

**BIG LAKE PLANNING COMMISSION  
REGULAR MEETING MINUTES**

**JUNE 7, 2006**

**1. CALL TO ORDER**

Acting Chair Hayes called the meeting to order at 7:04 p.m.

**2. ROLL CALL**

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

**3. OPEN FORUM**

Acting Chair Hayes opened the Open Forum at 7:04 p.m. No one came forward. Acting Chair Hayes closed the Open Forum at 7:05 p.m.

**4. ADOPT AGENDA**

Commissioner Hayes moved to adopt the agenda, reversing the order of Items 6A and 6C. Seconded by Commissioner Becker unanimous ayes, agenda adopted.

**5. APPROVE SPECIAL PLANNING COMMISSION MEETING MINUTES OF MAY 24, 2006**

Commissioner Marotz motioned to approve the May 24, 2006 Special Meeting Minutes. Seconded by Commissioner Schreiber, unanimous ayes, Minutes approved.

**6.**

## **BUSINESS**

### **6A. PUBLIC HEARING: Variance for 4617 Pond View Circle**

City Planner Annie Deckert explained that the public hearing is to consider a variance for a 6ft. privacy fence that encroaches the side yard setback of the property.

Commissioner Schreiber mentioned that state law requires certain standards of fences around swimming pools and asked if it was the applicant's intention to build a pool. City Planner Annie Deckert indicated that it is the applicant's goal to build a pool.

Commissioner Schreiber asked if the City has design standards for fences and what they are. City Planner Deckert confirmed that the City has code for acceptable fence design standards and that the applicant meets the standards as required by City code.

Acting Chair Hayes opened the public hearing at 7:22 p.m.

Joann Pace, 4609 Pond View Circle, stated that her neighbor has a small backyard and it would be better if the fence request is approved. She wants the fence to be located where it is proposed for the safety of her children. Ms. Pace also stated that the fence will not obstruct her view out of the driveway, since they are located on a corner they have to watch where they pull out already.

Acting Chair Hayes closed the public hearing at 7:24 p.m.

Commissioner Becker asked if there was a sprinkler system. The applicant, Diane Ruiz, indicated that there is not a sprinkler system on the property.

City Planner Annie Deckert informed the Commissioners that they are acting/voting on a variance for the location of the fence.

Ms. Ruiz stated that she plans to put up the fence in 6 ft. panels and is willing to remove the fence if work needs to be done on utilities located in the public utility and drainage easement.

Commissioner Hayes asked if this type of easement situation has occurred anywhere else in the city. Community Economic Development Director Jim Thares indicated there have been a few instances but that there have not been any problems with them.

Commissioner Marotz indicated that he is concerned for future owners, that they may not be as willing to remove the fence and pay for the cost as Ms. Ruiz is willing to do.

Commissioner Becker asked the applicant what type of pool it will be and when it will be put in place. Ms. Ruiz indicated that it will be an in-ground pool that will be built as soon as possible.

Commissioner Marotz asked if the applicant has had plans created for the pool to see how it will affect the easement that she is encroaching upon. Ms. Ruiz responded that she has plans for an 11' x 14' porch with a pool being located behind it.

Commissioner Marotz indicates that he feels it's best to keep the fence out of the drainage easement to reduce hardship on future owners should the need arise to access the utilities.

Commissioner Becker stated that he agrees with Commissioner Marotz but sympathizes with Ms. Ruiz because he has a similar lot situation.

Commissioner Hayes indicated that he would be okay with the fence being located in the easement once the applicant signs an agreement with the City.

Commissioner Marotz added that he would be okay with the fence being where the applicant wants it if the City Engineer approves the location and that it is found that there are no utilities located in the same alignment of the fence in the easement.

Commissioner Hayes said that utilities do run in the easement, the fence must be moved back five (5) feet per the City's recommended alignment.

Commissioner Becker motioned to approve with the condition that the applicant sign an easement agreement and will place the fence back five (5) feet if it is found that utilities exist within the easement. Seconded by Commissioner Schreiber, unanimous ayes, motion carried.

#### **6B. PUBLIC HEARING: Amendment to Conditional Use Permit - 701 Rose Drive**

City Planner Deckert provided information about the applicant's request for an amendment to a Conditional Use Permit (CUP) which was created by an expansion of the Dan's of Big Lake car dealership building.

