

**BIG LAKE PLANNING COMMISSION
REGULAR MEETING MINUTES**

JANUARY 6, 2020

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, *Dustin Vickerman, and *Scott Zettervall (*one vacant seat at this meeting). Commissioners absent: *Larry Sundberg. Also present: *City Planner Michael Healy, *Consultant Planner Sara S.W. Roman, *Community Development Director Hanna Klimmek, and *Recreation and Communication Coordinator Corrie Scott.

*Commissioner Odens left the Council Chambers at 6:47 p.m. and returned at 6:54 p.m.

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 DECEMBER 4, 2019

Commissioner Heidemann motioned to approve the December 4, 2019 Regular Meeting Minutes. Seconded by Commissioner Zettervall, unanimous ayes, Minutes approved.

7. BUSINESS

7A. PUBLIC HEARING: PUBLIC HEARING FOR RESIDENTIAL TREATMENT CENTER APPLICATION (PUD CONCEPT PLAN) (PID 65-029-2101)

Consultant Planner Sara Roman reviewed the concept plan for a residential treatment facility submitted by Nystrom & Associates, Ltd. Roman reported that the facility will include 25-30 shared residential units on a 3.3-acre portion of an 11.82-acre parcel that bisected by a public roadway. The existing property is vacant agricultural land with no existing structures. There is currently a plat application under review for the entire 11.82-acre parcel that would turn this 3.3-acre portion into an outlot. 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 Applicant has provided the following additional details regarding their organization and their proposed facility:

- 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. They 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 Nystrom proposes 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.
- The program is NOT a "wet house." It is abstinence based, meaning there is no alcohol kept onsite. And the treatment program is totally "voluntary," meaning 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.
- This facility will bring nearly 40 full-time jobs to the City of Big Lake.

Rezoning: The parcel is currently zoned A – Agricultural and it is located within the T.O.D. district that surrounds the Northstar Train Station. 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.

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
- Based on 1041.04 Subd. 4, which outlines setbacks for double frontage lots and corner lots:
 - the lot line abutting Forest Road and Station Street NW are considered front lot lines,
 - the lot line abutting County Road 43 S is considered a rear lot line
 - the lot line abutting the parcel to the south is 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.

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. A landscape plan and lighting plan were not submitted with the initial concept plan, but will be required in the final application.

Access: The County will not allow access onto County Road 43 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. The

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:

- Non-residential Uses: Not more than one (1) parking space per one hundred (100) square feet of gross building area.
- 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. 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. In total, 2 bicycle parking spaces would be required. The applicant is not currently showing any bicycle parking spaces on the concept plan.

Building Height: The applicant has not provided elevations of the proposed building height, but 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.

Building Design Standards: The Zoning Code's Section 1040 contains different exterior material requirements for residential buildings and commercial buildings. It's unclear whether the Applicant's project should be considered a residential project or a commercial project in the application of these standards.

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 has not yet provided building material calculations for the proposed structure.

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

- Permission to allow a Group Care Facility in the T.O.D. Station Zone.
- Permission to have less than the 60% minimum impervious surface coverage.

- Permission to have building setbacks that do not meet the 5-foot minimum or 25-foot maximum setback requirements.
- Permission to have main entrances set back more than five feet from the front property line.
- Permission to have parking lots located in front yards.
- Permission to provide building façades below the minimum material standards.
- 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.

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.

Roman reported that the Fire Department, Police Department, and Planning Department are in general support of this project.

Roman asked the Planning Commission 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, Roman suggested that the Planning Commission comment on the general nature of the use – and whether staff should review the use as residential or commercial, particularly while calculating development impact fees and determining the "base level" for exterior material requirements.

Commissioner Zettervall asked about the requirements for this kind of facility to change to a 'wet house.' Roman stated that Nystrom & Associates, Ltd. would have to apply through the City to make this change.

Chair Marotz opened the public hearing at 6:53 p.m.

Ketti Green commented that she feels this is something valuable for the Big Lake community. As a Sherburne County Sheriff's Department staff member, she sees that the community has a need for this type of facility.

One comment was submitted via email by a resident living at 19 County Road 43. The resident opposes this concept as in his opinion the facility would devalue his property

and he would like another location to be considered.

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

Zettervall suggested that the submitted public commenter could potentially change his mind if the entrance to the facility was not directly from County Road 43.

Commissioner Zettervall and Chair Marotz stated that this facility should be classified as commercial. Commissioner Oden commented that 'fee-wise' it makes more sense to classify the facility as commercial, but that the facility should look more like an apartment building rather than a hotel. Roman commented that the code currently allows flexibility when facilities are classified as a commercial use, but they would also have flexibility because of the PUD. Healy confirmed that you can use the PUD to compromise between commercial and residential.

Zettervall asked if more stone should be requested. Marotz feels the concept is aesthetically pleasing as is. Heidemann stated that in the next phase the layout will change significantly due to the restructuring of the entrance.

