



AGENDA ITEM # 6.1

**REPORT TO
CITY COUNCIL**

Report Prepared by: Dawn Bittner

Date: February 29, 2016

Subject: Planning Commission Report

Report: Planning Commission Report and draft Minutes are attached.

Council Action Requested: No Action Required.



February 19, 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 February meeting at which there was 1 public hearing. They are forwarding you 1 recommendation for your consideration.

Recommendation #1 –
Amend the Land Use Ordinance to include Interim Use.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Dawn Bittner".

Dawn Bittner
Zoning Specialist

C: Planning Commission

**MINUTES
PEQUOT LAKES PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 18, 2016**

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

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.

Chair Engels opened the Public Hearing.

PUBLIC HEARING

**Applicant proposes Ordinance Amendment Regarding Interim Uses
City of Pequot Lakes, applicant**
City Planner Burslie explained the Staff Report.

Planning Commission Member Brown was concerned with the termination period of 5 years. This would be difficult for someone to start a Bed and Breakfast or a Home Occupation and have their business end after 5 years.

Mr. Burslie stated he was comfortable leaving Bed and Breakfast as a Conditional Use Permit. However, a Home Occupation grows and after 5 years of growth the City may want them to move into another, more suitable location.

Planning Commission Member Brown stated it could be devastating to the business owner that their business would have to come to an end.

Mr. Burslie explained Type III and Type IV Home Occupations are for higher, more intensive uses such as a chiropractor or a lawn care service.

The 5-year limit is an issue.

Planning Commission Member Hallan stated that Interim Use is “for a brief period” in the definition. What is a “brief period”? Interim Use works for Extractive Use.

When asked what the intent was for changing from Condition Use to Interim Use, Mr. Burslie stated an Interim Use would have an end date, another permitting mechanism. Someone could incubate their business and then move it to a commercial district.

The Planning Commission wondered what the City Attorney’s rationale was for the 5-year termination. Five years may be too long for some uses; any Interim Use and the establishment of a time period should be based on its merits.

Mr. Burslie pointed out that an Interim Use follows the Conditional Use Permit criteria.

Planning Commission Member Brown stated she is uncomfortable limiting Bed and Breakfasts and Home Occupation Type III; she does not have a problem with Extractive Use. She would be apprehensive doing business in Pequot Lakes.

Some Members were apprehensive with an extension being allowed by the Zoning Administrator; the Planning Commission should set the event or time period.

Planning Commission Member Hallan stated he is comfortable striking Bed and Breakfast and Home Occupations, keep the 5-year time limit and only include Extractive Use.

Public comment opened.

PUBLIC COMMENT: None.

Public comment closed.

A motion was made by Planning Commission Member Hallan, seconded by Planning Commission Member Wilson, to recommend the City Council amend the Ordinance by including the definition of Interim Use, changing the Land Use Matrix for Extractive Use and including Section 17-11.13 Interim Use Permits as written, based on the following Findings of Fact:

1. An interim use permit is a permitting mechanism that allows the city to issue a permit which is valid for a pre-determined amount of time.
2. The City’s ordinance does not currently include “interim uses.”

3. Interim use permits may be issued for a use that is presently judged acceptable for an area until such time it will not be acceptable given anticipated growth patterns.

All members voted “aye”. Motion carried.

Chair Engels closed the Public Hearing.

ADDITIONS OR DELETIONS TO AGENDA: None.

OPEN FORUM: None.

NEW BUSINESS:

a. City Council Organizational Goals

Zoning Specialist Bittner explained the Staff Report. The directives from the City Council will be included on upcoming Agendas as information is collected.

OLD BUSINESS:

a. Extractive Use Ordinance

Zoning Specialist Bittner explained Anderson Brothers had stated that our ordinance was a little vague and provided information for improvements. This initial discussion began at the April 16, 2015 Planning Commission meeting and the gravel tax discussions ensued.

In 2005 the Planning Commission recommended the City Council adopt an option for a Mining Extractive Use Fee to be used for road maintenance and improvements. Notes former City Clerk Peine left indicate the Crow Wing County Board repealed and decided not to collect the gravel tax in 1983.

At the January Planning Commission meeting Council Member Akerson stated the gravel tax may be able to be brought up with the County Commissioners next year. With regard to the County-wide sales tax for road maintenance, does the Planning Commission want to revisit the gravel tax next year?

Planning Commission Member Hallan stated we should talk with our County Commissioner to pursue an avenue to get a commitment from the County on a trickle down to municipalities of the sales tax dollars. We need to find out if the legislation

allows the County to distribute monies to Cities and Townships or if it is simply regulated to the County. Staff will prepare a letter to Commissioner Thiede.

Regarding the ordinance amendment and changes proposed by Anderson Brothers, does the Planning Commission wish to move forward with a Public Hearing amending the ordinance? Staff will bring this forward next month.

APPROVAL OF MINUTES:

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Brown, to approve the January 21, 2016 Minutes, as read. All members voted "aye". Motion carried.

P & Z ADMINISTRATOR'S REPORT:

Zoning Specialist Bittner pointed out the 4 permits issued and the one letter that was sent.

ADJOURNMENT:

A motion was made by Planning Commission Member Engels, seconded by Planning Commission Member Wilson, to adjourn the meeting. All members voted "aye". Motion carried. The meeting was adjourned at 6:56 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Specialist