

**BIG LAKE PLANNING COMMISSION  
REGULAR MEETING MINUTES**

**NOVEMBER 2, 2016**

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**2A. WELCOME/OATH OF OFFICE: NEWLY APPOINTED PLANNING  
COMMISSIONER ALAN HEIDEMANN**

Vice-Chair Green welcomed newly appointed Planning Commissioner Alan Heidemann. Commissioner Heidemann took the Oath of Office of the Big Lake Planning Commission.

**3. ROLL CALL**

Commissioners present: Ketti Green, Seth Hansen, Alan Heidemann, Jennifer Joseph, Larry Sundberg, and Scott Zettervall. Commissioners absent: Scott Marotz. Also present: City Planner Michael Healy and Administrative Assistant Sandy Petrowski.

**4. ADOPT AGENDA**

Commissioner Joseph moved to adopt the agenda. Seconded by Commissioner Hansen, unanimous ayes, agenda adopted.

**5. OPEN FORUM**

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

**6. APPROVE PLANNING COMMISSION MEETING MINUTES OF OCTOBER 5, 2016**

Commissioner Hansen motioned to approve the October 5, 2016 Meeting Minutes. Seconded by Commissioner Joseph, unanimous ayes, Minutes approved.

## **7. BUSINESS**

### **7A. PUBLIC HEARING: VARIANCE EXPANDING A NON-CONFORMING STRUCTURE (DECK) AND SETBACK VARIANCE AT 401 LAKESHORE DRIVE (J. FOWLER)**

City Planner Michael Healy reviewed the October 27, 2016 Memorandum regarding the application submitted by Mr. Joe Fowler for a variance to allow for the expansion of a non-conforming structure (deck) and a setback variance (to allow deck to be 18 feet from front property line versus the allowed 20 feet) at 401 Lakeshore Drive.

Healy reported that the applicant stated that the deck was built earlier this year without a permit because he believed it was classified as a detached platform rather than a deck because it was not attached to the house and that a permit was not required. Staff informed him that platforms require a zoning permit and, because the built structure is higher than thirty inches (30") off the ground, it is considered a deck regardless of whether or not it attached to the house.

Healy stated that, in order to allow the deck to remain in place, a variance is required for the following two reasons:

1. A variance is needed when a non-conforming structure is being expanded. Because the house is only twelve feet (12') from the side property line along Lake Avenue (versus the 20-foot required setback), the house is a considered non-conforming structure and the deck is an expansion of the non-conforming structure.
2. The house previously met the required 20-foot setback in the front along Lakeshore Drive (the lot is on a corner so the 20-foot setback is required along both Lake Avenue and Lakeshore Drive). Because the deck extends thirteen feet (13') from the front of the house and is only eighteen feet (18') from the front property line along Lakeshore Drive, it creates a two foot (2') setback non-conformity that did not previously exist.

Healy noted that while the need for a variance to build a deck on a non-conforming structure was not a self-created difficulty, the need for a front yard setback variance to keep a deck that is larger than the setbacks allow (13 feet vs 11 feet) does appear to be a self-created difficulty. Staff is recommending approval of part of the variance which would allow the building of a deck on a non-conforming structure but recommends denial of the setback variance as the practical difficulty appears to be self-created by the applicant building without a permit.

The Planning Commission disagreed with staff and believed that the practical difficulty was that Mr. Fowler did not have enough room to build a usable deck without a setback variance. They felt that an 11-foot deck (the maximum allowed without a setback variance) would not be sufficiently usable. Without the setback variance, the Applicant would need to shave 2 feet off his 13-foot deck and would only be left with an 11-foot deck.

Vice-Chair Green opened the public hearing at 6:44 p.m.

The applicant, Mr. Joe Fowler, 401 Lakeshore Drive, stated that he believes that the structure he constructed falls within the definition of platform under the current City ordinances and also that within the last year he had a significant amount of grade removed because the previous owner had added a large amount of fill to the property and if that amount would be added back in, then the structure would meet the definition of a platform as it would be less than 30" above average ground level or grade. Mr. Fowler asked for consideration of the variance for both sides of his property.

