

**BIG LAKE PLANNING COMMISSION  
REGULAR MEETING MINUTES  
MONDAY, MARCH 3, 2021**

**1. CALL TO ORDER**

Chair Zettervall 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: Ketti Green, Alan Heidemann, Scott Marotz, Lisa Odens, Paul Seefeld, Dustin Vickerman, and Scott Zettervall. Also present: City Planner Lucinda Meyers, City Administrator Clay Wilfahrt, Finance Director Deb Wegeleben, City Engineer Layne Otteson, Recreation and Communication Coordinator Corrie Scott, and Community Development Director Hanna Klimmek.

**4. ADOPT AGENDA**

Commissioner Heidemann moved to adopt the agenda. Seconded by Commissioner Odens, unanimous ayes, agenda adopted.

**5. OPEN FORUM**

Chair Zettervall opened the Open Forum at 6:01 p.m.

No one came forward for comment.

Chair Zettervall closed the Open Forum at 6:01 p.m.

**6. APPROVE MEETING MINUTES**

**6A. APPROVE REGULAR PLANNING COMMISSION MEETING MINUTES OF FEBRUARY 3, 2021**

Commissioner Green motioned to approve the February 3, 2021 Regular Meeting Minutes. Seconded by Commissioner Marotz, unanimous ayes, Minutes approved.

**7. BUSINESS**

## **7A. PUBLIC HEARING: REZONING PARCELS (21) CONSISTENT WITH COMPREHENSIVE PLAN**

Meyers reviewed that staff is proposing implementation of the land use changes established by the Comprehensive Plan into the Zoning Map utilizing a phased approach. A total of 125 parcels require rezoning; staff has selected 21, roughly one-fifth of the properties for rezoning in “phase 1.” The properties selected for the first phase fall under one of the four categories listed below:

1. Property is undeveloped (13)
2. Property status is currently non-conforming; rezoning makes it conforming (5)
3. Property status is currently non-conforming; rezoning maintains non-conformity (1)
4. Property status is currently conforming; rezoning maintains conformity (2)

Meyers stated that notably absent from the list is the, “property is conforming; rezoning makes it non-conforming” category. Under the current zoning ordinance, the remaining properties appear to be within this category and as such have been omitted from phase 1. These properties will be rezoned once the Zoning Ordinance has been revised. Options are currently being explored to complete this project, however none have been selected to date. Meyers asked the Planning Commission to open the public hearing and receive input on the rezoning proposal prior to deliberation as a recommendation to the City Council on the rezoning is needed.

Green asked if the properties included in the packet are being discussed. Meyers stated that there are two properties that were identified in the public hearing notification that have since been removed because it was determined they did not fall under the four categories being addressed in phase one.

Chair Zettervall opened the public hearing at 6:10 p.m.

Sandra Wold of 19805 172<sup>nd</sup> Street commented that their residential parcel is part of the rezoning project. She stated that she would like more information on why the parcel is being proposed to be rezoned as business.

Chair Zettervall closed the public hearing at 6:12 p.m.

Jack and Luanne Palmer of 19988 January Street submitted a comment via email: “As homeowners in the Hudson Woods development we have concerns about the high density apartment complexes being planned adjacent to our property. Particularly, we fear that our property values could erode and we’re also worried about increased traffic, costs, and public safety/service implications. In the early 2010s the city became overextended due to overly ambitious business and home expansion planning in the area. We don’t want to see that happen again. Specifically, in converting the zoning over to high density dwellings what will be the costs incurred? Are the existing utilities

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adequate? Have you given consideration to the need for park(s), traffic/policing due to increased residents, and hits to social services such as schools and libraries? These things all need to be addressed, presented to the community, and we think the costs should be borne solely by the project developers.”

Robert Lindholm of 19958 January Street submitted a comment via email: “I researched the definition of High Density Residential zoning and found out the purpose is to establish areas for higher residential densities within easy pedestrian access to commercial areas, public facilities, and employment centers of the city. The problem is the areas that are being proposed to be rezoned (property ids # 65-543-0030, 65-543-0070, and 65-543-0040), are within walking distance to only 1 commercial area. That commercial area has a gas station (Minnoco) and a restaurant (Cambo Flare). There are no public facilities within walking distance, and the only place of employment would be the gas station or restaurant.

