pick up the butchered meat to be taken off site. The pigs would only be cooked on the weekends. Staff has concerns with the odor involved with the roasting of the pigs as it takes 6-8 hours to roast the meat. The Anoka County Health Department indicated that potential improvements needed for a permit include plumbing for a sink and an exhaust hood. Based on these concerns, staff recommended the Planning Commission deny the Conditional Use Permit request.

Chairman Naeve opened the public hearing at 6:37 p.m.

Paul Kohler, 10701 Xavis Street, indicated the applicant has roasted pigs in their backyard and the odor greatly affects the neighborhood. He requested the Commission deny the request as it adversely affects the surrounding properties.

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

Chairman Naeve questioned if Condition #2 should be altered to change dwelling to accessory structure. Planner Harlicker stated the Commission could make this change or strike the condition altogether.

Commissioner Geisler stated catering is an approved conditional use in the residential zoning district. The scent created by these uses could be good or bad. However, the applicant was already beyond City Code as it had too many square feet of accessory structures in the rear yard. For this reason, she could not support the request unless the catering was completed inside the main dwelling.

Commissioner Stephenson stated he was uncomfortable with a denial and suggested an additional condition be added to the request limiting the hours of operation and number of days per month that could be used for roasting. He suggested the item could be tabled to allow for additional conversations between the City and the applicant.

Chairman Naeve stated City Code addresses odor and smoke going beyond property lines. She asked if the Health Department had similar code requirements. Planner Harlicker stated this was correct, the Health Department addressed many of these same issues, which may require the shed to have a fire suppression system, sinks, running water and an exhaust fan. He commented that caterers often have to have a commercial kitchen approved by the health department.

Commissioner Geisler stated all Health Department requirements would have to be approved and followed for a home catering businesses. She noted she was in favor of limiting the hours of operation of this business.

Chairman Naeve asked if the applicant was aware of the Health Code requirements. Planner Harlicker stated this had been discussed with Mr. Delacruz. Limiting the hours of operation had not been discussed.

Commissioner Geisler suggested the applicant also be made aware that he was not in compliance with the City Code based on the square footage of the accessory structures on his property. Community Development Director Nevinski stated this information would also be discussed

with the property owners as he was new to the site. This was a preexisting condition when he purchased the home. He recommended the Planning Commission attach a condition to the motion for approval to assure that the applicant receives a permit from the Health Department prior to operation in the City of Coon Rapids.

Chairman Naeve indicated the Commission was trying to be amenable to this request. However, she encouraged the Commission to consider the fact that this conditional use permit would be in affect with the land even if the homeowners were to move.

Commissioner Stephenson recommended Mr. Delacruz cease operation of his current business until the proper permits were in places.

Commissioner Stephens agreed stating the roasting shed would need to be approved by the Health Department before operation of the business could commence.

Commissioner Geisler questioned if a motion for approval could be made with conditions limiting the hours of operation, and assuring that proper permits are in place for the home occupation. In addition, she asked if a period of time could be set for compliance. Community Development Director Nevinski commented the approval of a conditional use permit could stipulate compliance requirements within a set period of time and the conditional use permit would dissolve after that point.

Chairman Naeve recommended the Planning Commission review the Conditional Use Permit after three months at which time, the CUP could be denied if not in compliance. She suggested this home occupation be closely monitored as it could become a neighborhood nuisance.

Community Development Director Nevinski explained the applicant was not present this evening, which led staff to question the seriousness of the request. By State law, Staff had to proceed with the request, even after not hearing from the applicant.

Chairman Naeve suggested the item be tabled to the June Planning Commission meeting to allow Staff additional time to speak with the applicant.

Planner Harlicker noted he had spoken with the applicant last Wednesday and the applicant indicated he would be unable to attend this evening and would be sending his daughter in his place.

Commissioner Geisler requested the item be tabled to allow Staff and the applicant to address the concerns of the Commission prior to the next meeting.

