1. Planning Commission Regular Meeting Materials
   Documents:
   2-4-20 REGULAR MEETING AGENDA.PDF

2. Planning Commission Regular Meeting Materials
   Documents:
   2-4-20 REGULAR MEETING PACKET.PDF
AGENDA

1. Call to Order

2. Roll Call

3. Approval of Minutes
   a. January 7, 2020, Regular Meeting Minutes
   b. January 7, 2020, Work Session Minutes

4. Old Business
   a. None

5. New Business
   a. None

6. Public Hearings
   a. Lot Split/Division of Two-Family Dwelling; 2302/2304 State Ave

7. Miscellaneous
   a. Upcoming Meetings:
      Wednesday, February 19, 2020 Work Session
      Wednesday, March 4, 2020 Regular Meeting

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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   a. Upcoming Meetings:
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      Wednesday, March 4, 2020 Regular Meeting

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

Planning Commissioners present: Chair Don Kjonaas, Karna Brewer, Borgie Bonthuis, Nancy Coleman, James Cook, Shari Nemec, and Peter Rech

Planning Commissions absent: None.

Staff present: City Planner, Clark Palmer; Community Development Director, Doug Borglund

Chair Kjonaas administered the Oath of Office to Commissioners Coleman and Rech.

a. Approval of December 3, 2019 Regular Meeting Minutes

MOTION WAS MADE BY COMMISSIONER BREWER, SECONDED BY COMMISSIONER NEMEC, TO APPROVE THE MEETING MINUTES OF DECEMBER 3, 2019, REGULAR MEETING.

7 ayes – 0 nays. Motion carried.

b. Approval of December 3, 2019 Work Session Meeting Minutes

MOTION WAS MADE BY COMMISSIONER BONTHUIS, SECONDED BY COMMISSIONER BREWER, TO APPROVE THE MEETING MINUTES OF DECEMBER 3, 2019, WORK SESSION MEETING.

7 ayes – 0 nays. Motion carried.

NEW BUSINESS:

a. Appointment of Officers
MOTION WAS MADE BY COMMISSIONER BONTHUIS, SECONDED BY COMMISSIONER RECH, TO NOMINATE DONALD KJONAAS, AS CHAIRPERSON.

Chair Kjonaas welcomed any additional nominations.

MOTION WAS MADE BY COMMISSIONER BONTHUIS, SECONDED BY COMMISSIONER NEMEC, TO CEASE NOMINATIONS.

7 ayes – 0 nays. Motion carried.

MOTION WAS MADE BY COMMISSIONER BONTHUIS, SECONDED BY COMMISSIONER BREWER, TO NOMINATE PETER RECH AS VICE-CHAIR.

Chair Kjonaas welcomed any additional nominations.

MOTION WAS MADE BY COMMISSIONER BONTHUIS, SECONDED BY COMMISSIONER BREWER, TO CEASE NOMINATIONS.

7 ayes – 0 nays. Motion carried.

MOTION WAS MADE BY COMMISSIONER BREWER SECONDED BY COMMISSIONER NEMEC, TO NOMINATE BORGIE BONTHUIS TO THE PARKING ADVISORY BOARD.

MOTION WAS MADE BY COMMISSIONER BREWER, SECONDED BY COMMISSIONER COLEMAN, TO CEASE NOMINATIONS.

7 ayes – 0 nays. Motion carried.

7 ayes – 0 nays. Motion carried.

b. 2019 Accomplishments and 2020 Goals

Associate Planner Palmer stated that during the last few worksessions the Commission and staff worked to develop this list of accomplishments and goals, which will be forward to the City Council for review. He reviewed the draft list of accomplishments and goals.
MOTION WAS MADE BY COMMISSIONER BREWER, SECONDED BY COMMISSIONER RECH, TO APPROVE THE 2019 ACCOMPLISHMENTS AND 2020 GOALS.

7 ayes – 0 nays. Motion carried.

OLD BUSINESS:

None.

PUBLIC HEARINGS ON NEW APPLICATIONS:

None.