I realize the vacant land will someday have development on the land, however there is no reason that the development should be high density residential. There are no public facilities, no public transportation, and no easy access to employment or commercial areas. The issue at hand today is the rezoning of the land, not the CommonBond project that has been proposed that aims to help people coming out of homelessness (according to their website). I realize that is an entirely different discussion.

In my family’s view, we were fine with the thought of general business zoning when we purchased our home in 2016. We knew what that may involve, maybe a restaurant, or a strip mall with different kinds of stores, maybe a company that builds a small factory that would employ local residents, maybe even a church could be built. All would be a great use for the property. It has the potential to benefit the community very positively for years to come. In my opinion high density residential would bring no benefit to that property, it would only drive out good, tax paying, residents to move out of their homes. One example that cannot be disputed is last year’s proposal of 120 units of mixed - income apartments that were proposed to be built on a piece of property between the Minnoco and New Creations child center. As a result, my 3 neighbors across the street, and my next door neighbor sold their homes. 4 families decided to up and move as a direct result of high density residential development being proposed. This is what could happen again.

The fact is the property is nearly 3 miles out of town. You cannot walk the 3 miles to town on the side of highway 10, there is no side walk and it would take 1 hour to do so even if there was. There is no crosswalk to cross highway 10, how many people would try to cross the 4-lane 65mph. highway? It is not safe.

One thing I like a lot, and don’t mind paying the higher property taxes for, is seeing the police patrol our neighborhoods several times a day. I feel very safe in my home, and feel I live in a safe neighborhood. Unfortunately, if high density residential is built on the proposed property, chances are we would be seeing the police a lot more, but not for good reasons.

Unfortunately, I will not be able to attend the meeting this Wednesday as I am traveling for work and will be on the east coast. I would just like to express my strong objection to

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the rezoning of property ids # 65-543-0030, 65-543-0070, and 65-543-0040. If possible could my email, please be read? I would appreciate having my voice heard, and am sorry that I cannot be present at the hearing.”

Shane Shatka of Hudson Woods submitted a comment via email. “PROPERTY ID 65-543-0030, 65-543-0070, 65-543-0040. There seems to be a reoccurring attempt by a builder, to place a high density residential project right next to highway 10. I’m a resident of big lake and the neighborhood near to this. I have some concerns that i think are obvious and realistic. I see a safety/ liability issue being right on Hwy 10, there is food and drink within such a short distance across Hwy 10 that I’d bet you will see people on foot going back n forth.

I would think we would want businesses along Hwy 10 that draw people to stop in big lake to spend money. There are places in our town far more appropriate like as an example next to bluff park a couple blocks away. That spot has already been prepped for building. Market place drive isn’t a residential two lane street, it’s a wide 3 lane commercial service drive. A residential project on this street seems like inappropriate.

I’d also like to add that the tax revenue from the neighborhood next to this won’t grow as fast for the city. Property value will be hurt, which I guess as far as taxes it’s a loss the city. It’s my understanding that the builder needs to address the concerns of the residents and city. I will expect a solution for this. Made public, mailed out. also; the builder just acknowledging this, is not him addressing and offering a fix for it.”

Odens asked Meyers if she is aware of which parcel the landowner who made public comment was referring to. Zetervall stated that the parcel is south of Highway 10 and North of the lumberyard. Heidemann stated that he isn’t comfortable to rezone the specific parcel until a conversation is had with the current property owners. Meyers stated that the Comprehensive plan does guide this parcel toward business and that it is not currently zoned, but that she agrees with Heidemann in removing the property from consideration at this time.

Marotz stated that the Land Use Comprehensive Plan Task Force recognized that the land being proposed for rezone has sat vacant for a long time and one of their goals was to come up with strategies to encourage development of the land. He stated that they reached out to local developers and local businesses and with their feedback it was determined that having more residential property in the area could potentially spur more commercial growth in the long run.

