

**BIG LAKE PLANNING COMMISSION
REGULAR MEETING MINUTES**

AUGUST 6, 2014

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners present: Ketti Green, Seth Hansen, Scott Marotz, Patricia May, David Schreiber, and Clay Wilfahrt. Commissioners absent: Doug Hayes. Also present: Planning Consultant Ben Wikstrom, Interim City Administrator Jessica Green, City Attorney Soren Mattick, and Administrative Assistant Sandy Petrowski.

3. ADOPT AGENDA

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

4. OPEN FORUM

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

5. APPROVE PLANNING COMMISSION MEETING MINUTES OF JUNE 18, 2014

Commissioner Hansen motioned to approve the June 18, 2014 Meeting Minutes. Seconded by Commissioner Green, unanimous ayes, Minutes approved.

6. BUSINESS

**6A. PUBLIC HEARING: FRONT YARD SETBACK VARIANCE –
1591 HIAWATHA AVENUE**

Planning Consultant Ben Wikstrom reviewed the July 30, 2014 staff report regarding the front yard setback variance application that has been submitted by property owner, Arnie Angell, to allow for the construction of a detached garage at 1591 Hiawatha Avenue which does not meet the minimum front yard setback requirements for accessory structures in the R-5, Residential Redevelopment Zoning District.

Wikstrom provided a history of the initial garage project which was initially approved, with work being stopped until issues regarding materials, survey of the property, and size of the project were further reviewed. It was determined that a front yard setback variance would need to be applied for the garage to be built as originally planned. Another issue discussed by staff and the Housing Committee was the possible vacation of the alley that is adjacent to the site.

Wikstrom reported that staff had received one (1) letter in opposition to the variance, two (2) letters in support of the project; and one (1) telephone call in support of and one (1) telephone call in opposition to the project.

Wikstrom stated that staff recommends approval of the variance with the following conditions:

- Current impervious surface percentage on the site must be maintained or reduced, with inspections performed by City staff to ensure compliance.
- City Council should approve vacation of the platted alley adjacent to the site and refund the vacation fee to the applicant.

Staff asked the Planning Commission to provide a recommendation to the City Council to either approval or denial of the front yard setback variance.

City Attorney Soren Mattick stated that issues associated with the application have been:

1. Materials: What is the appropriate exterior material for the proposed structure, noting that this issue is not before the Commission at this time and that the Council will address this issue, however, if desired, the public can make comments at this meeting.
2. Location of the Proposed Structure: not allowed to be in located as close to the alley as proposed and, instead of the applicant applying for a variance for the setback from the alley, staff recommended that a proposal to vacate a part of the alley be brought before the Council for consideration.
3. Necessity for Front Yard Variance: discussion of practical difficulties comes into play as the proposed site is a corner lot and is determined to have two front setbacks (one along Hiawatha Avenue and one along Kasota Street).

Mattick also noted that other issues to consider are:

1. Is the proposed variance in harmony with the purpose and intent of the ordinance;
2. Is the proposed project consistent with what is in the neighborhood and is it consistent with the Comprehensive Plan; and
3. Is the structure allowed and compliant with the Zoning Ordinance.

Chair Marotz opened the public hearing at 6:55 p.m.

Don Orrock, 140 Will Street, Big Lake, Minnesota, stated that the City has been fighting the pole barn issue for many years and that the ordinances are written in permissive, stating what you can do but not what is not allowed. He also discussed his concern with the water run-off from this property going directly into the lake as well as the increase from a 2-stall to 3-stall garage.

Terry Carlson, 1511 Kasota Street, Big Lake, Minnesota, stated that he believes the City has approved the building permit without following proper procedures and that he doesn't agree materials are consistent with the principal structure. He further stated that he believes that the front of the new structure should be located in the same place as the former structure. Mr. Carlson requested that the Planning Commission deny the variance request.

