City of Pequot Lakes

AGENDA ITEM # 6.1

REPORT TO CITY COUNCIL

Report Prepared by: Dawn Bittner

Date: September 6, 2016

Subject: Planning Commission Report

Report: Planning Commission Report and draft Minutes are attached.

Council Action Requested: No Action Required.

City of Pequot Lakes

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August 29, 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 August meeting at which there were no public hearings. They are not forwarding you any recommendations at this time. The following are highpoints from that meeting:

- ✓ Approved a Metes and Bounds Subdivision for Thomas P. Peterson;
- ✓ Discussed whether fostering dogs constitutes an Animal Boarding Facility;
- ✓ Discussed allowing rehabilitated mobile homes in Pequot Terrace Mobile Home Park (will continue).

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

Sincerely,

Dawn Bittner
Zoning Specialist

C: Planning Commission

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MINUTES
PEQUOT LAKES PLANNING COMMISSION
REGULAR MONTHLY MEETING
AUGUST 18, 2016

PRESENT: Deb Brown, Todd Engels, Bill Habein, Mark Hallan, Mark Mortenson, Nathan Norton and Wesley Wilson. ABSENT: None

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.

PUBLIC HEARINGS: None.

ADDITIONS OR DELETIONS TO AGENDA:
New Business: 6. b. Thomas Peterson Metes and Bounds Subdivision – Applicant has withdrawn this application from this Agenda.

OPEN FORUM: None.

NEW BUSINESS:
a. Thomas P. Peterson, applicant
Applicant proposes a Metes and Bounds Subdivision
Mr. Burslie explained the Staff Report. Applicant was present. Zoning Administrator Bittner informed the Planning Commission the new Subsurface Sewage Treatment System is being installed; Inspection will take place Friday.

Planning Commission Member Hallan was concerned with the limited size of the easement for Tract A being 16.5 feet wide. This doesn't allow for ditching and snow removal and could be a future hardship for Tract A. Mr. Peterson stated there is access from County Road 168 for Tract A; it is just over grown.

PLANNING COMMISSION MEMBER WILSON MOVED TO APPROVE THE METES AND BOUNDS SUBDIVISION APPLICATION 16-4432 AND WAIVE THE ORDINANCE REQUIREMENT THAT REQUIRES ALL NON-CONFORMING STRUCTURES ON THE SUBJECT PROPERTY TO BE BROUGHT INTO CONFORMANCE AS PER SECTION 17-9.4(2) OF THE LAND USE AND SUBDIVISION ORDINANCE, BASED ON THE FOLLOWING FINDINGS OF FACT AND THE ONE CONDITION. PLANNING COMMISSION MEMBER NORTON SECONDED THE MOTION.

1. The subject property is currently zoned Shoreline Residential.
2. The lot widths of the proposed parcels both meet the minimum standard of 100 feet.
3. Both of the proposed parcels meet the minimum area requirements of the Shoreline Residential zone.
4. The existing dwelling and one accessory structure on Tract A meet the setback requirements. The gazebo accessory structure does not meet the setback requirements.
5. The existing dwelling on Tract B does not meet setback requirements. The accessory structure meets the setback requirements.
6. The subject property is not adjacent to municipal water and wastewater utilities. Tract A contains a private SSTS and water well. Tract B contains a private SSTS and water well.
7. The property is suitable in its natural state for the intended purpose and this lot split would not be harmful to the health, safety, or welfare of future residents or of the community.
8. The applicant is not proposing any provisions for water-based recreation.
9. The proposed lot layout meets the requirements of the ordinance.
10. The proposed side lot lines are at right angles to the existing road line and the property line of the adjacent property.
11. Each of the proposed parcels has at least 33-feet of frontage on public right-of-way.
12. The subject property meets the requirements of the code for stromwater management.
13. There are no public streets proposed within the development.