Seefeld stated that he disagrees with how much high density is being put in the area. He stated that during the Comprehensive Plan meetings there was discussion on mixed housing and step up housing, but that what is being proposed is too much high density. He stated that he is not in favor of rezoning the proposed parcels. Odens stated that she feels many of residents’ concerns about traffic, public safety, and parks will be addressed as developers submit their proposals for review. She stated that the proposed rezoning is consistent with the Comprehensive Plan which was created with

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help from 20-30 City residents and felt it would be dishonest to disregard their input.

Green stated that the Comprehensive Plan took a lot of time and investment to put together. She stated that the high density residential development to which Hudson Woods residents are referring, was originally proposed for another location, however that location was not guided for such development. The development was relocated to the current location in response to feedback from the community and City land use policy. Green stated that she would prefer to conform to the land use established by the Comprehensive Plan.

Heidemann noted that the current discussion is focused on the City's Comprehensive Plan that was created and adopted within the last three years. He stated that the proposed rezoning is being done to bring the code into conformance with the Comprehensive Plan and since this plan was created so recently, it makes the most sense to align the two documents.

Vickerman acknowledged that the purpose of the proposed rezoning is to implement the land use changes identified in the Comprehensive Plan.

Chair Zettervall reviewed the Comprehensive Plan development and adoption process. The policy document was developed with citizen input during a yearlong process with a primary objective of facilitating development on vacant parcels. He stated that medium-high density housing will spur commercial growth and have a positive effect on local property taxes. He believes that some of the concerns expressed are contradictory in reference to t being too far from businesses and others stating they are too close. If residents would like to go through the process to change the Comprehensive Plan, that is an option, but in the meantime it makes the most sense to align the City Code with the recently developed Comprehensive Plan.

Odens asked if the landowners of the three properties in discussion have provided negative feedback regarding rezoning. Meyers stated that these three properties are owned by RiverWood Bank and that they have not provided any negative feedback, but have expressed interest in developing the land in alignment with the City's land use plan.

Zettervall asked if any of the parcels lining Highway 10 are scheduled for rezone. Meyers stated that the commercially zoned parcels adjacent to the highway are guided to remain commercial and as such will not be rezoned. Meyers indicated that the properties north of these commercially properties, guided for medium-high density residential, will create a nice transition between commercial to the south and low density residential to the north.

Seefeld stated that when residents were surveyed during the development of the Comprehensive Plan, many residents commented that they wanted a 'small town feel.'

He stated that he isn't opposed to high density, but that he doesn't want Big Lake to be like Maple Grove.

Marotz stated that the alternative to rezoning is to leave the parcels as they are, which can be detrimental to taxpayers. He stated that the City extended utilities to those parcels to serve the residential development in the area, but after the housing market crashed there wasn't anything developed on those parcels. Marotz stated that there is a cost to the City having undeveloped land with infrastructure that needs to be maintained, and that is what drove the Comprehensive Plan Task Force to recommend a change of land use for vacant land. He stated that he would like to see the biggest return on investment for residents and having land sit undeveloped does not accomplish this.

Heidemann acknowledged the magnitude of City and community investment in developing and Comprehensive Plan and asserted that disregarding this fact would be a mistake. He stated that if the community doesn't want to see this land rezoned, it should be considered to revise the Comprehensive Plan.

Zettervall reiterated that the Public Hearing for this topic is closed.

Commissioner Marotz motioned to recommend to approval of rezoning the proposed properties as proposed with the removal of PID 65-528-0020. Seconded by Commissioner Vickerman, the motion passed on a vote of 6 to 1, with Commissioner(s) Green, Heidemann, Marotz, Odens, Vickerman, and Zettervall voting aye and Commissioner Seefeld voting nay.

