

**BIG LAKE PLANNING COMMISSION
REGULAR MEETING MINUTES**

January 18, 2006

1. CALL TO ORDER

Chair Parsons called the meeting to order at 7:00 p.m.

2. ROLL CALL

Commissioners present: Kirby Becker, Tony Benecke, Doug Hayes, Duane Langsdorf, Scott Marotz, Melinda Parsons and David Schreiber. Also present: City Administrator Patrick Wussow, Assistant City Administrator Scott Johnson, Economic Development Director Jim Thares, City Planner Ned Noel, City Planner Annie Deckert and Consultant Planner Nate Sparks of Northwest Associated Consultants, Inc. (NAC).

3. OPEN FORUM

Chair Parsons opened the Open Forum at 7:01 p.m.

No one came forward.

Chair Parsons closed the Open Forum at 7:02p.m.

4. ADOPT AGENDA

Commissioner Benecke moved to adopt the agenda. Seconded by Commissioner Becker, unanimous ayes, agenda adopted.

5. APPROVE PLANNING COMMISSION MEETING MINUTES OF December 21, 2005

Commissioner Becker motioned to approve the December 21, 2005 Meeting Minutes. Seconded by Commissioner Hayes, unanimous ayes, Minutes approved.

6. BUSINESS

6A. CONTINUED PUBLIC HEARING: Variance for 150 EDGEWATER PLACE

City Planner Ned Noel stated the purpose of this item was to rehold the public hearing

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for the 150 Edgewater Place variance. The applicant, Jon Steuck added two small additions to the plans seen previously by the Planning Commission; therefore the Planning Commission is required to review the plans again.

Mr. Noel reviewed the two additions: a 112 square foot storm shelter, located on the south side of the home and a covered porch with concrete footing, located on the northeast side of the home. Although the proposal does increase the impervious surface amount, it does not exceed the maximum allowed 25%.

Commissioner Schreiber questioned the amount of impervious surface. Mr. Schreiber suggested the applicant provide additional vegetation for the increase of impervious surface.

Mr. Noel ensured the applicant would be required to follow all conditions as stated in the Staff report.

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

John Steuck, 150 Edgewater Place reviewed the plan's additions.

Chair Parsons closed the public hearing at 7:12 p.m.

Commissioner Hayes motioned to approve the variance application for 150 Edgewater Place. Seconded by Commissioner Becker, unanimous ayes, motion carried.

6B. PUBLIC HEARING: Variance for 120 EDGEWATER PLACE

City Planner Annie Deckert reviewed the variance application for 120 Edgewater Place. She stated that the applicants, Jeff and Bettina Potter, are proposing to construct a two story addition to match the foundation of their existing cabin, expand the existing garage, complete a 4-season porch and build a 168 square foot concrete patio to rear of their home. Ms. Deckert stated that the following variances are needed: an increase in exceeding maximum allowed impervious surface (4% increase from current impervious surface, 14% total increase), an encroachment into the front yard set back (Lakeshore Drive) and an encroachment into the average lakeshore set back (Big Lake). She stated the applicant could avoid the variance for the encroachment into the average lake shore set back by reducing the length of the concrete patio by four feet. The applicant did not wish to do this.

Ms. Deckert stated the proposed plan would be removing 412 square feet of impervious surface, bringing the north side yard into compliance by eliminating the existing encroachment. Staff recommended approving the garage encroachment into the Lakeshore Drive set back and exceeding the maximum allowed impervious surface with

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the conditions that the applicant would remove the proposed 412 square feet of impervious surface. Staff recommended denial for the concrete patio encroachment into the average lakeshore setback.

Commissioner Schreiber inquired about Shoreland buffer zones.

Bettina Potter, 120 Edgewater Place, stated they had recently added trees to the lakeshore, but the majority of the area is beach. She noted they would be adding additional landscaping where the building/garage is being removed. Ms. Potter explained the proposed patio would be their major walkway to the lake. They had explored other options, but these looked elongated and did not compliment the roof line. She stated it would be a challenge to get in and out if the variance for the patio was denied.