**MOTION BY COMMISSIONER STEPHENSON, SECONDED BY COMMISSIONER GEISLER, TO TABLE ACTION ON THIS ITEM TO ALLOW STAFF TO SPEAK FURTHER WITH THE APPLICANT REGARDING THE HEALTH CODE REQUIREMENTS AND HOURS OF OPERATION. THE MOTION PASSED UNANIMOUSLY.**

This item would be considered again by the Commission at the June 21, 2012 Planning Commission meeting.

2. PLANNING CASE 12-8 – ORDINANCE AMENDMENT TO INCREASE THE  
MAXIMUM DRIVEWAY WIDTH IN LDR1 AND LDR2 ZONING DISTRICTS –  
PUBLIC HEARING

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It was noted the City is proposing an ordinance amendment to increase the maximum driveway width in the LDR1 and LDR2 zoning districts and establish design standards for off-drive parking areas. The City addressed this issue quite often with code compliance issues. For this reason, Staff was recommending approval of the Ordinance amendment. Planner Harlicker then reviewed the dimensions of the new off-drive parking space and explained the parking area must be a finished surface. He noted that if the Commission wanted to allow stone as a finish material, the Engineering Department recommended a ¾ inch washed fractured stone.

Chairman Naeve opened the public hearing at 7:02 p.m.

Jerry Klaveader, 12053 Evergreen Street, indicated he received a notice regarding the off-drive parking. He suggested the parking language be altered to read adjacent parking instead of attached parking. In addition, he recommended the 12 foot width be increased to allow for additional space when backing in vehicles or opening vehicle doors.

Mr. Klaveader requested the Commission allow for stone to be used in off-drive parking areas. He stated this was a much more affordable option versus pavers, asphalt or concrete. He explained that a change to this area of City Code would leave a lot of properties out of compliance.

Richard Pettis, 10700 Xavis Street NW, did not mind the requirement for cement or asphalt. However, he questioned if homeowners could complete the concrete work themselves without the use of a professional. He indicated this would be adequate for off-drive parking. He supported the use of ¾" stone as well if properly contained.

Chairman Naeve indicated residents would be able to install their own concrete if they received the proper City permits and meet City Code requirements.

Mr. Klaveader questioned if a parking pad would require a City permit. Community Development Director Nevinski stated a building permit would be needed to assure that encroachments were not being made through the additional parking space.

Mr. Pettis asked if a survey was required in order to receive a building permit. Community Development Director Nevinski explained that many properties in the City already had surveys on file. Measurements could be made from these surveys or would have to be completed by the homeowner.

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

MOTION BY COMMISSIONER STEPHENSON, SECONDED BY COMMISSIONER STEVENS, TO APPROVE AN AMENDMENT TO SUBSECTION F(1) TO READ SHALL

BE WITHIN FIVE (5) FEET OF THE SIDE OF THE GARAGE AND ATTACHED TO THE DRIVEWAY. THE MOTION PASSED UNANIMOUSLY.

Commissioner Geisler recommended a change to Section 10(E) striking “or parking surfaces”.

MOTION BY COMMISSIONER GEISLER, SECONDED BY COMMISSIONER STEPHENSON, TO APPROVE AN AMENDMENT TO SUBSECTION 10(E) STRIKING “OR PARKING SURFACES”. THE MOTION PASSED UNANIMOUSLY.

Chairman Naeve questioned if the maximum allowable parking space width was 40 feet or 48 feet. Planner Harlicker indicated those residents with a 36 foot driveway width would not be allowed to have an additional 12 feet of off-drive parking space. The maximum allowable width would be 40 feet.

Commissioner Stevens clarified that only registered vehicles could be stored on off-drive parking surfaces.

Commissioner Geisler agreed stating this space was not to be used for storage. She then questioned if Subsection I should be tied into the new language stating parking must be located on driveway or off-driveway parking when in the front. Planner Harlicker was in favor of this language amendment.

MOTION BY COMMISSIONER GEISLER, SECONDED BY COMMISSIONER STEPHENSON, TO APPROVE AN AMENDMENT TO SUBSECTION I STATING PARKING WITHIN THE FRONT AND SIDE YARDS MUST BE LOCATED ON DRIVEWAY OR OFF-DRIVE PARKING AREA. THE MOTION PASSED UNANIMOUSLY.

