

**MINUTES OF THE REGULAR MEETING  
PLANNING COMMISSION  
LITTLE CANADA, MINNESOTA**

**FEBRUARY 11, 2021**

Pursuant to due call and notice thereof a regular meeting of the City Council of Little Canada, Minnesota was convened on the 11<sup>th</sup> day of February, 2021 in the Council Chambers of the City Center located at 515 Little Canada Road in said City.

Chair Nick Schwalbach called the meeting to order at 5:05 p.m. and the following members of the Planning Commission were present at roll call:

**PLANNING COMMISSION:** Johnson, Kulousek, Kwapick (arrived at 6:00 p.m.), Schwalbach, Buesing (arrived at 6:05 p.m.), Thorson and Quarles. Absent: None.

**ALSO PRESENT:** Community Development Director/ Planner Corrin Wendell and consulting planner Bill Weber.

*In accordance with the requirements of Minn. Stat. Section 13D.021, the City Administrator has determined that an in-person meeting is not practical or prudent because of a health pandemic or an emergency declared under Chapter 12 of the Minnesota Statutes.*

*Because of the health pandemic and emergency declaration, it has been determined that attendance at the regular meeting location by elected officials and members of the public is not feasible. Therefore, some or all of the City Council members may be participating by telephone or other electronic means. This meeting will be recorded in its entirety.*

*Members of the public may monitor the meeting on the CTV North Suburbs website (live stream) or use the meeting link provided on the city website prior to the meeting.*

**ADOPT AGENDA**

The agenda was adopted as presented.

**MINUTES**

Commissioner Johnson made a motion to approve the December 10, 2020 Planning Commission minutes as submitted. Commissioner Thorson seconded the motion. The motion was unanimously approved.

**OPEN TO THE PUBLIC**

No comments.

**COMMISSION BUSINESS: CONDITIONAL USE PERMIT – 80 MINNESOTA AVE**

The Community Development Director presented a request for the Conditional Use Permit at 80 Minnesota Avenue to allow massage therapy. She explained that this use is allowed through the CUP process and stated that the applicant would be renting a suite within the facility located at

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80 Minnesota Avenue. She stated that the site is within the B-3 zoning district and provided a summary of the conditions of review that were included within the staff report. She noted that the Council would consider this request allowing with the required licensing request at its meeting. She stated that staff believes that the applicant meets the conditions as described in the staff report.

Commissioner Thorson commented that a similar massage business received a CUP on County Road C and therefore if there are no issues, he would support approval of this request as well.

The Community Development Director stated that there is a member of the public on the call tonight and the Commission welcomed that resident to provide input.

Carol Heitzman commented that she is a neighbor to the strip mall and received the notification in the mail. She stated that she is not opposed to the request but simply wanted to gain information about the request.

Chair Schwalbach stated that additional information can be found in the staff report on the City website if Ms. Heitzman wanted to review that information as well.

Thorson introduced the following motion:

***RECOMMENDING THE APPROVAL OF A CONDITIONAL USE PERMIT APPLICATION TO ALLOW MASSAGE THERAPY, LOCATED AT 80 MINNESOTA AVENUE, PARCEL ID 072922330028, SUBJECT TO THE CONDITIONS NOTED IN THE STAFF REPORT.***

The foregoing motion was duly seconded by Johnson.  
Ayes (5). Nays (0). Motion passed.

Chair Schwalbach confirmed that this item will move forward to the City Council on February 24<sup>th</sup>, at which time additional public input can be provided.

Ms. Heitzman referenced the other massage therapy business on County Road C or Little Canada Road and asked if that is a different business owner.

Chair Schwalbach replied that it was a different applicant, but he is unsure if that business is still in operation at this time.

**COMMISSION BUSINESS: ZONING CODE DRAFT LANGUAGE**

The Community Development Director stated that this is the first month that staff is bringing draft language to the Commission and they will continue to do so until the full final draft is prepared. She stated that this allows the Commission to review and comment in sections as this process moves forward.

