

**BIG LAKE PLANNING COMMISSION
REGULAR MEETING MINUTES**

FEBRUARY 5, 2020

1. CALL TO ORDER

Chair Heidemann called the meeting to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. ROLL CALL

Commissioners present: *Alan Heidemann, *Scott Marotz, *Lisa Odens, *Larry Sundberg, and *Ketti Green. Commissioners absent: *Dustin Vickerman, and *Scott Zettervall. Also present: *City Administrator Clay Wilfahrt, *Consultant Planner Sara S.W. Roman, *Community Development Director Hanna Klimmek, and *Recreation and Communication Coordinator Corrie Scott.

4. ADOPT AGENDA

Commissioner Marotz moved to adopt the agenda. Seconded by Commissioner Green, unanimous ayes, agenda adopted.

5. OPEN FORUM

Chair Heidemann opened the Open Forum at 6:31 p.m. No one came forward for comment. Chair Heidemann closed the Open Forum at 6:31 p.m.

6. APPROVE MEETING MINUTES

**6A. APPROVE REGULAR PLANNING COMMISSION MEETING MINUTES OF
JANUARY 6, 2020**

Commissioner Green motioned to approve the January 6, 2020 Regular Meeting Minutes. Seconded by Commissioner Odens, unanimous ayes, Minutes approved.

7. BUSINESS

7A. PUBLIC HEARING: VISION BUS CODE AMENDMENT AND CUP

Roman reported that Vision Enterprises/United Bus Sales, submitted a development application requesting a Code Amendment and a Conditional Use Permit and Site Plan review for their existing transportation facility at 16676 197th Ave NW. This property currently houses the Applicant's business offices, repair shop, fuel station, bus garages and a small amount of bus sales. The Applicant would like to utilize a greater portion of the property for displaying and selling buses. In order to do so, the applicant would expand their existing paved parking area to accommodate 35 additional parking spaces for buses.

Roman reported that the current Ordinance only allows for Commercial Vehicle Sales, leasing (trucks and buses only) as a conditional use in the I-2 District. The ordinance limits bus sales to up to 30% of the floor area of the principal use. Using the calculation for floor area as defined by the Code, the applicant is allowed roughly 9,600 square feet of bus sales area. The proposed area to be used for bus sales by the applicant is roughly 30,750 square feet of bus sales in total (2,000 sf existing + 28,750 sf proposed). This greatly exceeds what the ordinance currently allows so the project is ineligible for a CUP amendment. City staff recommended that the applicant apply for the following Code Amendment rather than a Variance, because there is no "practical difficulty" in this case:

**SECTION 1060 – I-2, GENERAL INDUSTRIAL DISTRICT
1060:05: CONDITIONAL USES**

Subd. 8. Commercial Vehicle Sales, leasing (trucks and buses only) as a conditional accessory use.

2. Area limit. Outside vehicle sales connected with the principal use is limited to thirty (30) percent shall not exceed one hundred (100) percent of the total gross floor area of the principal use.

As proposed, the area of the site used for outside vehicle sales by the applicant will equal approximately 96% of the gross floor area of the principal use. Roman acknowledged that the request by Vision Enterprises/United Bus Sales is a large expansion of the existing area limit. However, she feels comfortable granting this request, as any new applications for commercial vehicle sales would be required to seek a Conditional Use Permit, and the City is able to attach conditions to any approval as such.

Roman requested that the Planning Commission discuss the proposed area limit expansion and reach a determination. Staff would be supportive of instead allowing a maximum number of commercial vehicles on site, or some other version of language if the Planning Commission is not comfortable extending the area limit to 100%. Roman stated that the Planning Commission has three options for action regarding this proposal:

Option 1: Recommend approval of the ordinance amendment as written, or with proposed changes, to allow commercial vehicle sales with a Conditional Use Permit.

Option 2: Recommend denial of the ordinance amendment but direct Staff to draft an ordinance that would allow Vision Enterprises/United Bus Sales to expand commercial vehicle sales as proposed but regulate through a mechanism other than expanding the area limit. The conditional use permit application would be tabled.

Option 3: Recommend denial of the ordinance amendment and recommend keeping the area limit restriction at 30%. This would trigger a denial of the Conditional Use Permit application. The applicant would not be allowed to apply for another conditional use permit for a minimum of 1 year.

