

AGENDA
BIG LAKE PLANNING COMMISSION MEETING
COUNCIL CHAMBERS

JANUARY 6, 2020

6:30 p.m.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL** (Members: S. Marotz, A. Heidemann, L. Odens, L. Sundberg, D. Vickerman, S. Zettervall)
- 4. ADOPT PROPOSED AGENDA**
- 5. OPEN FORUM**
- 6. APPROVE MEETING MINUTES**
 - 6A. Approve Regular Planning Commission Meeting Minutes of December 4, 2019
- 7. BUSINESS**
 - 7A. PUBLIC HEARING: Public Hearing for Residential Treatment Center Application (PUD Concept Plan) (PID 65-029-2101)
 - 7B. Candidate Interviews for Vacant Planning Commission Seat
 - 7C. Discussion: Ordinance Amendment Updating the City's Nonconformity (Grandfather) Ordinance
 - 7D. Discussion: Maximum Area of Detached Accessory Buildings
 - 7E. 2020 Chair and Vice-Chair Positions
 - 7F. Community Development Department Update
- 8. PLANNER'S REPORT**
- 9. COMMISSIONERS' REPORTS**
- 10. OTHER**
- 11. ADJOURN**

Disclaimer: This agenda has been prepared to provide information regarding an upcoming meeting of the Big Lake Planning Commission. This document does not claim to be complete and is subject to change.

Notice of City Council Quorum

A quorum of the City Council members may be present at this Big Lake Planning Commission meeting beginning at 6:30 p.m. in the City Council Chambers. No action will be taken by the City Council.



AGENDA ITEM

Big Lake Planning Commission

Prepared By: <i>Corrie Scott, Recreation and Communication Coordinator</i>	Meeting Date: 1/6/2020	Item No. 6A
Item Description: December 4, 2019 Planning Commission Regular Meeting Minutes	Reviewed By: <i>Michael Healy, City Planner</i>	
	Reviewed By: <i>Sara S.W. Roman, Consultant Planner w/ Landform</i>	

ACTION REQUESTED

Approve the December 4, 2019 Big Lake Planning Commission Regular Meeting Minutes as presented.

BACKGROUND/DISCUSSION

The December 4, 2019 Planning Commission Regular Meeting Minutes are attached for review.

FINANCIAL IMPACT

N/A

STAFF RECOMMENDATION

N/A

ATTACHMENTS

12-04-19 Planning Commission Regular Meeting Minutes

**BIG LAKE PLANNING COMMISSION
REGULAR MEETING MINUTES**

DECEMBER 4, 2019

- DRAFT MINUTES - NOT APPROVED

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: Alan Heidemann, Scott Marotz, Lisa Odens, Larry Sundberg, Dustin Vickerman, and Scott Zettervall. Commissioners absent: Ketti Green. Also present: Consultant Planner Sara Woolf, and Administrative Assistant Sandy Petrowski.

4. ADOPT AGENDA

Commissioner Zettervall moved to adopt the agenda. Seconded by Commissioner Odens, 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 MEETING MINUTES

6A. APPROVE REGULAR PLANNING COMMISSION MEETING MINUTES OF NOVEMBER 6, 2019

Commissioner Heidemann motioned to approve the November 6, 2019 Regular Meeting Minutes. Seconded by Commissioner Zettervall, unanimous ayes, Minutes approved.

7. BUSINESS

7A. PUBLIC HEARING: APARTMENT DEVELOPMENT APPLICATION (PUD, PRELIMINARY PLAT, REZONE, PRELIMINARY SITE AND BUILDING PLAN) – “STATION STREET APARTMENTS”

Consultant Planner Sara Woolf, AICP, reviewed the report on the development application submitted by Kuepers, Inc. requesting preliminary plat approval, development stage Planned Unit Development (PUD), rezoning of the property to T.O.D. PUD, and preliminary site plan and architecture approval for the “Station Street Apartments” project to be constructed on a 11.82-acre parcel located south of the Big Lake Park-and-Ride lot and the Northstar Train Station.

Woolf reported that in October 2019, both the Planning and City Council reviewed a concept plan for this apartment complex project and the concept plan was positively received by both Boards. She stated that the project is proposed to be a 3-structure market-rate apartment community constructed as three (3) phases, with one structure completed in each phase. The project will consist of a total of 105 units (approximately 35 units in each building), with surface lot parking and accessory garage structures being provided for each structure, and shared amenities (i.e., a pool, pool building, and playground area).

Woolf discussed the following for which the applicant is seeking approval:

REZONING - the parcel is currently zoned Agricultural and guided mixed use, is located within the T.O.D. district that surrounds the Northstar Train Station, and will require rezoning to TOD and then to PUD; the PUD overlay is being requested by the applicant in order to receive flexibility on a number of items required by the Zoning and Subdivision ordinances

PRELIMINARY PLAT - the applicant is proposing that the existing 11.8-acre parcel be subdivided to create an apartment community consisting of:

- Lot 1 (3.23 acres) – consisting of one 3-story, 35-unit apartment building, accessory surface parking, two (2) garage structures (a total of 20 garage stalls), a pool building, an outdoor pool, and a recreation area.
- Lot 2 (2.73 acres) – consisting of one 3-story, 35-unit apartment building, accessory surface parking, and two (2) garage structures (a total of 20 garage stalls).
- Lot 3 (1.33 acres) – consisting of one 3-story, 35-unit apartment building, accessory surface parking, two (2) garage structures (a total of 20 garage stalls).
- Outlot A (3.3 acres)
- Right-Of-Way (1.2 acres) – dedicated for Forest Road.

SITE PLAN REVIEW – the applicant is requesting approval of the following:

- **Proposed Lot Coverages**
 - Lot 1 coverage is 46.4%; Lot 2 coverage is 50.4%; and Lot 3 coverage is 63.0%. Lot coverage minimum in the station zone is 60% of net lot area which will require that Lots 1 and 2 be granted PUD flexibility.
- **Setbacks**
 - The proposed lot line setbacks for the structures are greater than the 25 foot maximum required by code for the TOD district and the proposed setback (17.6 feet) of the pool structure from an interior lot line (17.6 feet) is greater than the setback required by Code (15 feet).

- The structures are positioned towards parking lots and internal open space, not towards the street.
- Garages are located within front yards and face inwards (with the backs of structures to the street)
- Building Height – The proposed building heights of 41 feet meet Code requirements.
- Sidewalks – The proposed plans do not include a sidewalk along County Road 43.
 - Both the Planning Commission and City Council did not indicate a need for the addition of a sidewalk to the Concept Plan; however, Code requires sidewalks along the frontage of all public streets and will require PUD flexibility.
- Parking – Code requires 105 parking stalls; 210 permitted unless flexibility is granted
 - Proposed parking total is 218 stalls and PUD flexibility is being requested to allow for: 1) 2.1 parking stalls per unit; 2) 60 garage stalls (Code requires 66); and 3) locating parking lots within front yards or other yards which abut public street (Code does not allow).
 - Proposed 15 bicycle parking spaces meets Code requirement.
- Landscaping – Code requires that multi-family residential uses provide one (1) tree per unit; the proposed plan has 105 units which will require a minimum of 105 trees.
 - The applicant has provided a landscape plan which includes a total of 86 trees, 24 ornamental trees (equivalent to 8 trees) and 297 shrubs (equivalent to 99 trees), which exceeds the Code's minimum landscaping requirements.
 - At this time, a phasing plan for the landscaping has not been indicated by the applicant but it is assumed that landscaping for each lot will be installed during each lot's development.
- Utilities – Connection to municipal water and sewer will be done by accessing the existing services available from Station Street and, per Code requirements, all new utilities will be placed underground in drainage and utility easements to allow access for future maintenance.
- Lighting – Per the submitted photometric plan, the proposed lighting to be installed for the parking lot and walkways does not meet the standard at the right-of-way line for Station Street and a revised lighting plan showing compliance is required.
- Building Design Standards – Current Downtown Design Standards recommend brick and glass and Code requires 50% artificial stone.
 - Proposal is for a mix of vinyl lap siding, vinyl shakes, and simulated stone veneer.
 - Each apartment building is proposed to be comprised of 28.8% stone veneer.
 - Each accessory structure is proposed to be comprised of 22-30% stone veneer, depending on the garage structure length.

- For the proposed building elevations, applicant is requesting flexibility from the architectural design standards found in the Big Lake Downtown Design Standards and General Building Regulations of City Code Section 1040.
- The pool building is to be constructed from concrete masonry units (CMU) that will match the colors proposed for the apartment buildings; the applicant is to demonstrate that the proposed materials are complementary to surrounding development (the Northern Star Apartments are primarily vinyl).
- Recreational Areas – Code requires that the proposed development provide 6,250 square feet of recreational space; the proposed 32,000 square feet of recreational area (pool area, playground area, and open space) exceeds the Code’s requirement.
- Signage – One (1) monument sign is proposed.
 - The Big Lake Sign Ordinance prohibits freestanding signs in the Station Zone and flexibility will be required for the proposed monument sign, which is to be placed adjacent to Station Street, and the sign location must meet the 10-foot setback from the property line.

PUD FLEXIBILITY – the applicant is seeking PUD flexibility with the development stage PUD for permission to:

- Allow less than the 60% minimum impervious surface coverage; the proposed impervious surface coverage is 51% for all 3 lots combined (60% is required)
- Allow for building setbacks that do not meet the 5-foot minimum or 25-foot minimum setback requirements.
- Allow the main entrances to be set back more than 5-feet from the front property line.
- Allow parking lots and accessory garage structures to be located in front yards.
- Exceed the maximum parking allowed.
- Construct fewer garage structures than required.
- Provide building facades below the minimum material standards.
- Not be required that a sidewalk be constructed along County Road 43.
- Not be required to provide pedestrian amenities (i.e., benches, public art, planters, trash receptacles, etc.) along sidewalks and in landscaped areas and open spaces.
- Allow a monument sign to be constructed.

Woolf discussed the following development fees:

➤ Park Dedication Fees

- The City subdivision ordinance and fee schedule state that, for residential subdivisions, either 10% of land being subdivided must be dedicated as park land or a fee equal to 10% of the value of land be paid (with a minimum of \$2,500 per unit).
 - 105 units are proposed, which will require \$262,500 (105 x \$2,500) in park dedication fees.
 - Applicant is requesting that the fees for each phase be paid individually. There is some precedence for phasing the phase (i.e. the Northern Star Apartments development was allowed to pay the park dedication fee at the time each building was constructed).

➤ Trunk Sewer and Water Fees

- Per the current fee schedule, trunk fees are \$1,650 per acre for trunk water and \$5,530 per acre for trunk sewer, with the trunk storm sewer fees on a case-by-case basis and entirely waived if all storm water is contained within the plat boundary.
 - Applicant is proposing to subdivide 11.82 acres, with 3.33 acres being platted as Outlot A and 1.20 acres being dedicated as right-of-way, leaving 7.28 acres for which the applicant will be required to pay fees.

➤ WAC and SAC Fees

- Per the current fee schedule, fees are on a per unit basis with \$2,200 for WAC and \$3,235 for SAC and are due at the time of building permit issuance.

➤ Security for Landscaping and Other Improvements

- A financial guarantee covering 125% of the estimated cost for all phases of development is typically required to be paid prior to recording the final plat.
 - Applicant is requesting that they be allowed to provide this security on a per-phase basis. Historically, the City has only made exceptions to this for projects that are platted in phases and since the proposed project will be platted at one time and it would be at the City Council's discretion as to whether or not this request is appropriate.

Woolf reported that Bolton & Menk, the City's consultant Engineer, has submitted a letter with comments on the proposed project and they are recommending approval of the Preliminary Plat contingent on their comments and any comments received from Sherburne County or other staff, commissions and Council. She further noted that staff had not received any comments on the proposed project from the Fire Department or the Police Department.

Woolf stated that staff recommends approval of the PUD, Preliminary Plat, Rezoning and Preliminary Site and Building Plan for the Station Street Apartments project contingent on the sixteen (16) conditions discussed and as listed in the staff report.

Chair Marotz opened the public hearing at 7:03 p.m.

Mr. Chris Raimann, of Kuepers Inc., 17018 Commercial Park Road, Brainerd, Minnesota, discussed their proposed design concept and stated that they are comfortable with all of the conditions but they are asking for flexibility in the phasing of the project and also flexibility in the fees.

Commissioner Zetervall discussed his concern with there being no plans for a sidewalk along County Road 43. Mr. Raimann stated that if the Commissioners visited the site and walked along County Road 43 they would see how the grade slopes off sharply which restricts the feasibility for constructing a sidewalk in that location.

Chair Marotz closed the public hearing at 7:09 p.m.

Commissioner Zetervall reiterated his concern with there being no sidewalk planned along County Road 43. Commissioner Heidemann stated that he can see the concern but until there is more development in the area, he didn't believe that a sidewalk would be used by the residents, whom he thinks would walk through the development. Chair Marotz agreed with Heidemann and stated he would be more concerned if the other side of County Road 43 did not have a sidewalk and since it does, he believes a sidewalk on the other side of the roadway would suffice. Marotz also stated that this area could be a potential site for a county-type project (i.e., construction of a wider trail along the roadway).

With regards to the applicant's request for having the park dedication fees being phased, Marotz stated that he would typically not be in favor of allowing such phasing because of issues with past developments, however, he could support phasing the fees with this project if they will be constructing phases 1 and 2 together, as most of the trees, landscaping, and ponds would be included in these phases, and also if there were terms included in the contract which require a timeframe for the payment of the fees.

Commissioner Heidemann motioned to recommend approval of the PUD, Preliminary Plat, Rezoning, and Preliminary Site and Building Plan for the Station Street Apartments project and including the sixteen (16) conditions, as presented. Seconded by Commissioner Odens, unanimous ayes, motion carried.

