



## PLANNING COMMISSION AGENDA

Thursday, December 20, 2012

6:30 p.m.

Coon Rapids City Center

Council Chambers

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### Call to Order

### Pledge of Allegiance

### Roll Call

### Adopt Agenda

Approval of Minutes from November 15, 2012

### New Business

1. PC 12-28 Stockwell, Lot Split, 396 & 388 107th Lane

### Other Business

### Adjourn



**Planning Commission Regular**

**Meeting Date:** 12/20/2012

**SUBJECT:** Approval of Minutes from November 15, 2012

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**Attachments**

Draft Minutes for November 15, 2012

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## **COON RAPIDS PLANNING COMMISSION MEETING OF NOVEMBER 15, 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 Chair Geisler at 6:30 p.m.

Members Present: Chair Jenny Geisler, Commissioners Cedric Lattimore, Jonathan Lipinski, Donna Naeve, Wayne Schwartz, Zachary Stephenson and Julia Stevens.

Members Absent: None.

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

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### **PLEDGE OF ALLEGIANCE**

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Chair Geisler led the Commission in the Pledge of Allegiance.

### **ADOPTION OF THE AGENDA**

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

### **APPROVAL OF THE OCTOBER 18, 2012 REGULAR MINUTES**

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MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER SCHWARTZ, TO APPROVE THE PLANNING COMMISSION MINUTES OF THE REGULAR MEETING OF OCTOBER 18, 2012, AS SUBMITTED. THE MOTION PASSED UNANIMOUSLY.

### **NEW BUSINESS**

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1. PLANNING CASE 12-26 – COMPREHENSIVE LAND USE PLAN AMENDMENT – TOM TRONSON – 1354 121<sup>ST</sup> AVENUE – PUBLIC HEARING
- 

It was noted the applicant is requesting to change the Comprehensive Land Use Plan land use designation from Low Density Residential to Moderate Density Residential. The subject property is located on 121<sup>st</sup> Avenue and is five acres in size. Staff recommended approval of the Comprehensive Land Use Plan Amendment.

Commissioner Stevens questioned how much of the lot was within the flood plain. Planner Harlicker commented the flood plain drawing was an estimate that covered approximately one and one-half acres. He explained when the site is developed the flood plain will have to be better delineated.

Commissioner Naeve asked if the flood plain could be filled. Planner Harlicker stated this would be difficult as any filling of a floodplain would have to be replaced within the same watershed.

Chair Geisler opened the public hearing for both Planning Cases 12-26 and 12-27 at 6:40 p.m.

AJ Doetkott, 11986 Bluebird Street, questioned if this development was being changed to townhomes and if the City benefited from this rezoning. Community Development Director Nevinski stated there was some tax revenue generated from the difference and fees for building permits.

Chair Geisler indicated the Planning Commission does not review cases based on the financial benefits to the City, but rather reviews cases based on City Code.

Commissioner Naeve added that the Planning Commission considers the spectrum of housing options available to its citizens to meet the needs of the community.

Ms. Doetkott commented there were 52 townhomes for sale in the City at this time. She reviewed a number of other statistics regarding townhomes noting in her opinion, the City did not need additional moderate density units. Ms. Doetkott recommended the Planning Commission deny the request as the land was an asset to the community. She commented if this property were to develop a large number of trees would be lost opening up a great deal of noise from 121<sup>st</sup> Avenue to the surrounding properties.

Chair Geisler stated this was not public land owned by the City and the owners of the land had the right to develop the property.

Melinda Bisek, 1413 120<sup>th</sup> Avenue, noted she was a 31 year resident of Coon Rapids. She expressed concern with the development of this land and how the grading would affect her property. She wanted to voice her concern at this time to protect her property.

Chair Geisler commented there were no plans before the City to develop the property. She explained that when plans were brought to the City a site plan review would be completed to assure the land was properly graded.

Commissioner Stephenson encouraged Ms. Bisek to speak with Staff further about the grading concerns with her rear property line.

Ms. Bisek did not agree that moderate density residential housing was suitable for this property. She recommended the Commission deny the rezoning request.

Adam Good, 12001 Crane Street, explained he was drawn to this neighborhood due to the woods, wildlife and open space. He commented that the development of this land would deter the wildlife. He indicated the development of this space would negatively affect his property value. He recommended the Planning Commission deny the rezoning.

