1. Planning Commission Regular Meeting Agenda
   Documents:
   
   10-6-20 REGULAR MEETING AGENDA.PDF

2. Planning Commission Regular Meeting Packet
   Documents:
   
   10-6-20 REGULAR MEETING PACKET.PDF
AGENDA

1. Call to Order

2. Roll Call

3. Moment of Silence (Minute’s Silence) for Carolyn Braun, former Planning Director

4. Approval of Minutes
   a. September 1, 2020, Regular Meeting Minutes

5. Old Business
   a. None

6. New Business
   a. None

7. Public Hearings
   a. Zoning Text Amendments; Chapter 78, Art.V, Div. 5, Section 78-316(h)(3)(a) Main Street Mixed Use, East Main Street Subdistrict 2 (EM-2), Adding “Vet Center” as a Permitted Use & Chapter 78, Art. I, Section 78-2, Adding Definition of “Vet Center”

8. Miscellaneous
   a. None

9. 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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8. Miscellaneous
   a. None

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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 (present via video conference), Borgie Bonthuis, Nancy Coleman, James Cook (present via video conference), Shari Nemec, and Peter Rech (present via video conference)

Planning Commissions absent: None.

Staff present: City Planner Clark Palmer

APPROVAL OF MINUTES:

a. Approval of June 2, 2020 Regular Meeting Minutes

Commissioner Brewer asked how grammatical changes should be provided.

Chair Kjonaas noted that those types of changes can be submitted via email or telephone to staff.

MOTION WAS MADE BY COMMISSIONER BONTHUIS, SECONDED BY COMMISSIONER NEMEC, TO APPROVE THE MEETING MINUTES OF JUNE 2, 2020, REGULAR MEETING.

7 ayes – 0 nays. Motion carried.

b. Approval of July 21, 2020 Work Session Meeting Minutes

MOTION WAS MADE BY COMMISSIONER BREWER, SECONDED BY COMMISSIONER BONTHUIS, TO APPROVE THE MEETING MINUTES OF JULY 21, 2020, WORK SESSION MEETING.

7 ayes – 0 nays. Motion carried.

OLD BUSINESS:

a. Sign Area Variance; Vista Outdoor/Federal Cartridge – 1101 East Main Street
Associate Planner Palmer presented a continued discussion of the sign area variance from Vista Outdoor/Federal Cartridge. He stated that the application has been revised to decorate one bulk storage silo as signage in excess of the maximum square feet allowed to resemble a shotgun shell. He stated that all of the silos have been painted while since the last review and displayed the revised sketch. He stated that the entire silo would be considered as signage, noting that legal counsel also agreed with the decision of staff. He explained how sign area is measured and reviewed the sign area calculation which has been updated. He stated that as calculated the applicant is requesting to decorate the silo with 1,140 square feet of signage which would result in a variance of 940 square feet. He reviewed the variance review criteria.

Chair Kjonaas asked if the applicant would plan to request additional signage of this type in the future.

Associate Planner Palmer stated that he is unsure but noted that he could follow up with the applicant. He noted that the applicant was planning to attend but was unable to tonight.

Chair Kjonaas stated that he would like to reconsider the definition of signage in the future. He commented that this will be a positive change for the business and the silo will look better than it did.

Commissioner Brewer stated that when the applicant first came forward, a rendering was provided showing the rusted silos and the three proposed to be shotgun shells. She noted that the silos have since been painted white and look nice. She stated that with one silo painted as a shotgun shell it would almost seem to look like an uncompleted project. She commented that if the applicant is going to do this, all the silos should be painted as shotgun shells.

**MOTION WAS MADE BY COMMISSIONER BONTHUIS, SECONDED BY COMMISSIONER NEMEC, TO APPROVE THE VARIANCE FOR SIGNAGE AT 1101 EAST MAIN STREET.**

6 ayes – 1 nay (Brewer). Motion carried.

**NEW BUSINESS:**

None

**PUBLIC HEARINGS ON NEW APPLICATIONS:**

a. **Conditional Use Permit and Variance; MN Firearms – 2520 Ferry Street**

Associate Planner Palmer reported the applicant, MN Firearms, is requesting approval of an approximate 5,800 square foot addition for indoor shooting range, training room and retail storage.
In 2018 a text amendment was approved to allow indoor shooting ranges as a conditional use within the B-6 zoning district. He stated that the Site Plan includes the building addition, parking lot expansion and additional stormwater management. He reviewed the Site Plan and dimensional standards proposed. He noted that the front yard setback regulation maximum would not be met. He reviewed the architectural details proposed.