## **7B. CONCEPT PLAN REVIEW – MARKETPLACE CROSSING**

Meyers reviewed a Concept Plan Review Application submitted by CommonBond Communities. Meyers stated that the development concept appears to satisfy zoning and land use requirements, with the following exceptions:

- 1. Number of parking stalls.** The use requires 2.5 parking stalls per dwelling unit with at least 1 of the stalls indoors. The concept proposes 2.04 surface parking stalls per dwelling unit.
- 2. Loading area.** A 400 square foot loading area is required.
- 3. Side yard setback.** The parking lot is required to maintain a 10-foot setback from the property line. The concept shows the parking lot extending to the easterly property line.
- 4. Outdoor living space.** Each unit is required to have a clearly defined private or semi-private outdoor space such as a yard, patio, porch or balcony, with direct access from inside the unit.
- 5. Exterior Materials.** The building type is required to be constructed of *brick or stone or an equivalent material, to be approved by the City*, on 50 percent of each elevation. While brick has been incorporated in the exterior, the

remaining materials will require City approval.

Modifications of the underlying zoning district regulations may be approved by the City Council as part of the overall approval of the PUD if the following conditions are satisfied:

1. The modifications bear a demonstrable relationship to, and are consistent with, the goals and policies of the Comprehensive Plan.
2. The modifications result in eliminating the adverse impact and effect of such uses by utilizing screening, landscaping, superior site and building design and other features related to planning, design, and construction.
3. The modification does not adversely affect surrounding properties because the PUD plan has provided screening, buffering, fencing, walls or other site improvements which have eliminated the adverse effects of the modification.

Meyers asked the Planning Commission to provide informal review and comment regarding the project's acceptability in relation to the Comprehensive Plan and development regulations (i.e. the Zoning and Subdivision Ordinances).

Zettervall asked Meyers to expand on outdoor living space. Meyers stated that it is in the PUD section of the Zoning Ordinance. Zettervall asked if the Applicant is considering applying for a PUD. Meyers confirmed that the Applicant is considering the option. Green asked if at least one of the 2.5 parking stalls per unit will be required to be covered parking. Meyers confirmed the Zoning Ordinance requires one covered stall.

Heidemann asked the Applicant, Leah Stockstrom of CommonBond Communities, whether the current proposal is similar to their original application but on half of the scale. Stockstrom confirmed that the current application is similar to their original proposal, but moved to a location guided by the Comprehensive Plan. She stated that CommonBond received partial funding from the state so they plan to move forward with half of the development now and if more funding becomes available they plan to develop the rest of their originally proposed plan. Heidemann asked if they are proposing one parking stall per bedroom. Stockstrom confirmed that they are planning for one parking stall per bedroom because they have experienced success with that ratio in their other projects.

Heidemann commented that there will be questions and concerns for the developer from the public during their future open house and urged the Applicant to be prepared. Stockstrom stated that there will be an open house prior to their preliminary plat application and that they will be prepared to answer specific questions about the development application at that time. Zettervall acknowledged the Concept Plan Review application is the first step of a development application and the main purpose of concept plan review is to provide feedback to the developer prior to them submitting a formal application. Zettervall stated that after a formal application is submitted a public hearing will take place.

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Green asked why there isn't more covered parking proposed. Stockstrom stated that it has to do with cost as covered parking is significantly more expensive than uncovered parking.

Zettervall asked if they plan to meet the 50% requirement for exterior materials. Stockstrom stated that they do intend to conform to the 50% requirement, but that it is too early in the process to break down exact calculations. Zettervall suggested that the Applicant bring a sample of their proposed building materials to their open house. Zettervall also reiterated that the purpose of a concept plan review is for direct feedback from staff, Planning Commission, and City Council, prior to the submission of a formal application, and that a public hearing will take place in the future.

Heidemann felt that the project would be a good fit for the City as it is aligned with the goals of the Comprehensive Plan. He stated that there is public concern he would like to see addressed.

Green asked the Applicant what percentage of the units are being used for rental income. Stockstrom stated that there will be 12 market rate units and 13 units that will be 30% AMI (Area Median Income) and the remainder of the units will be at 50% AMI. Stockstrom stated that 60% AMI is needed for income, but that renters will be paying 50% AMI rent. Green asked about the location of the garbage receptacles and if they will be inside the building. Stockstrom stated that even though it is placed there in the current concept plan, that there will likely be many changes going forward in order to comply with the City's code.