Chair Parsons opened the public hearing at 7:25 p.m.

Jeff Potter, 120 Edgewater Place, pointed out that the old cabin would be brought into compliance with existing building codes. He stated that the proposed garage is actually 36 feet away from the actual curb and fits visually into the neighborhood.

Ron Berthiaume, 130 Edgewater Place, stated that his deck extends 34 feet into the setback and that the old City Code stated that you could build as close to the lakeshore as your next door neighbor. He felt that the Potter variance would not affect his property.

Ms. Deckert read a written comment submitted by Eugene & Holly Newell, 801 Lakeshore Drive, Big Lake, MN:

This is in regard to a variance application submitted by Jeffery & Bettina Potter at 120 Edgewater Place, Big Lake, MN. PID/Legal 65-433-0410. The request is for a new addition & garage. We are GREATLY OPPOSED to this addition being granted. The property has already exceeded property lines beyond the recorded plat. The recorded property owners planted several trees last fall on property that is not theirs, they have a 3 car garage, and the property exceeds the hard surface coverage for square footage of lot and would contribute to run off into the lake (Big Lake). Edgewater Place is a very short (70ft) dead end street. If this property was allowed to construct any more towards Lakeshore Drive this would be very dangerous for anyone coming up to that stop sign at Edgewater & Lakeshore Drive. This spot on Lakeshore Drive is on a curve and that by itself is difficult for people pulling out from the stop sign on Edgewater. We have lived in the neighborhood for over 18 years. We love the neighborhood and are very aware of the progress of the City. Please reject this application thou for the listed reasons.

Thank you for your time and consideration.

Commissioner Benecke inquired about engineer comments.

Commissioner Becker inquired about decreasing the patio size and what effect it would have on the percentage of impervious surface.

Ms. Deckert stated there were no comments received and that reducing the patio size would decrease the percentage of impervious surface slightly.

Chair Parsons closed the public hearing at 7:31 p.m.

Commissioner Marotz expressed concern on the additional 4% of impervious surface and suggested decreasing the impervious surface to 37%. He felt that the average setback zoning ordinance can cause problems with cases like this.

Commissioner Schreiber noted that he would approve the variance if the applicant created a buffer zone.

Commissioner Marotz motioned to approve all variance requests for 120 Edgewater Place with the condition that the applicant submit a Department of Natural Resource (DNR) buffer plan prior to City Council Review. Seconded by Commissioner Schreiber; the motion passed on a vote of 6 to 1, with Commissioners Benecke, Hayes, Langsdorf, Marotz, Parsons and Schreiber voting aye and Commissioner Becker voting nay, motion carried.

6C. PUBLIC HEARING: Rezoning, Comprehensive Plan Amendment, Conditional Use Permit/Planned Unit Development, Preliminary Plat for "Oak Glen"

Consultant Planner Nate Sparks reviewed the following applications submitted by Dynamics Design & Land Company: rezoning, Comprehensive Plan Amendment, Conditional Use Permit/Planned Unit Development (PUD), Preliminary Plat for the proposed subdivision, Oak Glen. This is a 65 acre site comprised of 89 single family lots, 40 duplexes and 60 attached homes.

Mr. Sparks stated that PUDs are intended to offer the City a better overall type of neighborhood. Traditional transitional land use densities are not being followed, but it may be more appropriate in this case because of the woodland/wetlands near the proposed higher density; it may reduce the over density in the R-1E lots. He noted that the applicant is proposing cul-de-sacs for the purpose of preserving trees. Mr. Sparks said the trails should be moved by the City Engineer and the applicant needs to provide a phasing plan and as well as additional floor plans for all the units to ensure garage compliance. He also stated that the applicant meets the City's parking requirements.

Jim Brown, Dynamics Design & Land Company, Big Lake MN stated that this concept is similar to the plan the Planning Commission reviewed in the past, noting that they incorporated Staff comments into the current plan.

Chair Parsons inquired about the parking, and if the proposed space was adequate for the town homes.

