

**BIG LAKE PLANNING COMMISSION  
REGULAR MEETING MINUTES**

**AUGUST 2, 2023**

**1. CALL TO ORDER**

Chair Green called the meeting to order at 6:00 p.m.

**2. PLEDGE OF ALLEGIENCE**

The Pledge of Allegiance was recited.

**3. ROLL CALL**

Commissioners present: Tony Velishek, Dustin Wiebold, Lisa Odens, Chair Ketti Green, Alan Heidemann, Randy Miller, and Paul Seefeld. Also present: Community Development Director Therese Haffner, Finance Director Deb Wegeleben, City Clerk Gina Wolbeck, and Consultant Planner Kendra Lindahl from Landform.

**4. ADOPT AGENDA**

Commissioner Heidemann motioned to adopt the agenda. Seconded by Commissioner Velishek. Unanimous ayes, motion carried.

**5. OPEN FORUM**

Chair Green opened the forum at 6:01 p.m.

Travis Pobuda, 19796 County Road 15 NW – discussed he would like to comment on item no. 7B on tonight’s agenda regarding the change of land use for the property located at 19564 CR 15. Pobuda indicated he has spoken at City and Township meetings regarding the item, and thanked City and Township staff for meeting to review the property. Pobuda discussed the staff memo on tonight’s item mentions bordering properties are zoned industrial. He has reviewed land records and he has found nothing surrounding that property is industrial, noting all the land is designated residential or agriculture. With this proposal it is asked that the application be amended based on the City’s Comprehensive Land Plan. Specific to that direction is the change will not help the tax base in industrial/commercial developments when surrounded by residential/agricultural properties, noting the zone area would need significant redevelopment to support that change. City ordinances guide decisions like this. It requires there is a need to enhance things like health, safety, general welfare of all residents while at the same time contributing to the aesthetics of the environment will

## Planning Commission Meeting Minutes

Date: August 2, 2023

Page 2 of 10

minimize the impacts of noise, dust, debris, artificial light, and activities that may impact adjacent surrounding land uses. Infrastructure is inadequate, not just on CR 15 but the BNSF railroad. Pobuda stated he has enjoyed raising a family in a place that is safe, peaceful, private, and does not have an industrial park in the back yard. There are plenty of other areas in the City can support this commercial/industrial development which is the tax base desired. Pobuda asked the Commission to not support this designation change.

Mary Otterness, 19760 County Road 15 NW – stated she is here about the rezoning of 19564 CR 15. Otterness commented that MTL has a plan for this property that will directly impact our town severely and those of us that live nearby have spent years investing in our homes, raising our families and paying our taxes, noting they have rights. Otterness commented how amazing it is that the property went from a \$1.5M property to \$746,000 in a year when it was sold. Right away they are aggressively rezoning a proposal that abuts her property and their neighbor's property. The current proposal calls for the development of Lot 2, with an 11,800 sq. ft. facility with 71 trailer stalls and 17 vehicle stalls. They are well aware of the noise, light, and wear/tear on infrastructure a facility like this will cause the neighboring properties. Otterness stressed they don't need a study to tell them what the impact will be. MTL owns additional lots on the parcel and has every intention to further develop the entire parcel as mentioned at the July 5 Planning Commission Meeting noting they will want to expand this proposed facility as quickly as they can. This will create a virtual destruction of their neighborhood. Otterness stated the Planning Commission's job is to provide for compatibility of different land uses and protect use area from incompatible uses. This application is in incompatible with the properties surrounding it. It will be impossible to buffer the residential areas from the constant noise, lights, and commotion that will occur if this proposal is approved, and questioned the effectiveness of natural buffers.

Jack Menkveld; 5023 Malus Drive, New Port, Florida – indicated he owns the property located at 19524 County Road 15, which is adjacent to this proposed project. Menkveld discussed concern that he received no correspondence from the City regarding this item. He talked to the Planner and she indicated the City had his address wrong. Menkveld stated he feels this is a bad location for a truck terminal, noting the railroad tracks should be a great hindrance to them. There is plenty of other commercial industrial/commercial land opportunities that have water and sewer services available to it. This property has no services to it, and the washing of semi-trailers will create contamination and pollution.