7B. RESCHEDULE 01-01-20 PLANNING COMMISSION MEETING

Woolf presented the 2020 Planning Commission meeting dates, noting that the Commission is being asked to reschedule the January 1, 2020 Planning Commission meeting date as it falls on New Year's Day and no meetings are allowed to be held on this date as City Hall is closed for the holiday. Staff is recommending the meeting be moved to January 6, 2020.

Commissioner Zettervall motioned to reschedule the January 1, 2020 Planning Commission meeting date to Monday, January 6, 2020. Seconded by Commissioner Heidemann, unanimous ayes, motion carried.

7C. VACANCY ON THE PLANNING COMMISSION

Woolf reviewed the staff report on the upcoming vacancy on the Commission, noting that the seat currently held by Commissioner Ketti Green expires on December 31, 2019.

Staff is recommending that the Planning Commission:

- Authorize staff to post and publish a Notice of the vacancy for a 4-year term (from 01-01-20 through 12-31-23) with submittal deadline for letters of interest of Friday, December 27, 2019.
- Direct staff to accept letters of interest; and
- Schedule candidates for interviews which will be scheduled to take place during the January 6, 2020 Planning Commission meeting.

Commissioner Zettervall motioned to authorize staff to post and publish the Notice of Vacancy in the December 14, 2019 edition of the Elk River Times for the one (1) upcoming vacancy on the Planning Commission for a 4-year term (01-01-20 through 12-31-23); direct staff to accept letters of interest for the vacancy; and schedule candidates for interviews to be held during the January 6, 2020 meeting. Seconded by Commissioner Sundberg, unanimous ayes, motion carried.

7D. COMMUNITY DEVELOPMENT UPDATE

Business Retention & Expansion Visits YTD:

1/3/19	AutoStop	5/28/19	BP Athletics
1/7/19	Bank of Elk River	5/28/19	TJ's Packaging
1/14/19	Keller Lake Commons	5/28/19	Black Label
1/14/19	Gess What's Cookin'	6/05/19	Industrial Molded Rubber
2/5/19	West Sherburne Tribune	7/23/19	Ice-O-Metric Contracting, Inc.
2/15/19	Create & Connect Studio	8/07/19	Big Lake Floral
3/14/19	Lupulin Brewing Company	8/28/19	ProFusion
3/21/19	Russell's on the Lake	9/06/19	Sherburne State Bank
4/01/19	Vision Transportation	10/01/19	Nystrom Associates
4/10/19	Connexus Energy	10/03/19	LISI MEDICAL Remmele
5/09/19	Arcadian Salon	10/22/19	Arconic
5/20/19	Freedom Strategy Group	10/29/19	Williams Dingmann Funeral Homes
5/28/19	Northstar Technologies	11/05/19	Minnco Credit Union

Realtor Visits/Presentations YTD:

1/17/19	The McAlpin Team	2/11/19	Wayne Weber – Re/Max Results
2/5/19	The Galindo Team	2/11/19	Commercial Realty Solutions
2/6/19	Jenna Potter – Oak Realty	3/20/19	Caine Murray

Development Activity YTD (as of 10/30/19):

Housing:

- Single-Family New Construction Issued Permits 73
- Single-Family New Construction in Review 3
- Multi-Family New Construction
 - Duffy Development - The Crossing at Big Lake Station Phase II – In Construction.
 - Aeon Development – Big Lake Station Apartments – Submitted a Tax Credit Application to MN Housing in June 2019 for a 54-unit multi-family new construction project as well as a 100-unit multi-family senior housing 55+ new construction project (will be their 3rd submittal) – They did not receive an award of credits from MN Housing on either application.
 - Kuepers, Inc. – 105-unit multi-family, market rate new construction project – in pre-development phase.

Commercial/Industrial:

- ❖ Minnco Credit Union – New Business / New Construction
 - In construction
- ❖ Caribou Coffee (2nd location) – New Construction
 - In construction

BLEDA:

- Recommendations for revising the BLEDA Bylaws were presented to the BLEDA during their September meeting. Revisions are currently being reviewed by the City Attorney and will be brought to the Joint Powers Board in January 2020.
- The BLEDA Strategic Plan has been revised to include a city-wide branding project to begin in 2020. The RFP will be issued on January 9, 2020.
- Staff partnered with the St. Paul Area Association of Realtors (SPAAR) to host Big Lake's first Realtor Forum. The Forum provided 2 hours of continuing education credit to Realtors who attended. The Forum was from 8 – 11 a.m. on Thursday, November 14, 2019 – Staff submitted the official application to the State on Friday, August 16, 2019 and received formal approval on September 17, 2019. Sixteen Realtors received credit – the event was a great success and Staff would like to schedule another Forum.
- Staff attended the annual MN Commercial Association of Realtors (MNCAR) Expo on October 30, 2019 to market Phase II of the Big Lake Industrial Park.

Planning & Zoning:

- Currently working on:
 - Development Application / Zoning Application Review
 - Car Condo Project
 - Kueper's Construction
 - Troy Siemers – 12-Unit Development Project
 - Mixed Use Commercial-Industrial Zoning District Ordinance
 - Noise Ordinance
 - Bee Keeping Ordinance
 - Commercial Vehicle Parking in Residential Neighborhoods
 - Accessory Dwelling Units
 - Housekeeping Ordinance
 - Comprehensive Plan Implementation
 - Modernizing the Parking Ordinance
 - Reviewing Subdivision Standards to Reduce the need for PUD's
 - Modernizing the Grandfathering Ordinance
 - Code Enforcement

Building – Permit Fee Activity:

Permit Type	Permits Issued in Oct. of '19	YTD Total
Single-Family	5	72
Multi-Family	0	2
Commercial New / Remodel / Addition	4	19
Remodel / Decks / Misc.	25	228
HVAC / Mechanical	7	61
Plumbing	11	50
Zoning	10	127
Land Alteration	0	7
TOTAL	62	566

	Permit Fee	Plan Review	TOTAL
Total Fees in Oct.	\$36,572.15	\$15,789.92	\$52,362.07

YTD Total Valuation	YTD Permit Fee + Plan Review
\$33,503,230.07	\$418,987.38

Other:

- Staff received a petition to annex from the land owner of PID 10-120-3400, which is in the Orderly Annexation Agreement area. Annexation has been processed and approved.
- Staff received a petition to annex from the land owner of PID 10-560-0115. Petition is currently being processed as an Annexation by Ordinance as it is not attached to an Orderly Annexation Agreement. Public Hearing was scheduled for November 13, 2019 following a 30-day public comment period. The State has approved the annexation.

8. **PLANNER’S REPORT** – None.

9. **COMMISSIONERS’ REPORTS** – None.

10. **OTHER** – None.

11. **ADJOURN**

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



AGENDA ITEM

Big Lake Planning Commission

Prepared By: Sara S.W. Roman, AICP Consultant Planner	Meeting Date: 1/6/2020	Item No. <h1 style="text-align: center;">7A</h1>
Item Description: Public Hearing for Residential Treatment Center Application (PUD Concept Plan) (PID 65-029-2101)	Reviewed By: Michael Healy, City Planner Reviewed By: Hanna Klimmek, EDFP, Community Development Director	

60-DAY REVIEW DEADLINE: February 7, 2020

ACTION REQUESTED

The Planning Commission is asked to provide informal review and comment regarding the project’s acceptability in relation to the Comprehensive Plan and development regulations and to advise the City Council as they review the concept plan.

Any comments given by the Planning Commission are advisory in nature. While the comments are non-binding, the applicant will consider the comments from the Planning Commission when they prepare their formal submittal.

BACKGROUND/DISCUSSION

APPLICATION:

Wilkus Architects has submitted a development application for a PUD Concept Plan on behalf of the applicant, Nystrom & Associates LTD. The request is for a residential treatment center on 3.3 acres at the intersection of Forest Street and County Road 43 South (a portion of PID 65-029-2101).

The existing property is currently vacant agricultural land. There are no existing structures on the site. The parcel lies directly south of the Big Lake Park-and-Ride, the Northstar Train Station and the proposed Station Street Apartments. The property is zoned Agricultural and is enrolled in the Green Acres program, a property tax deferral program established for qualifying agricultural properties pursuant to Minnesota Statute 273.111, the Minnesota Agricultural Property Tax Law.

BACKGROUND:

The project site is the southern portion of an 11.82 parcel of land that straddles Forest Road. It is very unusual for a parcel to exist on both sides of a public road and this situation is a result of the way that that Metro Transit designed their road system and acquired land when they built the NorthStar train station and parking lot. There is currently a plat application under review by the City of Big Lake for the entire 11.82-acre parcel that includes the area proposed for development by this application. Kueper’s Construction is currently in the process of platting the 11.82-acre parcel and the plat would turn the land south of Forest Road (the subject site) into OUTLOT A.

A final plat application for Nystrom’s project site, to replat from OUTLOT A to a buildable lot, cannot be reviewed or approved by the City until the plat application made by Kueper’s Construction has been approved, all conditions have been satisfied, and the final plat has been recorded at Sherburne County. The recording of Kueper’s plat will create “OUTLOT A” which will then be able to be final platted by Nystrom and Associates as a buildable lot.

PROPOSED DEVELOPMENT:

The subject application is for an outpatient/inpatient treatment facility that will provide ongoing recovery support. The facility will include 25-30 shared residential units including both single- and double-occupancy units, shared interior spaces for treatment and recreation, and exterior amenities such as a shared walking path, landscaping, and sports facilities such as a basketball court, shuffleboard court and horseshoe pit as well as surface parking.

The Applicant has provided the following additional details regarding their organization and their proposed facility:

- We, Nystrom & Associates, Ltd., are the leading behavioral health system in Minnesota with 16 clinics, serving communities across the state, and have been serving Big Lake for 3 years. We offer psychiatry, individual and family therapy services, drug and alcohol treatment and community based mental health services.
- There is an identified need in the Big Lake/Sherburne County area to provide residential drug and alcohol treatment for adults, and we propose to fill that need with the construction of a sober residential treatment program that will deliver group therapy, individual therapy, educational groups, family involvement, and more.
- Our program is NOT a “wet house.” We are abstinence based, meaning there is no alcohol kept onsite. And our treatment program is totally “voluntary,” meaning our clients want to be in programming to get better and are motivated to stay sober.
- The building will be an apartment-style complex that will provide services for up to 50 people at a time, with an average length of stay of 45-60 days. The facility will have a fitness room, sport court, and other amenities for its residents.
- We are excited to bring nearly 40 full-time jobs to the city of Big Lake to help assist with this unmet need of treating people of all walks of life.

CONCEPT PLAN ANALYSIS

PROPERTY CHARACTERISTICS:

The existing 3.3-acre property is currently vacant agricultural land. There are no existing structures on the site.

EXISTING ZONING AND LAND USE:

Zoning	A – Agricultural
Future Land Use	Group Care Facility - Planned Unit Development
Existing Land Use	Vacant Land - Agricultural
Topography	Relatively flat with minor topography changes

SURROUNDING ZONING AND LAND USE:

Direction	Zoning	Future Land Use Plan	Existing Land Use
North	T.O.D. - PUD	High Density Residential	Agricultural
South	Agricultural (County)	Mixed Use	Agricultural
East	T.O.D.	Mixed Use	Vacant – Agricultural and Northern Star Apartments
West (Across County Road 43 S)	R-1 Single Family Residential Estate	Single Family Residential	Wrights Crossing neighborhood

REZONING REQUESTED:

The parcel is currently zoned A – Agricultural. However, the parcel is located within the T.O.D. district that surrounds the Northstar Train Station. The T.O.D. district “Station Zone” includes lands generally within one quarter (¼) mile of the rail station (as depicted in the Comprehensive Plan/Transit-Oriented Development Design Manual/Master Plan, see Attachment E) and serves as the focal point of the TOD area. Within this zone, transit-oriented commercial uses and high-density apartment-style housing are intended to be the primary features.

Section 1068.03 of the code states that all permitted uses in the B-2 Neighborhood Business District not already permitted in the Station Zone are allowed as a conditional use within the “Station Zone.” The applicant is requesting a planned unit development overlay in order to receive flexibility on a number of items, including the use. In the Station Zone, all permitted uses in the B-2 Neighborhood Business District not already permitted in the Station Zone are allowed as a conditional use. In the B-2 Neighborhood Business District, a Group Care Facility is permitted as a conditional use. The Group Care Facility use may be permitted as part of the PUD rezoning approval. The proposed flexibilities are discussed below.

PROPOSED SITE PLAN

Lot Coverage

In the T.O.D. District, a minimum Lot Coverage of 60% of the net lot area is required. This lot coverage may be reduced if a minimum of 40% of the lot is developed as improved public open space. The code also states a maximum lot coverage requirement of 85% of the net lot area. This lot coverage may be increased to 100% for mixed use buildings.

As proposed, the development does not meet the minimum impervious surface requirement and will need to be granted PUD flexibility. The applicant has not provided a lot coverage calculation, but will be required to provide this calculation for formal development review.

Setbacks

In the Station Zone, the following setbacks are required:

- Front Yard: Minimum of five (5) feet and a maximum of fifteen (15) feet for residential buildings without a mixed-use component.
- Side Yard: Minimum of zero (0) feet and maximum of twenty five (25) feet.
- Rear Yard: Fifteen (15) feet.

1041.04 Subd. 4 states that for double frontage lots and through lots that abut a major collector or arterial street, the lot line that is parallel to and directly abuts the right-of-way along the major collector or arterial street shall be considered a rear lot line so long as that yard has no access. Lot lines that are not parallel to a street shall be considered as side lot lines. No home on a through lot or corner lot in any residential zone shall be allowed direct access to any major collector or arterial street designated as such by the Comprehensive Plan, except as may be permitted by the City Engineer.

Further, for corner lots that do not abut a major collector or arterial road, both street lines shall be front lot lines for applying the yard setback regulations of this Ordinance.