Chair Heidemann opened the public hearing at 6:42 p.m.

Jason Anderson with Vision Transportation asked the Planning Commission if they had any questions. Commissioner Green asked the applicant if the main reason for this expansion is for increased bus sales. Anderson stated that parking for Vision Transportation is limited and that employees are currently parking in an area that is against City code. This parking issue is also being addressed with the proposed expansion.

Chair Heidemann closed the public hearing at 6:44 p.m.

Heidemann stated that he has no issue with the development application. He noted that the expansion will both accommodate the selling of extra buses and additional employee parking.

Commissioner Green motioned to recommend that the City Council approve the proposed ordinance amendment to allow commercial vehicle sales with revised provisions. Seconded by Commissioner Marotz, unanimous ayes, motion carried.

Commissioner Green motioned to recommend that the City Council approve the proposed Conditional Use Permit for commercial vehicle sales. Seconded by Commissioner Odens, unanimous ayes, motion carried.

7B. PUBLIC HEARING: WASTEWATER TREATMENT FACILITY APPLICATION

Roman reported that the City of Big Lake, is seeking approval for a planned unit development concept plan for an expansion of the City of Big Lake's waste water treatment facility. The Planned Unit development is intended to allow for the orderly expansion of the facility and to bring the site into conformance with zoning regulations.

The original wastewater treatment facility was constructed in 1981 and was updated in 1996, and 1999, and a new facility began operating in 2012. The facility was built without planning/zoning approvals and all previous expansions have been overseen by Public Works without obtaining planning/zoning approvals beforehand. Per guidance from the City Attorney, the City is pursuing approvals for the expansion of the waste

water treatment facility through a rezone to Planned Unit Development to both allow the expansion and “correct” the outstanding planning and zoning issues. The following will be addressed through the PUD:

1. The existing facility spans 4 separate non-conforming parcels. The City intends to combine the 4 parcels through a plat. A plat is necessary because PUDs are only allowed on platted lots.
2. Existing structures are built across property lines. Once the property is re-platted into one lot, this condition will no longer be present. However, the PUD will need to explicitly allow multiple principal structures on the lot.
3. The City will process the PUD as a rezoning. Planned Unit developments may be processed as a conditional use permit or as a rezoning. Because PUDs/CUPs are not listed as an allowed use in the AG - Agricultural district, processing as a rezoning is the cleaner approval process.
4. The PUD will regulate, if necessary, the existing communications tower located on the property.

Roman stated that the Police Department and Fire Department do not have any comments on the project. Bolton and Menk will prepare a comment letter for the review of this concept plan by City Council. Roman asked the Planning Commission to provide informal review and comment regarding the project’s acceptability in relation to the Comprehensive Plan and development regulations and to advise the City Council as they review the concept plan.

Odens asked Roman if the surrounding area is planned to be residential or otherwise. Roman stated that there is a mix of recreational, agricultural, and residential areas surrounding the facility. Roman commented that if the surrounding parcels become residential in the future and there isn’t sufficient landscape buffering surrounding the facility, this wouldn’t trigger a requirement for the City to include additional landscaping. This issue would have to be addressed at that time by the City Council.

Chair Heidemann opened the public hearing at 6:56 p.m.

No one came forward for comment.

Chair Heidemann closed the public hearing at 6:56 p.m.

Green asked Staff if there are future plans to expand the Wastewater Treatment Facility. Wilfahrt stated that in the next 5-7 years the plant will have to expand again and that it is more efficient to purchase additional land now rather than having to potentially move the facility in the future due to its exponential cost. Green asked Staff if the water from the plant is placed into the river. Wilfahrt stated that it does go back into the river, but that it is extensively filtered and comes out of the plant cleaner than the existing water that flows through the river.

Green asked Staff if there is one wastewater treatment campus or more. Wilfahrt stated that there is only one campus with two buildings. One focusing on liquid and one on solid waste. Wilfahrt reported that the current facility is operating at 120% capacity.