MISCELLANEOUS:

Next regular meeting will be Tuesday, February 4, 2020 at 7:00 p.m. in the Council Chambers.

ADJOURNMENT:

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

7 ayes – 0 nays. Motion carried.

Time of adjournment: 7:07 p.m.

Submitted by: Amanda Staple, TimeSaver Off Site Secretarial, Inc.
CALL TO ORDER:

The work session meeting of the Anoka Planning Commission was called to order at 7:07 p.m.

ROLL CALL:

Planning Commissioners present: Chair Don Kjonaas, Karna Brewer, Borgie Bonthuis, Nancy Coleman, James Cook, Shari Nemec, Peter Rech

Planning Commissions absent: None

Staff present: City Planner, Clark Palmer; Community Development Director, Doug Borglund

DISCUSSION: DAVID WEEKLEY HOMES 4TH AND GRANT ST. DEVELOPMENT CONCEPT

The discussion began with introductions of attendees.

Community Development Director, Doug Borglund, provided an overview of the development concept. He stated the subject property was owned by the city, the property has been identified for redevelopment, David Weekley Homes (the “Developer”) was selected as a potential developer, the city has entered into a purchase agreement, and the concept shows detached urban row homes similar to a development in Maple Grove.

David Weekley staff stated the project in Maple Grove has been extremely successful.

Mr. Borglund showed photos of the Maple Grove project. Mr. Borglund showed conceptual elevations. He said the project would include 56 units on 5.5 acres, each unit will have a 2-stall garage with 25-foot driveways, and the lots will be 20 feet wide with 4-foot setbacks on each side of the units (8 feet separation in total). A preliminary site plan was shown.

The Developer stated the units will be sprinklered if that’s a concern about the setbacks. Chair Don Kjonaas asked if the 8-foot setbacks are the same in Maple Grove. The developer said yes.

The engineer for David Weekley Homes said the driveways in Maple Grove are a bit shorter than what’s being proposed in Anoka, 24 feet rather than 22 feet. He said access will be off of 4th Ave, the site plan includes a green space in the center of the development used, in part, as an infiltration and ponding area. He also spoke about the trail at the western extent of the development site and that a possible realignment of the trail will be needed.
Chair Kjonaas asked why the trail would have to be re-aligned. The engineer said it’s because of the location of the trail and making room for a privacy fence for one of the units and providing a buffer from the front yard. He also said the public trail at the southern end of the development site would serve as fire access.

Commissioner Brewer asked about snow removal. She said the development looks dense. The engineer said the streets are private, that some of the snow may be hauled away, and the center green space could be used for snow storage. The Developer said there will not be on-street parking as regulated by the Home Owner’s Association (HOA).

Commissioner Brewed asked if there is a predetermined plan for where the taller homes will be, and if taller or shorter home sell better, would they build more of them. The Developer stated they anticipate about 80% of the units to be 2-story but there is not a predetermined plan, rather it depends on which lot and house plan each individual buyer might want.

Commissioner Bonthuis asked if the homes shown on the elevation drawing are 2 or 3 story. The Developer said both and that generally more people want the 2-story home.

Commissioners discussed differences between the 2-story and 3-story homes including the number of stairs and the location of the living quarters.

Commissioners asked who the homes were going to be marketed to. The Developer said they don’t have a specific answer but will get Doug the information.

Commissioner Nemec asked how long has it taken for the units to sell in Maple Grove. The Developer said very fast, about 1 year. Commissioner Nemec spoke regarding who she believe wants to live in Anoka and who does not.

Commissioner Brewer said she has heard before that young people don’t want to live in Anoka.

Commissioner Coleman asked about the price range. The Developer said they can’t answer that at this time but will get Doug the information.

Chair Kjonaas asked to refocus on the site plan and elevations. He said the exterior finished would need to include more durable materials. Commissioner Rech agreed and stated the commission is often asked to accept a reduction in the percentage of durable materials. The Developer said they haven’t worked out all the details and will work through them.

