

1. 7:00 P.M. Planning Commission Regular Meeting

Documents:

[11-3-21 REGULAR MEETING AGENDA.PDF](#)
[11-3-21 REGULAR MEETING PACKET.PDF](#)



**PLANNING COMMISSION
REGULAR MEETING
ANOKA CITY HALL
Wednesday, November 3, 2021
7:00 P.M.**

AGENDA

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Minutes**
 - a. October 5, 2021 Regular Meeting
- 4. Old Business**
 - a. None
- 5. New Business**
 - a. None
- 6. Public Hearings**
 - a. A2021-015 Zoning Text Amendment; Chapter 78, Art. IX, Div. 1, Section 78-562 (e)
(Fence Heights in Residential Districts)
- 7. Miscellaneous**
 - a. Work Session, Tuesday, November 16, 2021
- 8. Adjournment**



Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please call the City Manager's office at (763) 576-2710 to make arrangements.



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NOT APPROVED
ANOKA PLANNING COMMISSION
REGULAR MEETING
ANOKA CITY HALL
TUESDAY, OCTOBER 5, 2021
7:00 P.M.

CALL TO ORDER:

The regular meeting of the Anoka Planning Commission was called to order at 7:00 p.m.

ROLL CALL:

Planning Commissioners present: Chair Don Kjonaas, Karna Brewer, Borgie Bonthuis, Nancy Coleman, and James Cook (attending virtually)

Planning Commissions absent: Peter Rech and Shari Nemec

Staff present: City Planner Clark Palmer

APPROVAL OF MINUTES:

- a. Approval of September 8, 2021 Regular Meeting Minutes

MOTION WAS MADE BY COMMISSIONER COLEMAN, SECONDED BY COMMISSIONER BREWER, TO APPROVE THE MEETING MINUTES OF SEPTEMBER 8, 2021, REGULAR MEETING.

A roll call vote was performed:

Commissioner Bonthuis	aye
Commissioner Brewer	aye
Commissioner Coleman	aye
Commissioner Cook	aye
Chair Kjonaas	aye

Motion carried.

- b. Approval of September 21, 2021 Regular Meeting Minutes

MOTION WAS MADE BY COMMISSIONER BONTHUIS, SECONDED BY COMMISSIONER COLEMAN, TO APPROVE THE MEETING MINUTES OF SEPTEMBER 21, 2021, REGULAR MEETING.

A roll call vote was performed:

Commissioner Bonthuis	aye
Commissioner Brewer	abstain
Commissioner Coleman	aye
Commissioner Cook	aye
Chair Kjonaas	aye

Motion carried.

OLD BUSINESS:

None

NEW BUSINESS:

A2021-009, Site Plan Review; HOMA Building Addition – 911 Lund Blvd

City Planner Palmer reported the applicant, HOM Furniture, is proposing to expand their existing facility with an approximate 100,000 square foot building addition. Their existing facility is about 317,000 sq. ft. and will be expanded to just over 416,000 sq. ft. The facility includes their receiving and distribution warehouse. The 100,000 square foot addition will increase their storage capacity by 500,000 cubic feet. The addition will also house some new offices, an employee breakroom, and restrooms. The development will also include an expansion of their parking by 126 stalls for cars and 48 stalls for semi-trailer storage. The proposed building addition will wrap around the north and west part of the existing building in a L shape. The building will be expanded by the north by approximately 140 feet and to the west by about 100 feet. Truck traffic will circulate in a one-way direction around the building in a counterclockwise manner. The new areas of bituminous surrounding the addition, with exemption to the new loading docks proposed at the northeast area of the addition, will serve as drive aisles for trucks and are sized according to their turning movements. Total estimated project valuation is \$7,000,000 to \$8,000,000.

City Planner Palmer stated that HOM Furniture is growing due to increases in demand. They recently added three new retail stores in the region. The addition is needed to consolidate their operations fleet and accommodate their delivery prep operations which will be moving from their Coon Rapids facility to Anoka. HOM Furniture expects to add 55 to 75 new employees in Anoka. HOM Furniture has been in the Anoka Enterprise Park since 2011. The property is located within the M-2 Light Industrial district. The use is permitted. Prior to the issuance of a building permit, the use is required to obtain a site plan review approval. He reviewed the site plan review analysis including details on parking, and landscaping and tree replacement.