7C. PUBLIC HEARING: ORDINANCE AMENDMENT FOR NONCONFORMITY (GRANDFATHER) ORDINANCE

Roman reviewed the draft ordinance language amending the City's Nonconformity (Grandfather) Ordinance. The ordinance proposed amendment would do the following:

1. Conform language to help implement the following goal of Big Lake's 2018 Comprehensive Plan:
Land Use and Growth Management Plan - Residential Neighborhoods:
6. Older Neighborhoods: Continue to review zoning regulations that apply to the older neighborhoods so as to accommodate the nonconforming status of dwellings that were caused by setback or area requirements.
2. Align the nonconformity ordinance with State Statute in regards to allowing replacement and improvement of nonconforming structures in addition to maintenance and repair.
3. Align the nonconformity ordinance with State Statute in regards to amortization.
4. Align the nonconformity ordinance with State Statute in regards to the rules for when a nonconforming structure is destroyed by disaster.
5. Allow nonconforming buildings with conforming uses to be expanded as long as the expansion itself complies with the zoning code.
6. Clarify that when someone tears down a grandfathered building and rebuilds it, they are no longer permitted to expand that building without obtaining a variance.

Roman asked the Planning Commission to make a motion recommending approval or denial of the proposed ordinance amendment, either as presented or with modifications. She reported that the Planning Commission also has the option of directing Staff to make additional revisions to the ordinance and return to the Planning Commission for further discussion.

Chair Heidemann opened the public hearing at 7:09 p.m.
No one came forward for comment.
Chair Heidemann closed the public hearing at 7:09 p.m.

Commissioner Marotz motioned to recommend approval of the proposed ordinance amendment as presented. Seconded by Commissioner Sundberg, unanimous ayes, motion carried.

7D. PUBLIC HEARING: ORDINANCE AMENDMENT FOR DETACHED ACCESSORY BUILDINGS

Roman presented a proposed ordinance amendment for detached accessory buildings that would do the following:

1. Leave the rules "as-is" for properties that have an attached garage. The owners of these properties are doing just fine under the current ordinance.

2. Allow properties that do not have attached garages to go back to being allowed 1,800 square feet of accessory building space (as long as they comply with impervious surface limits).
3. Properties that have over 1,200 square feet of detached accessory building space will not be allowed to build an attached garage unless they tear down some of their detached accessory buildings. This provision is necessary to prevent someone from “working the system” by building out 1,800 square feet of detached accessory structures and then attempting to gain even more accessory structure space by building an attached garage.
4. Impervious surface restrictions would still be in place. This would still prevent owners of small properties from going “overboard” with building accessory structures.
5. Address some errors in the table that is located in the Accessory Buildings code section. The table was not correctly updated in 2016 to reflect the revised rules.

Roman reported that most of the areas without attached garages are the older parts of town. The current code puts these neighborhoods at a disadvantage and prevents the homeowners from being able to enjoy their properties the way homeowners in newer neighborhoods with attached garages can. Roman commented that her proposed ‘fix’ seems like the most equitable way to address the current disparity in the Code. If the Planning Commission feels the rules should be modified, they are asked to make a formal recommendation to the City Council.

Chair Heidemann opened the public hearing at 7:14 p.m.

No one came forward for comment.

Chair Heidemann closed the public hearing at 7:14 p.m.

Commissioner Odens motioned to recommend approval of the proposed ordinance amendment as presented. Seconded by Commissioner Marotz, unanimous ayes, motion carried.

7E. HOUSEKEEPING ORDINANCE DISCUSSION

Roman reported that former City Planner Micheal Healy has advised that the Planning Commission go through the process of a housekeeping amendment. Cities undertake housekeeping ordinances primarily to address three issues including accidental code inconsistency, unclear code language, and errors. Roman presented the following issues to the City’s code and their proposed solutions:

Housekeeping Item #1: Unclear Language in Fence Ordinance Concerning Double-Frontage Lots

In 2016, the City revised the fence ordinance (Ordinance #2016-10) to allow double-frontage lots and corner lots to utilize privacy fences in their “second front yard,” the side of their house that faces a street. The new rule was intended to allow people living on corner lots to install a privacy fence in the second “front yard” that their house did not

face as long as they kept their fence at least 5 feet away from their property line. Previously, there was a rule that corner lots could not have privacy fencing in their second front yard as a privacy fence had to be at least as far away from every street as the house itself was. People who lived on corner lots were limited to having 4-foot fences in their second front yard. The fences had to be at least 75% see-through which basically meant that they needed to be chain link.