Commissioner Brewer shared a thought regarding if the product is proven and asked if the Developer would consider different products. The Developer said they have 100s of designers and 1000s of floor plans. The Developer further stated there are many variations of size, floor plan, and number of units. The Developer said those may not be built at this site but the company looks at where they have been successful and they believe this is a good site for this product.
Commissioners discussed grading and the number of steps up to the units. The Developer said the site is relative flat, but there may be a few units with minor grades requiring a few possible steps leading to the front doors.

Commissioners discussed access to the homes. The Developer said the front doors face out from the center and so visitors would have to walk around the units to get to the front doors or go through the garages.

The Developer asked if the city would accept a gated community. Commissioner discussed this but there was no consensus on whether it would be a good idea or not.

Chair Kjonaas said snow removal is a concern and it is not addressed in the site plan. He said the townhouse development where he lives it’s always a challenge.

Commissioner Cook said the location is close to the Volunteers of America (VOA) development and the site could serve as a location of children of the VOA residents to live, so they could live near their parents. He went on to emphasize the proximity to the Rum River.

Commissioner Rech asked about storm water because the site plan shows a lot of impervious. Director Borglund said there will be a master storm-water plan.

Chair Kjonaas thanked everyone for coming.

**ADJOURNMENT:**

Time of adjournment:  8:20 p.m.
The property owner of the two-family dwelling located at 2302/2304 State Avenue is proposing a lot split of the property at the common party wall of the existing duplex. The goal is to create two ownership parcels and attached single-family dwellings which could be sold separately. The Zoning Code (Section 74-211(e)) allows two-family dwellings to be divided into single parcels of record with the party wall acting as the dividing lot line subject to specific criteria. An analysis of those criteria are below.

The original home (the northern dwelling unit) was built in 1957 as a single-family dwelling. In the year 2000, the property owner sought to split off a portion of the lot, which would have created two separate lots allowing for the construction of a second single-family dwelling. For this a variance was needed due to the minimum lot area not meeting the existing code. That variance was denied, so in 2004 the property owner proceeded with the construction of an attached dwelling unit, converting the single-family dwelling into a two-family dwelling. This was allowed at the time due to zoning that allowed two-family dwellings in the zoning district. The property has since been rezoned to R-1 single family, so the duplex is considered legal nonconforming. Today, one of the dwelling units is occupied by a relative (daughter) of the owner, the other dwelling unit is rented.

Analysis of Criteria for Division of Two-Family Dwelling

(1) Each of the lots created in subdividing lands on which a two-family structure is located shall be equal in area or as near equal as is reasonably possible.

**Finding:** Each of the proposed lots would be near equal. The existing lot is a corner lot of 140 feet by 100 feet, for a total lot area of 14,000 SF. If subdivided, the northern lot dimensions would be 67.5 feet wide by 100 feet deep, for a total lot area of 6,750 SF. The southern lot dimensions would be 72.5 feet wide by 100 feet deep, for a total lot area of 7,250 SF. Provided that the proposed lot to the south is on a corner, staff finds it reasonable that the southern lot would be slightly larger than the northern lot. This is because corner lots are subject to two front-yard setbacks, thus preferably requiring additional lot area.

(2) Each lot so created shall contain no less than 40 percent of the minimum land area requirement for each unit in a two-family dwelling, and shall be shown on a registered survey.

**Finding:** The minimum lot area for a single-family dwelling is 10,000 SF, meaning each of the proposed lots would need to be at least 4,000 SF. Both proposed lots exceed this requirement. Staff has discussed with the applicant the requirement to prepare and submit an updated registered land survey and legal descriptions. This requirement is reflected in the below
recommended conditions of approval. Since staff has a previous survey of the property, staff
does not find it prudent to require this criteria be met unless and until the lot split is approved.

(3) Except for setbacks along the common property line, all other setback and yard requirements
shall be met.

Finding: After the division, if approved, all setbacks would be met with the exception to the
common property line. Front yard setbacks will not be affected. Both existing detached garages
exceed the minimum 5-foot setbacks from side and rear property lines.