Commissioner Brewer asked if the intent of the Council were to allow precast concrete panels as an accent material or whether it could be used for an entire building. She stated that the front and side of the building would look completely different than the gun range portion.

Associate Planner Palmer stated that typically a CMU would be found in industrial projects and is not typically found in a B-6 neighborhood building. He stated that in this case the CMU would be a fabcon system that would not allow bullets to leave the building. He stated that staff suggested that those elevations be dressed up, if possible, so that it does not look like a precast building.

Leah Kangas, Inside Outside Architecture, explained that a precast tip up panel is not usually used in pieces. She explained that material was chosen for this use because it has a finish on the outside, insulated on the core and concrete on the inside. She stated that they are attempting to maximize the size that can be built without maximizing the building. She stated that this would minimize the width of the wall and the number of trades that would need to be involved in building the wall. She stated that the material is on an interior lot line, noting that they added things on the exterior facing sides to match the existing entrance.

Commissioner Brewer stated that she understands that the material is excellent for that use but noted that her concern is that the entire building has no variation and is one dark shade. She stated that she appreciates that this material was chosen to protect the sound of gunfire from coming outside of the property, which is wise. She asked if the color could be lightened.

Ms. Kangas replied that the texture or color could be changed on some of the panels to address that concern. She stated that they dropped the height every 40 feet in order to meet the requirement for variation. She stated that they cannot push and pull panels in because that would impact the shooting lanes. She commented that she felt that the darker tone would make the building seem smaller, white, or tan precast structures often appear larger when driving by. She noted that the precast panels would also match the existing siding.

Associate Planner Palmer stated that the wall has to be divided into no more than 40 feet, noting that the height articulation was provided to meet that Code requirement. He noted that there were discussions about false windows or stone elements in order to dress up that side of the building and provide variation.

Chair Kjonaas stated that false windows would be put against the wall without being a security threat. He stated that this appears to be a dark box that has a false front on it. He stated that he
would think that from the outside they would not want to advertise where the gun range is within the building. He noted that this design advertises the location of the gun range. He believed that additional things could be done to improve the aesthetic of the building. He asked if a landscaping plan has been submitted.

Associate Planner Palmer stated that the B-6 zoning district does not have specific landscaping requirements. He noted that the owner may have plans to add additional plantings, but it is not required.

Commissioner Bonthuis reviewed the samples of the existing siding and precast material and received clarification on which material would be used for striping.

Commissioner Cook commented that the four lower height panels could be substantially darker to break up the monotony of that side.

Mike Briggs, applicant, stated that ideally in a gun store the thought process has been to not put a lot of shrubbery or bushes around the building which would allow someone to hide in. He stated that the preference has been to have complete exposure of the building as that makes it easier for law enforcement to see if there are people by the building. He noted that it also makes it much more difficult for people to attempt to break into the building because it is so visible.

Chair Kjonaas agreed that around the entrance and front, that makes sense. He asked if the buffer between the residential could be buffered.

Mr. Briggs confirmed that could be done but noted that would give someone a place to stage for an attempted break-in. He commented that at times vehicles pull in the lot when they have a flat tire and the lack of landscaping makes it easy for law enforcement to see what is going on around the building. He commented that the property is also lit all night to provide that visibility for law enforcement and it has not bothered the neighbors.

Commissioner Rech stated that when he saw the design in the packet, he was disappointed as it looks like it belongs in an industrial park rather than a business district. He commented that the mass of the addition compared to the existing store seems out of proportion. He stated that this is not what he thought it would look like when the concept of having a gun range was previously discussed. He stated that the false front also looks odd. He stated that this neighborhood looks like it should be in an industrial park rather than this residential setting. He noted that if this is how a gun range has to be designed, he would not think it should be in this location.

Commissioner Bonthuis stated that she thought the original discussions involved an underground shooting range. She stated that this looks odd, as if there was a warehouse and the existing building were added to the front.

Associate Planner Palmer reviewed the Conditional Use Permit analysis included in the packet.
including parking, lighting, stormwater, construction of range system, and noise regulations and sound mitigation plan. He reviewed the variance review noting that the B-6 zoning district requires a maximum setback for 20 feet and the proposed building setback 30 feet. He noted that the existing building received a variance of 15 feet in 2018. He reviewed the staff recommendations noting that staff recommends approval of the Conditional Use Permit, Site Plan Review and Variance subject to the conditions noted in the staff report.

Commissioner Brewer asked for details on whom updated plans would be submitted to at the City.