Based on the above definition for lot lines, the lot line abutting Forest Road and Station Street NW shall be considered front lot lines, the lot line abutting County Road 43 S shall be considered a rear lot line, and the lot line abutting the parcel to the south shall be considered a rear lot line.

The site plan provided does not provide a setback measurement from property lines; these distances will be required to be provided for the development Plan PUD/Preliminary Site Plan phase.

Staff notes that the site plan provided is the second to be provided to the city, and the proximity of the building to the Forest Road and County Road 43 S has been increased, showing an effort by the applicant to provide a site plan in keeping with the general intent of the Station Zone.

Setback	Type	Setback Proposed	Setback Required
Northern property line abutting Forest Road	Front Yard	TBD	5'-25' max
Eastern property line abutting Station Street	Front Yard	TBD	5'-25' max
Southern Property line abutting adjacent parcel (18980 CR 43 BIG LAKE MN 55309)	Rear Yard	TBD	15'
Western property line abutting County Road 43 NW	Rear Yard	TBD	15'

Building Height

The applicant has not provided elevations of the proposed building height and so there is not enough information to provide the Planning Commission with an exact building height in feet. However, the structure is shown in renderings as three stories. The code requires a minimum building height of two stories or 30 feet and a maximum of five stories or 60 feet, whichever is less, except as is allowed through the Conditional Use Permit process. Under these requirements, the proposed building height meets code standards.

Sidewalks

The concept plan currently shows a sidewalk along County Road 43 NW, Forest Road and Station Street NW. The code requires that sidewalks not less than five feet in width be constructed along the frontage of all public streets and that all sidewalks and walkways meet ADA requirements. The concept plan complies as drawn.

In the Station Zone, Pedestrian scale lighting fixtures no greater than fifteen (15) feet in height are required to be provided along all sidewalks and walkways (public and private) to provide ample lighting during nighttime hours. The applicant has not yet provided a lighting plan for review by the city.

Access

As proposed, access to the development is provided through a drive off County Road 43 NW. The County will not allow access onto this roadway when a local roadway is available for access. The applicant must revise the site plan to allow for access to the site and surface parking from either Station Street or Forest Road.

Parking

The site plan proposes parking to be provided by a surface lot with 27 total parking stalls.

In the T.O.D. District "Station Area," the following parking requirements are in place:

1068.04: PARKING REQUIREMENTS

Subd. 1. Supply Requirements.

1. Station Zone

a. Non-residential Uses: Not more than one (1) parking space per one hundred (100) square feet of gross building area.

b. Residential Uses: A minimum of one (1) stall shall be provided per unit. A maximum of two (2) parking stalls per unit is allowed as a permitted use. Up to three (3) parking stalls per unit may be allowed by Conditional Use Permit.

Group Care Facilities are generally considered to be a residential use, although they are commonly only permitted in commercial areas. As a residential use, per the parking requirements, 25-30 parking stalls would be required, dependent on the final number of units proposed.

Planning staff would like to note that in many cities, parking for group care facilities is based on the proposed number of employees as well as a ratio of residents, such as 1 parking space per employee plus 1 parking space per every 3 residents. The architect for the application, Wilkus Architects, has indicated that 27 parking stalls were included to accommodate staff parking and a small number of parking spaces for drop-off/pick-up of residents.

The applicant is seeking PUD flexibility for parking to allow for parking lots located within front yards or other yards which abut public streets, whereas the code states that parking lots shall not be located within front yards or abutting a public street. The parcel fronts three public streets: Forest Road, Station Street

NW and County Road 43 S, so there is no ideal way to locate surface parking so that it would not abut a public street or be located in a front yard.

Bicycle Racks

Bicycle parking is required at a rate of 1 bicycle parking space per 15 parking spaces. In total, 2 bicycle parking spaces would be required. The applicant is not currently showing any bicycle parking spaces on the concept plan.

Landscaping

The City's zoning ordinance requires a landscaping plan with every multiple-family residential development application. The Code requires that all multiple-family residential uses provide one tree per dwelling unit. The proposed plan has 25-30 dwelling units which will require a minimum of 25-30 trees.

The Code states that at least 50% of the required tree must be actual trees. The remaining 50% can be replaced with ornamental trees or shrubs at a rate of 3:1. At least 25% of the trees must be deciduous and at least 25% must be coniferous.

The applicant has not provided a landscape plan for the development of the lot.

Utilities

The applicant is proposing to connect to municipal water and sewer by accessing the existing services available from Station Street. The code requires that all new utilities shall be placed underground. The new utilities will be placed in drainage and utility easements to allow access for future maintenance.

Lighting

The applicant has not yet provided a lighting plan for review by the City. For formal development review, a lighting plan must be provided. The code limits lighting and glare to no greater than one-foot candle when measured at the right of way and 0.4-foot candles when measured at the property line.

Building Design Standards

The residential treatment facility structure as proposed will be a mix of vinyl siding and a simulated stone veneer. Within the T.O.D. District, the architectural style and materials of all buildings are recommended to be consistent with the general guidelines of the Big Lake Downtown Design Standards and the Downtown Design Standards-Transition Zone, but the General Building Regulations of Section 1040 of the Zoning ordinance are required. The Downtown Design Standards require that building facades are primarily brick and glass on facades adjacent to a public street.

The Zoning Code's Section 1040 contains different exterior material requirements for residential buildings and commercial buildings. It is somewhat unclear whether the Applicant's project should be considered a residential project or a commercial project in the application of these standards. Some communities treat short-term group care facilities similarly to hotels which are a commercial use. Other communities treat them similarly to apartment buildings which are a residential use. Section 1040 of the Zoning ordinance requires that at least 50% of each exterior elevation of a multi-family residential (apartment) building, exclusive of windows, entrance doors, garage doors or roof areas, must be constructed of brick or stone,

or equivalent material approved by the City. There is no such requirement for commercial buildings. The Applicant's project is being processed as a PUD so, ultimately, the City has broad discretion to set the exterior building material standards at the level of a commercial building, a residential building, or something in the middle.

The applicant has not provided building material calculations for the proposed structure. It appears that the building elevations may require flexibility from the architectural design standards found in the Big Lake Downtown Design Standards and the General Building Regulations of Section 1040 of the City Code. Although vinyl siding is a permitted material, the artificial stone would need to comprise at least 50% of all building facades to meet the code requirements if this is deemed to be a "multi-family residential" use. If the building is deemed to be a commercial use, the proposed exterior materials comply with the Code.

The applicant will be required to provide elevations for the structure to determine if the structure meets the remaining building design requirements in the T.O.D. Station district, including requirements for façade modulation for facades over 50 feet and building articulation on the line between the ground and upper levels with a cornice, canopy, balcony, arcade or other visual device.

Recreation Areas

The applicant is proposing an outdoor recreation area as part of the overall development. The recreation area includes a basketball court, horseshoe pit and shuffleboard court. Section 1040.05 of the City Zoning Ordinance requires that each complex of 20 or more dwelling units shall include visually defined or fenced active recreation areas of 2,000 square feet plus an additional 50 square feet per unit for over 20 dwelling units.

With 25-30 proposed units, the overall development will require an additional 250-500 square feet of recreation area, for a total area of 2,250-2,500 square feet. These requirements may be reduced, at the City Council's discretion, for projects in the TOD District's Station Zone which are built in accordance with the TOD District's zoning requirements and have lot coverage levels that do not allow for full compliance with this provision. The site plan, however, does not adhere to the lot coverage levels within the Station Zone and therefore should be held to the recreation area standard. The applicant has not provided a calculation for the area proposed for outdoor recreation.

The applicant is also proposing a walking path on the site, that would include benches. The applicant indicated that they may be open to making the walking path available for public use.

PUD FLEXIBILITY REQUESTED:

PUD Justification

The Applicant is seeking a PUD approval, an approval that goes outside of the zoning code and subdivision ordinance. The City's PUD ordinance (Code Section 1011) is very clear that the City should only grant PUD approval in situations where there is a "public benefit" that comes from granting the approval. The PUD ordinance lays out thirteen (13) benefits that are being sought by the City.

PUD Format

The City Attorney's office has advised City Staff not to process PUD approvals as CUP's as the City has done in the past. The City Attorney's Office is advising that, going forward, all of the City's PUD's be processed as

“Rezone to PUD.” The City Attorney’s stance is that the rezoning process is “cleaner,” leaves better records, and is preferable because it is a legislative action while CUP’s are quasi-judicial actions.

The Zoning Code’s PUD ordinance states that PUD’s can be processed as either a CUP or a rezone. Staff is processing this project’s PUD as a rezone under the guidance of the City Attorney.

Overview of Requested Flexibility

The applicant is seeking the following PUD flexibility with the Concept Plan, and additional flexibilities may be requested for development stage PUD:

1. Permission to allow a Group Care Facility in the T.O.D. Station Zone.
2. Permission to have less than the 60% minimum impervious surface coverage.
3. Permission to have building setbacks that do not meet the 5-foot minimum or 25-foot maximum setback requirements.
4. Permission to have main entrances set back more than five feet from the front property line.
5. Permission to have parking lots located in front yards.
6. Permission to provide building façades below the minimum material standards.
7. Permission to not construct pedestrian amenities such as benches, public art, planters, trash receptacles, etc. located along sidewalks and in landscaped areas, open spaces and plazas.

DEVELOPMENT FEES

Park Dedication

The City’s subdivision ordinance and fee schedule state residential subdivisions must dedicate 10% of the land being subdivided as parkland OR pay a fee equal to 10% of the value of the land with a minimum of \$2500 per unit. Commercial and Industrial developments must dedicate 4% of the land being subdivided or pay a fee equal to 4% of the value of the land. It is at the City’s discretion whether to require a land donation or allow the fee in lieu to be paid. In this case, the cash option is preferable as there is no need for parkland in the residential treatment center development. In the case of this development, the resolution approving the Final Plat for the Station Street Apartments may defer the collection of park dedication fees on the outlot until such time as the outlot is final platted as a buildable lot for the proposed residential treatment facility.

While a Group Care Facility is somewhat residential in nature, it does not result in long-term residents of Big Lake, and therefore the Planning Commission may wish to recommend an amended park dedication fee in this case. In some communities, short-term Group Care Facilities are treated as commercial developments in the calculation of park dedication fees. There is a case to be made that they should be treated similarly to hotels which are generally considered “commercial” rather than “residential.”

The park dedication requirement for residential developments is usually based on the minimum value per unit. The applicant is proposing 25-30 units which will require \$62,500-75,000 (25 x \$2,500 or 30 x \$2,500) in park dedication fees if this is deemed to be a residential development. If it is deemed to be a commercial development, the park dedication fee would be based on the land value. The tax assessor currently lists the

entire 11.82-acre parcel as having a value of \$86,000 but that number is artificially low because the land currently part of the “Green Acres” program which is designed to keep taxable value lower for properties that are actively being farmed.

Trunk Sewer Fee, Trunk Water Fee and Trunk Storm Sewer Fee

When land is developed, trunk sewer and trunk water fees are charged based on the amount of land that is being developed. These fees are “per acre” and help the City cover the costs of providing sewer and water infrastructure as the City grows. The fees are set every year by a City Council resolution and generally increase each year to account for inflation and actual costs of providing infrastructure.

The 2020 fee schedule sets trunk fees at \$1,650 per acre for trunk water and \$5,330 per acre for trunk sewer. Trunk storm sewer fees are “case by case” and are waived entirely if all storm water is contained within the plat boundary. The proposed 2020 fee schedule keeps these fees at the same level.

The Applicant is proposing to plat 3.33 acres. A portion of that may be dedicated as Right-of-Way. Therefore, the 3.33-acres of land being developed will be required to pay fees. A final acreage calculation will be determined based on the preliminary plat.

Sewer Access Charges (SAC) and Water Access Charges (WAC) Fees

These fees, which are used to fund investments in expanding the capacity of the City’s sewer and water plants and infrastructure as the City grows, are collected at the time of building permit issuance. The 2020 fee schedule sets the fees based on anticipated daily use of water.

STAFF COMMENTS:

Engineering and Public Works:

Bolton and Menk prepared a comment letter for the review of this concept plan (Attachment C).

Fire Department

Mr. Hansen stated that he had no issues with the concept plan, but noted that once the development process gets further along, the fire department will look at sprinklers in the building and things of that nature.

Police Department

Chief Scharf commented that the development appears well planned, and a resource our region needs.

ADDITIONAL COMMENTS:

Xcel Energy:

Xcel Energy commented that Xcel gas could serve this customer and it looks to be in Connexus Electric territory.

Sherburne County Public Works:

Sherburne County Public works noted that the County will not grant direct access to CR 43, given the opportunity to access the City Street system. A formal review letter will be prepared by the County.

CenterPoint Energy:

CenterPoint Energy has no issues or concerns at this time. CenterPoint Energy’s response is attached as Attachment D.