Deana Krei, Cry – 1541 Kasota Street, Big Lake, Minnesota, stated that she does not agree with the structure being built as it is larger than the original and it should not be allowed to be bigger. She also does not agree with the front yard setback variance request and that the alley vacation should not be allowed. Ms. Krei stated that the structure blocks her view of the lake. She also stated that they have been told no on many things and have to abide by the regulations but feels that this applicant is being allowed to build the structure because staff made an error. Ms. Krei stated that she does not agree with the size or placement of the structure and votes no to having the variance approved.

Angela Carlson, 1659 Kasota Street, asked if this issue should not have been addressed before the building permit was issued and shouldn't a survey be required? She further stated that the structure is impeding other neighbors and will obstruct the view of the neighbor, which can cause property value to decrease at resale if the view is obstructed. Ms. Carlson also asked why only part of the alley is being considered for vacation and that she thought that all adjacent property owners have to agree to the vacation.

Arnie Angell, 1591 Hiawatha Avenue, Big Lake, Minnesota, discussed his reasoning for not wanting to build over the old cement slab. He also stated that he had provided all the information that the City required but, after construction started, there was a problem and was told they can't have metal buildings. Mr. Angell also stated that no one told them that variances were needed.

Chair Marotz closed the public hearing at 7:22 p.m.

Wikstrom provided a brief timeframe of the background of the project from the initial applicant's inquiry to the application approval.

Commissioner Hansen motioned to approve variance request. Seconded by Commissioner Wilfahrt, the motion failed on a vote of 3 to 3, with Commissioners Hansen, May, and Wilfahrt voting aye and Commissioners Green, Marotz, and Schreiber voting nay.

Attorney Mattick stated that with the 3:3 vote, the Commission needs to determine if it wants to discuss further and try to figure out what is more palatable in order to get a favorable vote one way or the other, or if it wants to forward the issue to the City Council as-is with the 3:3 vote.

After a brief discussion, Commissioner Wilfahrt motioned to forward the variance application to the City Council for review and consideration with the Planning Commission's 3:3 vote. Seconded by Commissioner May, unanimous ayes, motion carried.

6B. PUBLIC HEARING: ORDINANCE AMENDMENT – ALLOW OCCASIONAL SALES IN THE INDUSTRIAL PARK (I-DISTRICT)

Wikstrom reviewed the staff report on the proposed amendment to the zoning ordinance to allow occasional sales in the industrial park (I-1 district). He noted that the current ordinance does not allow for any retail sales in the Industrial Park except for wholesale.

Wikstrom stated that the applicant is requesting one (1) four-day weekend per month (Friday through Monday) and that the business would lease space in the Industrial Park to have a sale once a month and also bring in vendors to participate. If the Commission would want to restrict the weekend to a two-day period, the applicant is requesting two weekends a month. Wikstrom clarified that the proposed amendment would not be site specific to this one applicant but would apply to the entire industrial I-1 district.

The Commission discussed potential number of days per month as well as requiring an administrative-type permit to allow for monitoring of potential issues/concerns on an annual basis.

Chair Marotz opened the public hearing at 8:22 p.m. No one came forward. Chair Marotz closed the public hearing at 8:22 p.m.

Commissioner Hansen motioned to approve an amendment to the zoning ordinance to allow occasional sales in the industrial park (I-1 District) for four (4) days a month, with at least two (2) days being weekend days and with the stipulation of a one (1) year administrative permit. Seconded by Commissioner Schreiber, unanimous ayes, motion carried.

7. PLANNER'S REPORT

Wikstrom briefly discussed two (2) conditional use permit (CUP) applications that will be coming before the Commission at their next meeting: 1) CUP application for an auto repair shop at 401 Jefferson Boulevard (former Peterson gas station site); and 2) CUP application to operate a taproom at 570 Humboldt Ave (Lupulin Brewing).

8. COMMISSIONERS' REPORTS – No reports.

9. OTHER – None.

10. ADJOURN

Commissioner Green motioned to adjourn at 8:37 p.m. Seconded by Commissioner May, unanimous ayes, motion carried.