Josh Williams, Structural Builders, Becker, MN – indicated he would like to speak regarding item no. 7A. Gina Wolbeck informed Williams there will be a separate public hearing opportunity for him to speak at.

Rob Aasen, 19710 159<sup>th</sup> Street NW – indicated his property is located directly on the west property line of the trucking company property. Aasen asked for clarification of spot zoning and if the City considers this to be spot zoning.

## Planning Commission Meeting Minutes

Date: August 2, 2023

Page 3 of 10

Tanya Hagg, 19710 159<sup>th</sup> Street NW – indicated her property is attached to the trucking company property. Hagg reviewed she has worked for a trucking company for a couple years and stressed this type of business generates a lot of noise and people coming and going. Hagg discussed her property used to be zoned industrial but it went back to residential and questioned why would this property would even be thought of as industrial, stating she feels it is a very bad idea to put that big of a facility in an area where it's mostly housing. Big Lake has enough industrial property to fill up, and just because the owner got the lot at a good price doesn't mean they should be able to just drop whatever they want there. Hagg stated she feels it really should be considered back to what it was and they should find a different location for their project.

Ron Wilkes, 19695 154<sup>th</sup> Street NW – stated he will be submitting a petition with over 130 names opposing the project. Wilkes reviewed the City of Big Lake wants to rezone approximately 60 acres along CR 15 from agriculture to industrial. They plan on doing this so the applicant/owner, Chad Master of master Family Investments LLC can build a semi-tractor/trailer storage and maintenance garage facility. Wilkes stated they believe this would greatly disturb the neighborhoods east and west of the proposed project as well as the residents located north and south of the project along CR 15. Area residents have become accustomed to the quiet, rural life outside the city and this project would have a negative effect on this way of life. If the rezoning is passed, and the project is built, it would increase noise levels and transportation congestion in the area. Having semi-trucks crowding the county road and getting backed up behind the railroad crossing would largely increase traffic and could potentially be dangerous to residential drivers. Wilkes discussed concern with the noise and vibration the trucks will emit while driving by the homes, as well as diesel emissions and a decline in air quality. Wilkes stated this rezoning request is a classic example of spot zoning which has been deemed illegal by the MN State court system. Wilkes also discussed there are surrounding areas in Big Lake along Highway 10 that are zoned for industrial use as well as vacant lots that could be used. Wilkes submitted a petition to staff.

Cody Coffin, 15993 201<sup>st</sup> Avenue NW, Elk River – stated he didn't get notified of the public hearing, and identified he is a direct land neighbor of the 17 acres to the west of the parcel. Coffin stressed he is extremely upset he didn't get notified. Coffin reviewed this is Big Lake, not Big City, expressing this doesn't need to be here. There is agriculture on the south side, it's all residential around the parcel, and there is no need for it to go here as there is plenty of space off Highway 10. Coffin read aloud Section 1006 purpose standards, stressing this application conflicts with the purpose of Section 1006. Coffin again stated his concern that he was not notified properly of the first meeting. The DeMark Land Surveying and Engineering map takes 4 to 10 acres of his property and he reviewed official lot lines of his property that conflicts with property lines presented by the applicant.

Julia Hahn, 19718 CR 15 NW – stated her family lives directly north of this property and they are very upset with this proposal. They moved here to have more land, and a quiet peaceful property. Hahn stated this application is disserving to them that this is even

brought forward. Discussed this application is incompatible with the property surrounding it, and it will be impossible to buffer the residential areas from the non-stop noise, lights and commotion that will certainly occur if this proposal is approved. Hahn expressed appreciation to have the opportunity to present her concerns. The nature of this whole transaction, the scope and nature of the development, and the incompatibility with the surrounding community make this proposal totally unacceptable. They know the Commission must balance the responsibilities of governing, and identified that some of the Commissioners are serving on multiple commissions simultaneously, and cautioned conflict of interest could occur. They want Big Lake to thrive but there are other already commercially zoned industrial/commercial properties available. The burden of economic development should not fall squarely on their backs when there are alternatives available. They are residents, taxpayers, and most importantly families that have made the neighborhood their home for decades. This proposal would significantly and unfairly destroy the fundamental nature of this area.