Lisa Jobes, 1408 121<sup>st</sup> Avenue NW, questioned if the City was involved in the sale of this land. Chair Geisler commented the City was not involved in the sale of the property, only how the property was zoned and developed.

Ms. Jobes asked how the site could be developed at this time. Chair Geisler explained the site was zoned low density residential and could have two to four units per acre. The site could hold 10 to 20 single family homes.

Don Daniel, 12133 Bluebird Circle, questioned who was requesting the rezoning. Chair Geisler commented the request came from the property owner.

Ms. Doetkott mentioned she had been in her home for 12 years and opposed the site being clear cut and developed into townhomes. She noted a portion of this parcel was sold in 2010 with the intent of remaining a single family home. She inquired if any environmental studies would be completed for this property prior to development. She questioned if Coon Rapids was interested in owning or preserving this parcel.

Community Development Director Nevinski commented environmental studies were typically completed for much larger projects. He indicated grading and drainage would be completed prior to this site being developed. Planner Harlicker reviewed the State standards that triggered an environmental assessment worksheet. He stated that this size project would not require an environmental study.

Jerry Polacek, 12187 Bluebird Circle, indicated he and his neighbors were proud of this neighborhood. He was a 42 year resident of Coon Rapids. He understood this property could someday be developed and he requested the Commission consider how this would affect the quality of life to the neighbors of this parcel.

Chair Geisler closed the public hearing at 7:20 p.m.

Commissioner Stevens commented there was a mix of single family homes and townhomes in this neighborhood. She explained this property did have a portion of land within the flood plain, which would affect the density. She stated the developer did have a right to develop the property and she supported the request before the Commission this evening.

Commissioner Naeve stated in the process of developing the Comprehensive Plan for the City the Commission considered development criteria. She did not anticipate the City purchasing this site for additional park land. It was her opinion that this parcel fit both low density residential and moderate density residential as the criteria were very similar. Commissioner Naeve supported the request as presented.

Commissioner Lattimore understood the concerns of the homeowners expressed this evening. However, the Commission had the task of reviewing land use in the City and stated he would support the rezoning.

Commissioner Stephenson also thanked the residents for sharing their opinions with the Commission this evening. He agreed the property could be zoned either low density or moderate density residential. It was his opinion that it would be reasonable to rezone the property.

Commissioner Schwartz reiterated that the current zoning for the property would allow for 10 to 20 single family homes. With the rezoning, 20 to 35 townhomes would be allowed on this site. He understood that the development of this site would affect the wildlife in the area, but with either zoning classification, the developer had a right to develop the site. He stated he would support the rezoning this evening.

Commissioner Naeve encouraged the neighbors to take part in the site plan review process if and when this property develops.

**MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER SCHWARTZ, TO DENY PLANNING CASE 12-26, THE PROPOSED AMENDMENT TO THE COMPREHENSIVE LAND USE PLAN BASED ON THE FOLLOWING FINDINGS:**

1. THE PROPOSED LAND USE AMENDMENT IS CONSISTENT WITH THE ADJACENT TOWNHOMES.
2. THE PROPOSED AMENDMENT WOULD BE COMPATIBLE WITH THE SINGLE FAMILY HOMES TO THE WEST.
3. THE PARCEL FRONTS ON A COLLECTOR STREET THAT IS DESIGNED TO ACCOMMODATE ANY ADDITIONAL TRAFFIC GENERATED BY THE TOWNHOME DEVELOPMENT ON THIS SITE.

THE MOTION PASSED UNANIMOUSLY.

This is a recommendation to the City Council that will be considered at the December 18, 2012 City Council meeting.

2. PLANNING CASE 12-27 – REZONING – TIM TRONSON – 1354 121<sup>ST</sup> AVENUE – LOW DENSITY RESIDENTIAL 2 TO MODERATE DENSITY RESIDENTIAL – PUBLIC HEARING
- 

It was noted the applicant is requesting a zone change for property located at 1354 121<sup>st</sup> Avenue from Low Density Residential (LDR2) to Moderate Density Residential (MDR).

