

**ANOKA PLANNING COMMISSION
REGULAR MEETING
ANOKA CITY HALL
TUESDAY, FEBRUARY 4, 2020
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, Shari Nemec, and Peter Rech

Planning Commissions absent: James Cook.

Staff present: Associate Planner Clark Palmer

APPROVAL OF MINUTES:

- a. Approval of January 7, 2020 Regular Meeting Minutes

MOTION WAS MADE BY COMMISSIONER BREWER, SECONDED BY COMMISSIONER NEMEC, TO APPROVE THE MEETING MINUTES OF JANUARY 7, 2020, REGULAR MEETING.

6 ayes – 0 nays. Motion carried.

- b. Approval of January 7, 2020 Work Session Meeting Minutes

MOTION WAS MADE BY COMMISSIONER BONTHUIS, SECONDED BY COMMISSIONER COLEMAN, TO APPROVE THE MEETING MINUTES OF JANUARY 7, 2020, WORK SESSION MEETING.

6 ayes – 0 nays. Motion carried.

NEW BUSINESS:

None

OLD BUSINESS:

None

PUBLIC HEARINGS ON NEW APPLICATIONS:

Lot Split/Division of Two-Family Dwelling; 2302/2304 State Avenue

Associate Planner Palmer reported the applicant, the 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 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.

Associate Planner Palmer stated that 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 of the owner, the other dwelling unit is rented.

Associate Planner Palmer reviewed the analysis of criteria for division of two-family dwellings. He stated that staff recommends approval of the application subject to the conditions noted in the staff report.

Chair Kjonaas asked if the City has to verify that the utilities are independent of each other for each unit.

Associate Planner Palmer stated that the Code specifies that the utilities should be separate if feasible. He stated that any shared services could be addressed in the declaration of covenants and restrictions. He stated that the applicant has stated that all the services are separate.

Chair Kjonaas asked if the setbacks would need to be addressed through separation action.

Associate Planner Palmer stated that the steps are existing and noted that the Code states that except for the common lot line, all other setbacks shall be met.

Chair Kjonaas noted that there are several conditions/actions that will need to be completed by the applicant and asked if there is a time limit for accomplishing those actions.

Associate Planner Palmer stated that a timeline would not need to be set. He noted that the conditions would simply need to be met prior to the City approving the lot split.

Commissioner Brewer referenced condition seven and asked who would be responsible in the case of damage.

Associate Planner Palmer stated that the lot split is not official until it is recorded by the County, and the City will not stamp its approval until all the conditions are met. He explained that even the approval of the Commission and Council does not make the lot split official, noting that occurs when the City stamps the application and it is submitted to the County.

Commissioner Nemeč referenced the condition related to outside architecture (roof and siding color) and asked if that also applies to the garages.

Associate Planner Palmer agreed that all those elements would be addressed in the declaration of covenants and restrictions.

Commissioner Rech asked if the City Attorney would draft the declaration.

Associate Planner Palmer confirmed that the City Attorney would draft the document and that would be reviewed by the applicant's attorney.

Commissioner Bonthuis referenced the survey and stated that to the north it identifies a proposed garage and the proposed to the south identifies a proposed home and proposed garage.

Associate Planner Palmer explained that this survey was completed at the time the second dwelling unit was added to the property in 2004. He stated that in a perfect world an updated survey would have been provided but staff agreed that this survey would suffice as it communicates the zoning standards. He noted that an updated survey will be required prior to final approval by the City.

Commissioner Bonthuis stated that it appears the driveway is at an angle and asked if it is known as to whether the material is asphalt or concrete.

Associate Planner Palmer replied that both driveways are asphalt.

Chair Kjonaas asked the size of the garages.

Associate Planner Palmer replied that both garages are 20 x 24, or 400 square feet, and are two-car garages.

Chair Kjonaas opened the public hearing at 7:20 p.m.

Todd Christianson, applicant, stated that he purchased the original property in 1998 and created the second dwelling unit in 2004. He noted that the second dwelling unit was constructed in a manner which would allow the units to be split in the future. He provided details on how the utilities were brought in for the second dwelling unit. He stated that he has received materials from the City expressing the desire to turn rental properties into owner occupied dwellings and noted that his daughter has interest in purchasing one of the units and therefore thought this would be a good time to split the property. He stated that currently both sides are rented.

Commissioner Brewer asked if there is a reason that renters would choose not to park in the garage and instead park in the grass in front of the door.

Mr. Christianson stated that he has expressed that concern to his renters. He noted that one of the renters has stage four lung cancer and has a relative that comes to assist him and therefore he has tried to go easier on him during his fight with cancer.

Commissioner Brewer stated that she did drive past the home today and noticed a passenger taking a long time to get out of the vehicle and wondered if there was a medical issue.

Mr. Christianson commented that the renter has been a great tenant and has been in the unit for the past 13 years and it is an unfortunate circumstance that he is going through. He stated that both units will receive new siding and roofing, due to hail damage the previous year.

Commissioner Bonthuis asked for details on the plywood.

