



AGENDA ITEM # 6.1

REPORT TO CITY COUNCIL

Report Prepared by: Dawn Bittner

Date: June 7, 2016

Subject: Planning Commission Report

Report: Planning Commission Report and draft Minutes are attached.

Council Action Requested: No Action Required.



May 31, 2016

Mayor and City Council
4638 County Road 11
Pequot Lakes, MN 56472

Re: Planning Commission Report

Dear Mayor and City Council:

The Planning Commission held their regularly scheduled May meeting at which there were 2 public hearings. They are forwarding you 1 recommendation for your consideration.

Recommendation #1

Amend the City Code regarding fence height.

The Planning Commission also approved a Conditional Use Permit for Babinski Properties to create office space in the Commercial zoning classification.

If you have any questions, please feel free to contact me.

Sincerely,

Dawn Bittner
Zoning Specialist

C: Planning Commission

**MINUTES
PEQUOT LAKES PLANNING COMMISSION
REGULAR MEETING
MAY 19, 2016**

PRESENT: Deb Brown, Todd Engels, Bill Habein, Mark Mortenson, Nathan Norton, and Wesley Wilson. ABSENT: Mark Hallan.

CITY PLANNER: Justin Burslie, NJPA

ZONING SPECIALIST: Dawn Bittner

COUNCIL LIAISON: Absent

The meeting was called to order by Chair Engels at 6:00 p.m. and he opened the Public Hearings.

PUBLIC HEARINGS:

APPLICANT: City of Pequot Lakes

Applicant proposes an Ordinance Amendment Regarding Fence Height

City Planner Burslie explained the Staff Report.

PUBLIC COMMENT: None.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER HABEIN, SECONDED BY PLANNING COMMISSION MEMBER MORTENSON, TO RECOMMEND THE CITY COUNCIL AMEND THE CITY CODE REGARDING FENCE HEIGHT, BASED ON THE FOLLOWING FINDINGS OF FACT:

1. The amendment creates a more flexible ordinance that allows property owners the ability to choose premade fence panels.
2. The amendment corrects inaccuracies in the Ordinance.

ALL MEMBERS VOTED "AYE". MOTION CARRIED.

**APPLICANT: Babinski Properties, on behalf of Sammy Properties, LLC
Applicant Requests a Conditional Use Permit to Create Office Space in the Commercial District**

City Planner Burslie explained the Staff Report. Applicant John Babinski was present, as well as Bill Doerr, Doerr Architects.

MINUTES
Pequot Lakes Planning Commission
May 19, 2016

Mr. Babinski stated Condition Number 3 should not be an issue as most of the trees are within the setback area; they may encounter roots though during construction.

Mr. Doerr stated Mr. Babinski is planning for growth by bringing the Sioux Falls offices here and may need to utilize the storage space as offices in the future. Mr. Babinski stated Pequot Lakes is centrally located for his business operations.

Mr. Doerr inquired whether additional parking spaces could be constructed across Lilac Street on property Mr. Babinski owns. Mr. Burslie stated that it is the same Parcel Identification Number.

Planning Commission Member Habein asked Mr. Doerr to calculate the storage area to determine how many additional parking spaces would be needed. Twelve additional parking spaces would be needed.

Mr. Babinski stated there is access from Lilac Street with no need to access Highway 371. Mr. Burslie stated they may need an easement from SuperValu for crossing their street with parking on the west parcel.

Mr. Babinski also stated he has decided to go with a Subsurface Sewage Treatment System, rather than hook up to municipal sewer. The Designer stated the drainfield could be installed on the east end of the eastern building. The east building may shift to the west, lessening the space between the two buildings.

When asked, Mr. Burslie stated the stormwater management plan indicates stormwater will drain to the pond on the west side of the plan.

Mr. Burslie stated that the proposed Condition Number 2 should be stricken and the following be added: The second floor loft area may not be converted to office space until additional parking spaces are created. Parking may be constructed on the property owner's property located west of the subject property if an easement is obtained from the adjacent landowner to cross the existing adjacent private drive identified as "Lilac Drive".