FINANCIAL IMPACT

NA

STAFF RECOMMENDATION

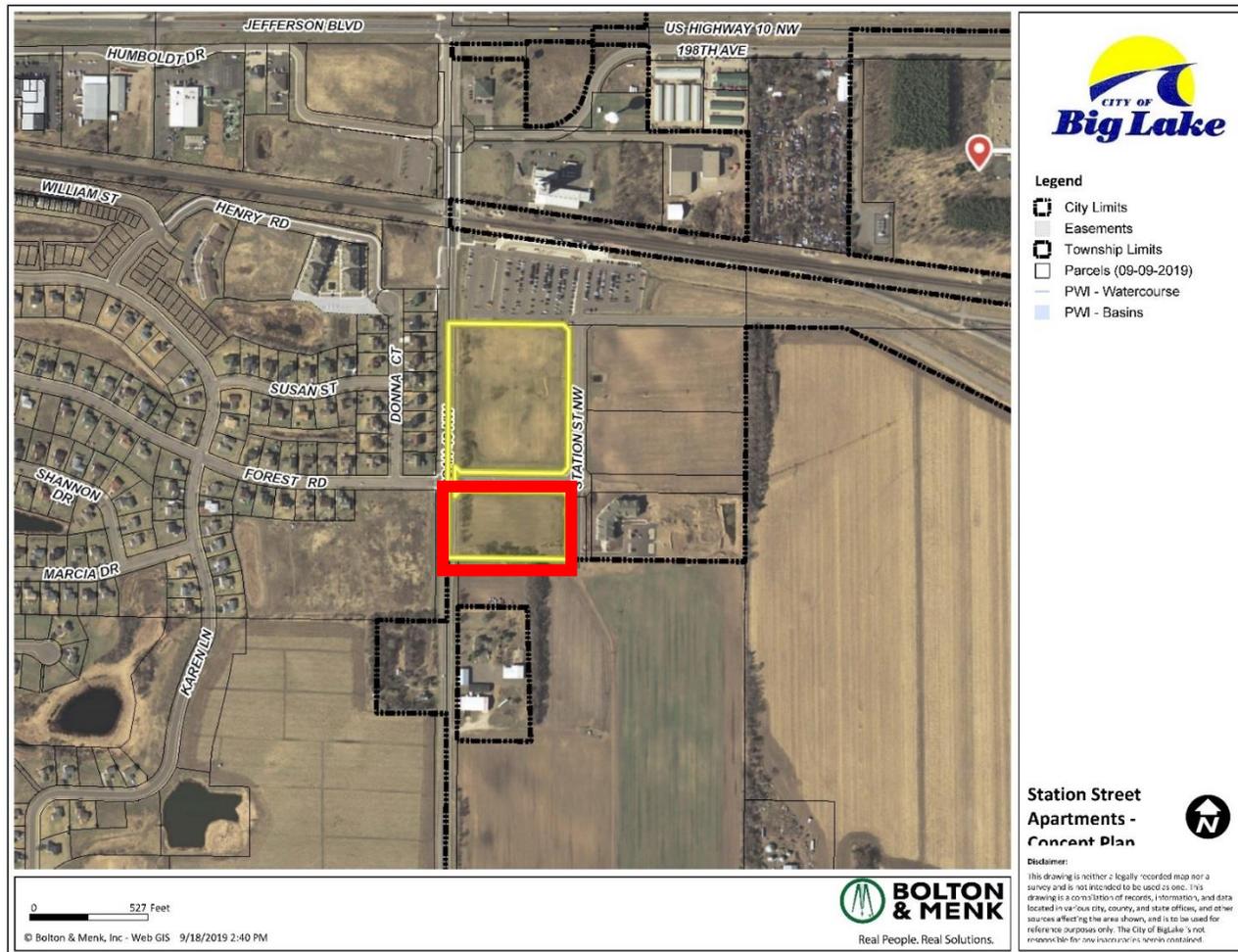
The Planning Commission should provide feedback on the applicant’s proposal and whether there are additional items that should be addressed by the applicant prior to the submittal of the preliminary plat and PUD. The applicant would take these comments under advisement as they prepare a formal submittal.

Staff is generally supportive of the concept plan. The applicant has created a concept plan with the intent of the Station Zone in mind. The Planning Commission is asked to provide informal review and comment regarding the project’s acceptability in relation to the Comprehensive Plan and development regulations and to advise the City Council as they review the concept plan. In particular, the Planning Commission may want to comment on the general nature of the use – and whether staff should review the use as a residential use or a commercial use, particularly while calculating development impact fees and determining the “base level” for exterior material requirements.

ATTACHMENTS

- Attachment A: Site Location Map
- Attachment B: Public Hearing Notice
- Attachment C: Engineer’s Memo
- Attachment D: CenterPoint Energy Memo
- Attachment E: Concept Plan
- Attachment F: Building Plans
- Attachment G: Graphic Renderings
- Attachment H: TOD Station Zoning Map

Attachment A Site Location Map



Attachment B
Public Hearing Notice



-Public Notice Ad Proof-

This is the proof of your ad scheduled to run on the dates indicated below. Please proof read carefully if changes are needed, please contact us prior to deadline at Cambridge (763) 691-6000 or email at publicnotice@ecm-inc.com

Ad Proof

Enlarged

**CITY OF BIG LAKE
NOTICE OF PUBLIC
HEARING
CONCEPT PLAN FOR A
PROJECT KNOWN AS
"RESIDENTIAL
TREATMENT CENTER"**

You are hereby notified that the Big Lake Planning Commission will hold a public hearing in order to consider a concept plan for a project known as "Residential Treatment Center". The public hearing will be held in the Big Lake City Council Chambers located at 160 Lake Street North, Big Lake, MN on: Monday, January 6, 2019 at or about 6:30 p.m.

Applicant:

Wilkus Architects on behalf of Nystrom & Associates LTD
15 9th Avenue North
Hopkins, MN 55343

Parcel Identification Number:
65-029-2101

Legal Description: Parcel directly south of the Big Lake Station Park and Ride, on the western side of Station Street NW. Parcel boundary bisected by Forest Rd. Development proposed only for portion of parcel south of Forest Rd.

The Applicant is proposing to build a residential treatment center on the 3.3 acre portion of a parcel that lies directly south of Forest Street, south of the Northstar Train Station. The concept plan calls for a 20-30 shared unit outpatient treatment facility that offers ongoing recovery support. Amenities include a shared walking path, improved landscaping, outdoor sporting equipment and interior shared public spaces. This public hearing is for a concept plan. The Planning Commission and members of the community are asked to provide the Applicant with feedback to take into consideration as they plan out the more specific details of their development.

Both oral and written comments will be considered by the Planning Commission. If you desire to be heard in reference to this matter, you should attend this hearing or submit written comments to City Hall. If you have any questions, please feel free to contact Sara Woolf, Planning Consultant at 612-638-0227 or SWoolf@biglakemn.org.

Published in the
Star News
December 21, 2019
1006154

<p>Date: 12/17/19</p> <p>Account #: 388115</p> <p>Customer: CITY BIG LAKE ~</p> <p>Address: 160 LAKE STREET N BIG LAKE</p> <p>Telephone: (763) 263-2107</p> <p>Fax: (763) 263-0133</p>	<p>Publications: Star News</p>
<p>Ad ID: 1006154</p> <p>Copy Line: Wilkus/Nystrom & Assoc. PH</p> <p>PO Number:</p> <p>Start: 12/21/19</p> <p>Stop: 12/21/2019</p> <p>Total Cost: \$72.00</p> <p># of Lines: 68</p> <p>Total Depth: 7.556</p> <p># of Inserts: 1</p> <p>Ad Class: 150</p> <p>Phone #: (763) 691-6000</p> <p>Email: publicnotice@ecm-inc.com</p> <p>Rep No: CA700</p> <p>Contract-Gross</p>	

Attachment C
Memorandum, Bolton and Menk



Real People. Real Solutions.

7533 Sunwood Drive NW
Suite 206
Ramsey, MN 55303-5119

Ph: [763] 433-2851
Fax: [763] 427-0833
Bolton-Menk.com

December 23, 2019

Sara Woolf, Consultant City Planner
via e-mail: swoolf@biglakemn.org

RE: Treatment Center Concept
City of Big Lake, Minnesota
Project No.: W18.120331

Dear Sara,

We have reviewed the concept plan submitted for the above referenced project and have the following comments:

1. The applicant shall obtain a Sherburne County Access Permit.
2. The applicant shall submit a Storm Water Pollution Prevention Plan for the review of the city.
3. The applicant shall submit a Storm Water Management Plan including storm water calculations complete with drainage area maps for the review of the city.
4. The applicant shall enter into a Stormwater Maintenance Agreement for all stormwater basins on the property.
5. The applicant shall submit a grading plan for the review of the city.
6. The applicant shall submit a site plan complete with paving, sidewalk, and trail information for the review of the city.
7. The applicant shall submit utility plans for the review of the city.
8. The applicant shall submit striping plans for the review of the city.
9. The applicant shall submit signage plans for the review of the city.
10. The applicant shall submit construction details for the review of the city.
11. The applicant shall submit a lighting plan for the review of the city.
12. All construction shall be in accordance with the City of Big Lake Standards.

We recommend the above requested information be submitted with a preliminary plat application for the review and approval of the City of Big Lake.

If you have any questions on the above, please call.

Sincerely,

Bolton & Menk, Inc.

Jared Voge, P.E.
Principal Engineer

H:\BGLK\W18120331\1_Corres\C_To Others\2019-12-23 120331 Woolf Treatment Center Concept Review.docx

Bolton & Menk is an equal opportunity employer.

Attachment D:
Memorandum, CenterPoint Energy



700 West Linden Avenue
PO Box 1165
Minneapolis, MN 55440-1165

December 12, 2019

Sara S. Woolf, AICP
Planning Consultant
City of Big Lake
Direct: 612-638-0227
SWoolf@biglakemn.org

RE: Proposal Concept plan for a Residential Treatment Center in Big Lake.

Dear Sara Woolf,

CenterPoint Energy has no objection or issues related to the Residential Treatment Center in Big Lake.

Thank you for the advance notice. If you have any questions, please feel free to call me at 612-321-5381.

Respectfully,
CENTERPOINT ENERGY

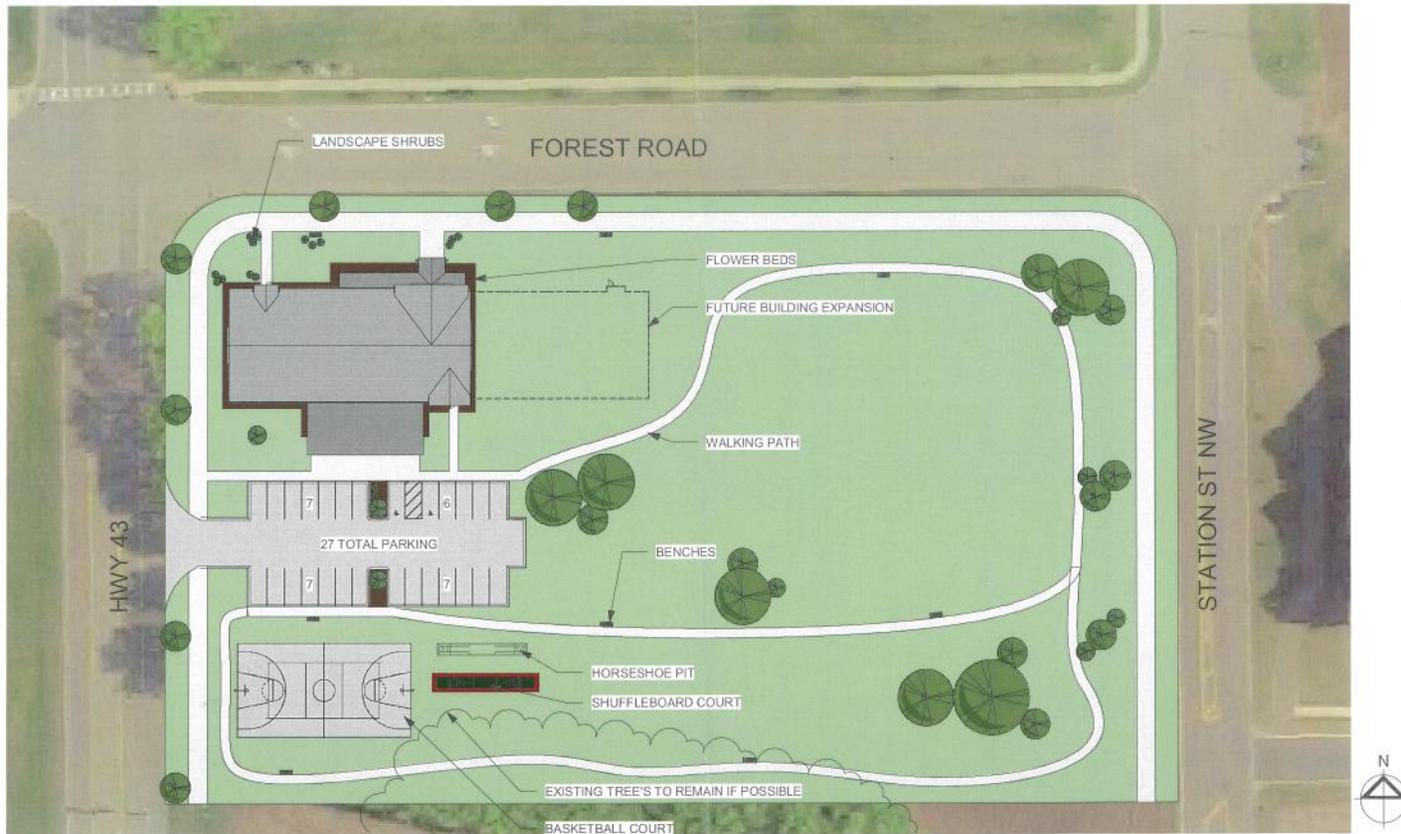
A handwritten signature in blue ink that reads "Chuck Mayers".

