CRYSTAL PLANNING COMMISSION MINUTES

Monday, November 14, 2016 at 7:00 p.m.

Council Chambers, Crystal City Hall

1. CALL TO ORDER

The regular meeting of the Crystal Planning Commission convened at 7 p.m. with the following members present:

X Commissioner (Ward 1) Sears [Secretary]	X Commissioner (Ward 2) Selton	X Commissioner (Ward 4) Einfeldt-Brown
X Commissioner (Ward 1) Heigel [Chair]	X Commissioner (Ward 3) VonRueden	X Commissioner (Ward 4) Johnson [Vice Chair]
X Commissioner (Ward 2) Strand	X Commissioner (Ward 3) Buck	X Commissioner (At-Large) Daly

Other attendees: City Planner Dan Olson, City Council Liaison Jeff Kolb, Drew and Terri Kabanuk

2. APPROVAL OF MINUTES

Moved by Sears and seconded by Buck to approve the minutes of the September 12, 2016 regular meeting. All ayes.

Motion carried.

3. PUBLIC HEARING

a. Conditional Use Permit Amendment request from Drew Kabanuk for a fence at 5717 West Broadway Avenue North (Application Number 2016-11)

Planner Dan Olson presented a summary of the staff report and stated that staff is recommending approval of option B for the fence as described in the staff report.

Commissioner Daly asked what the outdoor sales business is. Mr. Kabanuk stated that the business is a hardware store. They will store items outdoors and need security for those items. They have had some thefts recently on the property. Mr. Kabanuk understands the city's aesthetic concerns but he has spent a lot of money on the fence already and his fence contractor told him it was okay to construct it with the barbed wire. Daly asked when the business might open. Mr. Kabanuk said in about three months for the larger tenant in the building. He has already purchased much of the inventory for the hardware store.

Commissioner Selton asked if the applicant was aware of the height limitation. Mr. Kabanuk said yes, but his contractor believed that the limitation did not include the

barbed wire. Selton asked the applicant if he understood the other conditions from the approved CUP. Mr. Kabanuk said yes.

Commissioner Vonrueden asked staff if a 6' high fence without barbed wire could be approved. Olson said yes. Vonrueden asked the applicant if he plans to remove the fence and start over if option B is approved. Mr. Kabanuk said he would just add on to it, and feels like it's a reasonable request since many big box home improvement stores have fences that are much taller.

Commissioner Sears suggested that the applicant be allowed to have the barbed wire, but just bend it down so that it's not visible. Mr. Kabanuk said he wouldn't want anyone to climb over it and then get hurt when they discover the barbed wire is there.

Commissioner Heigel asked for clarification on the fence criteria – is there language in the code that prohibits fences if they are not compatible with the building? Olson clarified that the language in quotes in the staff report is the code language, and that staff made a determination from that standard that the proposed barbed wire fence is not compatible with the area.

Commissioner Daly said the barbed wire is not inviting to retail customers. Mr. Kabanuk said he wishes that barbed wire would not be necessary to provide security.

Commissioner Sears asked staff if this was a situation where a variance could be granted. Olson stated that since the zoning code specifically requires a CUP for a fence higher than 6' that is the application Mr. Kabanuk applied for. The applicant is simply requesting to amend one of the conditions from the 2015 CUP approval.

Commissioner Strand said she remembers a situation of a property owner who constructed a nonconforming fence and that fence had to be removed.

Commissioner Heigel commented that if the applicant desires security, the proposed fence would only provide security for that end of the building. Mr. Kabanuk agreed, but said he's only worried about security for his hardware store. Heigel thought that aesthetics was one of the most important reasons for not allowing a barbed wire fence.

Commissioner Vonrueden stated that he prefers an 8' high fence without barbed wire. It would be difficult for a thief to throw items over a fence that high. Mr. Kabanuk stated that it will cost him $5,000 to re-do the fence.

Commissioner Daly asked the applicant if he installed any security cameras. Mr. Kabanuk said he has an alarm system.

Commissioner Selton commented that there is a lot of room under the installed fence for a person to climb under.

Commissioner Johnson said he couldn't support a barbed wire fence.

No one from the public was present for the public hearing. Chair Heigel closed the hearing.

Moved by Commissioner Selton and seconded by Commissioner VonRueden to recommend approval of option B for the fence to the City Council with the findings of fact

as detailed in the staff report. Ayes: Heigel, Sears, Selton, Buck, VonRueden, Einfeldt-Brown, Johnson, Daly. Nay: Strand.

Motion carried.

4. OLD BUSINESS – None

5. NEW BUSINESS

a. Request for a one-year time extension from Drew Kabanuk for an approved conditional use permit (CUP) at 5717 West Broadway (Application Number 2015-05)

Planner Dan Olson presented a summary of the staff report, and stated that staff is recommending approval of the extension request.

Commissioner Strand asked if the installation of the fence could be considered beginning the construction of the outdoor sales area. Planner Olson stated that since the zoning code does not clearly define when construction commences, staff erred on the side of caution and is recommending the extension for both approved conditional uses. This language will be made clear with the city code update.

Commissioner Selton asked if the condition could be made clear by saying that the 2015 CUP was amended on November 14, 2016. Olson stated that the Commission could add that language to the condition if they choose, but have the date be December 6th since that is the date of the Council action.

Commissioner Heigel asked the applicant if he would be finished with the two conditional use projects by the end of 2017. Mr. Kabanuk said yes.

Moved by Commissioner Selton and seconded by Commissioner Einfeldt-Brown to recommend approval of the one-year extension to the City Council with the condition as amended. Ayes all.

Motion carried.

6. GENERAL INFORMATION

a. City Council actions on previous Planning Commission items:

- Variance for detached garage at 5565 Welcome Avenue North
- Variance for attached garage at 5440 Twin Lake Terrace
- Subdivision request for Bottineau Gardens preliminary plat

Planner Olson said that the above three applications were approved by the City Council as recommended by the Commission.

b. Update from Council Liaison

Council Liaison Kolb said that with the recent election there will be two new faces on the Council. The city's budget process will be completed on December 6th when the

Council will adopt the final budget. The city recently received a COPS grant to hire two new officers. The Council is undertaking commission interviews for 2017.

c. Update on City Code Review Task Force
Council Liaison Kolb reported that the City Council has completed their update of chapter 4 of the Code, except for signs which will be revised later.

d. Staff preview of likely agenda items for Monday, December 12, 2016 meeting

Planner Olson reported that he is expecting a site plan application from Prescription Landscape for a new parking lot.

7. OPEN FORUM

Commissioner Einfeldt-Brown stated that he brought flowers to the meeting in honor of the recent passing of former Mayor Peter Meintsma. Commissioners Sears and Strand both stated that Meintsma encouraged them to be on the Commission. No one else spoke before the commission.

8. ADJOURNMENT

Moved by Commissioner Sears and seconded by Commissioner Buck to adjourn. All ayes.

Motion carried.

The meeting adjourned at 8:10 p.m.