PUBLIC COMMENT: None.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER HABEIN, SECONDED BY PLANNING COMMISSION MEMBER WILSON, TO APPROVE THE CONDITIONAL USE PERMIT TO CREATE OFFICE SPACE IN THE COMMERCIAL DISTRICT, BASED ON THE FOLLOWING FINDINGS OF FACT:

1. The conditional use permit request is to allow office space in the Commercial zone.
2. The subject property is a conforming parcel. The property is vacant.
3. The property is served by municipal water and wastewater, however, applicant proposes to install a Subsurface Sewage Treatment System.
4. The applicant proposes 19 parking spaces.
5. The Landscape Plan meets the requirements of the Highway 371 Overlay Corridor and adds vegetative screening along the west and south lot lines.
6. The proposed "use" is considered "Commercial Use (Other, Not Classified)" and requires a conditional use permit.
7. To increase the impervious coverage to 50% requires a conditional use permit meeting the requirements of Section 17-5.10 (4A) of the City Code.
8. Signage will be applied for under separate Land Use Permit meeting Section 17-7.1 of the City Code.
9. The proposed use, with conditions, conforms to the Comprehensive Plan.
10. The adjacent property is zoned Commercial.
11. The proposed use is compatible with the existing neighborhood.
12. The proposed use, with conditions, will not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
13. The conditional use, with conditions, will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject property.
14. The subject property is accessed via State Highway 371 and Lilac Drive. There will not be a significant increase in traffic on either street due to the proposed use. The public cost for facilities and services for the proposed development will not be detrimental to the economic welfare of the community.
15. The proposed use will not generate any offensive odor, fumes, dust, noise or vibrations that will be a nuisance to neighboring properties.
16. The proposed use will not destroy any natural or scenic features. There are no known historical features of major significance on the subject property.
17. The proposed use, with conditions, will promote the prevention and control of ground and surface waters.

Subject to the following Conditions:

1. The trees and shrubbery included on the Landscape Plan shall be kept in a live state for perpetuity.
2. The second floor loft area may not be converted to office space until additional parking spaces are created. Parking may be constructed on the property owner's property located west of the subject property if an easement is obtained from the adjacent landowner to cross the existing adjacent private drive identified as "Lilac Drive".
3. No existing trees shall be removed within 10' of the north property line.
4. Signage shall be permitted by separate application.

ALL MEMBERS VOTED "AYE". MOTION CARRIED.

Chair Engels closed the Public Hearings.

ADDITIONS OR DELETIONS TO AGENDA: None.

OPEN FORUM: None.

NEW BUSINESS:

a. Accessory Structures in Agriculture Zone – Discussion

City Planner Burslie explained the Staff Report. Staff recommends accessory structures could be allowed on parcels 5 acres or more in size in the Rural Residential, Forest Management and Agriculture zones.

Mr. Burslie pointed out that accessory structures on larger tracts would not destroy the character of the neighborhood.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER NORTON, SECONDED BY PLANNING COMMISSION MEMBER BROWN, DIRECTING STAFF TO PREPARE AN ORDINANCE AMENDMENT AND HOLD A PUBLIC HEARING AT THE UPCOMING JUNE PLANNING COMMISSION MEETING. ALL MEMBERS VOTED “AYE”. MOTION CARRIED.

OLD BUSINESS:

a. Comprehensive Plan Implementation – Vendor Parking Memorandum

Zoning Administrator Bittner explained she had not been able to meet with Chamber representatives and will place this item on the June Planning Commission Agenda.

APPROVAL OF MINUTES:

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WILSON, SECONDED BY PLANNING COMMISSION MEMBER BROWN, TO APPROVE THE APRIL 21, 2016 MIINUTES, AS READ. ALL MEMBERS VOTED “AYE”. MOTION CARRIED.

P & Z ADMINISTRATOR’S REPORT:

Zoning Specialist Bittner pointed out the 6 permits issued in April and the 11 letters sent and received since the last meeting. The following Potential Violations/Enforcement Actions were discussed:

1. Diane Koval – Property inspected May 19, 2016 and there have been no improvements; Staff will contact again.

2. Cathi McBryde – Property inspected May 19, 2016; property owner has until May 24.
3. Carter McAnnich – McBryde storing items; property inspection May 19, 2016 and improvements have been made.
4. Virgil Dahl – Bittner updated the Planning Commission regarding conversation with City Attorney; new violation letter being delivered by Police Department.

The Planning Commission commended the Sibley Lake Association for obtaining the \$22,000 Grant to remove the steps and revegetate the hillside. The Sibley Lake Park playground looks great.

ADJOURNMENT:

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER BROWN, SECONDED BY PLANNING COMMISSION MEMBER HABEIN, TO ADJOURN THE MEETING. ALL MEMBERS VOTED “AYE”. MOTION CARRIED. The meeting was adjourned at 6:51 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Specialist