**MOTION BY COMMISSIONER STEVENS, SECONDED BY COMMISSIONER LATTIMORE, TO APPROVE PLANNING CASE 12-27, THE PROPOSED REZONING BASED ON THE FOLLOWING FINDINGS:**

1. THE PROPOSED ZONE CHANGE WOULD BE CONSISTENT WITH THE COMPREHENSIVE LAND USE PLAN.

2. THE PROPOSED ZONE CHANGE IS COMPATIBLE WITH THE SURROUNDING ZONING DISTRICTS AND LAND USES.
3. THE PROPOSED ZONE CHANGE WOULD NOT HAVE AN ADVERSE IMPACT ON THE AREA.
4. THE TIMES AND CONDITIONS HAVE CHANGED AND THE CHARACTER OF THE NEIGHBORHOOD HAS CHANGED SO THAT A REASONABLE USE OF THE PROPERTY CANNOT BE MADE UNDER THE CURRENT ZONING.

THE MOTION PASSED UNANIMOUSLY.

This is a recommendation to the City Council the ordinance will be introduced at the December 4, 2012 City Council meeting.

OTHER BUSINESS

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None.

ADJOURN

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MOTION BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER STEVENS, TO ADJOURN THE MEETING AT 7:37 P.M. THE MOTION PASSED UNANIMOUSLY.

Recorded and Transcribed by,  
Heidi Guenther  
Planning Commission Recording Secretary



**Planning Commission Regular**

**1.**

**Meeting Date:** 12/20/2012

**Subject:** PC 12-28 Stockwell, Lot Split, 396 & 388 107th Lane

**From:** Scott Harlicker, Planner

**INTRODUCTION**

The applicant is requesting approval of a lot split and a variance to the minimum lot depth to subdivide a twin home lot into two parcels. The variance to the 135 foot lot depth requirement would allow a lot depth of 120 feet.

**ACTIONS**

Conduct of public hearing  
 Recommendation by Planning Commission  
 Decision City Council on: January 15, 2013

**60 DAY RULE**

The applicant submitted this application on: November 8, 2012

In order to comply with the 120 day consideration requirement, the City must make a decision on the application by: March 8, 2013

**LOCATION**

The property is located at the southeast corner of 107th Lane and Foley Boulevard.

	<b>Existing Use</b>	<b>Comprehensive Plan</b>	<b>Zoning</b>
<b>Subject Property</b>	Twinhome	Low Density Residential	Low Density Residential 2
<b>North</b>	Single Family Home	Low Density Residential	Low Density Residential 2
<b>South</b>	Single Family Home	Low Density Residential	Low Density Residential 2
<b>East</b>	Single Family Home	Low Density Residential	Low Density Residential 2
<b>West</b>	Single Family Home and Townhomes	Low Density Residential and Moderate Density Residential	Low Density Residential 2, Moderate Density Residential and PUD

**DISCUSSION**

**Background**

The Planning Commission approved the conditional use permit authorizing the construction of this two-family dwelling on May 20, 2004. When the CUP for the twin home was approved, Foley Boulevard was considered the front lot line and the lot line opposite was considered the rear lot line, making the lot dimensions 120 feet wide and 175 feet deep. On corner lots, the front lot line is defined as the lot side having the shortest frontage on a public street, Foley Boulevard had the shortest dimension. The rear lot line is defined as the line opposite the front lot line.

The lot and twin home complied with setback and dimensional requirements.

The house could have been located facing Foley Boulevard with driveway access from Foley Boulevard. However, to avoid having driveway access on to Foley Boulevard, they located it facing 107th Lane.

When the the lot is split, the front and rear lot lines are changed. On Parcel B, the corner lot, the frontage on 107th becomes the shortest dimension and therefore the front lot line and the line opposite the rear line. On Lot A, the interior lot, 107th is also considered the front lot line. The lot dimensions for the two new lots become 98 feet wide by 120 feet deep for Lot B and 75 feet wide by 120 feet deep for Lot A.

On January 3, 2005 the City Council approved a lot split and the variance to the lot depth requirement for the this parcel; however, the applicant never recorded the approved split with Anoka county. The property has been through foreclosure and the new owner would like to subdivide the parcel.