Dave Graham, 19902 CR 15 NW– stated he operates a business on CR 15 and he has very strict rules, including not operating past 5:00 p.m., he has a car count amount, and he has to keep his door shut to operate his business in the summer time. In 16-years of being here he has never had a complaint. If the City wants to move in this trucking outfit, he has concerns that a one-ton truck can't pull out onto CR 15 without crossing the yellow line, noting a semi will have more problems. There isn't an acceleration lane or enough room between that driveway and the railroad tracks. Being a truck driver for most of his life, he recognizes this will be a problem, and stated CR 15 is not set up for that. Graham stated he was shocked when he seen both proposals. Two 200,000 square foot buildings in their future plans is insane. Graham stated this is not the place for it and he doesn't want to live next it, commenting this will have a negative impact.

No one else came forward. Green closed the open forum at 6:23 p.m.

**6. APPROVE MEETING MINUTES**

**6A. APPROVE REGULAR PLANNING COMMISSION MEETING MINUTES OF JULY 5, 2023**

Commissioner Velishek motioned to approve the July 5, 2023 regular meeting minutes as presented. Seconded by Commissioner Heidemann. Commissioner Odens requested an amendment to the minutes under item no. 7C to add the word "recommend" denial in the motion she made. Commissioners Velishek and Heidemann accepted a friendly amendment to the original motion. Motion passed with unanimous ayes, motion carried.

**7. BUSINESS**

**7A. PUBLIC HEARING: BIG LAKE CAR CONDOS THIRD ADDITION – REZONE, DEVELOPMENT STAGE PUD, FINAL PUD, PRELIMINARY PLAT AND FINAL PLAT**

## Planning Commission Meeting Minutes

Date: August 2, 2023

Page 5 of 10

Kendra Lindahl reviewed the planners report for the Big Lake Car Condos Third Addition development application. The applications for a Rezoning, Development Stage PUD, Final PUD, Preliminary Plat and Final Plat were submitted by Richard Hinrichs to add a third phase to the Big Lake Car Condo development. Lindahl noted the Planning Commission and City Council reviewed a similar project on this site earlier this year, which received Council approval on May 24, 2023. After approval, the applicant revised his plans and was required to submit a new application. While the project is similar, the review process is slightly different because the new Zoning and Subdivision Ordinances were adopted on April 26, 2023 and this application is subject to the new ordinance standards. This new phase will add 13 additional storage units with six in the northern structure and seven in the southern structure. Lindahl reviewed the existing 5.83-acre parcel is currently vacant land. The property is currently zoned I-1 Industrial Park, and as part of the process for Planned Unit Developments (PUD) in the newly adopted Zoning Ordinance, properties will be rezoned to the PUD zoning district. The applicant is also proposing to plat the Big Lake Car Condos Third Addition to create additional buildable lots for the townhome-style car condo community. Lindahl reviewed design standards including building materials, parking/access, sidewalks, utilities, fencing, landscaping, and signage. Lindahl also discussed requirements of the Homeowners Association Covenants and development fees. Lindahl also discussed the site plan for the project noting it is now two separate buildings, and in the previous version the building connected and closed off. The proposed drive aisle extends through and the applicant has proposed a driveway stopping short of the street and the landscape plan wraps around a stormwater pond. The City Engineer's recommendation is to connect the drive to the public street, and noted the City Code says you cannot have a cul de sac longer than 500 feet. The length of street from the entry on 198<sup>th</sup> Avenue is 730 feet so it exceeds our cul de sac length. It is unusual not to have multiple entrances into a project like this, and this project is almost 1,300 feet long from the east end of the site to the west end. Having this length of property, having multiple entrances is very standard in development in Big Lake, as well as other cities. Without this connection this does exceed our maximum cul de sac length. Staff strongly recommends the Planning Commission's approval include a recommendation to include that condition. The sidewalk is required to be provided on 198<sup>th</sup> Avenue, which was also a condition on the previous project. There had been some discussion on the sidewalk last time, as staff had originally suggested a shorter sidewalk along 168<sup>th</sup> Street where there is a long-term pedestrian connection planned from Highway 10 south. The Planning Commission did previously recommend the sidewalk be on 198<sup>th</sup> Avenue from 168<sup>th</sup> Street to the entrance, and the applicant is showing that on their plans. As part of their application, they suggested that could possibly be removed and there be a mid-block crosswalk painted on the public street. Lindahl reviewed staff does not support that concept from a safety standpoint, as we don't like mid-block crossings as people aren't looking for pedestrians in the middle of a block. It becomes a long term maintenance issue for the City and the point of this is some benefit the City gains from the PUD. Staff continues to recommend the sidewalk as shown on the plans as recommended by the Planning Commission earlier this spring. Staff has discussed this internally and staff would still support an alternative on 168<sup>th</sup> Street, but believes the sidewalk is important for the PUD to be granted to provide a single PUD