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Bill Weber, Planning Consultant, commented that this will not be the only opportunity to review this language. He stated that as they continue to review the Code changes there will be plenty of opportunities to circle back. He stated that staff will also outline changes that may be sensitive or controversial, but most of the changes will be minor. He provided background information noting that the Code began to be drafted in the 1950's with language added in the 60's and 70's and therefore some of the language has become antiquated. He stated that some sections of the Code are also difficult to read and therefore this will also be an attempt to make the language more user friendly and readable. He reviewed some of the elements that will be incorporated to remove redundancy and make the Code more user friendly and easier to navigate. He stated that public input will be gathered throughout the process as well as several reviews by the Council to ensure that this process is transparent and that input from different sources will continue to be received.

The Community Development Director commented that Mr. Weber helped the City to draft the Comprehensive Plan, therefore staff believed that it would be helpful for him to assist in this process as he is familiar with the City's goals and vision.

Mr. Weber stated that this process will also change some of the conditional uses to permitted uses, as those types of uses do not typically need or benefit from that additional step. He stated that those uses that will remain as conditional will have additional applicable conditions found within the Code to assist the City in its review.

The Community Development Director confirmed that one of the goals of the City is to be business friendly and remove any barriers for uses that do not have any concerns.

Mr. Weber reviewed one of the proposed changes related to site plan. He stated that the proposed language would allow a site plan without any variances to simply be reviewed by City staff. He stated that a residential subdivision plat, requests for conditional use permits, variance and rezoning requests would continue to be reviewed by the Planning Commission and City Council. He provided additional information on conditional uses, noting that once a conditional use is approved it would only need to be reviewed if there is a complaint or if the applicant is not meeting the conditions and that ability is provided within the CUP itself, therefore additional language requiring annual review of all CUPs within the Code is redundant and not needed. He stated that some districts will remain unchanged and some districts will be updated to match the requirements of State law related to wetlands. He stated that only minor changes are proposed for the R-1 district and provided an overview of the proposed changes. He noted that there are no changes proposed to the R-4 district and stated that the proposed changes in the R-2 district would make it easier to have four-, six- and eight-unit buildings. He reviewed information related to setbacks and minimum lot sizes within the different districts.

Commissioner Johnson asked for clarification on the mention of daycare within R-1 and whether that would be an allowed use.

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Mr. Weber replied that daycare is an allowed use within any residential district per State law but clarified that there are different tiers of regulation for daycare.

Commissioner Johnson referenced the language related to bed and breakfast and boarding homes and asked for additional clarification on where Airbnb would fall in.

Mr. Weber replied that bed and breakfast is different than a vacation rental by owner. He stated that most suburbs are working on regulations for vacation rental by owner properties as that creates competition for hotels and also creates a commercial land use within a residential neighborhood. He stated that a bed and breakfast tend to be a quieter use and requires the owner to live at the property.

Commissioner Johnson asked if language would then be included for vacation rental by owner properties, as that would seem wise during this property.

Mr. Weber confirmed that would seem appropriate as that is a land use.

Commissioner Quarles asked for additional information on detached accessory dwelling units (ADU) and why that would not be allowed in R-1 as that would seem the appropriate place because of the larger lot sizes.

Mr. Weber stated that as currently proposed ADU's would not be allowed in the R-1 district but noted that is an item that the Commission should discuss. He did not feel that Little Canada is ready for that because it is similar to placing a second home on the lot and would require second sewer and water lines for that structure. He noted that typically that type of use also brings additional traffic, parking needs and is often used as a rental property. He stated that ADU is currently proposed as a conditional use within the R-2 district and as a permitted use in R-3. He stated that in those districts staff would expect more density.

The Community Development Director stated that additional living space is allowed above the garage, if attached to the principal dwelling structure. She confirmed that the Commission could further discussion whether it would want to allow that within R-1.

Mr. Weber confirmed that detached ADU's do provide an alternative living unit but there are implications and therefore there should be additional discussion by the Commission and Council on the topic but did not believe R-1 would be the appropriate place to add density at this time.

Commissioner Johnson stated that perhaps ADU's could be listed as a conditional use within R-1, which would allow the City to review requests on a case-by-case basis, as she could imagine conditions upon which that could be allowed. She suggested that if there is adequate parking provided, the confirming needs for a dwelling be provided while still meeting the appropriate setbacks and other zoning requirements.

