

**BIG LAKE PLANNING COMMISSION  
REGULAR MEETING MINUTES**

**AUGUST 19, 2015**

**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, Jennifer Joseph, Scott Marotz, Patricia May, David Schreiber, and Larry Sundberg. Commissioners absent: Seth Hansen. Also present: Planning Consultant Ben Wikstrom and Administrative Assistant Sandy Petrowski.

**2A. WELCOME/OATH OF OFFICE: NEWLY APPOINTED PLANNING COMMISSIONER LARRY SUNDBERG**

Chair Marotz welcomed newly appointed Planning Commissioner Larry Sundberg. Commissioner Sundberg took the Oath of Office of the Big Lake Planning Commission.

**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 6:31 p.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 AUGUST 5, 2015**

Commissioner May motioned to approve the August 5, 2015 Meeting Minutes. Seconded by Commissioner Joseph, unanimous ayes, Minutes approved.

## **6. BUSINESS**

### **6A. PUBLIC HEARING: CONDITIONAL USE PERMITS (CUP'S) – DETACHED GARAGE AND IMPERVIOUS SURFACE (1451 HIAWATHA AVENUE)**

Planning Consultant Ben Wikstrom reviewed the August 12<sup>th</sup> Staff Report regarding the application submitted by Luke Christian for two (2) Conditional Use Permits (CUPs).

- The first CUP would be to allow construction of a 30' x 50' garage on a vacant lot owned by the applicant which abuts the owner's property of residence (1451 Hiawatha Avenue). The proposed garage would be built with storage space on the second level, with plans to finish the space as a new residence in the future. Wikstrom reported that staff had received two (2) comments on this item prior to the meeting.

The first was from a neighboring property owner who stated their concerns for the value of their property as it may be reduced because of the height of the proposed structure and obstructed view of the lake and for drainage concerns as they have an underground basement and the area does not have the best drainage. Wikstrom stated that the alley had been discussed with the Public Works Director and he would be acceptable to leave the alley as gravel. When asked about possibly having the alley vacated, the Director indicated that the Department would not be interested in vacating the alley.

The second comment was received via telephone from a resident living on Isanti Street who was concerned with a precedent being set if the City were to allow this garage to be built on a vacant lot that didn't have a principal structure on it. Wikstrom discussed the requirements of the R5 District and the conditions that would have to be met.

- The second CUP would be to allow impervious surface exceeding 25% in the Shoreland Management Area. This CUP would most likely not need to be acted upon tonight as the applicant is asking to first find out if the building would be allowed; and if so, then he would proceed with the impervious surface once a survey is obtained, which the Engineer and DNR would have to review and provide comment.

The applicant, Mr. Luke Christian, 1451 Hiawatha Avenue, was present and stated he is proposing the garage for needed space which he believes would improve the neighborhood and at the same time improve the water runoff issue he has been dealing with for a number of years. He stated that he feels that it should be the City's responsibility to correct the problem but he would be willing to work with the City to improve the situation until work to reconstruct Chippewa Street is scheduled.

Chair Marotz stated that from the City's perspective, the parcel is being proposed for a residential space that could be inhabited and not just a garage so the Commission would want to have some timetable of when the build-out will be completed. Mr. Christian stated that if a timetable is set per his design, a new owner might not like the design but if it is just roughed in and ready for build-out, it allows someone else to do as they want.

Commissioner Green stated there is concern with the proposed height of the structure and that it would exceed the allowed height limit for storage. Mr. Christian stated that he is proposing that it can be finished and be used as single family residential for either himself or another owner and he would like to not have the restriction. Marotz stated that he believes there should be a timeline imposed for an adjustment to the height requirement. Wikstrom stated that only 20% of an accessory structure without a primary structure can be used for storage and another concession we would be making to allow this is that there could not be 50/50 storage.

Joe Gruba, 1201 Hiawatha Ave, owner of a property on Chippewa, stated that if he believes that his property value would drop if the structure is built as proposed. He further stated that he has met with Mr. Christian and discussed abandoning the south alley and moving his proposed structure further south so Mr. Gruba's rental building is not blocked, he feels his lake view would be taken away and he could not market as a property with lake view. Mr. Gruba stated that he believes everyone can build on their property and that shouldn't be taken away from them.

Chair Marotz opened the public hearing on the CUP allowing an accessory structure on an undeveloped lot at 7:02 p.m. No one came forward for comment. Chair Marotz closed the public hearing at 7:02 p.m.

Commissioner Schreiber discussed his concern with the proposed building exacerbated a current bad drainage issue in that area and that he wants to have the Engineer and DNR to provide comments. Wikstrom stated that this is why staff is recommending that the impervious surface issue be tabled to a later meeting.