Associate Planner Palmer used the example that the City Council approves the request but requires landscaping, the applicant would then need to submit a landscaping plan. He noted that stormwater plans that require updating could also be done after receiving approval.

Commissioner Rech referenced the review within the staff report, noting that he does not feel that the building materials, architectural details, and design are complementary and appropriate for the area.

Associate Planner Palmer noted that those policies are subjective and explained that staff reviews how the request compares to the language in the Comprehensive Plan.

Commissioner Rech recognized that the answer is subjective, which is an answer but without much weight behind it.

Associate Planner Palmer noted that within the staff report he could have identified the goals within the Comprehensive Plan and allowed the Commission to make that determination.

Commissioner Bonthuis asked staff to display the aerial photograph showing the adjacent buildings. She asked the number of feet between the property line and building to the north.

Associate Planner Palmer replied that the applicant proposes 12.25, where 10 feet is required.

Commissioner Bonthuis noted that the Ferry Street interchange is being redone and asked if that would impact this site.

Associate Planner Palmer stated that MnDOT did a review of the application and alerted the applicant of the interchange plans. He stated that the applicant was provided with a rendering of the interchanges plans and noted that there are not significant impacts to this property from that project.

Commissioner Brewer stated that in the past the Commission has delayed action on an application based on the desire for different materials or appearance for a building and those decisions provided better end products. She asked if there is consensus to direct the applicant to find a way to make the gun range fit more complimentary with the existing building.
Chair Kjonaas stated that discussion can occur following the public hearing.

Chair Kjonaas opened the public hearing at 7:58 p.m.

No comments made.

As no one further wished to appear, Chair Kjonaas closed the public hearing at 7:59 p.m.

Chair Kjonaas stated that he would prefer that this building not look like something different than what it is. He stated that the retail store looks great and has been functioning well for two years. He noted that this addition is out of place and he would want to see it look like it is part of the building. He appreciates the thoughts that have been put towards safety. He asked that the applicant consider false windows around the building so that it appears to be something other than a black box that houses a gun range.

Commissioner Bonthuis asked if there was any response from neighboring property owners.

Associate Planner Palmer stated that he received one phone call from a property owner across the street and wanted to know whether the City would listen to them if they voiced opposition. He stated that he explained that the intent of public input is to allow people to voice opinions but that is not a finding of fact as to whether someone likes or dislikes guns.

Commissioner Nemec asked if the color of the panels is the concern and whether changing the colors would help the Commission make a decision.

Chair Kjonaas stated that he likes the material but does not like the appearance of it being a black box.

Ms. Kangas stated that she would be open to changing the color of the stripes and some of the panels to break up the façade. She stated that the height of the building is to support the mechanical equipment to filter the air in the gun range and to provide the screening required by the City. She stated that form follows function in regard to the shape and height of the building as this is a gun range, which is a needed component of the business. She stated that she would be willing to change the materials and colors to add fenestration.

Commissioner Rech stated that the Commission required the stone facades to be added to the existing building and asked if that could be done to the addition to break up that façade and better match the existing building.

Ms. Kangas stated that she would think that would be cost prohibitive as it was quite expensive to add that stone façade to the existing building. She stated that the drainage would also drop down in that area and it would look odd.
Commissioner Rech asked why the applicant did not make the entrance that faces Ferry Street the full width of the building.

Ms. Kangas stated that it would then become a different size entrance than the existing building and it would cause the peak to be higher than the precast panels and would change the proportions.

Commissioner Cook stated that perhaps the existing building could become more square to match the addition.

Ms. Kangas stated that they had not thought of that. She noted that they attempted to keep the fronts with a residential feel and the service sides as the functional sides.

Chair Kjonaas stated that he would like to see changes to the finishes and false windows added but would otherwise support the project.

Commissioner Brewer asked when the applicant plans to start the project, if approved.

Associate Planner Palmer stated that the applicant would like to move this along as soon as possible.

Commissioner Brewer asked if there would be time for the applicant to come back with a revised plan with choices of how the building could be changed enough to blend more with the surroundings but keep the safety features. She did not believe that this was ready to move forward to the Council unless there were assurances that could be made.

Commissioner Coleman stated that she does not see how the basic shape could be changed.

Commissioner Nemec stated that perhaps the application could be approved with recommended changes.

Mr. Briggs asked if the Commission would like different choices of construction product.

Chair Kjonaas stated that is not what they want and explained that they would like the creative team to come up with changes to the façade that could make it better match with the existing building.

Mr. Briggs asked if simple changes to the color scheme would be satisfactory.