Bill Watkins, Home Builders Network, Maryland stated that each town home would have a 2-stall garage, and driveway which could accompany two to four vehicles. He said the driveway would be 25 feet deep from the roadway to the front of the garage.

Chair Parsons opened the public hearing at 8:42 p.m.

Mike Kurr, 16035 201st Avenue NW, Elk River, MN, expressed concern about the plan's effect on his property. His property is adjacent to the 9 lots on the north of the proposal. He stated his concern about a buffer in between the proposed plan and his property. He recommended some type of privacy fence or structure which could be placed between for privacy and safety issues. He also stressed the importance of tree preservation.

Jerry Ewingfield, 16063 201st Avenue, NW, Elk River, MN, expressed concern about flooding from sewer installation.

Sandra Meyer, 16015 201st Avenue, Elk River, MN, stated her concern about the high density of the area, increasing population, available jobs as well as concern about the loss of trees and wetlands.

Nancy Allison, 19838 159th Street, Big Lake, MN voiced concern about the high density which will increase the population and may cause a need for additional schools.

Jim Brown, Dynamics Land & Design Company, Big Lake MN, confirmed the importance of preserving trees and wetlands. He pointed out the parks and access points in the development and stated that the flooding was unfortunate and would be monitored closely in the future.

Chair Parsons closed the public hearing at 9:04 p.m.

Commissioner Marotz inquired about what the City Code required for tree preservation. He suggested looking into creating a tree replacement ordinance; something which requires the builder to replace trees which are removed. Currently, builders are not required to replace trees they remove. Mr. Marotz also suggested looking a screen between the town homes and single family units as well as the property line to the north

between the single family homes and Mr. Kerr's property.

Commissioner Schreiber also expressed the importance of tree preservation.

Commissioner Becker suggested the town homes be one tier with a tier of duplexes across from them. He suggested extending the first row of townhomes up to the road where there are two single family lots, and making the second row of townhomes, duplexes on the other side.

Mr. Watkins said that they wanted the transition to be at the rear of the townhomes, not across the street. He also stated that it's not common planning for each side of the street to be different from each other.

Mr. Sparks stated that the Planning Commission ultimately decides the number of trees to be preserved. Ultimately, the goal is to preserve as many trees as possible. He suggested recommending Council to look into creating an ordinance pertaining to tree replacement.

Commissioner Langsdorf motioned to approve the Rezoning, Comprehensive Plan Amendment, Conditional Use Permit/Planned Unit Development, and Preliminary Plat for "Oak Glen" with the following conditions: the applicant look into placing additional parking, beyond what's required, above and/or between the single family residential, R-2 and R-3 zoning districts and the applicant place a buffer on the north property line of the proposal. Seconded by Commissioner Hayes; the motion passed on a vote of 6 to 1, with Commissioners Becker, Benecke, Hayes, Langsdorf, Marotz and Parsons voting aye and Commissioner Schreiber voting nay, motion carried.

7. PLANNER'S REPORT

Ms. Deckert reviewed a letter sent to Scenic Signs in regard to the incorrect lighting at the Family Dollar Store and O'Reilly Auto Parts at 190 Jefferson Boulevard. Staff gave them until February 10, 2006 to correct the lighting. Staff will provide follow-up information at the next Planning Commission meeting.

Community Economic Development Director Jim Thares gave an update from the engineer about the speed limit issue raised at the last Planning Commission meeting, and stated we would provide them the information at the next meeting.

Mr. Thares asked the Planning Commission for direction on a future tree replacement ordinance. He stated that there are a few remaining highly wooded potential redevelopment sites in the City.

Commissioner Langsdorf suggested requiring a minimum diameter for the trees for

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replacement.

Commissioner Becker stated he'd like the ratio to be 1:1.

The Commission also stated they would like staff to review the policies of other cities.

8. COMMISSIONERS' REPORTS

9. ADJOURN

Commissioner Hayes motioned to adjourn at 9:37 p.m. Seconded by Commissioner Langsdorf, unanimous ayes, motion carried.