

**MINUTES
PEQUOT LAKES PLANNING COMMISSION
REGULAR MONTHLY MEETING
FEBRUARY 20, 2014**

PRESENT: Todd Engels, Mark Hallan, Cheri Seils and Wesley Wilson. ABSENT: Deb Brown, Bill Habein and James Oraskovich.

CITY PLANNER: Justin Burslie, Community Growth Institute

ZONING ADMINISTRATOR: Dawn Bittner

COUNCIL LIAISON: None

PRE-MEETING DISCUSSION –

Update Downtown Plan

Mr. Burslie explained the Downtown Plan was originally created in 2007 and updated in 2011, although they were never adopted. The City Council has determined updating the Downtown Plan as a high priority and has directed the Planning Commission to do so. He then read the Executive Summary from the 2007 update.

The earlier versions included State Highway 371 going through town; this update will depict a more urban street design. Mr. Burslie explained the elements included on the visual Plan.

Chair Seils called the meeting to order at 7:09 p.m.

Chair Seils opened the Public Hearing.

PUBLIC HEARING

APPLICANT: WILDERNESS RESORT VILLAS, LLC

Applicant requests an Amendment to Conditional Use Permit to allow a 3-story lodge, expand existing beach area, create an additional beach, relocate a boat ramp and allow motorized traffic on walking trail.

Mr. Burslie explained the Staff Report, stating this Public Hearing is a continuation of last month's Public Hearing. Applicant was present, Thomas Steffens.

Mr. Burslie reviewed the changes included in applicant's Supplemental Submittal.

Docking Systems:

No changes proposed to the existing 3 docking systems.

MINUTES

Pequot Lakes Planning Commission

February 20, 2014

Relocation of Boat Ramp:

Applicant is proposing to relocate the boat ramp to the west of the existing beach area.

Existing Beach:

Applicant is proposing to widen the existing beach by approximately 30 feet. An exact measurement will need to be determined.

Additional Beach:

Applicant is requesting an additional beach on the east side of the point approximately 150 feet in width near Dock System #2 with the area to the north proposed to be a picnic area. Calculations for this beach area indicate approximately 61 cubic yards of material, although in the narrative the applicant indicates he will provide documentation to the City that no more than 50 cubic yards of sand has been placed in this area. Applicant further requests in the narrative to place a barrier between the ground and the sand blanket. The flier from the DNR indicates no filter fabric is allowed under the sand.

Shoreline Path:

The existing CUP states “that the road in the bluff and shoreline setback shall be removed and re-vegetated. An 8 foot wide walking trail may replace the road; however, all automobile traffic shall be banned. The walking trail shall be constructed with pervious materials.” Applicant is requesting that resort maintenance personnel be allowed to utilize the entire path with motorized vehicles and equipment, as well as golf carts for resort guests in designated areas.

Building Height:

The drawing indicates the building meets the 25 foot height requirement. The Planning Commission has the ability to lower that building height.

Lodge:

Chair Seils noted the comments received from Planning Commission Member Brown; Ann Beaver, President of the Cullen Lakes Association; and Tom Beaver, Lower Cullen resident included in the packet.

Travis Miller, TWM Architects, reviewed the site plan that is currently approved and what applicant is proposing. He noted which units along the west shore have been removed and which ones have already been built.

Mr. Steffens stated the beach areas and dock areas are well within the City’s guideline for clearing vegetation in the shoreland buffer zone. The only motorized vehicles would be resort personnel. Guests would only use golf carts to access the 2 beaches and the 3 docking systems. It is not practical to only allow golf cart traffic to one dock system.

Mr. Burslie stated the golf carts are motorized vehicles and Staff suggests in the Staff Report to centralize that traffic to one dock system. Through earlier discussions it was determined to not have motorized traffic in this area; those Findings of Fact and Conditions from prior approval are included in the packet.

Mr. Steffens stated there is no beach at dock system #3. Without golf carts, how would handicapped or elderly access the beach area on the east side? He is proposing screening of the golf cart parking areas with no traffic around the end of the point.

