

**BIG LAKE PLANNING COMMISSION  
REGULAR MEETING MINUTES**

**MARCH 4, 2020**

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIENCE**

The Pledge of Allegiance was recited.

**3. ROLL CALL**

Commissioners present: Chair Alan Heidemann, Ketti Green, Scott Marotz, Lisa Odens, Dustin Vickerman, and Scott Zettervall. Commissioner absent: Larry Sundberg. Also present: City Administrator Clay Wilfahrt, Finance Director Deb Wegeleben, City Engineer Layne Otteson, City Clerk Gina Wolbeck, Consultant City Planner Sara Roman, and Consultant City Engineer Jared Voge from Bolton and Menk.

**4. ADOPT AGENDA**

Commissioner Green motioned to adopt the Agenda. Seconded by Commissioner Zettervall, 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 FEBRUARY 5, 2020**

Commissioner Green motioned to approve the February 5, 2020 Regular Meeting Minutes. Seconded by Commissioner Odens, unanimous ayes, Minutes approved.

**7. BUSINESS**

**7A. PUBLIC HEARING: PUD CONCEPT PLAN FOR AVALON ESTATES**

Sara Roman presented the planners report for the Avalon Homes development application for a PUD Concept Plan. The request is for a residential development on 57 acres west of Highland Avenue. The existing property is currently vacant agricultural land, and there are no existing structures on the site. The parcel lies directly south of

Black's Lake and west of Big Lake. The property is currently part of Big Lake Township, and is guided as future neighborhood on the land use map. The subject application is for a residential development that will provide patio homes, quad townhomes and two apartment buildings. The development is proposed to include 14 patio home lots, 40 quad townhome units and 80 apartment units for a total of 134 units. The proposed development includes exterior amenities such as a shared walking path, amenity space, and a park area. Roman reviewed the existing zoning and land use of the parcel as well as surrounding parcels. The parcel is currently zoned Urban Expansion by the County with a Shoreland Overlay from multiple lakes. The applicant has petitioned the City for annexation by Ordinance, and following annexation into the City, the property would be assigned the A-Agricultural zoning. A rezoning would take place to assign the PUD zoning. The Applicant is requesting a planned unit development in order to receive additional density and some potential flexibility on the shoreland regulations. Roman reviewed the Shoreland Overlay designation. The proposed development is near four lakes that are classified as shoreland lakes by the MNDNR and impose restrictions on the development of the property. Big Lake and Lake Mitchell are classified as general development lakes, Black's Lake is classified as a recreational development lake and Beulah Pond, located on the southern portion of the property, is classified as a natural environment lake. Each of these lakes has a 1,000-foot Shoreland Overlay boundary where the development standards are applied. Roman noted that the current concept greatly exceeds the number of residential units allowed in the shoreland tiers for Beulah Pond, even with the maximum density bonus. In Tier 1, only 24 units are allowed at maximum. The concept is proposing 45 units. In Tier 2, only 33 units are allowed at maximum. The current concept is proposing 58 units. Roman also indicated that the Applicant has not provided enough information to determine compliance with most of the shoreland standards that apply to each lot and noted that the proposed extension of Highland Avenue may fall within the lakeshore setback. The developer will need to provide calculations to the City to ensure that 70% of the lakeshore setback is preserved in a natural or existing state if the roadway falls within the lakeshore setback. Alternatively, the developer may revise plans to locate the roadway outside of the lakeshore setback. An alternative roadway layout should also consider the future roadway alignment identified by the City Engineer. Roman reviewed the Applicant's request for a Planned Unit Development. The Applicant is seeking a shoreland PUD approval, an approval that goes outside of the zoning code and subdivision ordinance. The City's PUD ordinance is very clear that the City should only grant PUD approval in situations where there is a "public benefit" that comes from granting the approval. The Zoning Code's PUD ordinance states that shoreland PUD's must be processed as a CUP. Staff would process the project by rezoning it to PUD and processing a CUP to address the shoreland PUD standards. The state requires certain projects to go through an environmental review process before proceeding. The standards for determining when a project requires an environmental review is identified in Minnesota Rules, Section 4410.4300 Subpart 19a. Roman explained that Beulah Pond is considered sensitive shoreland and Black's Lake is considered nonsensitive shoreland. An environmental assessment worksheet (EAW) is mandatory if there are more than 25 units in the sensitive shoreland area or there are more than 50 units in the nonsensitive shoreland area. An environmental impact statement (EIS) is mandatory if there are