Chair Kjonaas stated that he is not an expert but would like to see changes in color and false windows to help break up the large wall.
Mr. Briggs commented that they are building the best building that they can to mitigate noise and provide for safety. He stated that color is not a problem, he can change the color if desired. He confirmed that the Commission would like to see some stripes to break up the wall along with false windows. He did not see a problem incorporating those changes.

Chair Kjonaas referenced the access door to the east, which would appear to be behind the line of shooting.

Mr. Briggs explained that door opens to behind the bullet trap and is required by the Fire Department.

Commissioner Brewer noted that the Commission could hold a worksession and consider this item prior to the last City Council meeting in September. She asked if the applicant could be invited to come to the worksession with possible design changes prior to consideration by the City Council. She noted that the item could be recommended for approval tonight with the understanding that upgraded plans be presented to the Commission in the worksession prior to consideration by the Council.

Associate Planner Palmer stated that the City Council could consider this on September 21st, noting that staff reports are required to be turned in by the 16th for that meeting, therefore he would not have sufficient time to prepare those documents.

Chair Kjonaas stated that he feels that sufficient direction has been given related to striping and false windows and the applicant can work with staff to reach that outcome. He stated that if the Commission does not support the design changes, they could speak at the City Council meeting. He stated that he would like to see the four windows on the long side that faces north and would not require the windows on the alley side.

**MOTION WAS MADE BY COMMISSIONER BONTHUIS, SECONDED BY COMMISSIONER NEMEC, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT, SITE PLAN REVIEW AND VARIANCE, SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Sound testing shall be performed, and a report submitted after construction showing the meeting of the City’s noise ordinance standards. If noise standards are not met, additional sound mitigation shall be required and constructed in accordance with the City’s noise ordinance standards.
2. At no time shall any on-street parking of vehicles associated with the use be permitted.
3. Lighting shall be downward directed and/or face away from adjacent properties and will not spill onto adjacent properties in a manner that creates a nuisance.
4. Updated plans shall be submitted as required by the City.
5. All site improvements shall be consistent with the approved plans. Any deviations from the approved plans shall require additional review and approval by the Planning Commission and City Council.

6. Striping be added to the building with four false windows on the north side of the building.

7 ayes – 0 nays. Motion carried.

Associate Planner Palmer advised this will go before the City Council on September 21, 2020.

b. Preliminary Plat; Benton Addition on Ferry Street

Associate Planner Palmer reported the Anoka HRA is replatting four lots into two lots with plans to develop the property with two single family homes. He identified the appropriate easements that would be dedicated with the plat. He reviewed the subdivision requirements noting that the proposed lots would meet those requirements and parkland dedication would be required in the form of monetary compensation. He stated that access would be determined at a later date.

Chair Kjonaas opened the public hearing at 8:32 p.m.

Darlene Argon, 1818 State Avenue, asked if this would create two lots for single family homes and would not be used for offices.

Chair Kjonaas confirmed that the property is zoned residential.

Ms. Argon commented that Franklin Lane is very busy and has traffic moving over the speed limit so she simply wanted to ensure that this would not generate a lot of traffic.

Corey Ron, 1830 State Avenue, asked if the area across Ferry Street would be used for parkland or whether that would be used for office space. He commented that putting a home off Ferry would not be conducive because of the traffic and asked if had been considered to put a small business or office space in that location. He commented that the traffic along Benton is quite heavy, therefore access from there to that lot could be prohibitive. He stated that there are older homes in the area and the thought of putting brand new homes does not seem to match. He asked if there would be an infill requirement.

Chair Kjonaas stated that the request in front of the Commission is simply to plat the property.

Associate Planner reviewed the zoning in this area, which is residential, noting that this is not a commercial corridor. He stated that the Council and HRA have discussed the vision for the corridor and this was the direction from the HRA.
Mr. Ron stated that he likes the idea of two single family lots there but a single-family home off Ferry Street also seems counterproductive. He stated that he does support the combination of four lots into two lots.

As no one further wished to appear, Chair Kjonaas closed the public hearing at 8:37 p.m.

Commissioner Cook stated that he lives in close proximity to the location and commented that it would seem ideal for mixed use, with retail on the ground floor and residential on the second floor. He asked if there is any way the property could be zoned R-1/mixed use.

Chair Kjonaas stated that is not the request made by the applicant.

Commissioner Bonthuis stated that the property is currently owned by the HRA and once the property is sold, the property owner could request a rezoning.