Mr. Steffens stated a previous request was to indicate the areas of the resort where woodlands would remain. The area for the new drainfield would require extensive removal of trees.

Public Comment:

Ann Beaver, Cullen Lakes Association – The site plan dated 1/29/14, the very western part of the property near the convention area and meetings rooms indicates this area as wooded, but that area was approved for garages and is not shown. Mr. Steffens stated this is not part of the garage plat.

Tom Beaver, Nisswa – Reminds the Planning Commission that the entire east shoreline is designated as wetlands, Type 2, 3 & 4.

Jeff Miller, owner of some units and Vice-President of the Homeowners Association – The Association has given unanimous approval of this plan. There is a need for the second beach; the existing beach is not adequate for large contingencies of guests. As the number of guests grow, there will be more pressure on the single beach. This is the only resort in Pequot Lakes. Everyone as owners wants this to be a nice resort and want to use and enjoy the lake just as any other property owner on the lake. The items Mr. Steffens is requesting is not excessive. They are trying to be good stewards of the lake. Golf carts allow ease to access the beach and the facilities; this is a large property. Let's put together a plan that works for everyone, not just the lake association or the owners.

Ann Beaver – Stated she is not sure how many villas have been built, but the County tax records indicate ownership by 5 individuals and the rest owned by the resort or LLC's. She was curious how many people were represented by the Homeowners Association.

Jeff Miller – Stated he owns 4 villas and put them in an LLC so guests can't sue him

Public Comment Closed.

Mr. Burslie reminded the Planning Commission that at this time we are not approving layout changes.

Planning Commission Member Hallan asked Mr. Steffens how many units will be in the lodge. Mr. Steffens stated 12, except it would depend on what you count as a unit. Planning Commission Member Hallan stated there would be 16 if the studios were counted; Mr. Steffens concurred.

When asked by Planning Commission Member Hallan, Mr. Steffens stated there is no change to the 3 story lodge.

Planning Commission Member Hallan asked if the current beach is to be extended to 130 feet or 150 feet. Mr. Steffens stated 150 feet and 100 feet for the east side beach. Planning Commission Member Hallan then asked where the 390 feet in his Supplemental Submittal came from. Mr. Steffens stated it includes dock system #3, the boat ramp, and any area where the shoreland vegetation is cleared or will be cleared.

Planning Commission Member Hallan asked how the docks are put in now. Mr. Steffens stated they are hauled down on a trailer. Planning Commission Member Hallan stated there is an evident need to get equipment down to the dock systems, possibly a 2-week period in the months of May and September and fall cleanup. Mr. Burslie stated Condition #16 addresses that.

Planning Commission Member Hallan reminded the Planning Commission Mr. Steffens stated one dead pine will be removed to construct the lodge. In reality there will be dozens or hundreds of trees removed to develop this commercial facility. Whether a 2 or 3 story lodge, parking lots, tennis court and new units, a lot of trees are going to be cut down. Elevations need to be determined and there will need to be shoreline modification if the DNR allows the boat ramp to be moved.

Planning Commission Member Wilson stated there is no control who is using the golf carts, if allowed. He has had experience with the National Park Service prohibiting their use. Mr. Steffens stated he has seen it work in golf course gated communities, but requires someone to make sure teenagers are not misusing them.

Planning Commission Member Engels inquired about the topography at the lodge and asked if it slopes up on each end, sitting in a swell. Mr. Steffens stated it sits in a valley. Planning Commission Member Engels then asked if the entire length of the building was a walkout, the same level from corner to corner. Mr. Steffens stated it is designed to fit within the existing grades.

Planning Commission Member Hallan stated the northwest corner of the lodge is at 1220 contour and the flat area is at 1210 contour. The southeast end of the building near the driveway to Unit 40 will entail a considerable amount of excavating. The maintenance building is cut into the hillside; the southeast corner is 30 to 40 feet past existing maintenance building.

