

**BIG LAKE PLANNING COMMISSION  
REGULAR MEETING MINUTES  
DECEMBER 3, 2008**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Commissioners present: Kirby Becker, Ketti Green, Doug Hayes, Duane Langsdorf, Scott Marotz, Patricia May, and David Schreiber. Commissioners absent: none. Also present: Community Economic Development Director Jim Thares, Senior City Planner Katie Larsen, and Economic Development Assistant Sandy Petrowski.

**3. ADOPT AGENDA**

Commissioner Langsdorf moved to adopt the agenda. Seconded by Commissioner Hayes, unanimous ayes, agenda adopted.

**4. OPEN FORUM**

Chair Becker opened the Open Forum at 7:01 p.m. No one came forward for comment. Chair Becker closed the Open Forum at 7:02 p.m.

**5. APPROVE PLANNING COMMISSION MEETING MINUTES OF NOVEMBER 19, 2008**

Commissioner Hayes motioned to approve the November 19, 2008 Meeting Minutes with the two additions to Item #6A as discussed/recommended by Commissioner Schreiber. Seconded by Commissioner Langsdorf, unanimous ayes, Minutes approved.

**6. BUSINESS**

**6A. PUBLIC HEARING: 1140 WALL STREET VARIANCE REQUEST TO EXCEED 25% IMPERVIOUS SURFACE LIMITS**

Senior Planner Katie Larsen reviewed the November 17<sup>th</sup> Planning Report regarding the application received for a variance request to allow for the construction of a 720 square foot, two-stall accessory structure at 1140 Wall Street (to address an issue with the allowed impervious surface coverage of the property). She noted that as this property is located within the Shoreland Management Overlay District and that the allowable impervious surface coverage within this district is 25%; however, the proposed structure would cause the allowable percentage to be exceeded by 857 square feet,

increasing the impervious surface coverage to approximately 32%. Also noted was the current existing lot coverage without the proposed accessory structure, which is at 26% and which exceeds standards and, therefore, no accessory structure of any size would be allowed. She further stated that, if the variance is approved, no additional gravel or asphalt driveway would be allowed on the property.

Planner Larsen reviewed potential solutions in order to accommodate some type of allowable structure, such as requiring: 1) construction of a smaller structure; and/or 2) construction of pervious pavers for the driveway and/or concrete patio; and/or 3) replacement of concrete patio with deck structure; and/or 4) construction of rain garden or other approved storm water management practices.

Mr. Michael Pesta, 1140 Wall Street, was present to request approval of his request for a variance and to answer questions of the Commissioners.

The Board discussed with Mr. Pesta possible options for the property such as: 1) consider constructing a smaller accessory structure; 2) having less impervious surface on the property (i.e., removal of the patio); or 3) installing some type of drainage system or rain garden. Mr. Pesta stated that a smaller structure could work for his storage needs but that he would prefer to not remove the patio due to the cost as well as the fact that the patio currently helps with weed control. He also stated that he would not be in favor of installing a rain garden due to the maintenance issues pertaining to weeds, etc. but he noted that plans include the installation of gutter with drainage into corrugated perforated drain tile, which is the same type of system as is on his home.

Commissioner Schreiber stated that he has visited the property and he believes that the current drainage system on the home (which would be the same system used for the proposed accessory structure) is an ingenious method which could serve as a good example for surrounding neighbors who may have similar drainage issues on their properties. Mr. Pesta reported that the current drainage system on his house includes approximately 40 feet of drainage tiles with a pop-up at the end which very seldom retains any surface water.

The Board also discussed the undue hardship criteria that needs to be met for a variance approval. Planner Larsen stated that undue hardship criteria could be considered the fact that the property in its current state is at the 25% impervious surface coverage which would not allow him to add any additional structure. Commissioner Schreiber stated that approval would also benefit the property's aesthetic appearance by allowing Mr. Pesta to store some of the equipment/machines currently stored outside to be moved into the proposed structure.

Chair Becker opened the public hearing at 7:38 p.m. No one came forward for comment. Chair Becker closed the public hearing at 7:38 p.m.

