

Planning Commission Meeting Minutes

Tuesday, August 1, 2017

Heritage Hall, 4200 Otter Lake Road

Gem Lake, MN

1. Call to Order & Roll Call

Chair Ben Johnson called the City of Gem Lake Planning Commission to order at approximately 7:00 p.m.

Members Present: Chair Ben Johnson; and Commissioners Art Pratt and Len Cacioppo

Staff Present: Jim Lindner, City Council Member

Public Present: Craig Rafferty

2. Approval of Agenda/Minutes

A. Agenda: Commissioner Pratt made a motion to approve the August 2017 agenda, Chair Johnson seconded, agenda approved 3-0.

B. Minutes: Commissioner Wippich made a motion to approve the meeting minutes for June 6, 2017, Commissioner Cacioppo seconded, minutes approved 3-0

3. Announcements

None provided

4. Public Hearing

No items on the agenda

5. Discussion Items (Old Business & New Business)

A. Introduction of new City of Gem Lake Planning Commissioner Len Cacioppo.

B. Continuation of review of City of Gem Lake Consolidated Land Use Ordinance (CLUO) (Ordinance No. To Be Assigned). CLUO was tabled for further discussion following its Public Hearing at the June 6, 2017 Planning Commission Meeting. The following items pertaining to the CLUO were discussed by the Commissioners, with input variously from Mr. Lindner and Mr. Rafferty.

Please note that references are to the *"Gem Lake Consolidated Land Use Ordinance – Final Draft (6.6.2017)"* and *"Appendix A – Consolidated Land Use Ordinance 6 5 2017"* available at Heritage Hall and as posted on the official city website for the City of Gem Lake (under 'News & Updates').

1. Determination of the ordinary high water level of the body of water known as Gem Lake, and other bodies of water within the city limits, shall be made by the Minnesota Department of Natural Resources, not the Gem Lake City Council. See for instance, Page 17: 6.5.1(C).

a. Commissioners discussed and voted to support this change, 3-0

2. Page 59, Section 10 - Amend Section 10 – "Open Space/Recreational District "OS/R" to read "Public Open Space/Recreational District" and insert "public" into the appropriate locations throughout Section 10.

For the purposes of the CLUO, “public open space,” shall be considered within the context of the Met Council’s Regional Parks Policy Plan within “*Thrive MSP 2040*,” the Council’s comprehensive development guide for the region.

Met Council’s Local Planning Handbook contains the following land use categories:

Open Space (OS) - 1) - Resource protection or buffer; 2) support unorganized public recreational activities, may contain trails, picnic areas, public fishing; etc. or 3) preservation of unaltered land in its natural state for environmental or aesthetic purposes.

Park & Recreation (PR) - Primarily for public active recreation activities improved with playfields/grounds or exercise equipment, golf courses, zoos or other similar areas.

In addition, a definition should be added to the “Appendix A – Consolidated Land Use Ordinance 6 5 2017,” such as:

- a. **Public Open Space** - Any parcel or area of land or water including, but not limited to: wetlands, prairies and grasslands, pastures, forests and wooded areas, mixed forest & grasslands, or any other naturally occurring land form that is essentially unimproved and which may be devoted to use for the purpose of
 - i. the preservation of natural areas and resources,
 - ii. outdoor recreation (active & passive),
 - iii. support of public health and safety, or,
 - iv. maintaining a high quality of life.

a. *Commissioners discussed and voted to support this change, 3-0*

3. Page 63, Section 13.8.3 – Minor changes within Planned Unit Developments to items such as structure or building locations, placements and heights should be requested by a variance procedure. Recommend elimination of language assigning authorization authority to the Zoning Administrator and insertion of language referencing the variance procedure.

a. *Commissioners discussed this recommendation and determined that the change was counterproductive and unnecessary. Voted to not make this recommendation, 3-0*

4. With regards to the existence or creation of lawful non-conforming uses and structures as a result of the implementation of the CLUO, Section 16.3 under General Provisions shall apply.

Notwithstanding the prohibition under Section 16.3.4, where a non-conforming building or structure has suffered damage at fifty percent (50%) or greater of its fair market value, the City may consider a request for variance through the variance procedure for the reconstruction and same use as before the damage was sustained.

The City should work to ensure that no future proposals or development result in non-conforming uses or structures being established. In addition, as they arise and on a case-by-case basis, the City should rely on the expert advice of the city planner and city attorney with regards to addressing issues of non-conforming uses and structures.

a. *Commissioners discussed and voted to support this recommendation, 3-0*

5. Edit definitions and descriptions throughout CLUO, and specifically under 9.1.1 and 9.3.1 to reflect changes to draft map on page 28 (“RO – Neighborhood Edge (NE)” and “RS – Neighborhood General (NG)”) (*create cross-reference to “RO” and “RS” Districts?*) or eliminate the ‘new’ designations

- a. *Commissioners discussed and voted to eliminate the ‘new’ designations from the draft map, 3-0*

6. **Public Comments**

None provided

7. **Adjourn**

Upon motion by Commissioner Pratt, seconded by Commissioner Cacioppo, the August 2017 Planning Commission meeting was adjourned at approximately 9:12 p.m. (3-0)