Chair Kjonaas asked for clarification on the tree removal and plantings and whether the applicant could make the choice to plant less trees and pay more into the tree replacement fund.

City Planner Palmer explained that 49 new trees will be planted and if the applicant desires to

plant less trees, that would be a change to the plan that would need to come back for review. He continued to review details on landscaping and tree replacement, stormwater, and architecture. He stated that staff recommends approval subject to the conditions noted in the staff report.

Commissioner Brewer stated that she would like to see a diagram showing the traffic flow within the property. She noted that she has additional questions for the applicant.

City Planner Palmer displayed the sketch with the traffic circulation. He stated that perhaps the applicant could explain how the circulation would work.

John Pierce, representing the applicant, stated that most of the traffic will access the property from the Thurston access and go into the loading dock area. He noted that the majority of semis would remain on the east side of the property. He stated that the full access around is provided for fire safety.

Commissioner Brewer stated that there are considerable loading docks on the west side and asked if those would be used.

Mr. Pierce stated that the current loading docks are in the northwest corner and noted that those would be eliminated with the addition and moved to the east. He stated that the change would make it safer for employees.

Commissioner Brewer asked if there are two accesses for customer parking, on Thurston and Lund.

Mr. Pierce confirmed that customers could enter/exit from either access.

Commissioner Brewer stated that her original thought was to not have the lane fully around the north side as it would save additional trees but was informed by City staff that was needed for fire safety. She stated that she visited the site and witnessed a semi approaching the loading dock, unloading a trailer, and loading a new trailer.

Chair Kjonaas asked for clarification on the language “65,900 square feet of trees” used within the staff report.

City Planner Palmer replied that is the ground area, which equates to 1.5 acres. He noted that a full tree inventory was not completed and therefore the maximum tree replacement was triggered. He stated that if the applicant believed they were overpaying, they could spend the funds on the tree inventory.

Commissioner Bonthuis referenced pine trees that are beautiful and will be removed. She asked if the only barrier between the building and street would be the fence with shrub plantings.

City Planner Palmer confirmed there would be a fence with 94 shrubs.

Mr. Pierce stated that they are excited to expand their operations in Anoka and bring additional bodies to this location. He confirmed that the office staff from Coon Rapids would be moved to this location.

Chair Kjonaas invited any comments from the public.

No comments.

Commissioner Bonthuis asked if there is anything related to irrigation.

City Planner Palmer confirmed that a condition could be added.

MOTION WAS MADE BY COMMISSIONER BONTHUIS, SECONDED BY COMMISSIONER COLEMAN, TO RECOMMEND APPROVAL OF THE BUILDING ADDITION FOR A2021-009, HOM FURNITURE, 911 LUND BOULEVARD, SUBJECT TO THE FOLLOWING CONDITIONS:

1. All comments of the Engineering Department dated September 29, 2021 shall be met.
2. The applicant shall pay a tree replacement fee in the amount of \$6,650. The tree replacement fee shall be reduced on a per tree basis if the applicant can plant additional replacement trees during construction. The fee shall be paid prior to the issuance of a certificate of occupancy and after a site inspection conducted by staff. Replacement trees shall be a minimum of 2.5 inches in diameter if deciduous or six feet in height if coniferous.
3. Exterior lighting shall direct light away from adjoining properties.
4. All site improvements shall be completed in accordance with the approved plans. Any significant deviations from the approved plans shall require additional review and approval by the Planning Commission and City Council.
5. The Applicant shall make every effort feasible to save trees and other existing vegetation along the north property line within the 5-foot setback. At no time shall the existing vegetation along the north property line within the 5-foot setback be clear-cut without prior review and approval by city staff.
6. The Applicant shall provide updated plans as requested by city staff including but not limited to plans for grading, tree removal and landscaping.
7. Irrigation shall be provided for all new plantings.

A roll call vote was performed:

Commissioner Bonthuis	aye
Commissioner Brewer	aye
Commissioner Coleman	aye
Commissioner Cook	aye
Chair Kjonaas	aye

Motion carried.

City Planner Palmer advised this will go before the City Council on October 18, 2021.

PUBLIC HEARINGS ON NEW APPLICATIONS:

A2021-010, Conditional Use Permit; Church at 850 East Main Street

City Planner Palmer reported in June 2021, Immanuel Church – OPC, the applicant, submitted an application for a rezoning text amendment to allow churches in the East Main Street Subdistrict (EM-3). That application was reviewed by the Planning Commission on August 3, 2021. The Planning Commission recommended adding the use as a conditional use. The City Council subsequently approved the zoning text amendment, as recommended by the Commission, on September 7, 2021.