Marotz made a final comment that this facility is being placed in an area that is undeveloped, which will help with potential buyers of surrounding land as they will be made aware of the facility before development of surrounding land begins.

7B. CANDIDATE INTERVIEWS FOR VACANT PLANNING COMMISSION SEAT

Hanna Klimmek explained that candidate interviews for the one (1) Planning Commission vacancy would be conducted one at a time and asked the interview candidates to step outside temporarily until they are called in for their interview. The order in which the candidates were interviewed was: 1) Kameron Hanson; 2) Ketti Green. Hanna Klimmek stated that Kendal Janousek applied but was not in attendance.

Both of the candidates were interviewed separately and were asked the same six (6) questions. After the interviews were concluded, the Commissioners ranked each of the candidates' interviews and staff tallied the rankings.

Chair Marotz thanked both candidates for applying/interviewing for the open seats and encouraged those not chosen to apply for future board openings. He reported that the Commission had selected Ketti Green to be recommended to the City Council for appointment to the open Planning Commission seat.

Commissioner Heidemann motioned to select Ketti Green to be recommended to the City Council for appointment to the open Planning Commission seat. Seconded by Commissioner Zettervall, unanimous ayes, motion carried.

7C. DISCUSSION: ORDINANCE AMENDMENT UPDATING THE CITY'S

NONCONFORMITY (GRANDFATHER) ORDINANCE

Update to the nonconformity (grandfather) ordinance. It was written in 2002, but the state statute was changed in 2004. The City's ordinance has overly strict rules for structures with setback nonconformities.

City Planner Michael Healy is suggesting three items be changed including 1) Big Lake only allows grandfathered structures and uses to be "repaired and maintained." Statute now requires that we also allow owners to "improve and replace" Still does not allow "expansion" and City gets to define expansion. 2) Big Lake's Code tries to amortize junk yards. Amortization of unwanted uses no longer allowed by Statute. 3) Code says a grandfathered use or structure cannot be rebuilt if it is destroyed beyond 50% of its value. We must allow a rebuild if a building permit is pulled within 180 days of the destruction. The only exception is in the Shoreland.

Most cities do not allow expansions of nonconforming uses, but they do allow expansions of nonconforming structures that contain conforming uses as long as the expansion meets Code. Big Lake does not allow expansion of ANY nonconformity and defines expansion 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 # of bedrooms in a dwelling unit.

Healy recommended that the Planning Commission call a public hearing.

Commissioner Zettervall motioned to call a public hearing for an ordinance amendment to update the nonconformity ordinance. Seconded by Commissioner Vickerman. unanimous ayes, motion carried.

7D. DISCUSSION: MAXIMUM AREA OF DETACHED ACCESSORY BUILDINGS

City Planner Michael Healy stated that the zoning code doesn't treat attached and detached garages similarly. Prior to 2002, every household could have accessory buildings up to 10% of their property, but no more than two total. In 2002, every property was given an 1,800 square foot allowance. In 2016, a large lot property owner who was 'maxed out' wanted to build a workshop. He petitioned for a code amendment, and Council decided not to include attached garages in the allowance, but the total allowance was reduced to 1,200. Healy recognized that the revised ordinance benefits properties with attached garages. Healy's proposed 'fix' is to leave rules as is for houses with attached garages and allow properties without attached garages to go back to 1,800 square foot Properties with more than 1,200 square feet of detached accessory buildings cannot build an attached garage. Healy recommended that the Planning Commission call a public hearing.

Commissioner Zettervall motioned to motion to call a public hearing for an ordinance amendment to revise the area allowance for detached accessory buildings. Seconded

by Commissioner Odens, unanimous ayes, motion carried.

7E. 2020 CHAIR AND VICE-CHAIR POSITIONS

Chair Marotz reported that the positions of Planning Commission Chair and Vice-Chair for 2019 were held by Scott Marotz and Ketti Green, respectively, and that staff is asking for volunteers or nominations for these positions for 2020.

Commissioner Marotz proposed the nomination of Alan Heidemann as Planning Commission Chair for 2020. Commissioner Heidemann accepted the nomination.

Commissioner Zettervall motioned to recommend Alan Heidemann for Chair and Ketti Green for Vice-Chair. Seconded by Commissioner Odens unanimous ayes, motion carried.

7F. COMMUNITY DEVELOPMENT DEPARTMENT UPDATE

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

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

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

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.

Building – Permit Fee Activity:

Permit Type	Permits Issued in Dec. of '19	2019 Total
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

Other:

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

8. PLANNER'S REPORT

City Planner Michael Healy thanked the Big Lake Planning Commission for working with him over the years. The Planning Commission thanked Healy and congratulated him on his new City Planner position in South St. Paul.

9. COMMISSIONERS' REPORTS – None.

10. OTHER – None.

11. ADJOURN

Commissioner Odens motioned to adjourn at 8:02 p.m. Seconded by Commissioner Vickerman, unanimous ayes, motion carried.