Associate Planner Palmer stated that if this is approved and the property is sold, a property owner could simply submit a building permit for a single-family home.

Commissioner Cook asked if it would make sense for the Commission to deny the residential zoning and ask for a rezoning to mixed use.

Commissioner Rech noted that the zoning is not in question and this is simply replatting four lots into two lots. He stated that it makes sense that these four odd shaped lots are being replatted into two conforming lots. He commented that it would seem that the Commission is perhaps overthinking this application.

**MOTION WAS MADE BY COMMISSIONER BREWER, SECONDED BY COMMISSIONER BONTHUIS, TO RECOMMEND APPROVAL OF A2020-011 PRELIMINARY PLAT FOR THE NORTHEAST CORNER OF FERRY STREET AND BENTON.**

7 ayes – 0 nays. Motion carried.

c. **Sign Variances; Mauer Main Chevrolet – 435 W. Main Street**

Associate Planner Palmer reported the applicant, Mauer Main Chevrolet, is requesting approval of a new freestanding EMC sign along Highway 10. He stated that the property is zoned Main Street Mixed Use, West Main Subdistrict, and currently has two pylon signs, one along Highway 10 and one along West Main Street. He provided details on the proposed EMC sign. He provided details on the applicant’s plans to eliminate the pylon signs and replace them with EMC signs. He stated that the property is legal nonconforming and provided background information. He stated that
staff did not make a recommendation but simply asks the Commission to review the request against the criteria.

Commissioner Bonthuis asked how the business got to this point.

Associate Planner Palmer stated that his guess would be that the business had the signage approved over time and the property was later rezoned. He stated that commonly highway use businesses have large pylon signs. He stated that when staff met with Mauer Main they stated that they would like to replace the existing pylon sign along Highway 10 with EMC signs, but because the pylon sign is under lease with Chevrolet, this route would allow the applicant to move forward with the third pylon sign.

Jeremey McFarland, representing the applicant, stated that they would love to get rid of the highway pylon sign, but it is under lease with Chevrolet. He stated that they would like to modernize and install the EMC sign along Highway 10 to bring in more customers driving past Highway 10. He noted that they would be more than willing to add messages from the City on their EMC sign as well, explaining that their intent is to bring more people into Anoka. He did not think it would detract from the property or town but would instead add value.

Chair Kjonaas asked if the new sign would be leased.

Mr. McFarland stated that this new sign will be owned, and they plan to remove the leased sign when the lease is up, if possible.

Associate Planner Palmer stated that two signs are shown in the packet, noting that the applicant would prefer the option on the right with Mauer Main on the top but that would bring it further out of conformance and therefore they are choosing the option on the left without that branded top.

Mr. McFarland noted that they are not planning to change the sign along Main Street.

Chair Kjonaas asked if the applicant would be willing to enter into an agreement that the pylon sign will be removed when the lease expires in ten years.

Mr. McFarland stated that they would prefer to take that pylon sign down now, but they will have to wait until the lease expires.

Commissioner Brewer asked when the lease expires.

Mr. McFarland would estimate February 2030, as the lease renewed when the dealership changed ownership in February 2020.

Commissioner Brewer stated that she lives about three blocks from the dealership and has no objection to the business. She stated that she does have a problem with what has been done to the
parking area north of the main building. She stated that there are a number of poles that stick up on the air, noting that at least 31 lights shine down on the vehicles and it is never dark in that area because of the lighting from the dealership. She commented on the difficulty that people will have accessing this area once the road projects are completed. She noted that businesses to the west will also want the opportunity to advertise. She stated that if the existing pylon sign is going to remain for ten years, there would then be two signs and 31 parking lot lights.

Chair Kjonaas opened the public hearing at 9:01 p.m.

No comments.

As no one further wished to appear, Chair Kjonaas closed the public hearing at 9:02 p.m.

Commissioner Coleman asked if the EMC would be on at night.

Mr. McFarland confirmed that sign would remain on all the time and would not be direction to get to the road, it would simply advertise sales and other events. He noted that they would follow all the EMC sign regulations.

Commissioner Bonthuis asked if the lights mentioned by Commissioner Brewer have been there.

Mr. McFarland confirmed that those lights have been in existence.

**MOTION WAS MADE BY COMMISSIONER BONTHUIS, SECONDED BY COMMISSIONER NEMEC, TO RECOMMEND APPROVAL THE VARIANCE FOR SIGNAGE AT 435 WEST MAIN STREET.**

6 ayes – 1 nays (Brewer). Motion carried.