Chuck Mayers, **SRWA**
Right of Way Agent III
charle.mayers@centerPointenergy.com

PC: Mark S. Johnson, C&M Supervisor, CenterPoint Energy
James W. Carlson, C&M Advance Foreperson, CenterPoint Energy
Nathan Nazareno, Area Engineer, CenterPoint Energy

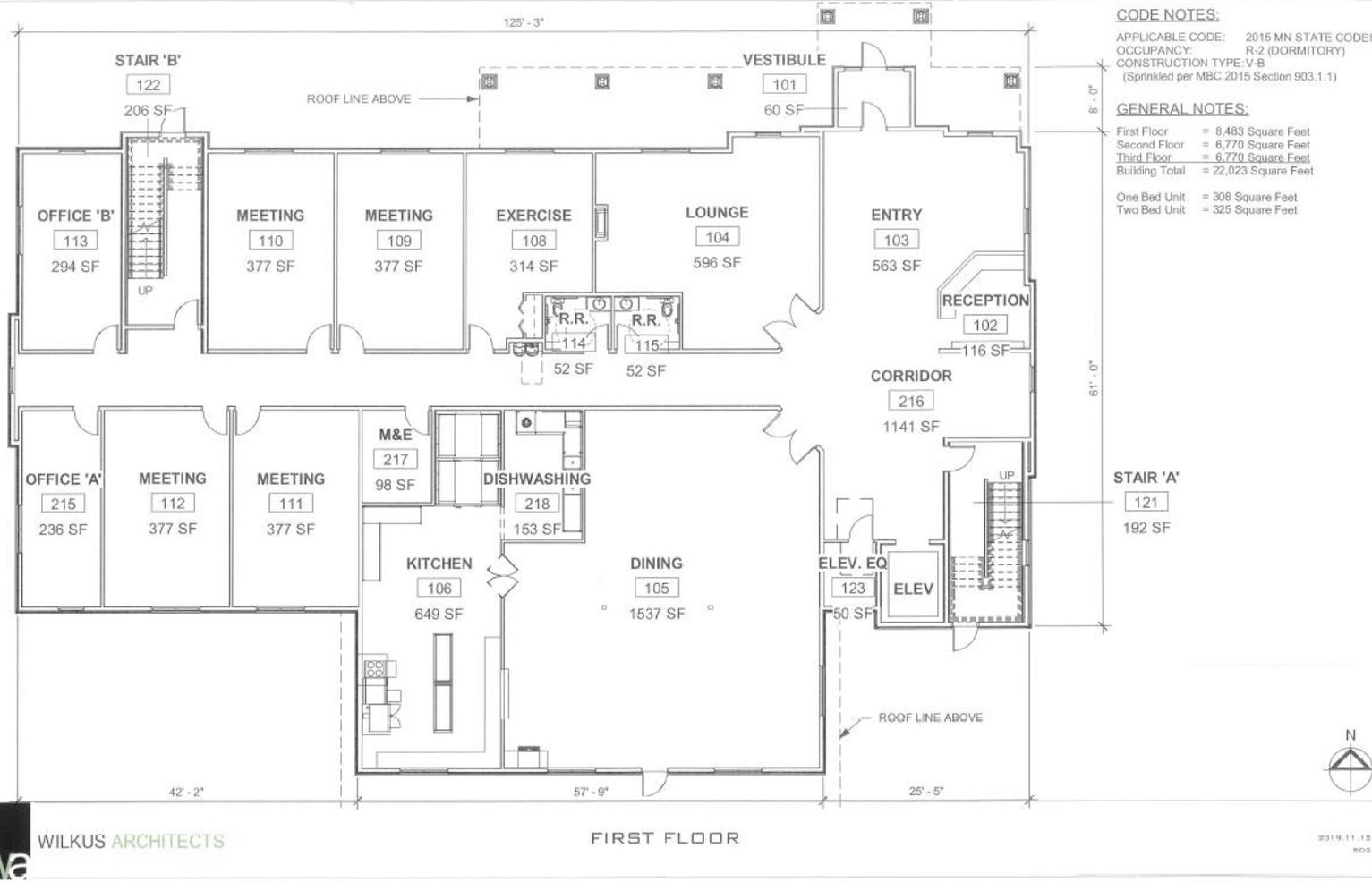
Attachment E
Concept Plan

TREATMENT CENTER IN BIG LAKE, MN

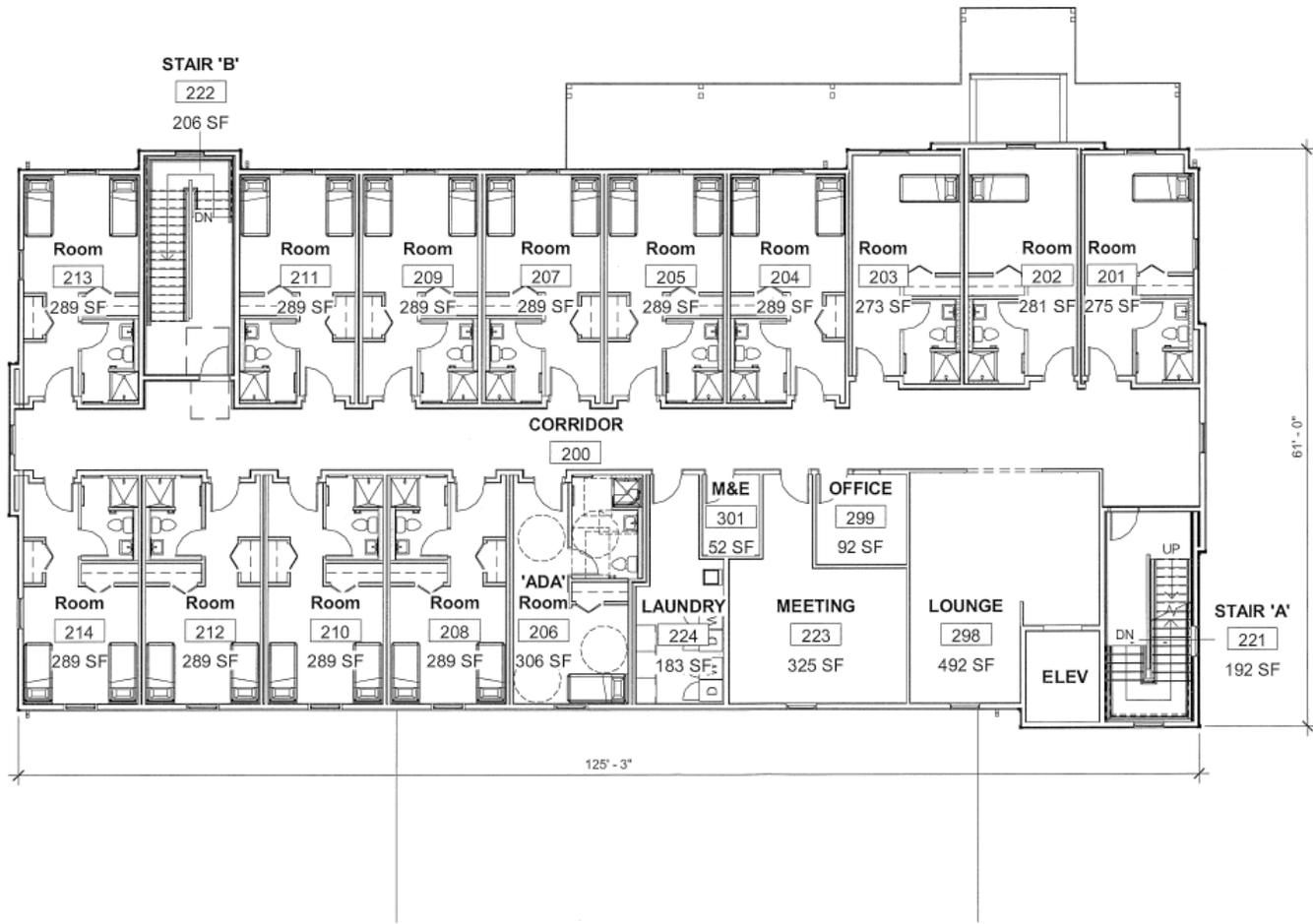


Attachment F Building Plans

TREATMENT CENTER IN BIG LAKE, MN



TREATMENT CENTER IN BIG LAKE, MN



Attachment G
Graphic Renderings

TREATMENT CENTER IN BIG LAKE, MN



we WILKUS ARCHITECTS

VIEW LOOKING AT FRONT ENTRY

2019.11.12
SD4

TREATMENT CENTER IN BIG LAKE, MN



TREATMENT CENTER IN BIG LAKE, MN



WILKUS ARCHITECTS

VIEW LOOKING AT BACK PATIO

2019.11.12
SD6

TREATMENT CENTER IN BIG LAKE, MN

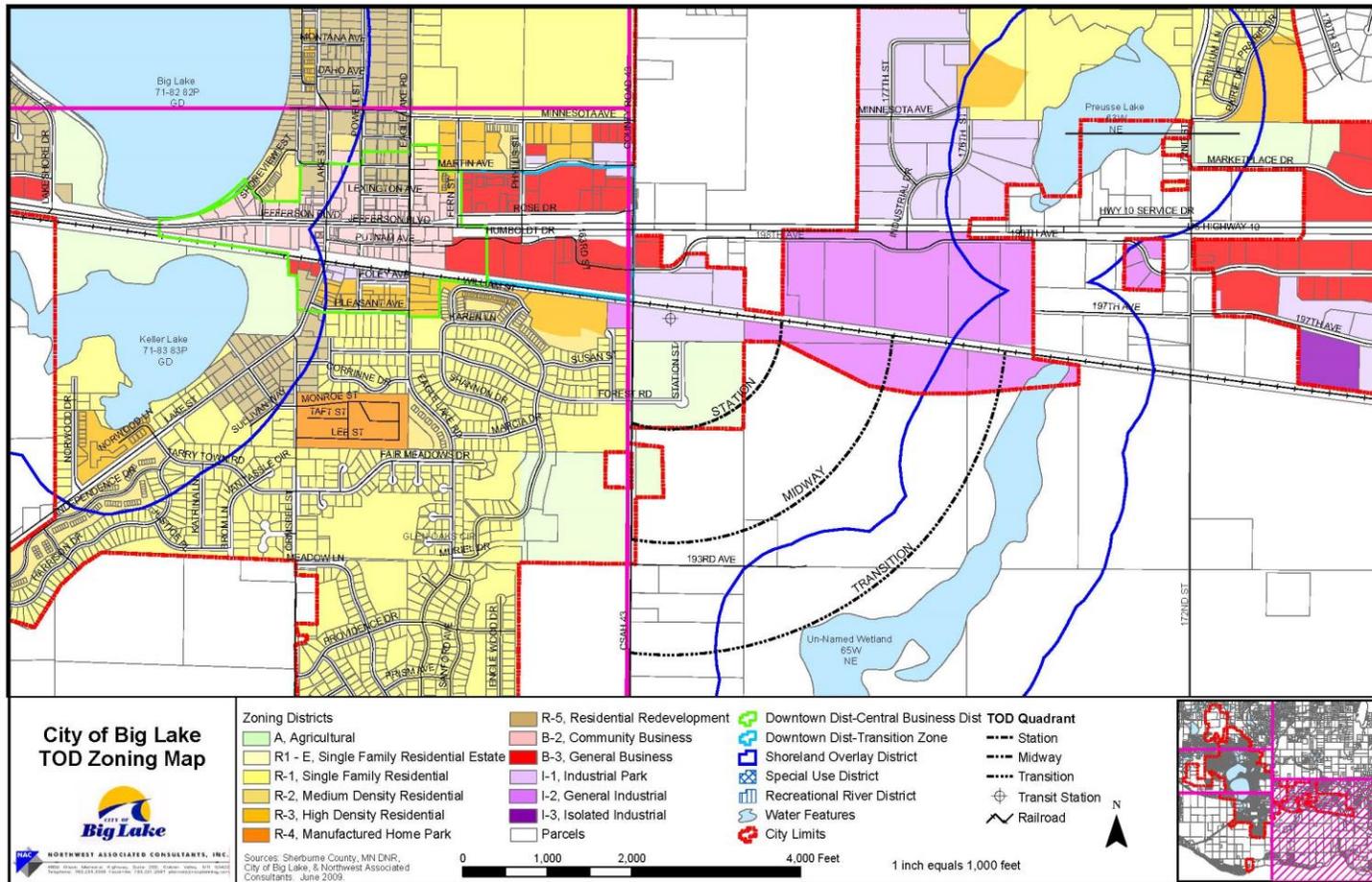


WILKUS ARCHITECTS

VIEW LOOKING AT BACK PATIO

2019.11.12
SD7

Attachment H: TOD Station Zoning Map





AGENDA ITEM

Big Lake Planning Commission

Prepared By: Michael Healy, City Planner	Meeting Date: 1/6/2020	Item No. 7B
Item Description: Candidate Interviews –Planning Commission Vacancy	Reviewed By: Hanna Klimmek, Community Development Director	
Reviewed By: N/A		

ACTION REQUESTED

Conduct interviews of candidates and make recommendation to the City Council for appointment to the one (1) vacant Planning Commission seat to serve a four year term from January 2020 – December 31, 2023.

BACKGROUND/DISCUSSION

At the December 4, 2019 Planning Commission meeting, the Commission authorized staff to: 1) post/publish a notice to fill the one (1) vacancy, which is to serve a new term of four years from January 2020 – December 31, 2023; 2) accept letters of interest; and 3) schedule candidate interviews to be held during the January 6, 2020 Planning Commission meeting.

Commissioner Ketti Green has held this Planning Commission seat since her original appointment in November of 2007 and has served as the Vice-Chair as well.

The deadline for submitting letters of interest was Friday, December 27, 2019. A total of three submittals were received by the deadline from Ketti Green, Kameron Hanson, and Kendal Janousek which are attached for your review. Also attached are the interview questions. (A hard copy of the letter of interest and interview questions will also be provided at the meeting.)

FINANCIAL IMPACT

N/A

STAFF RECOMMENDATION

Make a recommendation to the City Council for appointment to the one (1) vacancy on the Planning Commission for a four year term serving from January 2020 – December 31, 2023.

