

**BIG LAKE PLANNING COMMISSION  
REGULAR MEETING MINUTES**

**AUGUST 17, 2016**

**1. CALL TO ORDER**

Vice-Chair Green 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, and Larry Sundberg. Commissioners absent: Scott Marotz and Scott Zettervall. Also present: City Planner Michael Healy and Administrative Assistant Sandy Petrowski.

**4. ADOPT AGENDA**

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

**5. OPEN FORUM**

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

**6. APPROVE PLANNING COMMISSION MEETING MINUTES OF AUGUST 3, 2016**

Commissioner Sundberg motioned to approve the August 3, 2016 Meeting Minutes. Seconded by Commissioner Hansen, unanimous ayes, Minutes approved.

**7. BUSINESS**

**7A. PUBLIC HEARING: ORDINANCE AMENDMENT TO OPT-OUT OF NEW STATE STATUTE CONCERNING TEMPORARY FAMILY HEALTHCARE DWELLINGS**

City Planner Michael Healy discussed the ordinance adopted by the City Council earlier this year would allow caregivers to live in RV's while providing caregiving with an Interim Use Permit, noting that the City Council imposed fairly strict regulations on these living arrangements with the goal of preventing RC occupancy resulting in a negative visual impact to neighborhoods. He reported that, since that ordinance's adoption, the

Minnesota State Legislature passed new legislation to legalize what is called “temporary family health care dwellings” in all Minnesota cities and counties with an opt-out clause. Under their plan, physically or mentally disabled individuals would be able to move onto their caregiver’s property and reside in an RV after providing proof of disability and acquiring an administrative permit. No public hearing is required and the fees are capped at \$100. The City’s ordinance requires a higher fee for an IUP application in addition to a public hearing. The State law does not allow for caregivers to live on the property of the person they are taking care of, only for the disabled person to live in the RV. As the new state law offers an opt-out clause, the City will need to either accept the new state statute, or decide to opt-out prior to the statute’s effective date of September 1, 2016.

Healy stated that the City Council had discussed the State Statute at their Jul 27<sup>th</sup> Workshop session and directed staff to proceed with opting-out of the State Statute which includes holding this public hearing at the Planning Commission level.

Vice-Chair Green opened the public hearing at 6:36 p.m. No one came forward for comment. Vice-Chair Green closed the public hearing at 6:36 p.m.

Commissioner Sundberg motioned to recommend the City Council adopt the proposed ordinance to opt out of State Statute §462.3593 which defines and regulates Temporary Family Health Care Dwellings. Seconded by Commissioner Hansen, unanimous ayes, motion carried.

## **7B. DISCUSSION: ALLOWING VEHICLE OR TRUCK RENTALS AS AN ACCESSORY USE IN COMMERCIAL DISTRICTS**

Healy reviewed the August 11<sup>th</sup> Staff Report pertaining to vehicle or truck rentals as an accessory use in commercial districts. He stated that this issue was before the Commission due to the request by the owners of the Big Lake Smoke Shop to rent U-Hauls (trucks and trailers) out of their parking lot of their business located 635 Rose Drive. Healy reported that the Big Lake Smoke Shop entered into a partnership with U-Haul to become a “neighborhood dealer” of U-Haul rental equipment; however, the City requires businesses to obtain a Conditional Use Permit (CUP) prior to opening such a business and the Big Lake Smoke Shop did not obtain this permit prior. In addition, it was noted that the business did not qualify for the required CUP because: 1) the property does not meet the minimum size requirement of one (1) acre; site is only .7 acres; 2) the area to be used to display rentals is not ten feet (10’) away from the property line; and 3) it is unclear if there are an adequate number of parking spaces for multiple tenants of building (retail, medical office, and dance studio).

Healy stated that the owners have requested that the City consider adding “vehicle rental as an accessory use” as either a permit, conditional, or interim use in the B-3 General Business District with language to allow their type of small-scale rental operations to take place out of their parking lot.

Brett and Stacey Hollenbeck, the owners of the Big Lake Smoke Shop, were in attendance to answer questions of the Commission.

After the discussions on the property, proposed number/type U-Haul vehicles, and proposed parking spaces, it was the consensus of the Commissioners to recommend that this issue of whether or not to amend the ordinance to allow truck rentals as an accessory use be forwarded for discussion by the City Council at their August 24<sup>th</sup> workshop.

## **7C. COMMUNITY DEVELOPMENT DEPARTMENT UPDATE**

Healy briefly reviewed the following items from Community Development Director Hanna Klimmek’s update:

### **1. Business Retention & Expansion Visits:**

<b>Date</b>	<b>Business</b>
07/28/16	Riverwood Bank
08/02/16	Senior Helpers
08/04/16	Dairy Queen
08/04/16	Shirlee & Chuck Heitz – The Heitz Group
08/11/16	AutoStop, Inc.

### **2. Development Activity:**

- Single-Family New Construction Issued Permits 37
- Total Valuation of Issued Permits \$14,339,103.35
- Single-Family New Construction to be Issued 3
- Single-Family New Construction in Review 1

- ❖ Northern Star Apartments Phase 2 (38 units) is scheduled to commence on or before September 30, 2016 – Their TIF Agreement was amended and restated during the 7/27/16 Council meeting.

**3. Code Enforcement:**

- Year to Date:
  - Violation letters have been sent to 55 properties.
  - 36 of the 55 properties have been brought into compliance.
  - Remaining properties are either delinquent (2<sup>nd</sup> letter of violation sent) or have worked out extended deadlines with Staff.

**4. Farmer's Market:**

- Soliciting for more vendors at \$10 per week – Market has 12 approved vendors (nearly doubled since the start).

**5. DEED – Border to Border Grant:**

- Sherburne County is sponsoring registration for Big Lake to attend the Border to Border Broadband Conference in Duluth; September 13 – 14.

**6. Certified Shovel-Ready Land for Sale:**

- New signs!



**7. Big Lake Housing Study Update:**

- Staff received the Housing Study Update in a draft format.
- Maxfield Research and Consulting, LLC will present during BLEDA's regularly scheduled meeting on September 12<sup>th</sup> – City Council as well as Planning Commission will be invited to this presentation.

**8. PLANNER'S REPORT**

Healy reported that to-date, there have been two (2) letters of interest submitted for the open Planning Commission seat vacated by Patricia May. The posting placed on the City's Facebook page has a submittal deadline of August 26<sup>th</sup> so the Commission's review of all of the applicants will take place at September 7<sup>th</sup> Planning Commission meeting.

**9. COMMISSIONERS' REPORTS**

The Commissioners discussed the Conditional Use Permit (CUP) that had been issued for the property at 401 Jefferson Boulevard (A. Ahmed), which is coming to the end of its term and whether or not it should be rescinded prior to the deadline because the conditions of the CUP have not been met. Healy reported that staff is working with the City Attorney as to the proper process and how to proceed on this issue.

Commissioner Hansen motioned to begin the process of rescinding the Conditional Use Permit (CUP) for 401 Jefferson Boulevard. Seconded by Commissioner Sundberg, unanimous ayes, motion carried.

**10. OTHER**

**10A. PLANNING COMMISSION MEETING SCHEDULE CHANGE**

Healy reported that beginning in September, the Planning Commission will be meeting once a month through April 2017 and will begin meeting twice a month again in May of 2017.

**11. ADJOURN**

Commissioner Hansen motioned to adjourn at 7:35 p.m. Seconded by Commissioner Joseph, unanimous ayes, motion carried.