While looking into the background of this lot split, the planning case files were reviewed going back to 1990 to see how many zero lot line lot splits have been proposed. Between 1990 and 1999 there were 19 zero lot line lots splits. Since 2000 there have been six zero lot line lot splits approved. There are 600 twin homes on separate lots. Most of the twin homes that are on separate lots were approved and platted that way. There are currently about 30 double bungalow lots that might be eligible candidates for a zero lot line lot split, meaning the lot is large enough and the house style is such that the lot could be split in two.

Approving the lot split would allow the two homes to be sold individually. In otherwords, each unit could have a different owner. Without the lot split, the two homes would have to be sold as one. In otherwords, one owner would own both units. The proposed lot split will not alter the appearance of the units or the site from the street or adjacent properties.

### Analysis

The applicant is proposing a zero lot line subdivision for a twinhome lot so that each half of the twinhome is on it's own lot. The proposed lot split would divide the parcel into two lots with a common party wall. A variance is also needed to the lot depth requirement for both parcels. The lot depth for both parcels is 120 feet, the minimum requirement is 135 feet. Both parcels comply with the minimum lot area requirement and setback requirements.

The proposed lot split was forwarded to Anoka County for comments. All County comments should be incorporated into the proposed lot split. The City Engineer recommended that a five foot utility easement be provided along the south property line of both lots and a sidewalk and utility easement be provided along Foley Boulevard. .

### Section 11-705(14) Zero Lot Line for Two-Family Residential Lots

Section 11-705(14) establishes requirements for zero lot line subdivisions for twinhomes.

Criteria	Parcel A	Parcel B
Minimum Lot Area 7,425 sf	Yes - 8,800sf.	Yes - 12,093 sf.
Separate services for each dwelling	Yes	Yes
Two separate dwelling units maintained	Yes	Yes
Dwelling units constructed side by side	Yes	Yes
Party Wall Agreement	Yes - condition of approval	Yes - condition of approval

Variance to Lot Depth Requirement

The proposed lot split requires a variance to the minimum lot depth requirement. Because the two-family dwelling was constructed facing 107th Lane NW to avoid driveway access to Foley Boulevard, the resulting lot depth is only 120 feet where 135 feet is required. The two lots have similar lot depths as the three lots across the street; those lots have a depth of 125 feet. The two adjacent lots to the east have lot depths of 120 feet.

The Subdivision Regulations permit the granting of variances. The variances can be granted provided the following are met:

<b>Criteria for Granting a Variance</b>	
The intent of this Chapter is met	Yes - Section 11-705(14) allows for zero lot line subdivisions for twinhomes
The granting of the variance will not be detrimental to the public safety, health or welfare, or injurious to other property or improvements in the neighborhood in which the property is located	Yes - The granting of this variance will not be detrimental to the public or neighborhood.
The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are generally not applicable to other property	Yes - To avoid driveway access to Foley Boulevard the twin home was placed facing 107th Lane
The literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district	Yes - there are other lots that are located in the area that do not meet the lot depth requirement.
The special conditions and circumstances do not result from the actions of the applicant	Yes - the special condition is a result of where the house located
Because of the particular natural surroundings, shape, or topographical conditions of the specific property involved, unusual hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out	Yes - without the variance the twinhomes will not be able to located on separate lots.

**RECOMMENDATION**

In Planning Case 12-28, the Planning Commission recommend approval of the proposed lot split and the variance to minimum lot depth requirement with the following conditions:

1. The applicant submit to the City Attorney for approval a party wall agreement relating, at a minimum, to maintenance of the structure, maintenance of open and/or common space, accessory structures and exterior decoration.
2. All County comments must be addressed prior to releasing the lot split for recording.
3. A drainage and utility easement be provided along the south lot line of both lots and a sidewalk and utility easement be provided along Foley Boulevard, subject to approval by the City Engineer prior to releasing the lot split for recording.
4. Compliance with Title 11, Land Development Regulations.