Commissioner Green motioned to approve the CUP to allow construction of an accessory structure without a principal structure with the following conditions: 1) the currently vacant lot shall be formally bound to the property on which the principal use is located through a deed restriction which is subject to the approval of the City Attorney. Said deed restriction shall be filed with Sherburne County Recorder or Registrar of Deeds and written evidence of recording shall be provided to the City prior to issuance of a building permit for the accessory structure; 2) a building permit to finish the second floor dwelling shall be applied for within 18 months of issuance of certificate of occupancy of the garage. Construction of the dwelling shall be completed within one year of approval of the building permit; and 3) improvements to the alley, if deemed

necessary by Public Works Department and City Engineer, shall be completed prior to issuance of a certificate of occupancy for the garage. Seconded by Commissioner May, the motion passed on a vote of 5 to 1 with Commissioners Green, Joseph, Marotz, May, and Sundberg voting aye and Commissioner Schreiber voting nay.

CUP to allow impervious surface exceeding 25% in shoreland management area

Chair Marotz opened the public hearing at 7:25 p.m.

Joe Gruba, 1201 Hiawatha Ave, would not be in favor of more than 25% impervious surface unless applicant agrees to move the building as far south as possible.

Commissioner Marotz tabled the public hearing to a future meeting to allow information for the submittal of the survey of the property and to receive comments from the City Engineer and DNR

**6B. PUBLIC HEARING: CONDITIONAL USE PERMIT (CUP) – IMPERVIOUS SURFACE (501 LAKESHORE DRIVE)**

Wikstrom reviewed the August 12<sup>th</sup> Staff Report on the application for a Conditional Use Permit (CUP) for the construction of a 12' x 24' shed that would cause the lot to further exceed the ordinance limit of 25% impervious surface for lots in the R-5 zoning district. This proposed structure would replace two (2) smaller accessory structures but there would be a net increase to impervious surface if the project is approved. He reported that a survey had not been submitted to-date and staff is recommending that the Commission open the public hearing, take comments, and table this item until the survey is provided.

Chair Marotz opened the public hearing at 7:30 p.m.

The applicants, Deborah Hart and James Hart, 501 Lakeshore Drive, were present to comment and answer questions. Ms. Hart stated they are proposing to build a larger accessory structure as their current 2-car garage is only large enough for their cars and their two smaller sheds are not large enough to hold all of their equipment. They recently had an ATV stolen and they want a structure to be able to store their vehicles as well as other equipment to make the property look neater.

Mr. Hart stated that they want to be able to lock their items up so they are not stolen.

Commissioner Schreiber asked if gutters on the structure were part of the plan. Both Mr. and Ms. Hart indicated that gutters can be included in the construction as they have not yet placed their order. Ms. Hart stated that the exterior would be all cedar and will be stained, with the house being converted to cedar in the future as well so they will look the same.

Peter Swenson, 401 Highland Avenue, stated that what is being proposed project would aesthetically add value to the neighborhood, would look fabulous and he is in favor of this project.

Marie Ebert, 430 Highland Avenue, stated the proposed project would be wonderful as they have had a 4-wheeler stolen and traffic in the alley can see all of their belongings that aren't able to be stored. She stated that having everything condensed into one building would look nice and she would appreciate it if they were allowed to build this project.

Lynne Butenhoff, 471 Highland Avenue, stated that she would love to see the property neat and put together and that one nice structure would be a great improvement.

Chair Marotz moved to table the item until the survey is submitted and the City receives comments.

**6C. PUBLIC HEARING: CONDITIONAL USE PERMIT (CUP) FOR RECREATOINAL BUSINESS (CROSS-FITNESS TRAINING CENTER) IN THE INDUSTRIAL PARK ZONING DISTRICT (19910 INDUSTRIAL DRIVE)**

Wikstrom reviewed the August 12<sup>th</sup> Staff report on the application for a Conditional Use Permit (CUP) to allow a fitness use (Crossfit Confidence) in Industrial District.

Matthew Pantze, owner of Crossfit Confidence, was present to answer questions.

Chair Marotz opened the public hearing at 7:47 p.m. No one came forward for comment. Chair Marotz closed the public hearing at 7:47 p.m.

Chair Marotz asked what the hours would be for the operation.

Mr. Pantze stated that the hours would be early morning and late afternoon, with the morning training ending by 8:00 a.m. and the afternoon training not beginning until approximately 4:30 p.m. He further stated that he is the only trainer that would be at the facility and that the business is not a come and go business as everything is instructor-led and no one is in the building without the instructor.

Commissioner Schreiber motioned to approve the Conditional Use Permit (CUP) for the cross-fit fitness center in the Industrial Park. Seconded by Commissioner Joseph, unanimous ayes, motion carried.

7. **PLANNER'S REPORT** – None.
8. **COMMISSIONERS' REPORTS** – None.
9. **OTHER** – None.
10. **ADJOURN**

Commissioner Green motioned to adjourn at 7:56 p.m. Seconded by Commissioner May, unanimous ayes, motion carried.