City Planner Palmer stated that the applicant is returning with an application for a Conditional Use Permit (CUP) for 850 East Main Street. The applicant has entered into contract with the seller of the subject property to purchase the site contingent on City approval. The subject property is the location of a former funeral home. The property has been on the market for several years and has been marketed for office/retail/redevelopment or special use. One stipulation is that the property may not be sold to another funeral home. The site is approximately one acre, with 65 marked surface level parking stalls. The principal building has two levels with nearly 12,000 square feet of floor area. There are no proposed changes to the site except for minor alterations at the exterior of the building, principally property maintenance such as painting, repair work and landscaping. The parking lot will also be maintained through crack filling, seal coating, and re-striping. The fence will also be repaired and coated. He reviewed the conditional use permit analysis within the staff report and related findings. He stated that staff recommends approval subject to the condition noted within the staff report.

Commissioner Brewer stated that she has had conversation with City staff about the awning on the building. She did not believe canvas awnings are encouraged.

City Planner Palmer commented that canvas awnings are seen throughout the downtown area. He noted that there is a specific pitch and size specified within Code.

Commissioner Brewer stated that the monument sign was mentioned and does not appear permanent. She asked staff the level of control the sign application process would have.

City Planner Palmer provided details on the sign allowance for each property. He believed that the monument sign is permanent and noted that perhaps Commissioner Brewer noticed the wooden real estate sign.

Rich Duggan, representing the applicant, commented that the monument sign is a metal structure, and they will try their best to repair dents. He noted that the sign portion is translucent and is lit in the evening. He stated that the real estate sign would be removed and is temporary. He stated that they are unsure if they would place a name on the awning, or simply replace that with new material.

Commissioner Brewer asked if a cross type structure would be considered signage.

City Planner Palmer stated that he would need to verify that.

Mr. Duggan commented that they would put their name up, but they would not put big crosses up.

Chair Kjonaas opened the public hearing at 7:46 p.m.

Pam Murphy, 837 Monroe Street, asked what would be included in fixing the fence. She stated that some of the boards have holes in them and some parts of the fence lean into her property.

Mr. Duggan commented that their intent on the south side would be to straighten the fence, make necessary repairs and paint or stain. He acknowledged that the fence is really weather worn and is in need of repair. He stated that he could speak with Ms. Murphy further to talk about repairs.

Kevin Landry, 765 East Main Street, asked the church's views on abortion and gay marriage. He stated that he lives in the neighborhood and has a right to know who is coming into his neighborhood. He stated that traditionally churches bring in hatred and bigotry.

Chair Kjonaas stated that those questions have no bearing on this hearing.

Mr. Landry stated that the church's belief system is coming into his community where he pays taxes. He stated that he does not want hatred coming into his community.

City Planner Palmer stated that the public hearing provides an opportunity for the public to make comments and is not a time for back-and-forth discussion.

Chair Kjonaas stated that the applicant does not have to answer those questions.

City Planner Palmer stated that when the text amendment was approved, there was discussion related to the rights of religious institutions. He stated that this line of questioning is not appropriate and does not have to be answered.

Mr. Landry asked if services would be held outside with large speakers.

Mr. Duggan commented that anything done outside would be in the nature of a barbeque and would not generate a lot of noise. He stated that in regard to their beliefs, they are part of the

orthodox Presbyterian church, and all of their beliefs could be found online. He stated that they do not discriminate but they have specific religious beliefs.

Mr. Landry stated that as a homeowner in that area, he objects to bringing that type of hatred and behavior into his community.

City Planner Palmer explained that the purpose is to review the Conditional Use Permit request and the Commission must be impartial and cannot discriminate.

Michael, resident of 827 Monroe Street, stated that he will provide his information to Mr. Duggan related to fence repair. He asked if there would be a church bell that rings. He stated that in a previous home he lived in there was a loud church bell a block away that disturbed the neighborhood. He stated that he spoke with a few neighbors and was told that when the funeral home was in operation, many people parked along Monroe which made it difficult to back out of the driveways. He asked if parking would be regulated to only within the parking lot.