Commissioner Stevens recommended Section G be amended to include  $\frac{3}{4}$ ” stone.

Commissioner Geisler was torn on this issue. She understood the rock use would have to be edged and weed free. She indicated off-drive parking areas were part of the front of the house and the visual sight lines should be preserved.

Commissioner Stephenson was in favor of the use of  $\frac{3}{4}$ ” rock versus further use of pavement.

Commissioner Stevens suggested the dimension and size of gravel would have to be specified within the City Code to assure that the proper rock was used for the off-drive parking areas.

Community Development Director Nevinski commented the Commission could recommend that rock could be used in specific areas for off-drive parking. In addition, a supporting structure would be needed to contain the rock. He stated specifications could be left on file with the City Engineer on how these areas are constructed.

Commissioner Stevens questioned if a building permit would question what material would be used for the off-drive parking area. Community Development Director Nevinski stated the permit could ask for clarification on the building material that would be used.

MOTION BY COMMISSIONER STEPHENSON, SECONDED BY COMMISSIONER GEISLER, TO APPROVE AN AMENDMENT TO SUBSECTION 10(G) ADDING A SECOND SENTENCE STATING ¾" FRACTURED ROCK, PER SPECIFICATIONS ON FILE WITH THE CITY ENGINEER, MAY BE USED FOR OFF-DRIVE PARKING AREAS, PROVIDED THAT SUCH ROCK MAY ONLY BE USED ON OFF-DRIVE AREAS LOCATED BEHIND THE FRONT OF THE GARAGE. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COMMISSIONER STEPHENSON, SECONDED BY COMMISSIONER STEVENS, TO APPROVE PLANNING CASE 12-8, THE PROPOSED ORDINANCE AMENDMENT TO AMEND SECTIONS 11 605(10) AND 11-705(10) TO INCREASE THE MAXIMUM DRIVEWAY WIDTH AND ESTABLISH A DEFINITION AND DESIGN STANDARDS FOR OFF-DRIVE PARKING AREAS AS AMENDED. THE MOTION PASSED UNANIMOUSLY.

This is a recommendation to the City Council that will be considered at the June 5, 2012 City Council meeting.

3. PLANNING CASE 12-10 – ACCESSORY GARAGES/STORAGE BUILDINGS IN LDR1 AND LDR2 ZONING DISTRICTS – PUBLIC HEARING

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It was noted the City is proposing an ordinance amendment to eliminate the restriction of only one detached garage/storage building per dwelling unit in the LDR1 and LDR2 zoning districts.

Chairman Naeve questioned why this issue was before the Planning Commission for consideration. Planner Harlicker indicated residents have requested a detached accessory structure/storage space in addition to a detached garage, and this would not be allowed under current City Code.

Chairman Naeve opened and closed the public hearing at 7:34 p.m., as no one wished to address the Planning Commission.

Chairman Naeve asked how many structures were allowed on a site. Planner Harlicker indicated a total of three structures were allowed.

Commissioner Geisler suggested the word "unit" be removed from the first sentence of Section 11-705 (5)(a). She was not in favor of having 1,200 square feet of accessory structure space in the rear yard of each duplex or townhome unit in the City.

MOTION BY COMMISSIONER GEISLER, SECONDED BY COMMISSIONER STEPHENSON, TO AMEND SECTION 11-705(5)(a) TO STRIKE THE WORD "UNIT" FROM THE FIRST SENTENCE.

Community Development Director Nevinski understood the requested language change but was unsure if the removal of this one word would assist with administering this issue. He

recommended Staff review this further and provide comment to the Commission at a future meeting.

Commissioner Geisler stated the code language was confusing and her amendment would assist in clarifying the differences between the two family unit dwelling and a two family dwelling.

Commissioner Stephenson suggested the language be approved this evening addressing the detached garage issue and direct Staff to report back to the Commission at the June meeting.

Chairman Naeve recommended this issue be brought to the Commission at a future work shop meeting prior to approval. She was concerned with the lot coverage with the new code amendment. Planner Harlicker indicated the lot coverage would remain at 30% as staff was not proposing this to change. He commented the 1,200 square feet would only be allowed if the 30% lot coverage standard were met.