The ordinance amendment changed the rules for “double-frontage lots” which Staff presented to the Planning Commission in 2016 as being inclusive of corner lots. The presentation was erroneous as Staff has since realized that the Code actual has separate definitions for “double frontage lot” and “corner lot” so the fence ordinance should be updated to clarify that it was intended to apply to corner lots as well. Additionally, there is some old language regarding juxtaposed corner lots that is no longer relevant if all corner lots are allowed to have fences in their “second front yards” so that provision should be removed entirely from the Code:

Roman proposed the following revision:

section 1025 – FENCES

1025.02: GENERAL FENCE REGULATIONS:

Subd. 5. Special Provisions.

2. *When two corner lots are juxtaposed, a six (6) foot opaque fence may be constructed at a distance of fifteen (15) feet from the shared property line.*
3. *On double frontage lots and corner lots, the front yard that has no access may have a fence that is less than 75% open to the passage of air and light, up to six (6) feet tall, at a distance of five (5) feet from the property line. On a corner lot, said fence may not extend beyond the front corner of the principal building.*

Housekeeping Item #2: Code Inconsistency Regarding Grading, Filling, and Excavating

The City’s “Grading, Filling, and Excavating” code section does not correctly incorporate the Shoreland Ordinance’s rules regarding excavation and grading in Shore and Bluff Impact zones. Further, it states that an MPCA permit is needed for very minor grading projects which is not accurate or consistent with the rest of City Code. Additionally, it does not specifically identify that it is the Engineering Department’s Land Alteration Permit that is utilized for medium-sized grading and excavation projects. The City’s fee schedule includes the land alteration permit and it should be referenced specifically in the Code for consistency between City documents. Staff is also correcting a minor typo in the code section:

Roman proposed the following revision:

section 1026 – GRADING, FILLING AND EXCAVATING

1026.01: PERMIT REQUIRED:

Subd. 1. Except for City land grading, filling and excavating operations, and in cases where a grading and drainage plan for a private development has been approved as part of a subdivision or other development plan approved by the City, or as may be otherwise stipulated by this Ordinance, any person who proposes to add landfill or extract sand, gravel, black dirt, or other natural material from the land or grade land shall apply for a land alteration permit as specified below:

Cubic Yards of Landfill or Land to be Excavated/Graded	Permit Requirement
1 to 50 cubic yards	MPCA Storm Water Permit / No City Permit <u>unless in Shore or Bluff Impact Zone</u>
50 – 250 cubic yards	MPCA Storm Water Permit and Administrative <u>land alteration</u> permit as provided in Section 1003 of this Ordinance
Greater than 250 cubic yards	MPCA Storm Water Permit and Interim Use Permit as provided in Section 1010 of this Ordinance

1026.04: ISSUANCE OF PERMIT: Upon receiving information and reports from the City staff and other applicable agencies, as applicable, a public hearing shall be scheduled before the Planning Commission which shall forward a recommendation to the City Council. The City Council shall take formal action on the application and as to whether, and when, and under what conditions such permit for a landfill or excavation/grading activity is to be issued to the applicant.

Housekeeping Item #3: Errors in the R-5 Residential Redevelopment Zoning District Code

Staff identified two errors in the R-5 zoning district ordinance. The first is that there is a spot in the Code that continues to incorrectly state that all lots in the R-5 zoning district are limited to 25% coverage by impervious surfaces. The City Code was amended in 2015 to allow up to 35% impervious surface coverage in the R-1, R-1E, and R-5 zoning districts (Ordinance 2015-09) except for properties in the Shoreland district which, per State Law, are still restricted to 25%. It appears that Staff simply “missed” one spot in the R-5 ordinance that continued to reference a 25% standard for non-Shoreland Lots.

The second error is a numerical error. There is a section in the Code that references the modern lot size requirements for properties in the R-5 zoning district and refers to the requirements as “Subd. 6 Single Family Lot Standards- Existing Lots of Record.” This is

a typo. Subdivision 6 is the “Single Family-Lot Standards-New Subdivision.” The code section only makes sense if it is referring to the lot standards for a new subdivision.