City Planner Palmer commented that parking shall be maintained in accordance with the parking plan and at no time there shall be on-street parking.

Mr. Duggan commented that they will only be parking on their property. He noted that if membership increases, they will add a second service. He stated that they will not have large bells or a steeple as they are orthodox.

As no one further wished to appear, Chair Kjonaas closed the public hearing at 7:58 p.m.

MOTION WAS MADE BY COMMISSIONER COLEMAN, SECONDED BY COMMISSIONER BREWER, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT FOR A2021-010 FOR A CHURCH AT 850 EAST MAIN STREET, SUBJECT TO THE FOLLOWING CONDITION:

1. At all times, parking shall be maintained in accordance with the approved parking plan including no on-street parking of vehicles associated with the use.

A roll call vote was performed:

Commissioner Bonthuis	aye
Commissioner Brewer	aye
Commissioner Coleman	aye
Commissioner Cook	aye
Chair Kjonaas	aye

Motion carried.

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City Planner Palmer advised this will go before the City Council on October 18, 2021.

MISCELLANEOUS:

Next work session will be Tuesday, October 19, 2021.

ADJOURNMENT:

MOTION WAS MADE BY COMMISSIONER BONTHUIS, SECONDED BY COMMISSIONER BREWER, TO ADJOURN THE MEETING.

5 ayes - 0 nays. Motion carried.

Time of adjournment: 7:59 p.m.

Submitted by: Amanda Staple, *TimeSaver Off Site Secretarial, Inc.*

STAFF REPORT



Application A2021-015
Zoning Text Amendment
Chapter 78, Art. IX, Div. 1, Section 78-562 (e)
Fence Heights in Residential Districts

BACKGROUND

The Community Development Department is proposing a text amendment to City Code Section 78-562 (e). This section of the Zoning Code regulates fence heights in residential zoning districts. Staff is proposing to amend the language because the current language is poorly written and uses poorly defined terms such as “line,” “lines” and “along.” Although the Zoning Code defines “lot line” and “building line,” the existing language is not clear. Therefore, the existing language may not be easily understood by the general public or staff, causing challenges and possible inconsistencies with the administration of regulations. Staff seeks to amend the code using clear language and clearly defined terms. Staff recommends regulating fence height based on a fence’s location relative to its placement in the respective yards. “Yard” and the types of yards (i.e., front, side, rear) are clearly defined and easily understood within the existing Zoning Code and are noted below for your reference.

PROPOSED AMENDMENT

Existing Text

- (e) In single- and two-family residential districts, no fence may exceed four feet in height above the ground level, in front of the front line of the residential structure, along any street or highway right-of-way, or in the front yard as defined by this chapter. In these two districts, fences along the side lines to the rear line, including rear lines abutting street or highway right-of-way, may not exceed six feet in height above the ground level.

Proposed Text Amendment:

- ~~(e) In single- and two-family residential districts, no fence may exceed four feet in height above the ground level, in front of the front line of the residential structure, along any street or highway right-of-way, or in the front yard as defined by this chapter. In these two districts, fences along the side lines to the rear line, including rear lines abutting street or highway right-of-way, may not exceed six feet in height above the ground level.~~
- (e) Fence heights in residential districts.
 - (1) Fence height is measured from the fence owner’s yard grade to the top of the fence.
 - (2) Fences 4 feet in height or less may be placed anywhere on a lot, unless otherwise restricted.
 - (3) Fences above 4 feet in height up to a maximum of 6 feet in height may be placed anywhere on a lot but not in a front yard. On riparian lots, the front yard is defined as the yard which abuts the water.
 - (4) Lots that have no defined front yard shall be designated a single front yard as determined by the Zoning Administrator.

Existing Zoning Code Definitions for Reference

Zoning Code Section 78-2:

Building line means an imaginary line separating buildable area and the required yards as defined in this section

Lot line means the property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or a proposed right-of-way, the line of such public right-of-way shall be the lot line.

Lot line, front, means that boundary of a lot which abuts an existing or dedicated public street. In no case shall there be more than two front lot lines applied to any lot. Any other lines abutting a public right-of-way shall be designated by the zoning administrator as either a side or rear lot line.

Lot line, rear, means that boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from, the front lot line.

Yard means a required open space on the lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this chapter. A yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

Yard, front, means a yard extending along the full width of the front lot line between the side lot lines and extending from the abutting street right-of-way to the depth required in the setback regulations for the zoning district in which such lot is located.