Subject to the following condition:

1. The new SSTS Design be installed on Tract A during the 2016 construction season.

All members voted "aye". Motion carried.

b. Thomas P. Peterson, applicant

Applicant requests a Metes and Bounds Subdivision
This application was withdrawn from this Agenda by the applicant.

c. Animal Boarding Facility – Fostering Dogs, Discussion
Mr. Burslie explained Staff is requesting an interpretation of the ordinance. A strict interpretation would conclude fostering dogs from time to time would mean it is an Animal Boarding Facility. However, there is no money being exchanged. Fostering an animal is not ownership.

Planning Commission Member Habein stated the location would have a lot to do with it, such as Rural Residential vs. Downtown Mixed Use.

Mr. Burslie stated Animal Boarding Facilities are only allowed in certain zones, a service is being provided and money is being exchanged. Fostering a dog is someone taking care of a dog until adopted.

Planning Commission Member Brown pointed out that fostering one animal wouldn't be considered a Facility but fostering multiple dogs at a time could be. She further stated the ordinance used to include a number of dogs that could not be exceeded. Zoning Administrator Bittner pointed out that had been removed from the definition.

Planning Commission Member Habein inquired how many animal units are allowed in the Downtown Mixed Use zone. Staff did not have the Code available.

Planning Commission Member Hallan asked how this differed from watching a pet for a family member or friend. A foster dog would just join the other household dogs and then later the dog gets adopted.

If the fostering is taking place in town it is important that there is a pen or fencing to contain the dog.

Planning Commission Member Hallan stated if the people fostering the dog is not taking payment and are within the animal units for the zone, it shouldn't be considered a Boarding Facility. It should be a violation if they are exceeding the animal units.

Planning Commission Member Brown stated it is difficult to define fostering as a Boarding Facility. The hard thing to do is you can't mandate common sense to be sure the animals are being taken care of correctly. We have to make sure people are safe and there are no issues. Part of this falls back on the rescue. Some dogs may have poor temperaments.

Mr. Burslie stated it is not the City's job to police that.

Planning Commission Member Habein stated the trouble with transient dogs is they can bring parasites. Traffic of transient dogs is not a healthy situation.

Planning Commission Member Brown stated most animals are dewormed and vaccinated before they get into homes.

Planning Commission Member Norton asked if the rescues do house checks prior to placing a foster dog. Planning Commission Member Brown stated they sometimes do.

Planning Commission Member Hallan stated our definition needs to be changed. Maybe for a Facility the fact that fees are paid could be added.

Mr. Burslie stated it is the consensus that fostering a dog is not an Animal Boarding Facility. The next time the Planning Commission does miscellaneous ordinance updates we will take a look at this definition.

d. 2016 Land Use Training & Education Program

Mr. Burslie explained GTS does annual land use training sessions. NJPA covers the cost for these sessions for any NJPA Regional Member, such as City Council Members, Staff or Planning Commission Members. NJPA does not reimburse for mileage. These sessions would be very beneficial for our Planning Commission Members. Mr. Burslie would be happy to help with scheduling.

OLD BUSINESS

a. Pequot Terrace Mobile Home Park – Discussion

Mr. Burslie explained the new owners are requesting to bring in rehabilitated mobile homes that are older than 5 years. Ronda Disch, owner of Pequot Terrace Mobile Home Park, was present.

Mrs. Disch explained the rehabbed mobile homes look like new ones. They have 15 empty lots and this would be an opportunity to provide affordable housing.

Planning Commission Member Wilson asked if the walls are 2' X 4' or 2' X 6'. Mrs. Disch stated the walls are not typically rebuilt. She was unsure of the size.

On the list provided by Evergreen Development Planning Commission Member Norton asked what the bold items indicated. Mrs. Disch stated the bold items are already completed on the mobile home they wanted to purchase. A lot of times mobile homes are repossessed and then rehabbed.

Chair Engels asked about carbon monoxide detectors. Mrs. Disch stated battery operated detectors are needed per the mobile home park covenants.

Planning Commission Member Habein asked if there was any way to certify the rehabbed homes. Mrs. Disch stated they are a member of the Minnesota Manufactured Housing Association (MMHA). There are safety standards that all homes need to comply with. There is a checklist, but no one inspects.