## Planning Commission Meeting Minutes

Date: August 2, 2023

Page 6 of 10

benefit.

Commissioner Heidemann asked what the length of the cul de sac was previously. Lindahl responded it would have been about approximately 675 feet.

Commissioner Seefeld asked how this area is defined as a street, not a driveway. Lindahl responded the drive area is serving multiple units, noting it is good public practice not to allow long dead ends with this type of commercial operation. Lindahl reiterated the requirements of the drive lane are a strong recommendation from the City Engineer.

Richard Hinrichs, 161 Mount Curve – discussed these conditions all come up in the last day or two, noting they knew nothing about it. The recommended changes totally do not go along with what their plan is. Hinrichs stressed this is a secure area with fencing. There is a fire entrance on the east end, with two on the north end. Hinrichs informed the Commission he has spoken with Fire Chief Seth Hansen, who responded to him the project doesn't need any more accesses. Hinrichs reviewed the need to control people driving in and out of this place at all times, noting they have an electric gate that cost \$100,000. The site is totally secure and he doesn't know what the purpose of an additional access is for as this is a driveway that just goes into their unit, it isn't a cul de sac. Hinrichs expressed it would have been nice to have a discussion on this before this meeting.

Commissioner Seefeld asked the applicant why they have requested changes from the project approved earlier this year. Hinrichs responded their original plan included some rental units, and with the Mega Storage proposal recently approved by the City, this took out the rental concept of their plan. Now they just want to add two more buildings, which is the same as what they have been doing. They are already putting an access to the east, noting they shouldn't need an access to the west for any reason. As far as a safety standard, they have trouble getting out onto Highway 10 without a controlled access to Highway.

Commissioner Miller asked if they will provide their own maintenance and snow removal on this new section of drive lane. Hinrichs responded the Home Owner's Association is responsible for this, and they don't want to maintain another access/driveway/gate. Miller also discussed the public safety aspect, where normally that would be something the Fire Chief would want to look at when a drive lane gets to a certain length. Josh Williams from Structural Builders reviewed the bump-out from the driveway is ideal for snow storage, noting the only non-private vehicle that will use this will be a garbage truck. Williams noted the public safety aspect has been addressed with Chief Hansen. Williams also reviewed there is a new means of egress on the east end of the development that was recently approved that they just learned of. Hinrichs discussed there is easy flow through-out the whole place. As far as the sidewalk, the HOA is going to have to maintain a sidewalk, which they have no use for out there as it doesn't add any value to anybody as it goes nowhere. They don't want people coming up to their gates and trying to enter the facility from the sidewalk. Williams discussed if there needs to be a sidewalk put in, they do prefer the

## Planning Commission Meeting Minutes

Date: August 2, 2023

Page 7 of 10

western border as monetarily, it would be a shorter sidewalk. They would still have the boulevard there for the watermain service through the area so the avenue is still there even if it's not an access for utilities.

Chair Green opened the public hearing at 6:45 p.m. No one came forward. Chair Green closed the public hearing at 6:45 p.m.