Roman advised the following revisions:

section 1049 – R-5, RESIDENTIAL REDEVELOPMENT DISTRICT

Subd. 6. *Single Family Lot Standards – New Subdivision. The following minimum requirements shall be observed in the R-5 District for new lots, platted after July 20, 2002 (effective date of Ordinance), subject to additional requirements, exceptions and modifications set forth in this Ordinance. (Ord. 2003-05).*

<i>Minimum Lot Area Riparian Lot</i>	<i>12,000 square feet</i>
<i>Minimum Lot Area Non-Riparian Lot</i>	<i>10,000 square feet.</i>
<i>Minimum Lot Width</i>	<i>75 feet</i>
<i>Front Yard Setback</i>	<i>25 feet</i>
<i>Rear Yard Setback</i>	<i>25 feet</i>
<i>Side Yard Setback</i>	<i>10 feet</i>
<i>Maximum Impervious Surface</i>	<i>25 percent</i>

AND

1049.08: CONSTRUCTION ON SUBSTANDARD LOTS OF RECORD.

Subd. 1. *Lots of record in the office of the Sherburne County Recorder on or before October 29, 1985 that do not meet the requirements of Section 1049.07, (Lot Area, Height and Setback Requirements), Subd. 6, (Single Family Lot Standards- New Subdivision Single Family Lot Standards – Existing Lots of Record), may be allowed as building sites without variances from lot size requirements under the following provisions:*

Housekeeping Item #4: Inconsistency Regarding Landscaping Setbacks

In 2004, the City revised section 520 of the City Code to allow trees to be closer to front property lines. Previously, trees were required to be set back 12 feet from front property lines (Ordinance 2004-02). The revision changed the requirement to a “3-5-foot setback.” Section “1027 Landscape, Screening, and Tree Preservation” of the zoning code should have been simultaneously updated to reflect the new standard but it was missed. The zoning code, therefore, continues to erroneously state that a 12-foot front yard setback is required for trees.

Roman proposed the following “cleanup” of the landscaping section:

section 1027 – LANDSCAPE, SCREENING AND TREE PRESERVATION

1027.03: REQUIRED LANDSCAPING: (Ord. 2003-05); (Ord. 2004-19, 8/11/04).

Subd. 2. *The complement of trees fulfilling the requirements of this Section shall be not less than twenty-five (25) percent deciduous and not less than twenty-five (25) percent coniferous. (Ord. 2003-05).*

3. *Spacing:*

a. *Plant material centers shall not be located closer than three (3) feet from a side property line or twelve (12) three (3) feet from a front property line and shall not be planted to conflict with public plantings, drainage and utility easements, sidewalks, trails, fences, parking areas, and driveways based on the judgment of the Zoning Administrator.*

Housekeeping Item #5: Unclear Code Language Regarding Setbacks from Major Roads

Section 1041 of the City Code sets special setback requirements for structures along major roads. The Code sets a 50-foot structure setback for arterial roads and then lists out several arterial roads in the community. It sets a 45-foot structure setback for major collector streets and lists out several major collector streets in the community. The comprehensive plan calls for reevaluating and reducing those setback requirements (they seem to be unnecessarily high which is an inefficient use of land) but that is beyond the scope of a housekeeping ordinance.

The issues that need to be addressed in the housekeeping ordinance are:

- In addition to listing out several streets that the setbacks apply to, the Code section vaguely references that there may be additional major collector streets and arterial roads indicated by the comprehensive plan that also should be subjected to these setback standards.
- The new comprehensive plan lays roads out differently than the previous comprehensive plan that the Code is referencing. The old comprehensive plan differentiated between “minor collectors” and “major collectors.” The 45-foot setback standards were intended to be applied only to “major collectors.”
- The new Comprehensive Plan does not designate any streets as “major collector” but rather lays out a collector street network without distinguishing between “major” and “minor.” There are many roads that our new comprehensive plan lists as being collector streets or future collector streets that do not need a 45-foot setback. In some cases, such a setback would be unworkable due to lot sizes and would damage the aesthetics of the street. Staff is specifically thinking of Lakeshore Drive, Manitou Street, Hiawatha Avenue, Ormsbee Street, Forest Road, 204th Street, Highland Avenue, and Minnesota Avenue. These are all streets that the Comprehensive Plan steers towards being “collector streets” but they are not streets where the City has historically required a 45-foot setback nor are they streets where it would be appropriate to begin requiring a 45-foot setback.

- The existing Code lists Eagle Lake Road South as a major collector street. Eagle Lake Road South has never been treated as a major collector street and houses have been built along that road for the last 20 years with 30-foot setbacks. It would be inappropriate to begin requiring a 45-foot setback at this point and the Code should be revised to reflect actual practices.