ATTACHMENTS

- Planning Commission Status of Terms
- Letters of Interest from Candidates
- Interview Questions

Planning Commissioner (PC) Status of Terms

(Appointment Term: 4 years)

<u>Ketti Green</u>	Current PC Term Expires:	12/31/2019
	Original Appointment:	11/2007
	Current Title:	Planning Commissioner Vice Chair (term as Vice Chair ends 12/31/19)

<u>Alan Heidemann</u>	Current PC Term Expires:	12/31/2021
	Original Appointment:	10/2016
	Current Title:	Planning Commissioner

<u>Scott Marotz</u>	Current PC Term Expires:	12/31/2021
	Original Appointment:	08/2004
	Current Title:	Planning Commissioner Chair

<u>Lisa Odens</u>	Current PC Term Expires:	12/31/2022
	Original Appointment:	01/2019
	Current Title:	Planning Commissioner

<u>Larry Sundberg</u>	Current PC Term Expires:	12/31/2022
	Original Appointment:	08/2015
	Current Title:	Planning Commissioner

<u>Dustin Vickerman</u>	Current PC Term Expires:	12/31/2023
	Original Appointment:	08/2019
	Current Title:	Planning Commissioner

<u>Scott Zettervall</u>	Current Council Term Expires:	12/31/2020
(City Council Liaison)	Original Appointment:	07/2019 (annual re-appointment by Council)
	Current Title:	Planning Commissioner/Council Liaison (term as City Council Liaison ends 12/31/19)

INTERVIEW QUESTIONS - PLANNING COMMISSIONER CANDIDATES

January 6, 2020 Planning Commission Meeting

6:30 p.m. – Big Lake City Council Chambers

1.	Please explain your interest in serving on the Planning Commission.
2.	Please identify what you feel are some of the key issues facing the City in the next 5 to 10 years.
3.	What is one thing that would make Big Lake a better place to live?
4.	How much weight do you give in staff recommendation for a land use application?
5.	Are you familiar with comprehensive land use plans? How important are they to you in guiding development?
6.	Do you have any questions of staff or the Commission Members?

December 18, 2019

Michael Healy
160 Lake St.
Big Lake, MN 55309

Dear Michael,

I would like to submit my letter of intent for City of Big Lake Planning Commissioner.

I have been on the Planning Commission for over 12 years and have served as Vice-Chair for the past few years.

Over the years I have had the opportunity to help make Big Lake a better community by carefully reviewing plans for new businesses, housing developments and the start of reviewing our ordinances to ensure we are currently in line with the vision of Big Lake.

As we have come out of a big Recession that stalled the growth of Big Lake, we are now seeing an uptick in future growth not only in businesses wanting to move to Big Lake or to expand their current footprint but families seeing the value of living here.

I will continue to bring my thoughts and vision to the Planning Commission.

Thank you for the opportunity to serve for the City of Big Lake.

Sincerely,

Ketti Green

Michael Healy

From: Kameron Hanson <kam_hanson@yahoo.com>
Sent: Wednesday, December 11, 2019 3:14 PM
To: Michael Healy
Subject: Big Lake Planning Commission Submission

Categories: Red Category

Dear Michael Healy

My name is Kameron Hanson, I am writing you this to show to you my interested in the position on the board of City Planning Commission. I have been looking for opportunities to service in my community and make an impact. I currently live in the Norland Park Neighborhood and have found this city to be one that i am proud to be part of.

To give you more information about myself, I am a 28 Year old man, I am newly engaged to my Fiance Ali Bonham. I work for Verizon in Monticello where i have been for about 8 months now. I come from the Willmar area where is was always involved in my Church and Community growing up. I have served on many boards and Been in many leadership roles growing up, Even Earned my Eagle Scout honor as a young man.

I feel that this community is one of which has alot of potential to grow even further and become one of the higher regarded Metro Suburbs. I feel with my past experiences of being part of the community and providing valued input that i would be a valued part of this Commission. I would love to be considered as a candidate for this position. I am ready to play a role in the growing community of Big Lake.

Sincerely

Kameron D Hanson

Kendal Janousek

5447 Highland Trail, Big Lake 55309•763-234-2706•kendaljanousek@gmail.com

December 27, 2019

Michael Healy
City Planner
City Hall
160 Lake Street North
Big Lake, MN 55309

Dear Mr. Healy,

As a sixteen-year resident, the vacancy of the Planning Commission seat sparked my interest in proceeding to serve the city of Big Lake, as I have an interest in government policy. I have seen noble changes in the community and would be proud and honored to serve on the board that is responsible for serving the citizens of Big Lake.

In the process of a Social Work BSW, I have young and new experience that could benefit the council and the community of Big Lake long term. I provide a person-center perspective with experience in working with individuals from the level of micro to macro work. I have experience in leadership through my various university activities as a secretary for the Phi Alpha National Honor Society, a Kansas State Union Ambassador and a Gerontology Ambassador.

Thank you for providing this opportunity, I cannot wait to hear back from you.

Best Wishes,

Kendal Janousek



AGENDA ITEM

Big Lake Planning Commission

Prepared By: Michael Healy, City Planner	Meeting Date: 1/6/2020	Item No. 7C
Item Description: Discussion on Ordinance Amendment Updating the City's Nonconformity (Grandfather) Ordinance	Reviewed By: Hanna Klimmek, Community Development Director	
	Reviewed By: Clay Wilfahrt, City Administrator	

ACTION REQUESTED

A motion calling a public hearing for an ordinance amendment revising the nonconformity ordinance.

BACKGROUND/DISCUSSION

Background

This is a continuation of a series of informal discussions held in 2017 by the City Council and Planning Commission. A consensus was reached in 2017 that the existing “grandfather ordinance” is too strict and has too many provisions that are no longer in compliance with State Statute. At their August 2, 2017 meeting, the Planning Commission asked Staff to work with the City Attorney to prepare a draft ordinance and to return to the Planning Commission for a public hearing. The Planning Commission provided some rough input regarding what the draft ordinance might look like.

This item was indefinitely placed on the “back-burner” due to Staff capacity issues and the complexity of the ordinance rewrite. The City Attorney’s office made substantial revisions to Staff’s original proposed revised ordinance based on best practices and Minnesota case law. The ordinance has changed enough and enough time has passed since the last discussion on the subject that Staff does not feel comfortable holding a public hearing without checking in and getting fresh authorization from the Planning Commission. In addition to fixing issues with noncompliance with State Law, revising the nonconformity ordinance will help implement the following goal of Big Lake’s 2018 Comprehensive Plan:

Land Use and Growth Management Plan

Residential Neighborhoods

6. Older Neighborhoods

Continue to review zoning regulations that apply to the older neighborhoods so as to accommodate the nonconforming status of dwellings that were caused by setback or area requirements.

Overview

There are some fairly significant issues with Big Lake’s “Non-conforming Buildings, Structures, and Uses” Ordinance, the ordinance that is colloquially known as the “Grandfather Ordinance.” This ordinance regulates buildings, structures, and uses that were legal at the time that they were built or began to operate

but which would not be allowed under the City's existing rules. These structures and uses are considered "grandfathered" and are generally allowed to continue but with some restrictions.

The issues with Big Lake's current ordinance are as follows:

- The State Legislature determines how much authority Minnesota cities have to regulate grandfathered land uses. Big Lake's ordinance was written in 2002 based on State law at the time. The State Legislature dramatically changed Minnesota's nonconformity laws in 2004 and the City of Big Lake no longer has the legal authority to enforce many of the provisions of our Nonconformity ordinance. The fact that the Ordinance contains outdated and unenforceable provisions causes confusion and frustration for residents and Staff. State Statutes trump City ordinances in any situation where there is a conflict and the City has not been granted the authority to adopt rules that are more restrictive than the State.
 - Big Lake's current ordinance only allows grandfathered structures to be "repaired and maintained." The State now requires that Big Lake also allow grandfathered structures to be "improved and replaced." The State does not require cities to allow expansion of nonconformities and allows each city to define what expansion means (within reason).
 - Big Lake's current ordinance attempts to "amortize" junk yards by stating that any junk yards annexed into City limits may continue for five (5) years following annexation and then must be shut down. State Law no longer allows amortization with the exception of adult uses. Big Lake does not have any existing nonconformities relating to adult uses.
 - The Code currently says that nonconforming structures which are destroyed by fire or other disaster to the extent where they lose more than 50% of their value are no longer grandfathered and can only be rebuilt in conformity with the ordinance. State Statute now requires cities to allow a grandfathered structure to be rebuilt if the owner applies for a building permit within 180 days of the structure's destruction. The only two exceptions to this provision are in floodplain areas and in Shoreland areas where a structure is too close to a lake or river. In those situations, the City can still require that the property be brought at least somewhat "up to code" in terms of zoning compliance.
- As previously stated, the one thing that the State Legislature does not guarantee is the right to "expansion" of a nonconformity. Each City is permitted to set their own definition of what "expansion" means. Big Lake has chosen to establish a highly restrictive definition of expansion. The Planning Commission and City Council described the existing rule as "draconian" during their discussions in 2017 and indicated to Staff that they wanted to rework the definition as part of the ordinance update.
 - Cities generally do not allow structures with nonconforming uses to be expanded except under rare circumstances. If a building contains a use that should not be in a zoning district but is "grandfathered," a City generally does not want the building to be expanded as it may further intensify the unwanted use. A variance would be required to deviate from this.
 - Many cities are more understanding in situations where the use conforms with the City Code but the structure itself is nonconforming. An example of this would be a house, located in a neighborhood where houses are allowed, but this house is 5 feet too close to the front property line because it was lawfully constructed prior to the setback requirement being

adopted. The structure itself is considered “lawful nonconforming” because of its setback issue even though the structure is being used as a house which is an allowed use.

- Big Lake’s current ordinance states that lawful nonconforming structures and uses cannot be expanded and defines “expanded” as:
 - Any alteration that expands the building’s size.
 - Any alteration that changes the building’s occupancy or parking capacity.
 - Any alteration that increases the number of bedrooms in a dwelling unit.
- Under Big Lake’s current ordinance, a house that is 5 feet too close to the front property line cannot be expanded in size. It does not matter if the new addition is located in the back yard and the addition itself complies with all of the City’s height and setback ordinances. The building permit for the addition would be denied because it would be an expansion of a nonconforming structure. The owner would need to obtain a variance in order to build their addition.
- In 2017, the Planning Commission asked Staff to write a draft ordinance that would do the following:
 - Continue to prohibit nonconforming uses from expanding their buildings without variances.
 - Allow nonconforming structures with conforming uses to expand as long as the nonconformity itself is not expanding and the addition itself complies with all code requirements such as height and setbacks.
 - Consider allowing some nonconforming structures to expand in a way that increases the nonconformity through a Conditional Use Permit. An example of this would be a 1-story house that is 5 feet too close to the side property line being allowed to build a second story that is also 5 feet too close to the side property line. *Staff no longer supports this provision. Through conversations with the City Attorney’s office, Staff has come to believe that it would be best for expansions of nonconformities to continue to require a variance. It seems like it could open a “can of worms” to allow nonconformity expansion through Conditional Use Permits. The City has far less flexibility to deny Conditional Use Permits than it does variances. There is greater discretion with variances since there is a need to prove practical difficulty.*

Draft Ordinance

The draft ordinance, which is included as Attachment A, would do the following:

1. Align the nonconformity ordinance with State Statute in regards to allowing replacement and improvement of nonconforming structures in addition to maintenance and repair.
2. Align the nonconformity ordinance with State Statute in regards to amortization.
3. Align the nonconformity ordinance with State Statute in regards to the rules for when a nonconforming structure is destroyed by disaster.

4. Allow nonconforming buildings with conforming uses to be expanded as long as the expansion itself complies with the zoning code.
5. Make it clear that when someone tears down a grandfathered building and rebuilds it by taking advantage of the State Statute's rules allowing "replacement," they are no longer permitted to expand that building without obtaining a variance. This is necessary to prevent property owners from exploiting a loophole in the Code to essentially build an entirely new structure that does not comply with the zoning code by replacing the existing structure and then building a bunch of "additions" onto it. Essentially, they would have built an entirely new building but would be pretending that it is just an expansion of the grandfathered building.

FINANCIAL IMPACT

The revisions to the nonconformity ordinance will allow owners of nonconforming buildings with conforming uses to invest in their properties. This should have a positive effect on the City's tax base and neighborhood aesthetics.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission call for a public hearing to review the nonconformity ordinance overhaul. Staff recommends approval of the ordinance amendment as written but would be amenable to revising the amendment if the Planning Commission sought to accomplish additional goals beyond those that have been outlined by Staff in this memo.

Staff would caution that this is a highly technical ordinance that has a lot of interaction with State Statute so it may not be possible to make substantial revisions to the draft ordinance without additional consultation with the City Attorney.

ATTACHMENTS

Attachment A- Draft Ordinance Amendment

ATTACHMENT A
DRAFT ORDINANCE AMENDMENT

**City of Big Lake
Ordinance No. 2020-XX**

**AN ORDINANCE AMENDING CHAPTER 10 (ZONING) OF THE BIG LAKE CITY
CODE AMENDING SECTION 1029 (NON-CONFORMING BUILDINGS,
STRUCTURES, AND USES) TO ALIGN THE ORDINANCE WITH STATE STATUTE
AND REVISE THE CITY'S APPROACH TO EXPANSION OF NONCONFORMING
STRUCTURES WITH CONFORMING USES**

THE CITY COUNCIL OF BIG LAKE ORDAINS:

SECTION 1. Chapter 10 (Zoning), Section 1020, (Non-Conforming Buildings, Structures, and Uses) of the Big Lake Municipal Code is hereby amended to add the provisions with underlined text and delete provisions shown with a line through the text as follows:

SECTION 1029 – NON-CONFORMING BUILDINGS, STRUCTURES AND USES

SECTION

- 1029.01: Non-Conforming Buildings, Structures and Uses
- ~~1029.02: Non-Conforming Junk Yards~~
- 1029.03: Floodplain District Non-Conforming Uses

1029.01: NON-CONFORMING BUILDINGS, STRUCTURES AND USES: It is the purpose of this Section to provide for the regulation of non-conforming ~~buildings,~~ structures and uses and to specify those requirements, circumstances and conditions under which non-conforming ~~buildings,~~ structures and uses may be operated and maintained. The Zoning Ordinance establishes separate districts, each of which is an appropriate area for the location of uses, which are permitted in that district. It is necessary and consistent with the establishment of these districts that non-conforming ~~buildings,~~ structures and uses not be permitted to continue without restriction and that they be regulated in a way that is sensitive to their surroundings. Furthermore, it is the intent of this Section that all non-conforming uses shall be eventually brought into conformity with this Ordinance.