more than 100 units in the sensitive shoreland area or more than 200 units in the nonsensitive shoreland area. Roman noted that since the current concept is not compliant with the number of units allowed in each shoreland tier and must reduce the number of units to proceed, an evaluation on the required environmental process has not been completed. When a concept has been submitted that meets the shoreland requirements, a determination would be made regarding any required environmental reviews. Roman reviewed development fees that will be required as the application moves forward. The City's subdivision ordinance and fee schedule state residential subdivisions must dedicate 10% of the land being subdivided as parkland or pay a fee equal to 10% of the value of the land with a minimum of \$2,500 per unit. It is at the City's discretion whether to require a land donation or allow the fee in lieu to be paid. The park dedication will be calculated with a preliminary plat application that meets the density standards. A portion of the area proposed for development is shown as "future park" in the 2018 Comprehensive Plan. When land is developed, trunk sewer and trunk water fees are charged based on the amount of land that is being developed. These fees are per acre and help the City cover the costs of providing sewer and water infrastructure as the City grows. The 2020 fee schedule sets trunk fees at \$1,650 per acre for trunk water and \$5,330 per acre for trunk sewer. Trunk storm sewer fees are "case by case" and are waived entirely if all storm water is contained within the plat boundary. A final acreage calculation will be determined based on the preliminary plat. Sewer Access Charges (SAC) and Water Access Charges (WAC), which are used to fund investments in expanding the capacity of the City's sewer and water plants and infrastructure as the City grows, are collected at the time of building permit issuance. The 2020 fee schedule sets the fees based on anticipated daily use of water. Roman reviewed staff comments including a comment letter submitted by Bolton and Menk, and Public Works Director/City Engineer Layne Otteson, and noted that the Fire Department and Police Department didn't have any additional comments. Additional comments received were from James Bedell of the MNDNR providing comment on a prior version of the concept plan. Roman also read aloud additional comments submitted by Bedell after the Planning Commission packet was finalized.

Roman also read aloud two written comments that were received in opposition of the project. A written comment from James & Susan Ellavsky, 484 Highland Avenue, expressed concern that the proposed project only has one access point, noting that the project needs to have a natural traffic flow to County Road 81. A written comment from Christy Campbell, 321 Lakeshore Drive expressed her opposition to the project as presented due to safety and neighborhood environment concerns.

Prior to the Public Hearing, Planning Commissioners provided comments on the proposed development.

Commissioner Marotz asked how Highland Avenue is proposed to be designed in the 2020 Street and Utility Improvement Project. Layne Otteson reviewed that Highland Avenue is proposed to be constructed at 26 feet wide with no sidewalk and minimal impact to the boulevard areas. Otteson noted that it doesn't appear that many trees will be impacted other than scrub trees/shrubs. Otteson also identified that the street was

designed based on the Comprehensive Plan identifying this street as a collector road, and stressed that the street will be built the same whether the adjacent parcel develops now or in the future.