Vice-Chair Green closed the public hearing at 6:52 p.m.

Commissioner Hansen motioned to recommend that the City Council approve a variance for 401 Lakeshore Drive for the non-conforming structure (deck) to be extended to thirteen feet (13') from the house and for the setback variance to allow for the expansion of the non-conforming structure (house). Seconded by Commissioner Heidemann, unanimous ayes, motion carried.

Healy stated that this recommendation will be forwarded to the City Council for consideration at their December 14, 2016 meeting.

#### **7B. FINAL PLAN PUD FOR BUS GARAGE AT 16820 – 197<sup>TH</sup> AVENUE NW (OPTIONS, INC.)**

Healy reviewed the October 27, 2016 Memorandum regarding the application submitted by Options, Inc. for a Final Plan PUD for a bus garage at 16820 197<sup>th</sup> Avenue NW. He reported that the City approved a concept plan for a PUD for a bus garage in August 2016 and that the applicant has submitted final plans that are consistent with the approved concept plan.

Healy stated that the proposed plan is for construction of a 7,936 square foot bus garage. The application requests: 1) approval of a Conditional Use Permit (CUP)/Planned Unit Development (PUD) for a bus garage; 2) approval of the site plan, building plan, and landscape plan; and 3) PUD flexibility to allow a stick-frame structure and two (2) principal buildings on one (1) lot. Healy stated that one of the current requirements is that load bearing structural components are to be either steel or structural concrete or a material of greater strength with a CUP. He noted that the proposed wood frame structure meets building code requirements and that the existing bus garage located across from the Option's site was constructed with wood framing.

Commissioner Zettervall motioned to recommend that the City Council approve a CUP/PUD for the Options, Inc. bus garage, PUD flexibility for structural support material, and having a second principal structure on one lot, contingent upon the conditions laid out in the October 27, 2016 staff memorandum. Seconded by Commissioner Sundberg, unanimous ayes, motion carried.

**7C. DISCUSSION: NUMBER OF UNITS ALLOWED IN THE PHASE II OF THE TOWNHOUSE-STYLE “THE CROSSINGS AT BIG LAKE STATION”**

Healy reported that The Crossings at Big Lake Station is a rental townhome-style apartment community which currently includes Phase I consisting of thirty-three (33) units in four (4) separate buildings, with each set of two (2) buildings built over a shared underground parking garage and functioning as essentially one building. He discussed the history of Phase 1 construction which was built with PUD flexibility and the past discussions on whether the project was an apartment/condominium or townhouse-style development based on the zoning code rules. For Phase I, the developer, Duffy Development, was required to abide by the building size restrictions of townhomes (8 units per building) instead of being able to use the more generous sizing regulations for apartments.

As part of the approval of Phase 1, the developer agreed to put a small gap in between each set of eight (8) units and have the underground parking run continuously between the two (2) buildings underneath the gap. The developer has indicated that the breaking up of the buildings with the gaps caused a huge increase in project costs and they do not believe the gaps (that are fenced off and only house HVAC systems) contributed any value to the project.

Healy stated that the developer is currently in the planning stage for the development of Phase II which includes construction of approximately thirty-two (32) additional townhome-style units and will require going through the PUD process. The developer is proposing that the plans for Phase II not be required to limit the number of units to eight (8) per building and be allowed to eliminate the requirement of the gaps.

After a brief discussion, it was the consensus that the Planning Commission is favorable to removing the gap requirement as long as Phase II is developed in a similar build as Phase I and the Commission encourages the developer to put any cost savings back into the project.

**8. PLANNER’S REPORT**

Healy reported that staff has received four (4) proposals for the update of the Comprehensive Plan and that staff recently met, ranked each submittal, and the plans will be brought to the City Council for consideration in the near future.

**9. COMMISSIONERS’ REPORTS – None.**

Commissioner Green asked about the status of the former BP building at 401 Jefferson Boulevard. Healy reported that the Conditional Use Permit (CUP) previously approved for the current owner, Abraham Ahmed, has now expired and the owner can rehabilitate the building but cannot use the building as an auto repair shop unless another CUP is approved.

10. **OTHER** – None.

11. **ADJOURN**

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