As previously stated, the major road setback issue should eventually be dug into more deeply, per the comprehensive plan. As an Interim measure, Staff is recommending that the Code be amended to specifically list out which streets the setbacks are intended to apply to. The City can update this list, in the future, if additional collector roads or arterial roads are constructed that need an increased structure setback due to their design.

Roman proposed the existing Code section be amended to state the following:

1041.06: GENERAL SETBACK PROVISIONS:

Subd. 4. *Setbacks along Thoroughfares. Heavily used streets designated as arterials, County Roads or major collector streets by the Big Lake Comprehensive Plan have special minimum setback needs and requirements.*

1. *Along the following principal arterial and major arterials, the minimum principal structure setback shall be fifty (50) feet from the right-of-way unless otherwise identified in the underlying Zoning District.*

- a. *U.S. Highway 10 (Jefferson Boulevard)*
- b. *State Trunk Highway 25 (Lake Street South)*
- c. *County Road 5 (Eagle Lake Road North)*

2. *Along collector streets including, but not limited to the following thoroughfares, the minimum principal structure setback shall be forty-five (45) feet from the right-of-way unless otherwise identified in the underlying Zoning District.*

- a. *County Road 43*
- b. *County Road 73*
- c. *County Road 81*
- d. *Glenwood Avenue/205th Avenue (east of County Road 43)*
- e. *Highline Drive*
- f. *Eagle Lake Road South*
- f. *72nd Street NW*
- g. *Marketplace Drive*

Housekeeping Item #6: Unclear Code Rules Regarding Pond and Drainage Way Setback

In 2016, the City undertook an update of its ordinances to comply with our State-issued

MS-4 stormwater permit (Ordinance #2016-09). The MS4 permit required that the City upgrade its 30-foot wetland buffer requirement to a 50-foot wetland buffer requirement. This increased buffer requirement is applied to all lots platted after 2016.

Per the City Engineer, the revised buffer requirement was only intended to affect wetlands. The way that the update was implemented in the Code, however, the language accidentally was revised to include an increased setback requirement for man-made ponds and drainage ways as well. The 30-foot setback requirement should continue to be in effect for ponds and drainage ways. There is no need for a 50-foot setback requirement in those situations since there is no buffer requirement.

Roman proposed the following revision:

1041.06: GENERAL SETBACK PROVISIONS:

Subd. 7. *Wetland, Pond and Drainage way Setback. In addition to the setbacks required for principal and/or accessory structures under individual zoning districts or in other sections of this Ordinance, all structures must be set back a minimum of fifty (50) feet from the ordinary high water level or the edge of a delineated wetland (whichever is greater) of all wetlands., All structures must be set back a minimum of thirty (30) feet from the ordinary high water level of all ponds or drainage ways.*

Housekeeping Item #7: Inconsistent NorthStar TOD Area Setback Rules

The City revised all of the NorthStar TOD area setback rules in 2019 to give developers more flexibility in terms of setbacks (Ordinance #2019-08). Buildings are now allowed to be set back as far as 15 feet from the front property line. The previous maximum setback was 5 feet. It appears that one small section of the TOD Ordinance was overlooked when the setback requirements were being updated and, as a result, the “main entrance” of new buildings is required to be no further than 5 feet from the front property line. This should be revised to 15 feet since the building is now allowed to be 15 feet away from the front property line.

Roman proposed the following revision:

1068.06: DESIGN STANDARDS:

Subd. 2. *Building Facades.*

c. The main entrance of any building shall face the street. The main entrance shall not be set back more than fifteen-five (15) feet from the front property line, unless a public seating area or plaza is provided in front of the building.

Housekeeping Item #8: Inconsistency Relating to Public Hearings for PUD's

Big Lake historically has required a public hearing during the concept plan review of Planned Unit Developments (PUD's). Most cities no longer require a public hearing as

part of concept plan review since a public hearing is held during the next step of the PUD process once the plans are more fleshed out. Holding a public hearing increases the costs of the concept plan review and, generally, the concept plan review is intended to be a low-cost way for the developer to get feedback from the Planning Commission and City Council.