Subd. 1. Grandfather Clause. A structure or the use of a structure which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance ("non-conforming") may be continued subject to the conditions of this Section. Any structure or use lawfully existing before the passage of this Ordinance on July 20, 2002 (effective date of Ordinance) shall not be enlarged except under the provisions of this Ordinance, but may be continued at the size and in the

manner of operation existing upon such date except as hereinafter specified or, subsequently amended.

Subd. 2. Remedial Work. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Building Official providing the necessary repairs shall not constitute more than fifty (50) percent of fair market value of such structure. The Sherburne County Assessor will determine said fair market value.

Subd. 3. Normal Maintenance. ~~Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary non-structural repair and incidental alterations, which do not extend or intensify the non-conforming building or use. Repairs shall be considered structural if they relate to foundations, walls, rafters, joists, headers, beams, timbers, structural sheathing, structural siding, or similar items. Repair, Replacement, Restoration, Maintenance, and Improvement. A non-conforming structure or use may continue, including through repair, replacement, restoration, maintenance, and improvement, unless the nonconformity is discontinued for a period of more than one (1) year.~~

Subd. 4. Reversal of Non-Conformity. When any lawful non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.

Subd. 5. Reduction of Non-Conformity. A lawful non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming structure or parcel of land has been changed, it shall not thereafter be so altered as to increase the non-conformity.

Subd. 6. Restoration and Alteration.

1. ~~Restoration. No lawful non-conforming building or structure which has been damaged by fire, explosion, rot, decay, act of God or the public enemy, to the extent of more than fifty (50) percent of its value, as determined by the Sherburne County Assessor, shall be restored, except in conformity with the regulations of this Ordinance. When a nonconforming structure is destroyed by fire or other peril, to the extent of greater than fifty (50) percent of its estimated market value, as indicated in the records of the Sherburne County Assessor at the time of the removal or damage, and no building permit for repair or replacement of the structure has been applied for within one hundred-eighty (180) days of the removal or damage, it shall not be reconstructed except in conformity with the provisions of this code. When a nonconforming structure in the Shoreland District with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, the structure setback may be increased if practicable and reasonable conditions are placed upon~~

a zoning or building permit to mitigate created impacts on the adjacent property or water body.

2. Alterations to Expansions of lawful non-conforming structures. ~~Alteration and normal maintenance to Expansions of a lawful non-conforming building or structure may be made provided:~~

~~a. The alterations do not expand the building size.~~

~~b. The alterations do not change the building occupancy capacity or parking demand.~~

~~c. The alteration does not increase the number of bedrooms in any dwelling unit.~~

a. A lawful non-conforming structure with a conforming use may be physically expanded or altered so long as such expansion or addition does not increase its nonconformity and conforms to all setback, height, and other requirements of this Ordinance. A structure with a nonconforming setback shall not be expanded horizontally or vertically within the setback area.

b. A structure containing a non-conforming use shall not be expanded. Expansion is defined as an alteration that expands the building size, increases the building occupancy or adds parking demand, or increases the number of bedrooms in a dwelling unit.

For the purposes of this section, "expansion" means only the addition to an existing structure. "Expansion" does not mean the tear down of a structure and the rebuilding of that structure with an addition.

3. Decks. Lawful non-conforming single-family detached dwelling units in the R-1, R-1E, R-2, and R-5 districts may be expanded by adding a deck provided that the deck itself meets the current zoning regulations, including all setback requirements. Structures that are lawful non-conforming due to a failure to meet the required setback from the ordinary high water level shall be subject to the conditions of Section 1020.09 Shoreland District Decks, Stairways, Lifts, and Landings.

Subd. 7. Discontinuance. Whenever a lawful non-conforming use of a structure or land is discontinued for a period of one (1) year, following written notice from an authorized agent of the City, any future use of said structure or land shall be made to conform to the provisions of this Ordinance.

Subd. 8. Threats to General Welfare. Non-conforming buildings, structures, and/or uses, which based upon documented study and evidence, pose a danger and/or threat to the health, safety, and general welfare of the community, shall:

1. Be legally described a nuisance by the City Council.
2. Upon being identified by the City Council and upon the owner being notified in writing by the Zoning Administrator, the owner shall provide to the City Council a documented time schedule and program, which will result in the termination or correction of the non-conformity.
 - a. The termination/correction time schedule shall be based upon, but not be limited to, factors such as the initial investment and the degree of threat or danger being posed.
 - b. The acceptability of the time schedule shall be determined by the City Council with right of appeal.
 - c. In no case shall a time schedule exceed two (2) years.

~~**1029.02: NON CONFORMING JUNK YARDS:** Junk yards that are annexed into the City may continue as a non-conforming use for up to five (5) years following the date of annexation. Upon annexation, the owner of a junk yard shall file an interim use permit application with the City identifying the terms of operation and setting forth a program and performance securities if required by the City Council, to bring the site into compliance with the underlying Zoning District by the end of the five (5) year term.~~

~~**Subd. 1.** Minimum Requirements. The junk yard may continue operation from the date of annexation to five years following the date of annexation provided the site is located within a Business or Industrial Zoning District, and further provided that it is completely enclosed within a building, fence, screen planting or other device of such height as to completely screen the operations of the junkyard. Plans for a building or screening shall be approved by the City Council before it is erected or put into place.~~

1029.032: FLOODPLAIN DISTRICT NON-CONFORMING USES

Subd. 1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Chapter but which is not in conformity with the provisions of this Chapter may be continued subject to the following conditions. Historic structures, as defined in Section 1001 of this Chapter, shall be subject to the provisions Section 1029.03, Subd. 2., through Subd. 6., of this Chapter.

Subd. 2. No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.

Subd. 3. Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 through FP-4 flood proofing classifications) allowable in the State Building Code, except as further restricted in Section 1029.03, Subd. 4. And 1029.03, Subd. 7. (Ord. 2011-05, 09-14-11)

Subd. 4. The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed fifty (50) percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the Community's initial floodplain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds fifty (50) percent of the market value of the structure, then the structure must meet the standards of Section 1064.04 or 1064.05 of this Chapter for new structures depending upon whether the structure is in the Floodway or Flood Fringe, respectively.

Subd. 5. If any nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this Chapter. The assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses which have been discontinued for a period of twelve (12) months.

Subd. 6. If any nonconforming use or structure is substantially damaged, as defined in Section 1001.02 of the Chapter, it shall not be reconstructed except in conformity with the provisions of this Chapter. The applicable provisions for establishing new uses or new structures in Sections 1064.04 and 1064.05 will apply depending upon whether the use or structure is in the Floodway, or Flood Fringe District, respectively. (Ord. 2011-05, 09-14-11)

Subd. 7. If a substantial improvement occurs, as defined in Section 1001 of this Chapter, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition (as required by Subd. 3., above) and the existing nonconforming building must meet the requirements of section 1064.04 or 1064.05 of this Chapter for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. (Ord. 2004-09, 4/14/04).

SECTION 4. This Ordinance shall be effective following its passage and summary publication.

Adopted by the Big Lake City Council this XX day of _____, 2020.

CITY OF BIG LAKE

Mayor Mike Wallen

Attest:

City Clerk Gina Wolbeck

*Drafted by:
City of Big Lake
160 North Lake Street
Big Lake, MN 55309*

STATE OF MINNESOTA)
) SS.
COUNTY OF SHERBURNE)

The foregoing instrument was acknowledged before me this ___ day of _____, 2020 by the Mayor and City Clerk of the City of Big Lake, a Minnesota municipal corporation, on behalf of the corporation.

Notary Public



AGENDA ITEM

Big Lake Planning Commission

Prepared By: Michael Healy, City Planner	Meeting Date: 1/6/2020	Item No. 7D
Item Description: Discussion on Maximum Area of Detached Accessory Buildings	Reviewed By: Hanna Klimmek, Community Development Director	
	Reviewed By: Clay Wilfahrt, City Administrator	

ACTION REQUESTED

A motion calling a public hearing for an ordinance amendment revising the area allowance for detached accessory buildings.

BACKGROUND/DISCUSSION

Background

A member of the City Council has requested that the Planning Commission review the Code’s rules for accessory building area to eliminate disparities that exist between households that have attached garages and households that do not. The way that the Code is currently written, households with attached garages are able to have a very large amount of accessory building space and households without attached garages are much more limited and are “worse off” than they were under earlier versions of the City Code that were in place as recently as 2015. This is an accidental side effect of a series of evolutions in the zoning code that have taken place over the last several years. The disparities were brought to Council’s attention during the recent review of a variance for a garage addition.

Prior to 2002, the Zoning Code allowed each residential property to have accessory buildings that covered up to 10% of the property. Attached garages were included as accessory buildings in that calculation. No more than 2 detached accessory buildings were permitted and the detached accessory buildings could not take up more than 30% of the back yard or side yard. Since the Code required new residential lots to be at least 12,000 square feet, most properties were given an allowance of at least 1,200 square feet. 1/3 acre lots were awarded a roughly 1,500 square foot allowance. Large lot semi-rural properties (the handful that are in city limits) had an extremely high allowance under this set of rules. In 2001, if a property in city limits was 2.5 acres (108,900 square feet) it could, theoretically, have 10,890 square feet of accessory building space as long as that space was all contained within two (2) buildings which had heights no greater than 17 feet and which had a roof pitch of at least 4:12. *This was an excessive allowance for large lot properties and greatly exceeded even what is/was allowed in Big Lake Township. Big Lake Township generally allows up to 4% lot coverage by accessory buildings.*

In 2002, the Code was overhauled. The new code streamlined and standardized the accessory building regulations and allotted every single-family home residential property a flat allowance of 1,800 square feet of accessory building space which included attached garages. The City made a conscious decision that the total square footage of accessory buildings should be capped at 1,800 square feet, even for large lot properties. Part of the reasoning for this policy shift was that the city never intended to have large lot

properties in city limits long-term. Large lot properties, which have private well and septic systems, typically are expected to remain in Big Lake Township unless they are being brought into the City for redevelopment. Most of the City's existing large lot residential properties (2.5-20 acres) were brought into City limits because the property owners petitioned for annexation to facilitate future development. Those properties are intended for future subdivision and redevelopment as city neighborhoods with sewer and water. There has historically been a concern that allowing too large of accessory buildings on these temporary large lot properties will "clutter" the properties and make it difficult to subdivide and develop them in the future.

It should be noted that the "maximum area allowance" is only one of the regulations that dictates how much accessory building area a property can have. Many properties are unable to fully utilize the allowance because they cannot comply with setback requirements or run up against impervious surface restrictions. Owners of single-family home properties within 1,000 feet of a lake can only cover 25% of their property with impervious surfaces (per State law) while single-family home owners elsewhere in the City can go up to 35% coverage.

In 2016, the City received a petition from a property owner of a 10-acre large lot property who was seeking to build a detached accessory building to function as a hobby-shop. He had already used up most of his 1,800 square foot allowance, however, to construct a very large attached garage. This issue was discussed by Staff, the Planning Commission, and the City Council and the eventual consensus was that the Code should be revised to allow properties with attached garages to ALSO have detached accessory buildings. The Code was revised to:

- Give all single-family home properties a 1,200 square foot allowance for detached accessory buildings.
- Stop counting attached garages towards the maximum allowance. Attached garages are instead limited to not exceeding the ground coverage of the dwelling unless a Conditional Use Permit is obtained.

The way the Code is now written, property owners who have an attached garage (typically between 528-800 square feet) can easily end up being allowed to have over 2,000 square feet of accessory building space because their attached garages do not count against their size allowance. Property owners who do not have attached garages, however, are limited to 1,200 square feet of accessory building storage space. There are many properties in town where an attached garage is not feasible either due to the way the property is laid out or the way the house is built. The 2016 Code revision resulted in these homeowners seeing their total accessory building allowance shrink by 600 square feet.

Proposed Solution

Staff is proposing a "fix" for the Code that would:

- Leave the rules "as-is" for properties that have an attached garage. The owners of these properties are doing just fine under the current ordinance.
- Allow properties that do not have attached garages to go back to being allowed 1,800 square feet of accessory building space (as long as they comply with impervious surface limits).
- Properties that have over 1,200 square feet of detached accessory building space will not be allowed to build an attached garage unless they tear down some of their detached accessory buildings. This

provision is necessary to prevent someone from “working the system” by building out 1,800 square feet of detached accessory structures and then attempting to gain even more accessory structure space by building an attached garage.

- Impervious surface restrictions would still be in place. This would still prevent owners of small properties from going “overboard” with building accessory structures.
- Address some errors in the table that is located in the Accessory Buildings code section. The table was not correctly updated in 2016 to reflect the revised rules.

Staff views this as a “common sense” solution. Most of the areas without attached garages are the older parts of town. The current code puts these neighborhoods at a disadvantage and prevents the homeowners from being able to enjoy their properties the way homeowners in newer neighborhoods with attached garages can. It seems like the most equitable way to address the current disparity in the Code.

The revised rule would read in the following manner:

Subd. 1. Within the A, R-1, R-1E, R-2, and R-5 Zoning Districts, properties that have a dwelling with an attached garage of any size shall be limited to a maximum total combined area of 1,200 square feet of detached accessory buildings. The attached garage will not count towards this total.

