

**BIG LAKE PLANNING COMMISSION
REGULAR MEETING MINUTES**

MAY 4, 2016

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIENCE

The Pledge of Allegiance was recited.

3. ROLL CALL

Commissioners present: Ketti Green, Seth Hansen, Jennifer Joseph, Scott Marotz, Patricia May, Larry Sundberg, and Scott Zettervall. Commissioners absent: none. Also present: City Planner Michael Healy, Assistant City Engineer Jared Voge, and Administrative Assistant Sandy Petrowski.

4. ADOPT AGENDA

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

5. OPEN FORUM

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

6. APPROVE PLANNING COMMISSION MEETING MINUTES OF APRIL 6, 2016

Commissioner Hansen motioned to approve the April 6, 2016 Meeting Minutes. Seconded by Commissioner Joseph, unanimous ayes, Minutes approved.

7. BUSINESS

7A. PUBLIC HEARING: ORDINANCE AMENDMENT – COMPLIANCE WITH THE PERMIT REQUIREMENTS TO APPLY FOR PERMIT UNDER THE MINNESOTA MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) GENERAL PERMIT

Assistant City Engineer Jared Voge reviewed the memorandum on the text amendments being proposed to the Big Lake Zoning Code which are necessary to bring the City into compliance with the conditions of its Municipally Separate Storm Sewer System (MS4) permit. He reported that, in 2006, the City was issued its first 5-year MS4 permit and he provided the following timeline pertaining to the permit:

- Towards the end of the original 5-year permit coverage, the Minnesota Pollution Control Agency (MPCA) began writing and publishing the requirements for the next 5-year coverage period.
- On 08/01/13, the MPCA issued the renewed permit to the City.
- Prior to the 12/30/13 permit application deadline, the City re-authorization application was submitted to the MPCA.
- On 04/03/14, the City's permit application was accepted.

Voge stated that the City is required to apply for a permit under the MS4 General Permit (per State Statute 7090.1010) and in order to comply with permit requirements, existing City ordinances must be revised to accommodate the new permit requirements. He stated that the provided documentation includes the recommended revisions to the existing City Ordinance as required by the MS4 permit.

Chair Marotz opened the public hearing at 6:37 p.m. No one came forward for comment. Chair Marotz closed the public hearing at 6:38 p.m.

Commissioner Hansen motioned to recommend that the City Council approve the text amendment to the Zoning Code as presented. Seconded by Commissioner Zettervall, unanimous ayes, motion carried.

7B. DISCUSSION: MODIFYING FENCE REQUIREMENTS FOR CORNER LOTS

City Planner Michael Healy briefly reviewed the current zoning requirements pertaining fences regulations, including:

- Back yard and side yard fences: 1) can be up to six (6) feet tall; 2) can be made of any material the City considers "residential in nature" and 3) can be full enclosures.
- Front yard fences: 1) can be only four (4) feet tall (6-foot privacy fences are not allowed); and 2) must be 75% open to the passage of air and light.

Healy reported that staff has recently become aware of difficulties which may arise with fencing on corner lots (properties that front two different streets) as these lots are treated as if they have two front yards and would have to conform to front yard fencing restrictions. The current front yard restrictions on these corner lots would allow for only a relatively small portion of the property to be fenced.

Healy further discussed an existing special provision in the current zoning code which allows one of the "front" yards to be turned into a functioning back yard. Currently, a corner lot is eligible to have a 6-foot tall opaque fence erected in whichever front yard has no access (i.e., driveway) and this fence must be set back at least 7 feet from the property line and the area between the fence and property line must be landscaped with two staggered rows of shrubs

(i.e., deciduous shrubs not more than 4 feet apart and coniferous shrubs not more than 3 feet apart). Also discussed was the additional expense that the current corner lot requirements may generate such as the cost of an opaque 6-foot fence versus other materials and increased cost due to planting requirements.

After discussing potential options for corner lot properties with regards to fencing (height, materials, etc.), setbacks, landscaping, and potential additional costs, Healy asked the Board to provide direction on whether to consider amending the existing fence ordinance to increase flexibility for corner lot property owners.

It was the consensus of the Board to direct staff to modify the existing fence ordinance pertaining to corner lots as follows:

- All opaque fences (not 75% open) on the special provision side of property (i.e., on side without access) must be set back at least 5-feet from property line.
- Remove landscaping requirement of two staggered rows of shrubs for 6-foot tall opaque fence under special provision side of property (i.e., on side without access).
- Any height opaque fence is permissible when using the special provision.

Healy stated that a public hearing will be held at the May 18th Planning Commission meeting to consider an ordinance amendment pertaining to fences for corner lot properties with the modifications discussed.

8. PLANNER'S REPORT

Healy reminded the Commissioners that the Planning Commission will be meeting twice a month through August (the 1st and 3rd Wednesday of each month).

9. COMMISSIONERS' REPORTS – None.

10. OTHER – None.

11. ADJOURN

Commissioner Green motioned to adjourn at 7:23 p.m. Seconded by Commissioner Sundberg, unanimous ayes, motion carried.