Yard, rear, means an open space unoccupied except for accessory buildings on the same lot with a building, between the rear lines of the building and the rear line of the lot, for the full width of the lot.

Yard, side, means the yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located

Zoning Code Section 78-238 (h)(1)(c.)

Riparian lots shall have front yards of 100 feet from the ordinary high water level. On riparian lots, the term "front yard" means the area which abuts the water.

RECOMMENDATION

Recommend approval as presented

Sec. 78-562. Walls, fences, and hedges.

- (a) A fence is defined, for the purpose of this section, as any partition, structure, wall, or gate erected as a divider marker, barrier or enclosure and located along the boundary, or within the required yard. For the purpose of this section, a fence shall not include naturally growing shrubs, trees or other foliage.
- (b) No fence shall be erected or substantially altered in the city without securing a permit from the building inspector. All such permits shall be issued upon a written application which shall set forth the type of fence to be constructed, the material to be used, the height and exact location of the fence. A fee as determined by the city council shall be paid with each application.
- (c) Fences, when constructed to enclose any lot or tract of land, shall be located in such a way that the entire fence shall be on the property of the owner. Posts and framework shall be placed within the property lines of the owner and the actual fencing material, such as chainlink, lumber, pickets, etc., shall be placed on the side of the fence which faces the street or adjacent property.
- (d) No fence shall be allowed or constructed on-street rights-of-way. Fences may, by permit, be placed on public utility easements so long as the structures do not interfere in any way with existing underground or aboveground utilities. The city or any utility company having authority to use such easements, shall not be liable for repair or replacement of such fences in the event they are moved, damaged or destroyed by virtue of the lawful use of such easement.
- ~~(e) In single- and two-family residential districts, no fence may exceed four feet in height above the ground level, in front of the front line of the residential structure, along any street or highway right-of-way, or in the front yard as defined by this chapter. In these two districts, fences along the side lines to the rear line, including rear lines abutting street or highway right-of-way, may not exceed six feet in height above the ground level.~~
- (e) **Fence heights in residential districts.**
 - (1) **Fence height is measured from the fence owner's yard grade to the top of the fence.**
 - (2) **Fences 4 feet in height or less may be placed anywhere on a lot, unless otherwise restricted.**
 - (3) **Fences above 4 feet in height up to a maximum of 6 feet in height may be placed anywhere on a lot but not in a front yard. On riparian lots, the front yard is defined as the yard which abuts the water.**
 - (4) **Lots that have no defined front yard shall be designated a single front yard as determined by the Zoning Administrator.**
- (f) The required front yard of a corner lot shall not contain any fence which may cause danger to traffic on a street or public road, by obscuring a driver's view. On corner lots, no fence shall be permitted within the intersection sight distance triangle.
- (g) Off-street parking and loading zones and landscaped areas for nonresidential and for multifamily residential development adjoining one- or two-family residence districts shall be screened by a minimum of a six-foot-high fence or a planting buffer screen. Plans of such screen or fence shall be submitted for approval as part of the site plan review by the planning commission and the city council. Such plans shall be part of the application for a building permit and such fence or landscaping shall be installed as part of the initial construction and be maintained in a slightly condition, compatible with the surrounding area.
- (h) Every fence shall be constructed in a workmanlike manner and of substantial material reasonably suited to the purpose for which the fence is to be used. Barbed wire is not allowed in any residence district but may be installed in commercial or industrial districts with approval by the building inspector.
 - (1) *Fence materials.* The following fence materials are allowed in all residential districts unless otherwise stated in this chapter:
 - a. Treated wood, cedar or redwood;

- b. Composite, including plastic or simulated wood;
 - c. Decorative rick or stone;
 - d. Wrought iron or aluminum designed to simulate wrought iron;
 - e. Coated or noncoated chainlink;
 - f. Split rail;
 - g. Other materials or fence types approved by the city.
- (2) *Maintenance.* Every fence shall be maintained in a condition of good repair and shall not be allowed to become and remain in a condition that would constitute a public nuisance or a dangerous condition. The building inspector is authorized to notify the owner to the condition and allow the owner 60 days in which to repair or demolish the fence.
- (3) *Construction standards.* Fences shall be constructed in conformity with the wind, stress, foundation, structural and other requirements of the state building code when applicable.

(Prior Code, § 74-488)