Lindahl clarified the connection to the west that the engineer is asking for is the same connection that is on the east, noting it is not a public access, it is an emergency vehicle access to the west. Commissioner Miller discussed he believes the applicant had stated that there was an access on the west side. Williams responded they have a controlled access in the center of the development on the north side which is the main secure entrance. The emergency egress on the east is already in the works and will be buttoned up shortly. Williams clarified what they are requesting is another one to the west commenting it is a driveway not a road. This is a private facility for private cliky people who are into the automotive genre. It is a very unique group of people that get together and there is no public need for a third entrance. Hinrichs reiterated that the Fire Chief is the person he talked to, who said it wouldn't be necessary for him so they are confused as to why it is necessary for anybody else. He stated he feels it is something that was thrown in at the last minute, which is a big concern to him due to the cost.

Commissioner Heidemann stated he doesn't feel it is his position to remove an Engineer's requirement regarding accesses, but the discussion could be followed up on at the Council level. Heidemann also stated he feels the sidewalk makes more sense on the west side of the property on 168<sup>th</sup> Street.

Commissioner Odens stated she likes where the applicant is proposing to put the cross walk mid-block, noting it seems more realistic for pedestrians to get to the restaurant across the street. If the sidewalk crossing goes in at the intersection, pedestrians would have to walk over a quarter mile to cross, which they most likely aren't going to do. Odens stated she would also be fine with having them install the sidewalk on the west side as well. Hinrichs responded the mid-block area is already used by his patrons go to use the Buff. They are proposing a painted cross walk with a couple of signs. Lindahl identified staff would not support a mid-block crossing due to the public safety issue. Williams responded people are going to cross the street there anyways. Hinrichs noted there is already a sidewalk on the other side of the street.

Commissioner Wiebol asked if no additional parking is proposed with the increased units from the original plan. Hinrichs stated the parking is for the owners and they park in front of their units. There aren't any others coming into the condos to park. They do have car shows that they park the full length on both sides. Wiebol confirmed that owners shouldn't be sleeping in their units. Hinrichs responded it isn't a residential property so they shouldn't need any additional parking.

Commissioner Heidemann motioned to recommend approval of the Rezoning, Development Stage PUD, Final PUD and Preliminary Plat for Big Lake Car Condos, subject to the conditions in the staff report, with changing the sidewalk to the west side on 168<sup>th</sup> Street. Seconded by Commissioner Velishek. Motion passed 6:1, with Commissioners Velishek, Odens, Green, Heidemann, Miller, and Seefeld voting aye, and Commissioner Wiebold voting nay. Motion carried.

**7B. COMPREHENSIVE PLAN AMENDMENT: REQUEST TO CHANGE LAND USE FOR 19564 COUNTY ROAD 15 NW**

Therese Haffner presented the request submitted by Chad Master from Master Family Investments, LLS and Frank Feela from FF Realestate Services, LLC to amend the City of Big Lake Comprehensive Plan Land Use Map to change the land use designation of the property located at 19564 County Road 15 from Agricultural to Industrial. Haffner indicated the applicant intends to operate a maintenance and storage facility for semi-trucks and trailers on a 5-acre portion of the roughly 60-acre site. The 63.25-acre parcel, located on the east side of Big Lake, north of US Highway 10 and the BNSF rail line, and west of County State Aid Highway (CSAH) 15, was annexed into the City in 2009 and at that time was guided for industrial and was part of the planned Big Lake Rail Park project. The project never came to fruition and is currently undeveloped land guided for agriculture. The property owner has requested to amend the land use map to guide the property for industrial to allow for industrial development. The concept plan submitted by the applicant proposes to subdivide the property into four lots, including the first phase to include a semi-truck maintenance facility, and outdoor storage, and future phases to include warehousing. The properties to the north of the subject property, located in Big Lake Township, are zoned General Rural, to the east is CSAH 15 and zoned General Rural in Big Lake Township. The property to the west is within the City of Big Lake and guided and zoned Agriculture. The properties to the south are within Big Lake Township and guided and zoned Industrial, except for an abutting residential parcel at the southwest corner of CSAH 15 and the BNSF rail line. Haffner explained that a comprehensive plan is a document that sets forth a vision and goals for the city's future. The comprehensive plan contains different elements, including transportation, land use, economic development, and parks and trails. The Comprehensive Plan, which was updated and adopted in 2018 seeks out to increase the commercial and industrial tax base to 30-35 percent from 22 percent and to monitor the tax base composition annually and integrate consideration of the fiscal implications of land use, planning and economic development decisions into city policies and decision-making processes. The Comprehensive Plan further identifies the subject property and adjacent property as a potential rail industrial park.