Planning Commission Member Engels inquired if there is a 3 story walkout lakehome on the lake? Ann Beaver stated she doesn't have that information with her. Mr. Steffens stated some of the villas are 2 story units with lofts. When asked how high, Travis Miller stated under 40 feet. Ann Beaver stated their objection is the 3 story part is 185 feet long. Mr. Steffens reminded the Planning Commission of the pictures he supplied last month; the existing lodge was barely visible. He is trying to minimize the visual impact; that is why he is trying to build at the 1210 elevation.

Ann Beaver asked what the topo levels were on the site plan from last month. Planning Commission Member Hallan stated they were 2 foot minors and the others are 10 foot.

Planning Commission Member Hallan stated the lodge height technically meets the ordinance, which is lax. For the Planning Commission to make it a condition to make the height less than 25 feet, it would reduce it to a 2 story facility. At this point we have to say yay or nay to that. When you actually look at the site plan, try to fit it in in the southeast corner as you have on the northwest corner. Try to keep it at the 1210 to avoid a lot of earth work. It would help balance and go into the hill less. It will look differently after they work out all the specifics. He further stated he visited the site the previous evening. This is an artist's rendering. The lodge will be set back further from the lake. If the trees that are there are left, there will be a lot of screening, but if Units 37 to 40 are built and trees are removed, it will be very visible. Mr. Steffens stated they will locate the trees for Preliminary Plat.

Planning Commission Member Hallan stated whether the east side is used for a picnic area or a beach area, it is a more intensive use. Mr. Steffens stated the north side of the dock would be for the picnic area and the south side would be for the beach area. Chair Seils read the comments from Planning Commission Member Brown regarding the additional beach area.

Planning Commission Member Hallan stated the boat ramp is proposed to be moved but needs to be permitted by the DNR. He asked if the boathouse will also be moved. Mr. Steffens stated it stays in its present location. It cannot be torn down and rebuilt.

Planning Commission Member Hallan further stated that the golf carts are motorized vehicles; they are not being pedaled by human beings. He doesn't have a problem with the additional beach, but golf carts are hard to police. They provide easy access to boats. People now can drive to dock system #1. Mr. Steffens stated 8 homeowners own golf carts and drive to all 3 dock systems. That is what prompted him to ask for this – ease to access boat docks. Planning Commission Member Hallan stated people can drive to the existing beach; what was the reason to have the additional beach at dock system #2 and not dock system #3? Mr. Steffens stated it was the contours.

Staff has prepared the following findings of fact regarding the CUP amendment request:

The Lodge:

1. The proposed lodge has a footprint of 7,255 square feet. It contains twelve units and is three stories. The proposed height of the lodge is 24'-8 5/8".
2. The applicant has not submitted a condominium plat for the proposed structure.
3. The existing maintenance building and lodge on the subject property will be replaced with the proposed lodge. The proposed structure is completely within Tier II (200'+ from the OHW) of the Shoreland Area.
4. The lodge exterior will consist of half log siding with stone trim and decorative log corners.
5. The parking area for the lodge is located northwest of the proposed location and contains 40 spaces. There will also be three handicap designated parking spaces and a delivery area directly east of the proposed structure.

The Docking Systems:

6. There are not any proposed changes to the number and/or location of the previously approved docking systems.

Beach Areas:

7. The existing beach area is located on the west side of the point and is approximately 100 feet wide. The applicant is proposing to extend the width of the existing beach area to 130' wide. *** drawing indicates 150 feet!
8. The applicant is proposing to construct a second beach area located on the east side of the point. The proposed beach area is 150' wide.
9. Removal of aquatic vegetation is necessary for the creation/expansion of the beach areas. The City does not have jurisdiction on any work performed below the OHW.
10. The City Code does not allow grading in excess of 50 cubic yards in the Shore Impact Zone.

Relocation of Boat Ramp:

11. The applicant is proposing to relocate the existing boat ramp to the north side of the existing beach and swimming area.
12. Relocation of the ramp will require removal of approximately 10 feet of aquatic vegetation on the north side of the beach to allow for installation of the boat launch.
13. Relocation of the existing boat ramp may require a permit from the Minnesota Department of Natural Resources.