**MISCELLANEOUS:**

Commissioner Brewer stated that these are historic times and the minutes should reflect that the group is meeting with some members attending via Zoom and staff stated that they would show that reflection. She stated that she feels strongly that the minutes should show that this is the way the group is communicating because of the need to social distance in order to conduct a group meeting. She requested that this be reflected in the minutes as the group continues to meet this way in order to reflect the history of the times.

**ADJOURNMENT:**

**MOTION WAS MADE BY COMMISSIONER NEMEC, SECONDED BY COMMISSIONER BONTHUIS, TO ADJOURN THE MEETING.**
7 ayes - 0 nays. Motion carried.

Time of adjournment: 9:06 p.m.

BACKGROUND
Staff is proposing a zoning text amendment to the Main Street EM-2 Sub-district to add “Vet Center” as a permitted use and add a new definition for the use “Vet Center”.

On June 22, 2020 the City Council at its regular scheduled work session discussed the property at 700 East Main Street as the former location of Gould’s Diamonds & Jewelry. The property was purchased by C2A, LLC. The new owners are seeking to renovate and then lease the existing building to the U.S. Department of Veterans Affairs (VA) for the establishment of a “Vet Center” (Readjustment Counseling). Regarding Vet Centers, the VA’s website says “Readjustment counseling is a wide range of psycho social services offered to eligible Veterans, Service members, and their families in the effort to make a successful transition from military to civilian life. The reason for the discussion was the subject property is zoned Main Street Mixed Use, East Main Street Subdistrict 2 (EM-2). The proposed use is not specifically defined in the zoning code. The use is consistent with a few different uses either allowed or not allowed in the zoning district. The new owners have submitted a building permit application and plans for renovating the building. Staff sought direction from the City Council related to the interpretation of the zoning code and the proposed Vet Center use.

The City Council on June 22, 2020 provided interpretation and direction to bring forward necessary zoning text amendments to the Zoning Code. The building permit was issued for the Vet Center back in June of 2020 and is currently under construction.

PROPOSED TEXT AMENDMENT(S)
Staff is proposing the following zoning text amendment below in red:

Section 78-316 (h) (3) East Main Street Sub-district (EM2)
   (a) Permitted Uses.
       (4) Vet Center

Section 78-2-Definitions

_Vet Center_ means a United States Federal Government community-based counseling center facility run by the Department of Veteran Affairs within the Veterans Health Administration Readjustment Counseling Service or RCS that provides a wide range of social and psychological services, including professional readjustment counseling to eligible Veterans, active duty service members, including members of the National Guard and Reserve components, and their families. This does not include transitional housing or homeless shelter services.
RECOMMENDATION
Staff is recommending to the Planning Commission approval of the proposed text amendments as presented.
Mayor Rice asked for input from the firefighters and the proposed timeline and administrative frustrations and stated when a fire alarm goes off all continue to respond because good leadership was in place and the frustrations with the Board addressed separately. Weidenbock replied the process has gone on too long and was affecting businesses and attitudes of firefighters but agreed no internal changes were needed.

Councilmember Freeburg noted Champlin was likely thinking the same thing and encouraged the Fire Board to move forward. Mr. Lee stated Champlin was engaged and agreed a change was needed.

Mayor Rice suggested reviewing nearby cities with fire boards for comparison adding this make up has worked well for the past 30 years but may need review. He said he invited input from firefighters prior to any meeting and thanked them for their attendance.

Council consensus was to arrange for a joint meeting with the City of Champlin elected officials and staff to further discuss the process prior to the next Fire Board meeting on July 8.

3.2 Discussion; East Main Street Zoning Interpretation Related to Proposed Vet Center Use.

City Planner Clark Palmer shared a staff report with background information stating the property of 700 East Main Street is the former location of Gould’s Diamonds & Jewelry. The property was recently purchased by C2A, LLC. The new owners are seeking to renovate then lease the existing building to the U.S. Department of Veterans Affairs (VA) for the establishment of a “Vet Center” (Readjustment Counseling). Regarding Vet Centers, the VA’s website says “Readjustment counseling is a wide range of psycho social services offered to eligible Veterans, Service members, and their families in the effort to make a successful transition from military to civilian life.” The reason for the discussion is the subject property is zoned Main Street Mixed Use, East Main Street Subdistrict 2 (EM-2) and the proposed use is not specifically defined in the zoning code. The use is consistent with a few different uses either allowed or not allowed in the zoning district. The new owners have submitted a building permit application and plans for renovating the building and staff is seeking direction from the City Council related to the interpretation of the zoning code and the proposed Vet Center use.