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**Attachments**

Location Map

Survey

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# Location Map

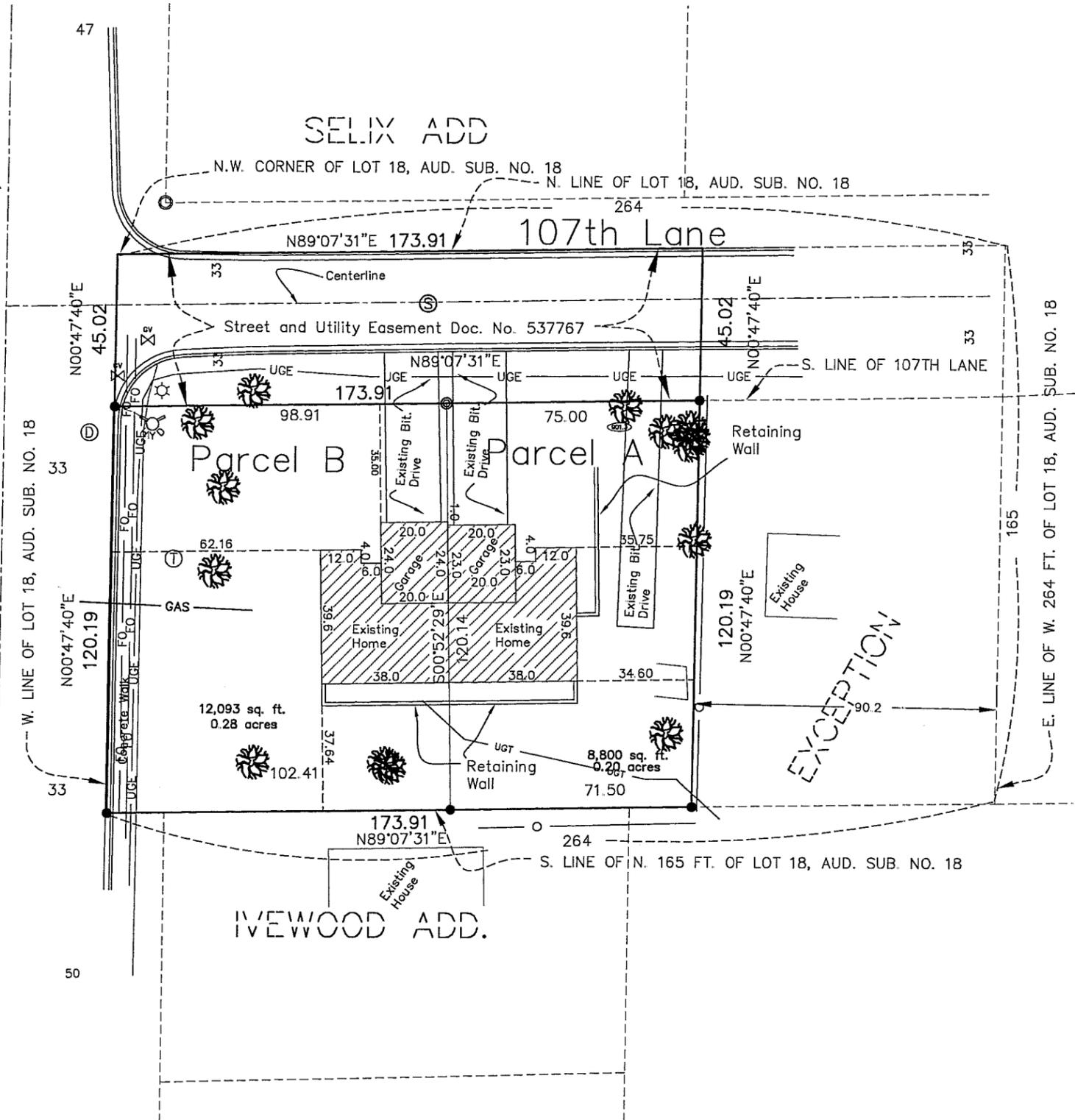


# Certificate of Survey

for

## Federal National Mortgage Association (Fannie Mae)

Foley Blvd. (C.S.A.H. No. 11)



### Original Parcel Description

That part of Lot eighteen (18) of Auditor's Subdivision No. 8, described as follows, to-wit: Commencing at the Northwest corner of said Lot 18; thence East on the North line of said Lot 18 a distance of sixteen (16) rods; thence South and parallel with the West line of said Lot 18, a distance of ten (10) rods; thence west and parallel with the North line of said Lot 18, a distance of sixteen (16) rods; thence North on the West line of said Lot 18 a distance of ten (10) rods to the point of beginning, EXCEPT the the east 90.20 feet thereof.