Odens asked if the parking lot for Phase 2 will be larger than the parking lot for Phase 1. Stockstrom stated that it is too early in the planning stage to determine the parking lot size for Phase 2, but she ensured that they will be in conformance with City code.

Marotz stated that the biggest issue that most residents have with this development is that it is income-based. He stated that there are income-based apartments in Big Lake and that this potential development would meet similar standards. He stated that the main difference between income-based projects and traditional projects is that the developer is receiving their funding through the state rather than from a bank. Marotz advised residents to stay involved in the process and give their input on specific aspects of the project such as sidewalks, building materials, and traffic configurations so that they can make an impact on what is built.

Zettervall reiterated that the purpose of a concept plan review is for direct feedback from the Planning Commission prior to the submission of a formal application, and that a public hearing will take place in the future. He also stated that residents can reach out to individual Planning Commissioners with questions and concerns.

Zettervall stated that it is important for Planning Commission to remain objective and uphold standards equally to all potential developers. He stated that he isn't concerned with the total number of parking stalls, but with the number of covered parking stalls specifically. Zettervall stated that in the past the Planning Commission hasn't enforced a 400-foot loading area on other projects and that he sees no need to enforce it on this project. He stated that he isn't comfortable giving flexibility regarding outdoor living space and that he would like to see the Applicant meet the requirement. Zettervall stated that regarding building materials, the proposed product will look nice.

Green asked if there are any patios or balconies being included in the units. Stockstrom stated that they didn't realize this was a requirement when the concept plan was submitted. She stated that there are multiple reasons they do not prefer offering patio and balcony options. She stated that people generally use their patios for storage and that they don't add to the aesthetic of the building. She also stated that having ground floor patios can be a safety concern. Stockstrom stated that they are looking at other ways to fulfill the requirements such as adding walking trails or offering an outdoor gardening area if allowed. Heidemann noted that private outdoor living space is only required if the project is a PUD.

## **7C. SOLAR ENERGY SYSTEMS ORDINANCE AMENDMENT DISCUSSION**

Meyers reviewed that a resident submitted a building permit for a residential roof mounted solar energy system (SES) which unfortunately, could not be issued due to the color of their roof and home, and the inability to place the SES in a location with limited visibility from the public right of way. Upon review of this application, staff determined that an ordinance amendment is warranted so that that property owners are afforded greater access to the technology. Meyers reviewed the draft ordinance which accomplishes the following:

- A. **Consolidation of language.** The existing ordinance features an amount of redundancy. The draft ordinance eliminates redundancy and streamlines the ordinance by combining Roof Mounted SES and Ground Mounted SES.
- B. **Ease of interpretation.** The draft ordinance has been written with the user in mind. The draft is structured by topic, and each topic is identified at the beginning of each provision.
- C. **Removal of conflicting regulations.** The existing ordinance requires adherence to accessory use district standards as well as those established within the SES ordinance. There is overlap between these two set of regulations that is not consistent. The draft addresses this issue.
- D. **Removal of prohibitive regulations.** Several ordinance provisions appear to have been written with the intent of preventing rather than promoting use of the technology. One example of this is the requirement that the color of roof mounted SES's match the roof and be similar to the home. This effectively precludes houses with certain colors from access to the technology. The draft ordinance provides greater flexibility.

- E. **Updated regulations.** The ordinance is lacking important information such as permit submittal requirements and the need for industry certification and adherence to additional standards aside from those of the “Minnesota Building Code.” The technology has come a long way in the last 15-plus years since the ordinance was written, its use has become more widespread, and its regulations evolved.
- F. **Eliminates CUP option.** The existing ordinance provides option for roof mounted systems to exceed maximum height with issuance of a CUP. Allowing for an extra 18 inches of height is anticipated to address this issue (as well as allow property owners of buildings at maximum height access to the technology).

Meyers asked the Planning Commission to review the existing and proposed ordinances and provide direction to staff. If the Commission is largely supportive of the ordinance as written, staff will implement any revisions requested and schedule a public hearing for the amendment at the April 7 Planning Commission meeting. The City Council will be asked to act on the ordinance amendment at the April 28 meeting. If approved, the ordinance will take effect (and the City will issue the resident their permit) upon publication in the local newspaper on May 8.