Councilmember Freeburg expressed concern about sufficient parking. Mr. Palmer said preliminary analysis showed parking standards would be exceeded and meet City code requirements.

Councilmember Skogquist said it seems there are overlapping definitions and asked Mayor Rice for some input based on his work with social service agencies. Mayor Rice agreed there was overlap in definitions but said if you separate out some of what is offered based on a traditional mental health type clinic it seems this should be defined more as a mental health clinic and not a social services use.
Councilmember Wesp asked if the business was for profit or a non-profit organization, associated with the VA and able to dispense prescriptions, or would it be more like a business similar to Haven for Heroes.

Matt Bock, C2A, LLC, stated explained they purchased the building and would be leasing directly to the VA to operate. He said C2A was a small VA-owned business and that they do a lot of work with the VA.

A representative for the VA (unnamed), explained their work and stated they were licensed independent social workers and therapists for support health and would create a small clinic with no psychiatry services offered.

Councilmember Barnett asked if this would come before the Planning Commission first. Mr. Palmer said they would get involved if there was a determination that the use did not meet code, similar to the recent currency exchange code amendment, but said a building permit was already applied for and when submitted staff reviewed and saw both sides and thought it best to bring this forward to Council to provide clear direction.

Councilmember Freeburg said since this was a gray area the use should be allowed and he would be in favor of not going before Planning Commission because this was a good use and allowed the building to be functional. Mr. Palmer said if a determination was made that this use meets the medical clinic definition and parking standards the applicant could begin construction and staff could still review code and other similar uses and determine the Vet Center was a governmental-based unique use that provided a wide range of services.

Mr. Lee said if Council wanted to move forward with Option 2 and narrowly define this use he noted we recently removed a counseling center from the City and this action could open the door for other centers in the downtown district and suggested including language that this type of use require federal funds.

Councilmember Freeburg noted we do not limit the number of doctor clinics in the City and was not in favor of opposing this use for veterans as it was not a center but more appointment-based.

Mr. Bock said they felt they met the current zoning and the only way they would not is if they were deemed a social service agency and said while he did not believe it to be intentional their specific use was not allowed in any area of the Code and suggested review of City Code to ensure they would be specifically allowed but said Council should feel comfortable moving forward at this site with the knowledge they fit the medical use currently.

City Attorney Scott Baumgartner said staff struggled with the interpretation based on current definitions and whether allowed or not the concern was about other hybrid uses that would also be allowed then spoke about definitions and ancillary services which help distinguish other treatment facilities. Mr. Bock explained they were not assessment
heavy and could not do diagnostic assessments and were entirely treatment focused and are not a chemical treatment facility.

Mayor Rice asked if the clinic would see clients who were not veteran related. Mr. Bock said under federal statute they could treat any eligible veteran or anyone the veteran defined as family.

Mr. Palmer explained the three criteria included social service agency, medical use, and medical/governmental office that would allow generic definition diagnosis for treatment for psychiatric and patient care. He said the proposed use was more of a hybrid and any text amendment would go to Planning Commission for public hearing then referred to the pending building permit now and asked if we wait to amend the code or issue now the permit now and direct staff to begin the work to amend the code.

Councilmember Skogquist said he was comfortable allowing the building permit then working towards amending the code. Councilmember Barnett agreed, stating the definition was ambiguous enough and hoped we would move forward quickly to amend the code as she agreed the City would receive additional requests.

Mayor Rice noted Mr. Bock said they do not do diagnostic work and all definitions include diagnosis and therefore the use has to be categorized under governmental building. Mr. Baumgartner said if we move ahead in order to allow as a permitted use, we have to lean towards identifying as a permitted use now then redefine and include vet center soon, adding we cannot be ambiguous as this closely resembles a current use.

Planning Commissioner Bonthuis stated if this was a governmental agency was it tax free and would the Planning Commission to approve the code amendment based on what was before them. Community Development Director Doug Borglund noted the property was privately owned and leased to a government agency and therefore is a tax paying property and that the use would not come before the Planning Commission but the text amendment would.

Mr. Baumgartner said this was a comingled definition and that staff has to be reactionary and go back to the Planning Commission as this was a unique hybrid and would look to the Commission for definitions that better identifies what this use is as well as other government uses to help distinguish the Vet Center from other potential users.

Mayor Rice said he would like to provide the Planning Commission with input and direction instead as he did not want them to make a definition fit but instead look at conflicts in definitions and identify a use that way. He noted if this was not an allowed use it would become a legal non-conforming use anyway.