The City of Big Lake attempted to remove the public hearing requirement for PUD concept plans in 2005 (Ordinance #2005-11). The requirement was stricken from the Code but Staff apparently missed one code section in the PUD ordinance where it still states that a public hearing is required. Per the City Attorney, the City must continue to hold public hearings for concept plans until the mistake is corrected.

Roman proposed the following which would remove the final mention of public hearings being required for concept plans from the City Code:

1011.09: CONCEPT PUD PLAN PROCEDURE: *The general processing steps for a PUD are intended to provide for an orderly development and progressions of the project with the greatest expenditure of developmental funds being made only after the City has had ample opportunity for informed decisions as to the acceptability of the various segments of the whole as the plan affects the public interest. The process for filing a Planned Unit Development (PUD) is outlined below:*

Subd. 3. *Concept PUD Plan. The applicant shall submit a Concept PUD Plan of the project to the Zoning Administrator. The Concept PUD Plan provides an opportunity for the applicant to submit a plan to the City showing the basic intent and the general nature of the entire development before incurring substantial cost. The Concept PUD Plan serves as the basis for the public hearing so that the proposal may be publicly considered at an early stage. The following elements of the proposed Concept PUD Plan represent the immediately significant elements which the City shall review and for which a decision shall be rendered:*

Housekeeping Item #9: Code Inconsistency related to *Schulz v. Town of Duluth*

The Minnesota Supreme Court has upheld a city's authority to enact, via the City Code, the ability to limit the time to appeal City's zoning decisions to the district court. In a footnote, the court says that the city ordinance's 30-day limit on appeals is enforceable. The Attorney for the City of Big Lake has recommended that the City modify its ordinance to limit time to appeal city decisions.

Roman proposed the following revision which would expressly limit the right to appeal a zoning decision to 30 days:

SECTION 1005 – APPEALS

1005.06: APPEALS FROM THE BOARD OF ADJUSTMENT AND APPEALS: All decisions made by the City regarding zoning shall be final, except any person or

persons, any private or public board, or taxpayer of the City aggrieved by any decision of the Board of Adjustment and Appeals shall have the right to seek review of the decision appeal within thirty (30) days after delivery of the decision to the appellant, with a court of record in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462, as such statutes may be from time to time amended, supplemented or replaced. Any person seeking judicial review under this ordinance must serve the City and all necessary parties, including any landowners, within the 30-day period defined above.

Roman stated that in order to make the proposed changes, it is necessary to call a public hearing.

Commissioner Sundberg motioned to call a public hearing for a housekeeping ordinance as proposed. Seconded by Commissioner Odens, unanimous ayes, motion carried.

7F. PARKS ADVISORY BOARD LIAISON

Klimmek reported that Scott Marotz, Planning Commissioner, has served as a liaison to the Parks Advisory Board for years. According to the Parks Advisory Board Bylaws the Planning Commission is supposed to formally select a Planning Commissioner to serve as a liaison to the Parks Advisory Board on an annual basis. Marotz is willing to continue in this position, but suggests that this conversation come back to the Planning Commission each December to comply with the Bylaws of the Parks Advisory Board.

Sundberg commented that the Parks Board Liaison should be doing a formal report monthly at Planning Commission Meetings. Marotz stated that this can be brought up under agenda item 9. Commissioner’s Reports.

Commissioner Green motioned to appoint Scott Marotz as the Planning Commission Liaison to the Parks Advisory Board for 2020. Seconded by Commissioner Sundberg, unanimous ayes, motion carried.

7G. COMMUNITY DEVELOPMENT DEPARTMENT UPDATE

Business Retention & Expansion Visits:

01/06/19	Keller Lake Commons	01/31/20	Kensho Salon
01/2720	Options, Inc.		