Haffner reviewed that at the July 5, 2023 Planning Commission Meeting, the Commission reviewed and held a public hearing on the land use amendment request and recommended tabling the request. At the public hearing, input was received by several neighboring property owners, along with a Township Board Supervisor. There were concerns voiced on



## Planning Commission Meeting Minutes

Date: August 2, 2023

Page **9** of **10**

allowing a semi-truck maintenance facility near residential properties. Haffner also indicated the applicant has since revised their plan to add two warehouses in the concept plan.

Commissioner Heidemann asked for an update on how the meeting went with Township officials. Haffner responded it was a good opportunity for the Township to share information that was shared at the Public Hearing, and on the Orderly Annexation Agreement, which the City will follow. Haffner expressed the City has an obligation to process the land use application that was submitted to the City.

Commissioner Heidemann discussed comments made on spot zoning, stating it would be spot zoning if all the parcels surrounding the subject property are located in the City of Big Lake, noting some parcels are from another jurisdiction. Heidemann also reviewed traffic concerns stated during open forum, noting generally roads aren't upgraded prior to a project, and they never do the infrastructure until the need arises.

Commissioner Odens discussed this is a tough one to review, and that we need to consider both sides, and the City will need to consider buffering and transition planning when it comes to this parcel. Odens noted this parcel is separated from the rest of the City, and commented there are numerous areas of the City where industrial is next to housing, but the difference with this area is that the housing was there first, before future industrial.

Commissioner Heidemann discussed the possibility of the property owner requesting detachment from the City, which would put it back into the Township. If we say no, the property owner will most likely detach, and the City would lose the tax revenue. Heidemann commented that looking at it without an application, this is a good place for industrial.

Commissioner Velishek stated this is just the first step in the process, noting more information will come with the development application.

Commissioner Miller stated he is looking to the future, noting he doesn't feel this parcel won't be developed at some point. This is just the beginning step, and further discussion will be had on this application, noting right now this is just a land use change.

Commissioner Seefeld discussed that after the last meeting there has been a lot of conversation on the topic, and it seems like the County and Township would want this industrial project. The City can offer more protections with our code versus the Township.

Commissioner Wiebold stated he feels an industrial use would provide more conditions than a residential use. Our current industrial park is like a ghost town, noting the only one that is busy is Cargill. Wiebold suggested we will have more control over how this property develops than if it was residential, and noted commercial/industrial pays a lot more taxes than residential. Our tax base will be impacted with Sherco shutting down, so we should consider that. Wiebold discussed we need to entice more commercial/industrial projects to help balance out tax costs, noting he is in favor of lower residential property taxes. Wiebold

discussed we do need to be very careful about screening, buffers, noise, etc. when approvals for this project come forward.

Commissioner Heidemann motioned to recommend approval of a Comprehensive Plan Amendment to change the Land Use Map from Agriculture to Industrial for the property located at 19564 CR 15 NW, Elk River, MN, and identified as Parcel No. 65-026-2000. Seconded by Commissioner Velishek. Motion passed with a vote of 6:1, with Commissioners Velishek, Green, Heidemann, Miller, Seefeld, and Wiebold voting aye, and Commissioner Odens voting nay. Motion carried.

**8. PLANNER'S REPORT**

Therese Haffner informed the Commission that new Planning Technician Tara Kohls will be starting employment with the City on August 14, 2023.

**9. COMMISSIONERS' REPORTS** – none presented.

**10. OTHER** – no other.

**11. ADJOURN**

Commissioner Heidemann motioned to adjourn the meeting at 7:18 p.m. Seconded by Commissioner Miller, unanimous ayes, motion carried.