Chairman Naeve questioned how these accessory structures would be accessed in rear yards. Community Development Director Nevinski stated a fourth car could be parked an accessory structure, along with boats or trailers.

**COMMISSIONER GEISLER WITHDREW HER MOTION REQUESTING STAFF CLARIFY THE LANGUAGE WITHIN THE ORDINANCE AMENDMENT REGARDING TWO-FAMILY UNITS.**

Commissioner Geisler suggested the architectural material/setback information be placed within its own Subsection within the Ordinance. Community Development Director Nevinski agreed with this recommendation stating this area of the Code could be reformatted.

Commissioner Stephenson inquired if the request should be approved this evening with the understanding certain sections would be reviewed at a future meeting. Community Development Director Nevinski recommended that action on the Ordinance amendment be postponed to a future meeting to allow Staff time to review the language based on the Commission's comments.

**MOTION BY COMMISSIONER STEPHENSON, SECONDED BY COMMISSIONER GEISLER, TO TABLE ACTION ON THIS ITEM TO THE JUNE 21, 2012 MEETING DIRECTING STAFF TO CLARIFY THE LANGUAGE WITHIN THE ORDINANCE REGARDING TWO-FAMILY UNITS. THE MOTION PASSED UNANIMOUSLY.**

This item would be considered again by the Commission at the June 21, 2012 Planning Commission meeting.

**4. CASE 12-9 – CODE CHANGE TO LIMIT OVERNIGHT TRUCK AND TRAILER PARKING IN COMMERCIAL AND OFFICE DISTRICTS – PUBLIC HEARING**

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It was noted the City is proposing a code change to limit overnight parking of trucks over 26,000 pound gross vehicle weight, semi tractors and/or trailers in commercial and office districts. Staff explained the parking of large vehicles overnight in commercial and office districts has become a code enforcement issue and for that reason, Staff recommended the code change.

Chairman Naeve opened and closed the public hearing at 7:49 p.m., as no one wished to address the Planning Commission.

Chairman Naeve questioned if the property owner or truck owner would receive the citation. Planner Harlicker indicated the property owner would receive the citation.

Commissioner Stephenson explained the City may be able to pursue both parties as they would both be in violation of City Code. He questioned if the local businesses have been contacted regarding the potential change. Community Development Director Nevinski indicated conversations have been held and generally, these uses were not allowed in the parking lots. The City was concerned with the number of trucks allowed and being parked in the local commercial lots. The requested language change would provide clearer direction for the City to enforce the issue.

Commissioner Stevens asked if trucks could be parked in the loading bay area waiting to be unloaded, or was this too a violation. Planner Harlicker indicated this would not be a violation, as the truck was waiting to be unloaded. The area of concern was not the loading area, but rather the commercial parking lots.

**MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER STEPHENSON, TO APPROVE PLANNING CASE 12-9, THE PROPOSED ORDINANCE AMENDMENT TO AMEND SECTION 11-1824 TO LIMIT THE OVERNIGHT PARKING OF TRUCKS, SEMI-TRACTORS AND TRAILERS IN COMMERCIAL AND OFFICE DISTRICTS. THE MOTION PASSED UNANIMOUSLY.**

This is a recommendation to the City Council that will be considered at the June 5, 2012 City Council meeting.

#### **OTHER BUSINESS**

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Commissioner Geisler stated on Tuesday evening, May 15<sup>th</sup> an Open House was held for the Port Campus Square Task Force. She explained the designs and concepts for the area were reviewed and were now available on the City's website. She was pleased with the attendance at the event.

Chairman Naeve encouraged the Commissioners to read through the recent Planning Commissioner's Journal.

Community Development Director Nevinski discussed the Developmental Update with the Commission in detail. He discussed the construction of the City's garage.

#### **ADJOURN**

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**MOTION BY COMMISSIONER GEISLER, SECONDED BY COMMISSIONER STEVENS, TO ADJOURN THE MEETING AT 8:00 P.M. THE MOTION PASSED UNANIMOUSLY.**

Recorded and Transcribed by,

Heidi Guenther  
Planning Commission Recording Secretary

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