Current Development Activity (as of 1/29/20):

Housing:

- Single-Family New Construction Issued Permits 1
- Single-Family New Construction in Review 1
- Multi-Family New Construction

- Duffy Development - The Crossing at Big Lake Station Phase II – In Construction.
- Kuepers, Inc. – Station Street Apartments - 105-unit multi-family, market rate new construction project – in pre-development phase.
- Sandhill Villas (HOA) – 12-unit development project – in predevelopment phase

Commercial/Industrial:

- ❖ Minnco Credit Union – New Business / New Construction
 - In construction (plan to open by June 1, 2020)
- ❖ Car Condo Project – New Business / New Construction
 - Pre-development
- ❖ Wastewater Treatment Project - Expansion
 - Pre-development
- ❖ Vision Bus - Expansion
 - Pre-development
- ❖ Nystrom Associates Rehabilitation Facility
 - Pre-development

BLEDA:

- Recommendations for revising the BLEDA Bylaws were presented to the BLEDA during their September meeting. Revisions were brought to the Joint Powers Board on January 8, 2020. Revisions were formally approved by the City Council on January 22, 2020.
- The BLEDA Strategic Plan has been revised to include a city-wide branding project to begin in 2020. The RFP was issued on January 9, 2020 and responses are due on February 7, 2020.
- During their November 12, 2019 meeting, the BLEDA entered into a Contract for Private Development with the Blackbird Group LLC to newly construct a laundromat facility on the corner of Martin and Fern.
- Staff will be attending the 2020 EDAM Winter Conference on January 23rd and 24th.
- Staff will be attending the MN Public Finance Seminar hosted by Ehlers on February 6th and 7th.
- The February 10th BLEDA meeting will focus on its Strategic Plan and have open dialogue to discuss economic development opportunities, challenges, etc.

Planning & Zoning:

- Conducted 2nd interviews for the City Planner position on Monday, February 3, 2020. The City is currently seeking applicants for City Planner position.
- Preparing to hire a summer intern to facilitate code enforcement.

Building – Permit Fee Activity:

- The Personnel Committee will be meeting to discuss the Building Official position and the future of it for the City of Big Lake.
- Klimmek provided the following Building – Permit Fee Activity report:

Permit Type	Permits Issued in Jan. of '20	2020 Total
Single-Family	1	1
Multi-Family	0	0
Commercial New / Remodel / Addition	2	2
Remodel / Decks / Misc.	13	13
HVAC / Mechanical	11	11
Plumbing	6	6
Zoning	2	2
Land Alteration	1	1
TOTAL	36	36

	Permit Fee	Plan Review	TOTAL
Total Fees in Jan.	\$5,575.55	\$1,622.65	\$7,198.20

2020 Total Valuation	2020 Permit Fee + Plan Review
\$356,642.76	\$7,198.20

Sundberg asked staff about the current inventory of buildable residential lots. Klimmek reported that when she started her position it was over 900 available lots and currently there are 269.

8. **PLANNER'S REPORT** – None.

8. **COMMISSIONERS' REPORTS**

Marotz reported that the Parks Advisory Committee is working on updating Bylaws to reflect current operations. The Parks Advisory Committee has also been moved to the City Council Chambers in an attempt to make the meeting more accessible to the public. Other measures are being made to make the meetings more formal so that

members are encouraged to attend regularly. Lastly, Marotz updated that the Parks Advisory Committee is focusing on building a park on the south side of Big Lake so that residents in that area have a park that is within walking distance of their homes. There is City owned land near Brom, but it is mainly wetland.

Green asked about the plan for River Oaks Park. Marotz stated that there is a complex master plan for River Oaks that includes a larger parking lot, camping, canoe launches, etc... But the cost is substantial and the park dedication budget will not allow for the proposed updates currently. Green also asked about the land near Lakeside Park. Klimmek stated that Council has decided to allow the free market to decide what happens to that land as the City focuses on lowering their current debt.

Odens asked if the current park dedication fees required from developers is in line with area communities. Marotz stated that previous developers have confirmed that the City's current park dedication fees are reasonable compared to surrounding communities.

Sundberg asked about Council's recommendations on appointment of new Planning, BLEDA, and Parks Members. Klimmek stated that Council's opinions differed on the best option for interviewing and appointing these members, but the ultimate decision was to keep the appointment structure as it is for the time being. Green recommended to ensure a healthy turnover of Commissioners that the Planning Commission set term limits. Odens stated that having Commissioners present who have experience from previous years' projects can be extremely valuable. Klimmek stated that Council will be discussing potential options for a new interview/appointment structure at the upcoming Council Workshop.

10. OTHER

Heidemann recommended that a conversation about moving Planning Commission meetings to start at 6:00 p.m. ensue at the March Planning Commission Meeting.

11. ADJOURN

Commissioner Green motioned to adjourn at 8:14 p.m. Seconded by Commissioner Sundberg, unanimous ayes, motion carried.