Commissioner Hayes stated that he believed the variance request was reasonable as the applicant already has a drainage system in place and is offering to continue to mitigate water drainage on the proposed structure.

Commissioner Langsdorf motioned to recommend approval of the variance request contingent upon the structure size being reduced to 24' x 28' with gutters and requiring that a drain tile system be installed. Seconded by Commissioner Green, unanimous ayes, motion carried.

**6B. PUBLIC HEARING: ORDINANCE AMENDMENT REGARDING RELIGIOUS INSTITUTIONS**

Planner Larsen reviewed the 11/24/08 Planning Report regarding a development application submitted for a religious institution to be located at 790 Minnesota Avenue, which is located in the B-3 General Business District. She reported that, per existing City Code, religious institutions are allowed in all Residential Districts as a Conditional Use Permit (CUP); however, they are not allowed in any commercial or industrial districts.

The issue before the Commission would be to consider the proposed text amendment as presented which would allow religious institutions in all residential districts (R-1 through R-5) and business districts (B-1 through B -3) as a Conditional Use Permit. Upon approval of this text amendment, the applicant would then be required to apply for a CUP to allow for a religious institution to be located at the subject property.

Chair Becker opened the public hearing at 7:55 p.m. No one came forward for comment. Chair Becker closed the public hearing at 7:55 p.m.

Chair Becker motioned to recommend approval of the proposed text amendment changes regarding religious institutions as presented. Seconded by Commissioner Marotz, unanimous ayes, motion carried.

**6C. PUBLIC HEARING: ORDINANCE AMENDMENT REGARDING TOD DESIGN MANUAL AND ZONING ORDINANCE**

Planner Larsen reviewed the November 24<sup>th</sup> Planning Report regarding an ordinance amendment regarding the draft TOD Design Manual and Zoning Ordinance, which has been modified based on comments received from the TOD Committee, the Planning Commission and City staff.

Chair Becker opened the public hearing at 8:02 p.m. No one came forward for comment. Chair Becker closed the public hearing at 8:02 p.m.

Commissioner May motioned to recommend approval of the TOD Design Manual and Zoning Ordinance as presented. Seconded by Commissioner Green, unanimous ayes, motion carried.

This item will be forwarded to the City Council for consideration at their December 10<sup>th</sup> meeting.

**7. PLANNER'S REPORT**

**7A. 2008 YEAR IN REVIEW** – For information only; no action required or taken.

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

**9. OTHER**

**9A. ADVERTISEMENT FOR VACANT PLANNING COMMISSION SEAT (DISCUSSION ONLY)**

Planner Larsen reported that, with his recent election to the City Council, Commissioner Duane Langsdorf he would be vacating his Planning Commission seat on December 31<sup>st</sup>, requiring the remaining one (1) year of his term to be filled. Staff will be advertising for this vacant Planning Commission seat and it is anticipated that the submitted applications will be presented to the Planning Commission for review at their February 2009 regular meeting. It was further noted that in January 2009, the City Council would be appointing a Council Member to the Planning Commission's "Council Liaison" seat, which is being vacated by Planning Commissioner Patricia May.

**9B. APPOINTMENT OF CHAIR AND VICE-CHAIR AT JANUARY 2009 MEETING (DISCUSSION ONLY)**

Planner Larsen reminded the Commissioners that the Board will be considering the appointments for the Planning Commission's Chair and Vice Chair seats at the February Planning Commission meeting, noting that, by that time, the Council will have appointed one Council Member to serve as the 2009 Planning Commission Liaison.

**9A. SCHEDULED 2009 PLANNING COMMISSION MEETING DATES**

Planner Larsen briefly summarized the 2009 Planning Commission meeting dates, noting that the Commission will meet on the 1<sup>st</sup> Wednesday of the month from January through April as well as October through December and on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of the month from May through September.

**10. ADJOURN**

Commissioner Green motioned to adjourn at 8:10 p.m. Seconded by Commissioner May, unanimous ayes, motion carried.