Commissioner Zettervall asked if the City has traffic data for this area, and if we need to have an updated traffic study completed. Otteson stated that the City has traffic data from MNDOT on Lakeshore Drive from 20 years ago, which shows a projected vehicle count to be 3,000 vehicles per day. Highland Avenue will be a future State Aid route so a traffic study would be appropriate at the right time. Zettervall also discussed the possibility of additional access options without going to CR 81. Otteson noted that all properties to the north are privately owned, and land at the southern border of the project is bound by wetlands. Zettervall asked if engineering has any concerns about a single access. Otteson reviewed his history with single access developments, and suggested that we should always look for alternatives and consider long-term effects. Otteson stressed that the taking of property or forcing of right-of-way most likely wouldn't be supported by this community. Zettervall questioned Staff if we should be installing a sidewalk on Highland Avenue. Otteson stated that Policy makers would make that decision.

Chair Heidemann opened the public hearing at 7:07 p.m.

Mark Finstad, 460 Highland Avenue – stated his concerns with increased traffic volumes, loss of space, decrease in valuation, noise issues, overall privacy, and the need to protect the history of the neighborhood. Finstad presented Commissioners with a written statement of his concerns.

Bev Anderson, 521 Westwood – stated that while she feels this is a great concept, she feels it is being proposed in the wrong location. Anderson noted that she would like to see the area preserved as a park, stating that it would make a great addition to the Big Lake park system.

Duane Langsdorf, 421 Highland Avenue – stated that he does not disagree with the concept, but feels the developer needs to work out a plan for an access out to CR 81. Langsdorf also discussed his concerns with density and traffic flow with the project as presented.

Marie Ebert, 430 Highland Avenue - discussed the 2020 Street Improvement Project noting that she feels the improvements go beyond the needs of the street project. Ebert stated that she feels the City will be taking land to widen the street, noted that property values will decrease due to the increase in traffic, and feels that property owners will pay extra money for the street project due to the proposed development. Ebert stated that residents shouldn't have to bear additional costs for the benefit of a developer. Ebert also discussed concerns with heavy use and possible destruction of the new street by heavy equipment from the proposed Avalon development, citing her belief that the developer should pay extra costs for the upgrades to Highland Avenue.

Bill Christian, Rogers, MN – Christian stated that he is the Realtor that represents the property owners to the west and he is speaking on behalf of his clients. Christian stated that his clients are in favor of the project. Christian also discussed the cost of expanding the street, noting that the alignment of Highland Avenue needs to be considered.

Dan Cleland, 1119 Manitou Street – informed the Commission that there is a Northern Flying Squirrel species living in the woods behind Black's Lake, stressing that it is classified as an endangered species, and that he has contacted the MNDNR about his concerns with protecting the species.

Raeanne Danielowski, 981 Nicollet Avenue – stressed that Highland Avenue cannot handle all the traffic that will be generated with this development, stating that the developer needs to find a way to secure an access connection to CR 81. Danielowski also stated that she understands the need for this type of housing development, but stressed that it needs to be done in a way that does not negatively impact surrounding residents. Danielowski encouraged the City and the developer to proactively work together to find a solution, and to continue to work with the citizens who live in this area.

Scott Creighton, 601 Lakeshore Drive – stated that he is not against the proposal, but that the developer needs to determine an alternative access plan other than coming down Highland Avenue. Creighton also discussed the need to protect the wildlife in the proposed project area.

Chair Heidemann closed the public hearing at 7:27 p.m.

Commissioner Zettervall asked for clarification if the City is taking property from residents for the upcoming street project. Otteson discussed right-of-way and boulevard classifications, noting that the 2020 Street and Utility Improvement project specifications does not identify the purchase or taking of any private property. Zettervall also encouraged the developer to talk with the property owner to the west. Jeremy Schommer from Avalon Homes discussed potential development to the west, noting that he understands that concerns relate to the proposed development only having one access, and stated that he will take comments into consideration. Schommer also stated that he wants the community to be safe and will continue discussions with the City Engineer. Zettervall discussed that a recent Housing Study done shows there is a need for this type of housing in Big Lake, noting that he does like the concept, but acknowledged that traffic and safety issues expressed by residents are legitimate concerns.