Councilmember Barnett confirmed if the use becomes legal non-conforming and the building owner leases to the VA and they leave in the future the owner would not be able to lease to another legal non-conforming use.
Council consensus was to move forward with a proposed code amendment.

3.3 Discussion: Blighted Properties.

Mr. Palmer shared a staff report with background information stating staff would like to have a discussion with the City Council related to blighted properties and code enforcement. Staff presented tools currently available to bring properties into compliance and said staff was seeking input on what tools should be used in specific cases, including the issuance of administrative citations, referrals for criminal prosecution, hazardous building declarations, and the abatement of violations including court authorized forced demolitions. He noted over past few years staff has worked to clean up many properties but some are still lingering and present challenges that would result in forced demolition on a home which may not be the best solution if the home had historical significance or other reasons and said staff was seeking direction on other remedies.

Councilmember Freeburg said blighted properties was the reason he ran for Council 24 years ago then referred to the Fischer House and the Hartfield House and suggested threatening sale to reach compliance. Mr. Palmer said City code allows for abatement and noted we did paint the Fischer House once and likely would not abate it through repair but instead do a forced demolition on the home.

Councilmember Freeburg said he did not want to demolish a home but said the current structure was not good for the neighborhood either. Mr. Borglund noted the process would not be condemnation but hazardous structure procedure.

Housing Manager Darin Berger said he has met with the homeowner numerous times to address this home and would be touring the home with an appraisal this week to hopefully bring an offer to purchase to the HRA at their next meeting, similar to when they purchased 319 Monroe Street.

Councilmember Freeburg asked about the home on Highway 10 and Ferry Street. Mr. Palmer said this was the reason for the discussion as this home and another needed to be addressed but the City had limited resources and had to address one at a time. He said the next step was the home on 3rd Avenue and felt they were moving in the right direction but if not hoped to be purchased by the HRA.

Mr. Borglund said staff had asked the courts to stay the sentence to allow for the appraisal process because it not the property owner would be subject to jail time and a fine but the City would still have the blighted property and while some believed the home was historic and should be restored we had limited time and resources for that process.

Councilmember Freeburg asked if the home was replaced would it still be historic in nature and encouraged the HRA to purchase the home. Mr. Palmer said it would depend on how the property was restored and noted the porch was pulling away from the foundation and the property owner had considered just removing the porch which would be harmful to the architectural aspect of the home.
Councilmember Barnett said allowing these homes in these conditions was unacceptable and having enforcement occur on different timelines lacks transparency and honesty by treating some property owners differently than others but understood what motivates one property owner could be different than another and encouraged creating a draft of a timeline that included first warnings, civil fines, abatement, etc. She said if not successful then she would be comfortable with forced demolition and while identifying motivated buyers was great but did not always serve the City to be historic if it affected public safety and the neighborhoods.

Mr. Baumgartner commented addressing hazardous properties was necessary to protect the public and explained the process utilized to date had worked quite well in many cases and keeps the process moving forward and that ultimately an abatement could be needed and if done consistently word spreads and hopefully more compliance is reached.

Councilmember Skogquist asked about the special assessment process and if not paid goes tax forfeit. Mr. Baumgartner said the process is actually a court process to get the order and then get approval for tax purposes but was unsure if they fail to pay taxes would it result in tax forfeiture as he thought it was more like a condemnation process instead. He said some tools are more costly in time and money than others and the key is to find the best one that works with each property owner.

Mayor Rice spoke about having a consistent policy but said we cannot take 25 years to address a blighted property and that there has to be enough support by Council and staff to be carried forward in a timely manner, stating both these homes are historic homes but the problem has to be addressed.

Councilmember Barnett summarized Council consensus to allow the HRA to acquire the one property if possible and if we have exercised every other option available for the other property would support sending an abatement letter for correction and if not completed correction would occur up to and including forced demolition.

Councilmember Skogquist said staff was clear about the process and follow-through and was hopeful the HRA would be successful as this needs to be addressed as citizens should not have to deal with these types of properties.

Mayor Rice left the meeting at 6:55 p.m.

3.4 Discussion; Capital Improvement Plan (CIP)/Equipment Replacement Plan (ERP).

Finance Director Brenda Springer stated annually Council and staff review the five-year capital improvement plan and equipment replacement plan prior to adoption. The document is for planning purposes and allows staff to project future funding needs based on planned capital improvement projects and equipment replacement. This Capital Improvement Plan and Equipment Replacement Plan is in a draft form. The capital improvement and equipment replacement plan impact several governmental and business