Subd. 2. Within the A, R-1, R-1E, R-2 and R-5 Zoning Districts, properties that have a dwelling without an attached garage shall be limited to a total combined area of 1,800 square feet of detached accessory buildings. For any property in these zoning districts with more than 1,200 square feet of detached accessory building area, the construction of an attached garage or conversion of any portion of the dwelling into an attached garage shall not be permitted.

FINANCIAL IMPACT

The proposed ordinance amendment will allow owners of single-family home properties without attached garages to make investments in their properties.

STAFF RECOMMENDATION

Big Lake is an outdoor-recreation oriented community. Many/most of our residents have either a boat(s), camper, ice house, trailer, snowmobile, etc. There is a strong demand for accessory building storage space in Big Lake which is the reason that, historically, Big Lake has allowed significantly more accessory building space than most of its peer communities. Staff supports the proposed amendment if there is a desire to restore the pre-2016 rules for properties that do not have attached garages. Staff believes there is a strong case to be made that the proposed revisions will make the rules more equitable since the 2016 rewrite had a negative effect on properties without attached garages while directly benefiting properties that did have attached garages.

Staff is recommending that the Planning Commission make a motion to call a public hearing to formally review the proposed ordinance amendment.

ATTACHMENTS

Attachment A- Draft Ordinance Amendment

Side Yard Setback Detached Acc. Structure:	5'	5'	5'	5'	10'	5'	5'
Rear Yard Setback Detached Acc. Structure:	5'	5'	5'	5'	10'	5'	5'
Min. Garage Size Single Family (2 stalls):	480 sq. ft.	480 sq. ft.	480 sq. ft.	480 sq. ft.	-	-	480 sq. ft.
Min. Garage Size Twin & Townhomes (2 stalls):	-	-	-	22 x 24' 528 sq. ft.	22 x 24' 528 sq.ft.	-	22 x 24' 528 sq. ft.
Min. Garage Area Multi-Family Residential:	-	-	-	-	12 x 24' 240 sq. ft.	-	-

*Properties without attached garages may receive an additional allowance, subject to the provisions of this ordinance.

~~**Subd. 1.** Within the A, R-1, R-1E, R-2 and R-5 Zoning Districts, the maximum area of all accessory buildings (except for attached garages) shall be limited to a combined total area of 1,200 square feet. (Ord. 2003-13, 9/10/03; Ord. 2016-17, 10/12/16)~~

Subd. 1. Within the A, R-1, R-1E, R-2, and R-5 Zoning Districts, properties that have a dwelling with an attached garage of any size shall be limited to a maximum total combined area of 1,200 square feet of detached accessory buildings. The attached garage will not count towards this total.

Subd. 2. Within the A, R-1, R-1E, R-2 and R-5 Zoning Districts, properties that have a dwelling without an attached garage shall be limited to a total combined area of 1,800 square feet of detached accessory buildings. For any property in these zoning districts with more than 1,200 square feet of detached accessory building area, the construction of an attached garage or conversion of any portion of the dwelling into an attached garage shall not be permitted.

Subd. 23. In the R-3 Zoning District, the total square footage of all accessory buildings shall not exceed ten (10) percent of the lot area.

Subd. 34. The total floor area of an attached garage for a single family detached dwelling shall not exceed the ground coverage of the dwelling, except by conditional use permit. Attached garages shall not exceed seventeen (17) feet in height or the height of the principal building, whichever is greater. (Ord. 2003-13, 9/10/03)

Subd. 45. No individual detached garage or structure shall exceed nineteen (19) feet in height, measured at the peak, in the R-1, R-1E, R-2, R-3, R-4, and R-5 zoning districts. Detached accessory structures in the afore-mentioned zoning districts with a mansard, gambrel, round, shed, or flat roof shall not be permitted to exceed fifteen (15) feet in height, measured at the highest point on the roof, unless the roof style matches that of the principal structure and the height of the detached accessory structure does not

exceed the height of the principal building. In the A district, a detached accessory garage or structure shall not exceed the height of the principal building or exceed twenty-three (23) feet in height, whichever is less. The maximum side wall height of a detached accessory structure in any residential zoning district shall not exceed twelve (12) feet in height. Side wall height shall be measured from the finished floor to the horizontal plane of the roof. (Ord. 2010-04, 7/28/10; Ord. 2016-17, 10/12/16; Ord. 2019-04, 02/27/19)

Subd. 56. Detached accessory buildings shall have not more than a 12:12 roof pitch. Detached accessory buildings that are larger than 200 square feet shall have not less than a 4:12 roof pitch.

Subd. 67. Detached accessory buildings not exceeding two hundred (200) square feet in floor area shall be allowed without issuance of a building permit, but shall comply with all other provisions of this Ordinance. Such buildings must receive an administrative permit before they are constructed or moved onto property. The Zoning Administrator or designee shall review the site plan and construction drawings to determine compliance with this Ordinance and other applicable ordinances, laws, and regulations.

Subd. 78. Detached accessory buildings greater than two hundred (200) square feet in floor area shall require a building permit. The Building Official shall review the site plan and construction drawings to determine compliance with the Building Code and other applicable ordinances, laws, and regulations.

Subd. 89. Limit on Number of Accessory Buildings: Every lot shall be limited to no more than two (2) detached accessory buildings with the exception of the R-4 District where no more than one (1) accessory building is permitted per lot.

Subd. 910. In commercial and industrial districts, accessory buildings and trash enclosures shall be of similar type, quality, and appearance as the principal structure. Accessory buildings and structures, with the exception of canopies, temporary structures, monuments, landscape structures, and other decorative uses, shall not be allowed in the front yard of commercial or industrial properties without approval of a conditional use permit. The size of accessory buildings shall be limited to thirty (30) percent of the area of the required rear or side yard except for in the I-4 Innovation Industrial Zoning District. Said structures shall not exceed seventeen (17) feet in height unless expressly permitted elsewhere in the Code and shall be setback a minimum of twenty (20) feet from side and rear property lines, except that side and rear yard setback requirements may be reduced to ten (10) feet for accessory structures and uses on lots that do not abut residentially zoned or used property. (Ord. 2004-19, 8/11/04; Ord. 2015-04, 03/25/15; Ord. 2018-07, 09/26/18).

SECTION 2. This Ordinance shall be effective following its passage and summary publication.

Adopted by the Big Lake City Council this ___th day of _____, 2020.

CITY OF BIG LAKE

Mayor Mike Wallen

Attest:

City Clerk Gina Wolbeck

*Drafted by:
City of Big Lake
160 North Lake Street
Big Lake, MN 55309*

STATE OF MINNESOTA)
) SS.
COUNTY OF SHERBURNE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by the Mayor and City Clerk of the City of Big Lake, a Minnesota municipal corporation, on behalf of the corporation.

Notary Public



AGENDA ITEM

Big Lake Planning Commission

Prepared By: <i>Michael Healy, City Planner</i>	Meeting Date: 1/6/2020	Item No. 7E
Item Description: <i>2020 Chair and Vice-Chair Positions</i>	Reviewed By: <i>Hanna Klimmek, Community Development Director</i>	
	Reviewed By: <i>N/A</i>	

ACTION REQUESTED

Motion to recommend appointments of Planning Commission Chair and Vice-Chair for 2020.

BACKGROUND/DISCUSSION

Background

In 2019, the Planning Commission Chair and Vice-Chair positions were held by Scott Marotz and Ketti Green, respectively.

Staff is asking the Commissioners to: 1) discuss if they would like to either volunteer for one of the positions or nominate another Commissioner; and 2) make a motion to the City Council to recommend appointments to the Planning Commission Chair and Vice-Chair positions for 2020.

FINANCIAL IMPACT

N/A

STAFF RECOMMENDATION

Motion to recommend that the City Council make appointments to the Planning Commission Chair and Vice-Chair positions for 2020.

ATTACHMENTS

Planning Commission (PC) Status of Terms

Planning Commissioner (PC) Status of Terms

(Appointment Term: 4 years)

<u>Ketti Green</u>	Current PC Term Expires:	12/31/2019
	Original Appointment:	11/2007
	Current Title:	Planning Commissioner Vice Chair (term as Vice Chair ends 12/31/19)

<u>Alan Heidemann</u>	Current Council Term Expires:	12/31/2021
	Original Appointment:	10/2016
	Current Title:	Planning Commissioner

<u>Scott Marotz</u>	Current PC Term Expires:	12/31/2021
	Original Appointment:	08/2004
	Current Title:	Planning Commissioner Chair

<u>Scott Marotz</u>	Current PC Term Expires:	12/31/2021
	Original Appointment:	08/2004
	Current Title:	Planning Commissioner Chair (term as Vice Chair ends 12/31/19)

<u>Lisa Odens</u>	Current PC Term Expires:	12/31/2022
	Original Appointment:	01/2019
	Current Title:	Planning Commissioner

<u>Larry Sundberg</u>	Current PC Term Expires:	12/31/2022
	Original Appointment:	08/2015
	Current Title:	Planning Commissioner

<u>Dustin Vickerman</u>	Current PC Term Expires:	12/31/2023
	Original Appointment:	08/2019
	Current Title:	Planning Commissioner

<u>Scott Zettervall</u> (City Council Liaison)	Current Council Term Expires:	12/31/2020
	Original Appointment:	07/2019 (annual re-appointment by Council)
	Current Title:	Planning Commissioner/Council Liaison (term as City Council Liaison ends 12/31/19)



Community Development Department Update

1. 2019 Business Retention & Expansion Visits:

1/03/19	AutoStop	6/05/19	Industrial Molded Rubber
1/07/19	Bank of Elk River	7/23/19	Ice-O-Metric Contracting, Inc.
1/14/19	Keller Lake Commons	8/07/19	Big Lake Floral
1/14/19	Gess What's Cookin'	8/28/19	ProFusion
2/05/19	West Sherburne Tribune	9/06/19	Sherburne State Bank
2/15/19	Create & Connect Studio	10/01/19	Nystrom Associates
3/14/19	Lupulin Brewing Company	10/03/19	LISI MEDICAL Remmele
3/21/19	Russell's on the Lake	10/22/19	Arconic
4/01/19	Vision Transportation	10/29/19	Williams Dingmann Funeral Homes
4/10/19	Connexus Energy	11/05/19	Minnco Credit Union
5/09/19	Arcadian Salon	12/03/19	Horace Mann - Insurance
5/20/19	Freedom Strategy Group	12/03/19	Terning & Company, Inc.
5/28/19	Northstar Technologies	12/03/19	Kensho Salon
5/28/19	BP Athletics	12/03/19	Chainmail Joe
5/28/19	TJ's Packaging	12/03/19	Garnet Capital
5/28/19	Black Label	12/20/19	French Twist – Salon & Boutique

2. Current Development Activity (as of 1/2/20):

Housing:

- 2019 Single-Family New Construction Issued Permits 77
- 2020 Single-Family New Construction Issued Permits 0
- Single-Family New Construction in Review 1
- Current vacant residential platted lots 269

- Multi-Family New Construction
 - Duffy Development - The Crossing at Big Lake Station Phase II – In Construction.
 - Kuepers, Inc. – Station Street Apartments - 105-unit multi-family, market rate new construction project – in pre-development phase.
 - Sandhill Villas (HOA) – 12-unit development project – in predevelopment phase

Commercial/Industrial:

- ❖ Minnco Credit Union – New Business / New Construction
 - In construction
- ❖ Car Condo Project – New Business / New Construction
 - Pre-development

- ❖ Wastewater Treatment Project - Expansion
 - PUD Process – Pre-development
- ❖ Vision Bus - Expansion
 - Pre-development
- ❖ Nystrom Associates Rehabilitation Facility
 - Concept phase

4. **BLEDA:**

- Recommendations for revising the BLEDA Bylaws were presented to the BLEDA during their September meeting. Revisions will be brought to the Joint Powers Board on January 8, 2020.
- The BLEDA Strategic Plan has been revised to include a city-wide branding project to begin in 2020. The RFP will be issued on January 9, 2020.
- During their November 12, 2019 meeting, the BLEDA entered into a Contract for Private Development with the Blackbird Group LLC to newly construct a laundromat facility on the corner of Martin and Fern.
- Staff will be attending the 2020 EDAM Winter Conference on January 23rd and 24th.
- Staff will be attending the MN Public Finance Seminar hosted by Ehlers on February 6th and 7th.
- 2018/2019 Countywide Commercial Industrial Growth (taxable value added):
 - Becker \$7,494,100
 - Elk River \$4,392,600
 - Princeton \$3,461,000
 - **Big Lake \$3,096,500**
 - Zimmerman \$2,893,400
 - Clear Lake \$571,000

5. **Planning & Zoning:**

- Michael Healy, City Planner, has accepted a planning position with the City of South St. Paul. His last day with the City of Big Lake is January 17, 2020. Community Development is accepting applications through January 6, 2020 hoping to have a new City Planner in place by the beginning of February.
- Working on an ordinance amendment updating the City’s Non-conformity (Grandfather) Ordinance.
- Working on an ordinance amendment regarding the maximum area of detached accessory buildings.
- Working on a housekeeping ordinance to clean up the City Code.
- Preparing to hire a summer intern to facilitate code enforcement and fire/safety inspections for all multi-family units.

6. **Building – Permit Fee Activity:**

Permit Type	Permits Issued in	2019 Total
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	Dec. of '19	
Single-Family	3	77
Multi-Family	0	2
Commercial New / Remodel / Addition	1	22
Remodel / Decks / Misc.	9	247
HVAC / Mechanical	6	74
Plumbing	5	62
Zoning	1	133
Engineering	0	8
TOTAL	25	625

	Permit Fee	Plan Review	TOTAL
Total Fees in Dec.	\$10,625.30	\$3,506.03	\$14,131.33

2019 Total Valuation	2019 Permit Fee + Plan Review
\$35,308,205.07	\$450,899.99

7. Other:

- Clay Wilfahrt and Hanna Klimmek will be meeting with Planning Commission, BLEDA, and Parks Board officers to work on 2020 goal setting