Planning Commission Member Hallan stated it would be tough to have someone come out and recertify manufactured homes to a certain standard. It would need to be done in stages; it would be hard to do after-the-fact.

Chair Engels stated he would feel comfortable to have an inspection for electrical, plumbing and building inspection; that is very important. Mrs. Disch stated that is a good idea, but who would do the inspection.

Planning Commission Member Hallan stated if they are going to rewire, it would need to be inspected by an electrical inspector. Mrs. Disch stated rewiring is done as needed, but not necessarily rewire the entire dwelling.

Mrs. Disch offered to contact the MMHA; they may already have the information we are looking for.

Planning Commission Member Mortenson stated the list provided seems to be cosmetic. The mechanical and plumbing are important. Mrs. Disch stated they replace the mechanicals when they need to be replaced.

Chair Engels reminded Mrs. Disch that people are living in these homes and everything needs to be working properly. Mrs. Disch stated they do physical walk-throughs every month on the units they own and rent.

Planning Commission Member Hallan questioned whether the reconditioned homes would only be allowed in a designated manufactured home park. Staff was directed to determine whether or not rehabilitated manufactured homes are included in the City Code under Dwellings in Transit.

Planning Commission Member Mortenson stated in 1992 electrical inspections were not required.

Planning Commission Member Hallan questioned why the 5-year limit was included in the City Code.

Mrs. Disch stated the average age of a rehabilitated home is the early 1990's. Planning Commission Member Hallan stated the life span of a manufactured home depends on how well it was maintained.

Planning Commission Member Brown stated a 5 year old home is a new home; a rehabilitated 1990 home seems old. There needs to be safety inspections. We want to maintain what the park looks like but also be safe. How do we make sure it is safe?

Mr. Burslie suggested having each rehabilitated home approved by the Planning Commission on a case by case basis, but require them to be certified by a Building Inspector.

When asked, Mrs. Disch stated there is no warranty on rehabilitated homes.

Planning Commission Member Mortenson stated a home inspector may be a good option.

It was suggested a committee be formed of 2 Planning Commission Members, Staff, Mrs. Disch and the person who reconditions the manufactured homes.

It was agreed Mrs. Disch would contact the MMHA and forward any information she can collect to Staff. This discussion will continue; Mrs. Disch stated she was not in a hurry to have this issue resolved.

APPROVAL OF MINUTES:
Page 2, last sentence of New Business, 6. a Temporary Family Health Care Dwellings, needs to be clarified. It should state: It was the general consensus of the Planning Commission to not make a recommendation to the City Council to opt out, wait to see what happens, and re-address this in the future if it necessary.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WILSON, SECONDED BY PLANNING COMMISSION MEMBER HALLAN, TO APPROVE THE JULY 21, 2016 MINUTES, AS CORRECTED. ALL MEMBERS VOTED "AYE". MOTION CARRIED.

P & Z ADMINISTRATOR'S REPORT
Dawn Bittner pointed out the 9 permits issued and the 4 letters written. The following Potential Violations/Enforcement Actions were discussed:

1. Virgil Dahl – Mr. Dahl signed the Letter of Agreement (LOA) and the permit was issued for his new home. The LOA stipulates onsite visits every 20 days with 25%

reduction in exterior storage each visit. The Police Chief and City Administrator/Clerk will conduct the visits.

2. Wilderness Resort Review Committee – Mr. Steffens stated he may not remove the old cabins to save the large pine trees. He may want to move one cabin up toward the end of the point. Mr. Steffens said the area was not a bluff. WSN delineated the area as a bluff, but Stonemark said it was not. We will ask Stonemark to provide details how they calculated that it was not a bluff. There is environmental sensitivity on that point. Mr. Steffens may come in to potentially re-plat. Zoning Specialist Bittner was directed to contact the State regarding the septic approval.

ADJOURNMENT:
A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WILSON, SECONDED BY PLANNING COMMISSION MEMBER HALLAN, TO ADJOURN THE MEETING. ALL MEMBERS VOTED "AYE". MOTION CARRIED. The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Administrator