### Proposed Description Parcel A

That part of Lot 18 of Auditor's Subdivision No. 8, Anoka County, Minnesota, described as follows: Commencing at the Northwest corner of said Lot 18; thence East on the North line of said Lot 18 a distance of 264 feet; thence South and parallel with the West line of said Lot 18, a distance of 165 feet; thence west and parallel with the North line of said Lot 18, a distance of 264 feet; thence North on the West line of said Lot 18 a distance of 164 feet to the point of beginning, EXCEPT the the east 90.20 feet thereof, lying east of the following described line:

Commencing at the intersection of the west line of said Lot 18 and the southerly line of 107th Lane; thence easterly, along said southerly line, 98.91 feet to the point of beginning of the line to be described; thence southerly at a right angle to said southerly line of 107th Lane 120.14 feet, more or less, to the southerly line of the north 165 feet of said Lot 18 and said line there terminating.

Containing 8,800 Sq. Ft. - 0.20 ac.

### Proposed Description Parcel B

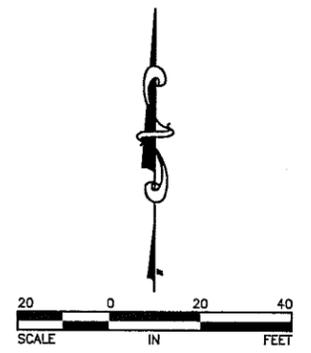
That part of Lot 18 of Auditor's Subdivision No. 8, Anoka County, Minnesota, described as follows: Commencing at the Northwest corner of said Lot 18; thence East on the North line of said Lot 18 a distance of 264 feet; thence South and parallel with the West line of said Lot 18, a distance of 165 feet; thence west and parallel with the North line of said Lot 18, a distance of 264 feet; thence North on the West line of said Lot 18 a distance of 164 feet to the point of beginning, EXCEPT the the east 90.20 feet thereof, lying west of the following described line:

Commencing at the intersection of the west line of said Lot 18 and the southerly line of 107th Lane; thence easterly, along said southerly line, 98.91 feet to the point of beginning of the line to be described; thence southerly at a right angle to said southerly line of 107th Lane 120.14 feet, more or less, to the southerly line of the north 165 feet of said Lot 18 and said line there terminating.

Containing 12,093 Sq. Ft. - 0.28 ac.

### LEGEND

- = SANITARY SEWER MANHOLE
- ⊕ = HYDRANT
- ⊙ = STORM SEWER MANHOLE
- ⊗ = CATCH BASIN
- ⊠ = ELECTRIC BOX
- ⊡ = LIGHT
- ⊢ = SIGNAL POLE
- |- = DENOTES WATER LINE
- >- = DENOTES SANITARY SEWER LINE
- >>- = DENOTES STORM SEWER LINE
- = DENOTES IRON MONUMENT FOUND
- ⊙ = IRON MONUMENT SET AND MARKED WITH LICENSE NO. 18420.
- UGT- = DENOTES UNDERGROUND TELEPHONE LINE
- UGE- = DENOTES UNDERGROUND ELECTRIC LINE
- E- = DENOTES OVERHEAD ELECTRIC LINE
- T- = DENOTES OVERHEAD TELEPHONE LINE
- GAS- = DENOTES GAS MAIN
- ⊞ = DENOTES TELEPHONE PEDESTAL
- ⊞ = DENOTES ELECTRIC TRANSFORMER
- ⊞ = DENOTES CABLE TV BOX
- = DENOTES UTILITY POLE GUYWIRE
- ⊙ = DENOTES SOIL BORING
- ⊗ = DENOTES GATE VALVE



DATE	REVISION

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Minnesota.

Charles R. Christopherson  
Date 10/23/12 Lic. No. 18420

DESIGNED BY: BRP  
DATE: 10/23/12

CHECKED BY: CRC  
FILE NO.: 3138.02

**Hakanson Anderson Assoc., Inc.**  
Civil Engineers and Land Surveyors  
3601 Thurston Ave., Anoka, Minnesota 55303  
763-427-5860 FAX 763-427-0520  
www.hakanson-anderson.com

City of Coon Rapids

Certificate of Survey  
For  
Federal National Mortgage Association  
(Fannie Mae)

SHEET 1 OF 1 SHEETS