Mr. Christianson stated that plywood is not fastened to anything and was simply put up against the railing/roof to create a wind barrier for his long-term renter to smoke and can be removed.

Commissioner Rech asked what the applicant would do with the second unit, as it was mentioned that the applicant's daughter was interested in purchasing one of the units.

Mr. Christianson replied that his daughter is thinking about purchasing the larger unit and he would then place the second unit for sale. He stated that he would like to let the long-term tenant remain for as long as he would need to and explained that side would need some updating prior to sale.

Commissioner Rech asked the size of the smaller unit.

Mr. Christianson replied that the smaller unit has two bedrooms on the upper level with one additional bedroom on the lower level that has an egress window.

Chair Kjonaas noted that there was a mention of how the sewer was connected for the second unit and asked if the unit has been connected to water as well.

Mr. Christianson confirmed that water is also connected and there are separate shutoffs for each unit. He explained that the water and sewer are connections separate to each unit.

Commissioner Brewer asked if there is a back door which would allow residents to use that access when using the garage, rather than walking all the way around.

Mr. Christianson replied that the residents do need to go all the way around and access from the front. He noted that the homes are typical split entries with access from the front and no attached garages. He noted that all the bedrooms have the proper windows.

Associate Planner Palmer clarified that Code only requires one entrance. He noted that sometimes attached garages provide a second entrance, but these units do not have attached garages.

Commissioner Bonthuis asked if the property could be sold as a duplex.

Associate Planner Palmer replied that the property could be sold as a duplex as it is legal nonconforming. He stated that if sold as a duplex, the property would remain as rental units. He stated that if the proposed action moves forward, this would create two single-family homes attached at the party wall. He confirmed that the applicant could sell one unit, keep the other unit and continue to rent that second unit.

Mr. Christianson stated that is not his intention. He stated that his daughter is interested in purchasing one unit and while it would take him some time to update the second unit once that tenant moves on, his intention would be to sell both units.

Commissioner Bonthuis asked if there are other rental properties on that block.

Associate Planner Palmer replied that a duplex does not count towards the rental limit. He confirmed that if the split were approved, both units would become single-family homes and if rented would count towards the rental limit for the block.

Commissioner Nemecek asked if after split into two single-family homes, one person could purchase both homes, living in one and renting the other.

Associate Planner Palmer confirmed that could be done if the rental home is within the rental limit for the block. He stated that there is currently one rental license available on that block.

Mr. Christianson stated that his daughter purchasing the home is not yet set in stone but noted that his daughter does not have interest in renting the second home. He stated that he does not have the intention of continuing to be a landlord either.

As no one further wished to appear, Chair Kjonaas closed the public hearing at 7:35 p.m.

Associate Planner Palmer stated that when he spoke with the applicant, he explained that the updated items could be provided at a later date through conditions, and the application could come forward to the Commission and Council first to determine if there was support prior to the applicant spending the additional funds on those items. He asked if the Commission would be comfortable with having those actions as conditions.

Chair Kjonaas stated that the only party that could lose on the conditions is the property owner, as those actions would need to be completed before the split could be completed.

The Commission confirmed consensus with allowing the action to move forward pending on the conditions being completed.

Chair Kjonaas stated that he would still prefer to have a timeline enacted in terms of recording the lot split.

Associate Planner Palmer stated that this would be similar to the process for a Site Plan, which can be approved but is not final until recording at the County occurs. He noted that often times a Site Plan is approved but then dies for lack of action.

Commissioner Nemec asked if a timeline of perhaps two years could be used, that would require the request to come back before the City if it does not move forward during that timeline.

Associate Planner Palmer stated that he could entertain that suggestion and discuss it with the City Attorney. He asked what the Commission would be mitigating against by setting a deadline.

Commissioner Nemec stated that things change over time and if this does not move forward for eight year, perhaps additional conditions would be applicable.

Associate Planner Palmer agreed that would make sense if the zoning standards change.

Commissioner Bonthuis referenced a Site Plan which did not move forward within one year and then was not approved when it came back before the Commission after that one-year period.

Associate Planner Palmer agreed with Commissioner Bonthuis that the Site Plan language does include a period of one year before the approval expires. He stated that he will speak with the City

Attorney and determine if the language could mirror that of a Site Plan, in which the approval would expire after one year. He noted that he will have that information ready to present at the City Council review if the Commission is comfortable with that.

MOTION WAS MADE BY COMMISSIONER RECH, SECONDED BY COMMISSIONER NEMEC, TO RECOMMEND APPROVAL OF THE APPLICATION FOR LOT SPLIT/DIVISION OF A TWO-FAMILY DWELLING, SUBJECT TO 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 following:
 - 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.
4. The conditions of approval shall be met within one year of approval.

6 ayes – 0 nays. Motion carried.

MISCELLANEOUS:

Next work session will be Wednesday, February 19th at 5:00 p.m.

Next regular meeting will be Wednesday, March 4th at 7:00 p.m. in the Council Chambers.

ADJOURNMENT:

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

6 ayes - 0 nays. Motion carried.

Time of adjournment: 7:44 p.m.

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