Commissioner Odens asked how we can fast forward to finding additional accesses. Clay Wilfahrt discussed that the City's role will be to facilitate discussions between property owners and the developer, and to help identify what options are available in regards to right-of-way, land use, and other access alternatives. Odens stated that she is in favor of this type of development, but has concerns about only one access point. She understands that the surrounding land is privately owned, and would like to see the developer open up negotiations with land owners.

Commissioner Marotz stated that he agrees with the sentiment that this is a product that Big Lake needs. Marotz discussed that he understands the unique character of the site, and stated his appreciation to citizens for expressing concerns that the Commission, Staff, and the developer need to be aware of. Marotz suggested that it would be wise for the developer to meet with adjacent property owners/realtors to discuss other possible layouts for the development. Marotz stated that he feels the property is a developable parcel, noting that as a City we cannot stop development of this parcel. Marotz also stressed that he loves the idea of a park in this area, but stated that it takes money to develop a park, clarifying that the parcel is privately owned.

Commissioner Green stated that she likes the concept, recognized that Big Lake is facing a silver tsunami, so this type of development would be an added bonus to our City. Green stated that the developer does need to work through all the issues and that they must meet MNDNR requirements.

Commissioner Vickerman stated that he likes the development concept, but noted that the developer needs to figure out a solution to the access issue.

Chair Heidemann stated that the access issue is only one of many hurdles that the developer will need to address. There are significant MNDNR issues, and noted that an updated traffic study will address a lot of resident concerns. Heidemann encouraged the developer to explore possibilities for a second entrance to the development. Heidemann also discussed that there is a definite need for sunset housing in Big Lake.

Commissioners also discussed Park Dedication options. It was discussed that given the character and uniqueness of the land around Black's Lake, a public park should be designated somewhere within this project versus a cash payment for Park Dedication. Commissioners also discussed the benefits of a natural environment park in this area.

## **7B. PUBLIC HEARING: CONDITIONAL USE PERMIT TO PERMIT CATERING AND LIQUOR ON-SALE AT 321 COUNTY ROAD 43 N**

Sara Roman presented the planners report for the Gerrath Properties, LLC/Style Catering development application for a Conditional Use Permit for a catering business and on-sale liquor for the property located at 321 County Road 43 North. Roman noted that catering and liquor on-sale are allowed in the B-3 General Business zoning district but a Conditional Use Permit is required. If granted the CUP, the catering business intends to obtain a liquor license from the State of Minnesota. There will be no sales or serving of liquor at the business location, and the Applicant is not proposing any modifications to the site or exterior of the existing building where the catering service will be located. Liquor on-sale is only allowed conditionally as an accessory to a restaurant. Roman noted that Staff is recommending approval of the Conditional Use Permit with conditions including: 1) the Conditional Use Permit's liquor on-sale approval is contingent on the Big Lake City Council approving the Conditional Use Permit to allow a restaurant (convenience [fast food], drive-in, special event and catering), 2) Liquor on-

sale shall only be permitted when accessory to a restaurant or tavern. Should the restaurant use cease, the conditional use permit shall be invalidated for liquor on-sale, 3) sidewalk easements, as reviewed and approved by the City Engineer, shall be dedicated to the city in easement documents that shall be recorded, 4) the Applicant is responsible for obtaining a sign permit for any new signage. All signage must comply with the City's sign ordinance, and 5) any additions/modifications as required by the Planning Commission, City Council, City Staff, or any other individuals responsible for review of this application.

Chair Heidemann opened the public hearing at 7:52 p.m. No one came forward for comment. Chair Heidemann closed the public hearing at 7:52 p.m.

Commissioner Zettervall motioned to recommend approval of a Conditional Use Permit for Catering and liquor on-sale for the property located at 321 County Road 43 North with staff recommendations. Seconded by Commissioner Vickerman, unanimous ayes, motion carried.