Road in the Shore Impact Zone:

14. The original CUP approval for the subject property allows an 8-foot wide walking trail to be used to access "Dock System 2" and "Dock System 3." The permit does not allow automobile traffic on the trail. It also requires the trail to be constructed of pervious materials.
15. As of August 2013, the road in the bluff and shoreline setback had not been removed as per previous CUP approval.
16. [The Planning Commission should determine if motorized usage of the proposed path meets CUP criteria and create a finding of fact that supports their decision.]
17. The applicant is proposing to utilize "golf cart parking" areas outside of the shore impact zones and bluff impact zones.

Staff Recommendation: We recommend the conditions of approval from the original CUP application (attached) remain part of the permit. We also recommend consideration of the following for the CUP amendment:

The Lodge:

1. Before commencement of construction activities, a condominium plat for the lodge shall be approved by the City.
2. An acceptable updated plan for the vegetative screening of the lodge (as viewed from the lake) shall be submitted to the Planning Commission before it may be constructed.
3. In order to preserve the character of the neighborhood and the surrounding area, the height of the lodge may not exceed "X" feet.

The Docking Systems:

4. The number and location of docking systems shall remain the same as previously approved.
5. Before the docking systems are placed in the water, proper authorization shall be obtained from the Minnesota Department of Natural Resources.

Beach Areas:

6. The applicant shall demonstrate with professional grading and drainage plan how untreated runoff will be prevented from entering the lake via the proposed beach area(s).
7. In order to minimize negative impacts on Middle Cullen Lake, one centralized beach area shall be allowed on the subject property. The existing beach may be expanded to 130' in width.
8. Grading in the vicinity of the beach area(s) shall include the use of berms, swales and natural vegetation near the beach areas.
9. Necessary permits shall be obtained from the DNR for the removal of any aquatic vegetation for the creation of the beach areas.

If the beach on the beach on the east side of the point is allowed:

10. *The beach area located near "Dock System 2" may be up to 6 inches thick and up to 50 feet wide along the shoreline per DNR's provisions regarding "beach blankets."*
11. *The beach area located near "Dock System 2" shall be inspected by a certified wetland delineator to verify the area does not contain wetlands before a beach may be constructed.*

Relocation of the boat ramp:

12. Proper permits shall be obtained from DNR before the boat ramp may be relocated.

Road in the Shore Impact Zone:

13. To preserve the natural character of the neighborhood and surrounding area, the road in the bluff and shoreline setback shall be removed and re-vegetated. An 8-foot wide walking trail may replace the road; the walking trail shall be constructed with pervious materials.
14. In order to provide dock access to guests who are handicapped, have small children or are elderly, motorized golf carts may be used to access "Dock System 3."
15. Signage and barriers (acceptable to the Planning Commission) shall be placed in areas around the resort to prevent resort guests from using motorized vehicles on the walking trails.

16. Maintenance personal may utilize the entire path system with motorized equipment and vehicles for maintenance purposes including but not limited to installation, repair and removal of docking systems, non-motorized watercraft, beach chairs, etc. and motorized equipment for maintenance and repair of the pathway and surrounding vegetation, including permitted trimming and removal of deadfall and invasive plant species

Overall Site Conditions to Consider:

17. A vegetation/screening plan for the entire property acceptable to the Planning Commission shall be submitted before construction activities commence.
18. A lighting plan for the entire property acceptable to the City shall be submitted before construction activities commence.

Discussion regarding proposed Conditions:

#14 – Planning Commission Member Hallan pointed out Condition 14 refers to dock system #3. Was it meant to say dock system #1 or dock system #3? Mr. Burslie stated it was intended to be dock system #3. Planning Commission Member Hallan stated original CUP was to remove traffic; dock system #1 would be more accessible. He further stated that the golf cart parking area, etc., would involve steps if dock system #3 were designated for golf cart access. Mr. Steffens stated dock system #1 would be a logical place to allow golf cart access; dock system #3 is not workable from a practical standpoint.

Discussion regarding proposed Findings of Fact:

- #1 – Change number of units from twelve to sixteen;
- #7 – Change existing beach width from 130 feet to 150 feet;
- #16 – The Planning Commission finds that motorized vehicle usage of the path, including golf carts, to access dock system #1 meets CUP criteria; marked resort vehicles would be allowed to use path for dock work and maintenance.