(4) To the extent reasonably feasible, separate services shall be provided to each residential unit
for sanitary sewer, water, electricity, natural gas, telephone, and other utilities.

Finding: Per the property owner, both dwelling units are served by separate utilities. Staff will
verify this with engineering/public services staff. The continued use and maintenance of any
shared services, if applicable, will be addressed by the requirement for the property owner to
execute and record at their expense a declaration of covenant, conditions and restrictions, as
prepared by the City Attorney, as is necessary to protect the rights of the individual owners
sharing a single structure and the public as it relates to maintenance, repair, and construction in
case of damage to the original structure or utilities. The declarations, covenants, conditions and
restrictions shall provide protection to the property owners and the City on any separate or
shared services (see criteria 7 below for additional detail).

(5) The two-family units, either existing or proposed, must be constructed in a side-by-side
manner.

Finding: While not constructed in a traditional side-by-side manner, which staff assumes to
mean in a mirror image of each other, both dwellings units are arranged in a side-by-side
manner. Staff further speculates that this criteria may concern itself with a vertical subdivision of
a two-family dwelling, with upper and lower units, which this process does not address or allow.

(6) To protect the safety and property of the owner and occupants of each individual unit, no
existing duplex structure may be split into two separate ownerships unless and until the common
party wall fire rating is brought up to new construction standards contained in the state building
code which currently requires a one-hour rating for the party wall and no opening shall be
allowed in the party wall. Party walls must provide sound transmission control ratings as per the
state building code.

Finding: The Building Official has certified that the existing common party wall fire rating
meets the state building code.

(7) The owner of property to be subdivided shall execute and record at their expense a
declaration of covenant, conditions and restrictions, as prepared by the City attorney. Such
document is necessary to protect the rights of the individual owners sharing a single structure
and the public as it relates to maintenance, repair, and construction in case of damage to the
original structure. The declarations, covenants, conditions, and restrictions shall provide
protection to the property owners and the City on the following subjects:

a. Building and use restrictions.
b. Party walls.
c. Relationship among owners of adjoining living units, including arbitration of disputes.
d. Separate or shared services.

The intent of these regulations is to promote harmony between the neighbors sharing a single structure and to protect the City and neighborhood from improper maintenance and/or disputes such as the following examples: one living unit being painted one color and the other unit having a different color or one side of the structure having one roof color and type of roof and the other side being of a different type and color. The City is concerned that all such disputes be avoided and that the regulations contained in this subsection are designed to establish the rights of the parties prior to their entering into joint ownership of one structure. The City shall be a beneficiary of these declarations, covenants, conditions, and restrictions.

Finding: If the lot split is approved, staff will work with the City Attorney to draft such documents as required above. At this time, staff feels it is not prudent to require this to be completed unless the lot split is approved. The recommended conditions of approval will address the drafting, execution and recording of such documents.

Finding: This is a general condition which will be required to be met if approved unless otherwise determined by City Council. The current parkland dedication fee for a single unit is $2,543.

RECOMMENDATION
Staff recommends approval of the application with the following conditions:
1. The applicant shall prepare and submit an updated certificate of survey showing the proposed lot split and legal descriptions of both proposed lots.
2. The applicant shall execute and record at their expense a declaration of covenant, conditions and restrictions, as prepared by the City attorney addressing the follow:
   a. Building and use restrictions.
   b. Party walls.
   c. Relationship among owners of adjoining living units, including arbitration of disputes.
   d. Separate or shared services.
3. The applicant shall pay parkland dedication fees owed for a single dwelling unit in the amount of $2,543 unless otherwise determined by City Council.
I hereby certify that this is a true and correct representation of a survey of the boundaries of:

Lots 8 thru 9, Block 6, GRAY'S ADDITION TO ANOKA, Anoka County, Minnesota.

It does purport to show improvements or encroachments, if any, as surveyed by me this 12th day of April 2004.

Ronald J. Swenson, Professional Land Surveyor
Mn License No. 13297