Zettervall stated that the draft is well written, but he has a question about screening for rooftop solar and if it is needed. Meyers stated that this is the problem the Applicant is currently running into as screening the rooftop isn't an option. Zettervall asked if there are other occurrences in a residential setting that there would be mechanical equipment placed on rooftops. Meyers stated that generally this only happens for commercial and industrial or for apartment buildings with flat rooftops.

#### **7D. CODE REVISION TASK FORCE UPDATE**

Meyers reviewed that Council has appointed Ken Halverson as the City Council representative for the Code Revision Task Force. She stated that she is requesting a Planning Commission Member to sit on the Code Revision Task Force.

Zettervall recommended that Marotz would be a good member for the task force as he has experience with both Planning and Parks. Marotz stated that he would take the position if no other member is interested.

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

Klimmek discussed the status of various projects within Community Development as of March 3, 2021. This update included Housing, Commercial and Industrial, BLEDA, Planning and Zoning, Building, Recreation and Communication, and Streets and Parks. She handed out the following permit activity reports:

#### **PERMIT ACTIVITY REPORT – THROUGH FEBRUARY 28, 2021**

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Permit Type	Permits Issued in February of 2021	2021 Total
Single-Family	4	22
Multi-Family	0	0
Commercial New / Remodel / Addition	2	5
Remodel / Decks / Misc.	15	26
HVAC / Mechanical	7	18
Plumbing	7	12
Zoning	0	1
Land Alteration	0	0
Fire	1	2
<b>TOTAL</b>	<b>36</b>	<b>86</b>

	Permit Fee	Plan Review	TOTAL
Total Fees in Feb. 2021	\$28,073.30	\$12,701.58	<b>\$40,774.88</b>

YTD 2021 Total Valuation (through 2/28/21)	YTD 2021 Permit Fee + Plan Review (through 2/28/21)
<b>\$8,113,292.00</b>	<b>\$117,475.30</b>

**PREVIOUS YEAR COMPARISON – THROUGH FEBRUARY 29, 2020**

Permit Type	Permits Issued in February of 2020	2020 Total
Single-Family	1	2
Multi-Family	0	0
Commercial New / Remodel / Addition	1	3
Remodel / Decks / Misc.	8	21
HVAC / Mechanical	5	16
Plumbing	2	8

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Zoning	6	8
Land Alteration	0	1
Fire	9	10
<b>TOTAL</b>	<b>32</b>	<b>69</b>

	Permit Fee	Plan Review	TOTAL
Total Fees in Feb. 2020	\$4,626.79	\$1,314.11	<b>\$5,940.90</b>

YTD 2020 Total Valuation (through 2/29/20)	YTD 2020 Permit Fee + Plan Review (through 2/29/20)
<b>\$573,797.76</b>	<b>\$13,039.10</b>

**8. PLANNER'S REPORT**

Meyers stated that Council would like to proceed with extending the current 300-foot radius for public hearing notices that are mailed out to residents to 500 feet. Meyers reviewed that the proposed small cell wireless requirements for single family neighborhoods was passed by the City Council. Green asked if the properties that were discussed at the March Planning meeting will go to the next Council meeting. Meyers confirmed that they will be brought to the March Council meeting.

**9. COMMISSIONERS' REPORTS**

Odens stated that there have consistently been issues with parking for apartment buildings and that the Code Revision Task Force is a long-term project that won't come to fruition for likely over a year. She asked if it's possible to bring forward code revision regarding apartment parking requirements in the meantime. Meyers stated that the covered stalls requirement will still hold potential developers back.

Heidemann stated that the Rebranding Project is in progress and that they are currently working on a potential logo for the City. Zettervall asked the Commission if they can propose a date for a goal setting meeting. Green proposed utilizing one of the regular April meetings for this discussion depending on the number of items included on the agenda.

**10. OTHER** – None.

**11. ADJOURN**

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Commissioner Green motioned to adjourn at 7:39 p.m. Seconded by Commissioner Heidemann, unanimous ayes, motion carried.