Planning Commission Member Hallan asked the applicant that after direction given for the Findings and Conditions, if applicant could move forward or would prefer a table until a full Commission can discuss this next month. Mr. Steffens stated he wishes he would have brought the golf carts up 10 years ago, but agrees it makes more sense to move that traffic to dock system #1. Part of the solution may be to be allowed to move some of the slips from dock system #3 to dock system #1. Planning Commission Member Hallan stated the number of slips has always been 40, although he is not sure how the DNR would view moving them. He further stated the east side of the point is more pristine.

Planning Commission Member Hallan asked the applicant if a third table is acceptable considering his timetable. Mr. Burslie stated the CUP does not need to be approved prior to Preliminary Plat application.

Chair Seils stated a number of significant changes have been made and she would like to see them in writing and allow the other Planning Commission Members to see them also.

Planning Commission Member Hallan stated the west shoreline is the more business side with heavier use; allowing traffic to dock system #1 is reasonable. Currently no traffic allowed on these paths.

Mr. Steffens stated a number of conditions reference DNR approval with the consensus to allow golf cart traffic and expansion of dock system #1, reduce size of dock system #3, lodge basically acceptable, perhaps he should agree to table this to allow the Findings and Conditions to be reformulated. It may be beneficial for the DNR to have evidence the City does not object to these things.

A motion was made by Planning Commission Member Hallan, seconded by Planning Commission Member Wilson, to table this matter. All members voted "aye". Motion carried.

Chair Seils closed the public hearing.

ADDITIONS OR DELETIONS TO AGENDA: None.

OPEN FORUM:

Tom Beaver, Nisswa – Would like to commend the City on keeping the parking lot clean for the cross country ski trail; the trail is used more and more each year.

Mr. Beaver further pointed out that Wilderness Resort was originally 52 units and the existing beach was adequate at that time.

NEW BUSINESS:

APPLICANT: Ryan Buell

Applicant requests a Metes and Bounds Subdivision

Mr. Burslie explained the Staff Report. Applicant was present.

A motion was made by Planning Commission Member Hallan, seconded by Planning Commission Member Wilson, to approve the metes and bounds subdivision, based on the following Findings of Fact:

1. The subject property is properly zoned "Commercial."
2. The lot widths of the proposed parcels both meet the minimum standard of 50 feet.
3. Both of the proposed parcels meet the minimum area requirements of the Commercial Zone.
4. The existing structures on "Tract A" meets all setback requirements. There are no existing structures on "Tract B."

5. The subject property is not adjacent to the municipal water and wastewater utilities. "Tract A" contains a private SSTS and water well. "Tract B" does not contain a private SSTS or water well.
6. 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.
7. The applicant is not proposing any provisions for water-based recreation.
8. The proposed lot layout meets the requirements of the ordinance.
9. The proposed side lot lines are at right angles to the existing road line and the property line of the adjacent property.
10. The property contains more than 33-feet of frontage on public right-of-way.
11. The subject property meets the requirements of the code for stormwater management.
12. There are no public streets proposed within the development.

And subject to the following Conditions:

1. A legal document shall be prepared and filed with Crow Wing County granting ingress/egress to "Tract A" via the existing driveway and 66' wide area identified on the survey.
2. When weather permits, the SSTS located on "Tract A" shall be inspected by a licensed SSTS inspector. The report shall be filed with the City.
3. When weather permits, a soil suitability analysis for primary and alternate SSTS locations on "Tract B" shall be conducted. An updated survey identifying the locations shall be submitted to the City once the analysis is complete.

All members voted "aye". Motion carried.

Auto Repair and Roll-Off Service in DMU Zone – Brion Hartwig

Mr. Burslie explained the Staff Report. Mr. Hartwig was present. The use for a roll-off service does not fit the Downtown Mixed Use Zone and cannot be approved at the Staff level. Mr. Hartwig stated the dumpsters have all been moved behind the building. He plans to put a fence behind the old restaurant so they will not be visible. There is one currently sitting by the old restaurant as they are in the process of cleaning out that building. Mr. Burslie stated this use would fit in another zone.