Acting Chair Hayes opened the public hearing at 8:00 p.m. No one came forward for comment. Acting Chair Hayes closed the public hearing at 8:01 p.m.

Dan Minor, 701 Rose Drive, clarified that he wants to add an additional service bay to his business. He also asked why landscaping (a conditional approval) is required if he puts on the addition. Commissioner Becker indicated that there are City landscape ordinances that need to be followed. Commissioner Marotz followed up by saying that he is under the impression that the landscaping emphasizes trees and shrubs. Commissioner Becker offered to table the item so that Mr. Minor can meet with City staff to further discuss the ordinances.

Mr. Minor also asked about the conditions of approval for banners. City Planner Deckert clarified that he may still have three (3) banners by obtaining the property permits.

Commissioner Becker indicated that he would not want to approve something if the applicant is uncomfortable with the conditions of approval.

Mr. Minor said he thinks the requirements of landscaping, parking, signs, and a sidewalk are unreasonable and put a financial burden on him.

Commissioner Schreiber stated that he supports the addition but is concerned with all of the issues the applicant is concerned with and repeated the offer to table this item.

Mr. Minor's builder, Ken Geroux, 24632 187<sup>th</sup> Street, said that he is concerned about why residents have to pay for city sidewalks. Speaking for the applicant, Mr. Geroux stated that they do not want this item tabled. Mr. Geroux stated that he believes that Mr. Minor has a nice looking business and does not need to do unnecessary landscaping. He wanted to point out that they are building this addition in order to move outside storage items to an inside location.

Commissioners Hayes and Marotz said that they empathize with the applicant and explained that the City has to enforce the local codes.

Commissioner Becker indicated that he knows that the City and School District are applying for a grant that may pay for the sidewalk because this site is located within two (2) miles of the schools.

Community Economic Development Director Jim Thares stated that Mr. Minor is allowed 24 months to put in the sidewalk and that City staff will work with him to help him meet all the conditions of approval.

Commissioner Schreiber indicated he is most concerned with the sidewalk because of safety reasons, noting that many school children walk to the bowling alley.

Commissioner Schreiber motioned to approve an amendment to the Conditional Use Permit with the conditions of approval and/or including the extended 24-month timeline for the sidewalk. Seconded by Commissioner Marotz, unanimous ayes, motion carried.

**6C. PUBLIC HEARING: Ordinance Amendments for Zoning Chapters 1040 (General Building Regulations) & 1065 (Shoreland Management Overlay District) of the Big Lake Municipal Code**

City Planner Deckert provided a brief report about the proposed ordinance amendments to add Landis Lake into the Shoreland District and per City Council suggestions to have address monument language added to the code. Currently, the City enforces such address markers through development agreements.

Acting Chair Hayes opened the public hearing at 7:12 p.m. No one came forward for comment. Acting Chair Hayes closed the public hearing at 7:13 p.m.

Consultant Planner Nate Sparks indicated that the current city zoning map shows an area that is a shoreland overlay district that extends around Landis Lake. The zoning code needs to be amended to add the wording for this water body. Commissioner Schreiber asked why the DNR wants to do this. Mr. Sparks responded that the DNR wants to keep the area low density to reduce run off and improve filtration. Commissioner Hayes said that he feel that Landis Lake needs to be included in the shoreland overlay district.

Commissioner Schreiber questioned why all monuments should be the same and whether the address monument would be in the brick area requirements section of the ordinance. Commissioner Marotz said that uniform monuments are usually common within developments. Commissioner Hayes added that it is a public safety issue so that all houses have numbers that are clearly legible and visible. City Planner Deckert indicated that the address monument is not included in the brick area requirements.

Commissioner Becker motioned to approve amendment to Chapter 1040 (General Building Regulations). Seconded by Commissioner Marotz, Commissioners Hayes, Marotz, and Becker voted aye, Commissioner Schreiber voted no, motion carried.

Commissioner Becker motioned to approve amendment to Chapter 1065 (Shoreland Management Overlay District). Seconded by Commissioner Schreiber, unanimous ayes, motion carried.