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Mr. Weber stated that lot size could also be an applicable condition. He confirmed that staff could work to develop a list of conditions for the Commission to review.

Chair Schwalbach stated that he could see that some neighborhoods would not be good fits for ADU's, as it would increase density in already dense areas and therefore believed that the conditions should be relatively specific to ensure that the ADU would not impact the surrounding properties and neighborhood.

Mr. Weber provided an example in which the ADU is a very large and towering structure.

Commissioner Johnson commented that could easily be addressed by stating that the ADU could not exceed the height of the existing principal structure.

The Community Development Director stated that an ADU could provide an opportunity for affordable housing as well as offering an opportunity for someone to have an aging relative live on their property but maintain some independence.

Mr. Weber reviewed the proposed changes to the dimensional standards and setbacks within the residential districts. He provided additional information on the definition of front of the lot.

Chair Schwalbach referenced a recent plat where the City allowed a lesser lot width. He asked for information on lot width and what other communities are using in order to address the market demands.

Mr. Weber commented that Little Canada only has a small amount of land left to develop as low density residential as there are only two properties remaining.

The Community Development Director stated that there has been some discussion related to allowing smaller lot sizes to fit with the present market demands and perhaps there could be additional discussion on that topic if that is desired, noting that would increase density within R-1. She stated that the discussion could be related to current and future trends as there may be more opportunity for lot splits in the future.

Chair Schwalbach commented that this would seem like the appropriate time to consider that when the Code is being updated.

Commissioner Buesing stated that perhaps lot depth is also considered, as a smaller width would not necessarily require that depth.

Commissioner Johnson stated that in the previous development the Commission reviewed there were 65-foot lots.

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Chair Schwalbach stated that in that instance a variance was required for either density or lot width and therefore the Commission needed to make that choice and chose to issue the variance to lot width.

Mr. Weber stated that one of the proposed changes would require the garage to be further set back than the façade of the home.

Chair Schwalbach asked if that is a design preference.

Mr. Weber confirmed that it would be a design preference and would avoid the situation where a single-family home development looks like a townhome development.

Commissioner Buesing agreed that if the lot width is reduced, he would support requiring the garage further back.

Chair Schwalbach provided an example of a development within Little Canada where half the homes have garages closer than the front door and noted that he would not consider those as starter homes. He stated that it would seem to be a design preference and would be in conflict to being business/development friendly.

Mr. Weber confirmed that this is the intent of the discussion as there are some elements that are subjective. He again reminded the Commission that low density residential is almost completely developed. He noted that the City Manager does support this change.

Chair Schwalbach stated that when properties are redeveloped, they are most likely not \$200,000 homes. He stated that the development he mentioned has homes ranging in value from \$600,000 to \$800,000 and therefore he does not find the setback of the garage displeasing.

The Community Development Director stated that there could be areas within the design recommendations that would specify a preference that would be discretionary and not required.

Mr. Weber stated that there are more miles of residential development within the community compared to any other development and therefore the interaction of the garage to the street is an impactful element.

Commissioner Quarles commented that because most of the City is already developed in terms of low density residential, the Commission should consider how these regulations apply to redevelopment and how that interacts with the existing homes in those areas.

Mr. Weber continued to review the proposed changes within the residential districts of the zoning code. He stated that he would be open to reviewing a change to the minimum lot width within R-1.

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Commissioner Johnson believed that there would be benefits to reviewing that element.

Mr. Weber provided an overview of the changes proposed for the R-B district. He urged the Commission to continue to review the information discussed tonight and alert staff to any concerns or comments. He noted that the next review will focus on proposed changes to the commercial and industrial districts. He stated that if the schedule permits, this review will continue month by month throughout this process.

Chair Schwalbach thanked staff for the work they have put into this process.

**REPORT FROM STAFF**

No additional comments.

**REPORTS FROM COMMISSIONERS**

No comments.

**There being no further business, the meeting was adjourned at 7:07 p.m.**

Respectfully submitted,

Amanda Staple  
*TimeSaver Off Site Secretarial, Inc.*