Chair Seils inquired about the property along the trail in the rear. Mr. Hartwig stated the previous owner used this area as an impound lot; he met with the DNR and is turning this area back into a treed area this spring. There is no fencing along this area.

Planning Commission Member Hallan stated he doesn't see this as a permanent use. This area could be redeveloped but it will take a while to do so. This area is close enough in proximity to existing Downtown Mixed Use to be classified Downtown Mixed Use.

Mr. Burslie stated the City would not be moving the Downtown Mixed Use Zone in the direction we want it to go. This use is not allowed by ordinance.

Mr. Hartwig stated he has another business in the Industrial Park. Mr. Burslie stated less screening would be required in the Industrial Park. Bittner reminded the Planning Commission that Exterior Storage is an Accessory Use in the Light Industrial Zone.

Mr. Hartwig stated during the summer there would only be a couple dumpsters sitting around. The truck would leave once a day to drop an empty one at a location, pick up that full one to take to dump, and move that one to the next spot. He was not aware the use was not allowed at the time he purchased the property.

Planning Commission Member Hallan stated the Industrial Park is a viable place for dumpsters.

Mr. Hartwig stated he may not have space in the Industrial Park once all of his vehicles and equipment is there for the concrete business. It may be difficult to maneuver the trucks. There may be a lot of excavating to create needed space.

Mr. Burslie stated another option would be to rezone the property, but he is unsure what the appropriate zone would be.

Mr. Hartwig stated the auto repair would be primarily for his own vehicles; he has 14 trucks and equipment. There may be other service done, such as Superior Mechanicals fleet, but he doesn't see it as a drive-up repair shop again.

When asked, Mr. Hartwig stated it will be just construction demolition, no garbage. The dumpsters are returned fairly clean, with maybe some saw dust.

Planning Commission Member Hallan stated Mr. Hartwig is not proposing an auto repair business. It was an existing business he plans to use for his own company. The previous use was vehicle maintenance.

Mr. Hartwig stated the homeowner to the north is probably pleased the oil barrels and junk have been removed.

The Planning Commission advised Mr. Hartwig to come back next month with a plan of how many dumpsters could fit on the Industrial Park lot and how many may need to be placed at this location. Mr. Hartwig stated this is still in the planning stages; the dumpsters may be moved to Longville. If the dumpsters are going to remain in Pequot Lakes he will come back with a plan.

Subsurface Sewage Treatment System (SSTS) Inspection Program

Mr. Burslie explained the City Council has directed the Planning Commission to look at a SSTS Inspection Program. He further stated the City of Emily has an Inspection Program that has been working. He included a draft letter and authorization form in the packets. The cheapest inspector is not always the best choice.

Bittner stated she would prefer to discuss this when the entire Planning Commission is present to discuss.

Appoint Planning Commission Member to Street Criteria Committee

The City Council appointed a committee to determine criteria to help determine priority for road enhancement/rehabilitation projects. This committee will include Council Members Gardner and Pederson, Justin Burslie, City Engineer Tim Houle, Mike Loven, Dawn Bittner and one Planning Commissioner Member. The first meeting will be held February 26 at 3:00 p.m. The draft plan will be submitted to the City Council in April. Planning Commission Member Wilson was appointed to attend the Street Criteria Committee meetings.

OLD BUSINESS: None.

APPROVAL OF MINUTES:

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Hallan, to approve the January 16, 2014 Minutes, as read. All members voted "aye". Motion carried.

ZONING ADMINISTRATOR'S REPORT:

Bittner pointed out the 3 permits issued and the 8 letters sent or received. The following Potential Violations/Enforcement Actions were discussed:

1. Virgil Dahl – Bittner explained the letter to Mr. Dahl from the City Attorney and there was one more day for Mr. Dahl to sign the Consent Agreement.

ADJOURNMENT:

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Engels, to adjourn the meeting. All members voted "aye". Motion carried. The meeting was adjourned at 9:47 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Administrator