## **7C. PUBLIC HEARING: HOUSEKEEPING ORDINANCE AMENDMENT**

Sara Roman reported that at the request of City Staff, the Planning Commission held a discussion regarding a proposed housekeeping ordinance at their February 5, 2020 meeting. At this meeting, the Planning Commission called for a public hearing to review potential revisions to the Zoning Ordinance. Roman noted that the Planning Commission was asked to review the draft ordinance language, and the Planning Commission did not recommend revisions at that time. An error was discovered by staff following the discussion and the housekeeping ordinance has been modified to correct this error under Section 1041.06. The Planning Commission was asked to review this change to ensure they are comfortable with the modification. The language proposed on February 5, 2020 was an attempt to fix the section of the Code that discusses additional setbacks for arterial and collector roads. The language as originally proposed essentially kept the existing error from being fixed. Many of the roads that are called collectors in the 2018 Comprehensive Plan should not have extra setback requirements.

Commissioner Odens asked for clarification on the street name in Section 1041. Roman noted that the street name was incorrectly listed and should read as 172<sup>nd</sup> Avenue.

Commissioner Green discussed landscaping setbacks. Roman clarified that plantings are allowed in utility easements, noting that the City Engineer has stated that plantings are done at the property owner's risk. Discussion was also held that easements don't extend when a street project is done, and that if a resident isn't applying for approval on anything, they wouldn't need to contact the City to do a planting.

Chair Heidemann opened the public hearing at 8:10 p.m. No one came forward for comment. Chair Heidemann closed the public hearing at 8:10 p.m.

Commissioner Odens motioned to recommend to the City Council to approve

housekeeping ordinance amendments as presented with a correction to 172<sup>nd</sup> Avenue in Section 1041.06, subd. 4 (2f). Seconded by Commissioner Marotz, unanimous ayes, motion carried.

#### **7D. MEETING TIME DISCUSSION**

Sara Roman presented the option of changing the start time of Planning Commission meetings from 6:30 p.m. to 6:00 p.m. The consensus of the Planning Commission was to recommend to Council to move the start of Planning Commission meetings from 6:30 p.m. to 6:00 p.m.

#### **7E. COMMUNITY DEVELOPMENT DEPARTMENT UPDATE**

Sara Roman noted that Community Development Director Hanna Klimmek provided a written update in the packet.

#### **8. PLANNER'S REPORT**

Sara Roman informed the Commission that new City Planner Amy Barthel will be starting employment with the City on March 16<sup>th</sup>.

#### **9. COMMISSIONERS' REPORTS**

Commissioner Zettervall asked for the Planning Commission's feedback on recent discussions of the City Council regarding appointments to the City's Commissions.

Chair Heidemann discussed that the Planning Commission is an advisory Board to the City Council, and stated his concern with only the City Council interviewing applicants, that future appointments could potentially be politically motivated.

Commissioner Marotz stressed that a Planning Commissioner's role is to bring a citizen viewpoint to discussions on the zoning code and development applications. Marotz also discussed the idea to implement term limits, noting that consistent contribution from Commissioners is vital to the process.

Commissioner Vickerman stated that setting term limits could be a concern as he feels there is value in history.

Commissioner Green stated that she is not opposed to term limits. Green also noted that she feels an interview for potential commissioners is needed, but not necessarily in front of a governing body. The best candidate should be chosen regardless of the possibility of unseating an incumbent.

Commissioner Zettervall discussed the option of the Planning Commission setting goals annually. Commissioners discussed holding a goal setting session possibly prior to the first meeting of the year, or prior to the annual committee workshop held in December

each year. Discussion was also held that the Commission's goals tend to be automatically set by planning activities from the previous year. Commissioners agreed to revisit this topic in the future.

10. **OTHER** – No other.

11. **ADJOURN**

Commissioner Green motioned to adjourn at 8:38 p.m. Seconded by Commissioner Zettervall, unanimous ayes, motion carried.