**6D. PUBLIC HEARING: Ordinance Amendments for Section 340 (Junked Autos), Section 620 (Parking) and Section 1000 (Zoning Ordinance Definitions) of the Big Lake Municipal Code**

City Planner Deckert provided background information regarding the proposed yard parking ordinance. The City Council has directed the Planning Commission to hold a public hearing concerning the proposed ordinance changes.

Acting Chair Hayes opened the public hearing at 8:07 p.m.

Dave Aubol, 1351 Hiawatha, stated that he is concerned because he has three (3) vehicles and he parks his RV on the side of his house. He questioned whether pontoons are vehicles.

Acting Chair Hayes closed the public hearing at 8:12 p.m.

Commissioner Becker said that motor vehicles are classified by the State as anything that requires a license to operate.

Commissioner Hayes brought up the issue with the Hiawatha and Lakeshore Drive properties and their limited lot size and all different types of vehicles.

Commissioner Becker agrees with the conditions for junked vehicles and wants to meld option 1 with option 2 but not include recreational vehicles.

Commissioner Hayes asked about using it as a junk/blight enforcement tool

Commissioner Marotz said that if the vehicles are well maintained and are moved often he is okay with yard parking. He stated he has no problem with crushed rock/gravel surface and suggested that there be a minimum standard for acceptable gravel. Commissioner Schreiber asked whether it could be determined by lot size. Planner Deckert said that, in the R-5 district, that could be done.

Commissioner Schreiber asked if the issue has been brought up with people who were once in the township and now have to follow city laws and whether or not they are offered any leeway with lot size? He wants this issue to be explored.

Commissioner Becker questioned whether it would be okay if someone built a fence and kept their vehicle behind the fence.

Ms. Deckert indicated that City Council requested that the language be removed.

Commissioner Hayes indicated that this is mostly for the issue of people using their front yard as a parking lot.

Commissioner Marotz said that trailers parked in backyards are okay when people use them and move them around. The issue is that people aren't using their vehicles and the weeds begin to grow. Commissioner Hayes suggested having a vegetation height requirement around parked vehicles. He said that the Public Works uses a measurement of 4 inches.

Commissioner Becker stated that he liked Coon Rapid's policy the best.

Commissioner Schreiber wants to keep in mind the rural roots of the area and asked if anyone has looked into what Elk River does; Planner Deckert indicated that the City has not. Commissioner Hayes stated that Elk River's policy is rather strict. Commissioner Becker suggested including a vehicle definition in the language. Commissioner Marotz indicated he wants anything parked in the front yard to be on a hard surface.

Commissioner Becker suggested approving something minimal for now to start with and re-visit the issue at a later time. He wants vehicles to be on a hard surface in the front yard.

Commissioner Marotz asked if this was changed, if residents would have to comply and put in concrete slabs if they are now parked on gravel. He would rather not make people put in concrete.

Commissioner Schreiber suggested tabling or continuing this item to a future (next regular) meeting.

Commissioner Becker indicated that he wants the City to consider people with driveways that are nice looking and have a "triangle" rock surface parking area alongside the driveway and also wants to make sure that the gravel isn't all over the front lawn.

Commissioner Schreiber commented that he would like to table the issue until the fall when more people turn out for meetings. Commissioner Becker indicated he wants to give staff something so they have some direction. Commissioner Marotz suggested approving the amendments and revisiting the issue in the fall. Commissioner Hayes indicated that it would be nice to have something in place for code enforcement reasons.

Interim City Administrator Scott Johnson said there can be a special planning workshop to discuss this issue informally.

Commissioner Schreiber motioned to table the amendment to the next regular meeting. Seconded by Commissioner Becker, unanimous ayes, motion carried.

Commissioner Hayes motioned to call a special workshop meeting on June 21, 2006, to discuss yard parking ordinance requirements in further detail, providing that five (5) Commissioners are able to be in attendance. Seconded by Commissioner Marotz, unanimous ayes, motion carried.

## **7. PLANNER'S REPORT**

Community Economic Development Director Jim Thares informed the Commissioners that the July 5, 2006 Planning Commission meeting has been cancelled due to lack of business.

## **8. COMMISSIONERS' REPORTS** – No reports.

## **9. ADJOURN**

Commissioner Marotz motioned to adjourn at 8:43 p.m. Seconded by Commissioner Schreiber, unanimous ayes, motion carried.