

**MINUTES  
PEQUOT LAKES PLANNING COMMISSION/  
BOARD OF ADJUSTMENT  
REGULAR MONTHLY MEETING  
APRIL 17, 2014**

PRESENT: Deb Brown, Todd Engels, Bill Habein, Mark Hallan, James Oraskovich, Cheri Seils and Wesley Wilson. ABSENT: None.

CITY PLANNER: Justin Burslie, Community Growth Institute

ZONING ADMINISTRATOR: Dawn Bittner

CITY COUNCIL LIAISONS: Jerry Akerson and Tyler Gardner

**DOWNTOWN PLAN UPDATE:**

Mr. Burslie described the rendering submitted to the Council depicting the amenities for North Washington Street that were recommended last month.

Sidewalk Connectivity – Sidewalks need to be expanded when streets are improved. An option to determine how many students walk, bike or drive to school and what neighborhoods they are from could be obtained by taking a survey of students. Planning Commission Member Oraskovich stated the school may already have that information.

Schools can apply for grants to find Safe Routes to School.

There was no timeline given by the City Council to prioritize streets for sidewalks and bike lanes.

Multi-Modal Connection to Sibley Lake Park – Sibley Park is underutilized. Signage could be placed at the Paul Bunyan Trail and a bike lane could be painted. If the painted bike lane gets used, it can be made more permanent.

There is a significant amount of pedestrian traffic on Brown Street going to the Park. It is easy to walk on West Sibley Street. Signage is important to direct people to the park and would be a fairly minimal cost.

The Planning Commission will meet on West Sibley Street next month.

Mr. Burslie pointed out that specific improvements to the Park are up to the Park Commission.

There is an old trail on the south end of the Park that could be the designated trail from Brown Street to the Park.

Crosswalks – There doesn't appear to be very many crosswalks included in the Downtown Mixed Use zone. The Planning Commission recommended using stamped asphalt for the North Washington Avenue improvements; the City Council may have included that.

Bump Outs – If bump outs are not included in the construction project, they require total reconstruction. The bump outs proposed for North Washington Avenue will look nicer than the ones that were constructed on Government Drive.

The Downtown Plan doesn't include very many pictures; Mr. Burslie stated he would like to include more photos, such as the ones used for discussion purposes.

Street Lights – The existing street lights are cobra heads on tall poles; the cobra heads could be lowered to pedestrian height and the poles could continue to be used for their other purposes. The heads can be changed to LED for approximately \$500.

Ideal Street Design – 8 feet is too narrow for parking lanes; they need to be wider.

Benches – Benches were discussed with the North Washington Avenue improvements. Inexpensive ones could be placed throughout the downtown and the ones that get used could be replaced with more expensive ones. The City has wooden benches that get used each summer. We need to inventory the existing benches. Painting the benches could be a project for the school.

Kiosks – The existing Directional Signs were discussed. A kiosk could include items and events, such as maps, businesses could be listed, miscellaneous information and history. Jesse Jane Signs could be in charge of the concept.

Lighting – Lighting was discussed earlier and should be pedestrian scaled.

#### Digital Signs:

Mr. Burslie stated Staff has received a request for digital signs. The Comp Plan identifies signs as being small in scale. The applicant was recently notified that there is a fee for an Ordinance Amendment. If the applicant moves forward this item will be included on the May Agenda.

The meeting was called to order by Chair Seils at 7:02 p.m.

Chair Seils opened the Public Hearing.

**PUBLIC HEARING:**

**APPLICANT: Blaine and Lee Jones**

**Applicant requests a Variance to Expand a Non-Conforming Structure**

Applicant was present. Mr. Burslie explained the Staff Report. Staff recommends the application be approved with 5 listed conditions.

Mr. Jones questioned the size of the deck as listed in the Staff Report. Mr. Burslie stated the survey indicates 14 feet, but the proposed first floor plan indicates 15.5'. Mr. Jones stated the correct measurement would be 15.5 feet.

Mr. Jones clarified Condition Number Five and asked what would happen if the impervious surface exceeds 20%. Mr. Burslie stated this Variance would be reopened, but feels it will be under 20%.

Mr. Jones asked if he needed to combine all three lots. Mr. Burslie stated he has the right to keep Lot 3 separate.

Planning Commission Member Hallan pointed out the two wells indicated on the survey. Mr. Jones stated the well for the cabin serves the whole property. The second one may not operate and be only for decorative purposes. Planning Commission Member Hallan further stated that the SSTS for the guest cabin is hooked into the main SSTS. If Lot 3 is sold separately, it may be difficult to fit a new SSTS on Lot 3.

No public comment.

Planning Commission Member Hallan asked if Mr. Jones planned to modify the existing retaining wall. Mr. Jones stated he does not plan to modify the retaining wall. Planning Commission Member Hallan stated there will be excavation in a bluff and added Condition Number Six: The existing retaining wall will remain in its current location and will not be modified.

Planning Commission Member Brown asked how high the building will be. Planning Commission Member Hallan stated 23.8 feet, well below the ordinance.

Planning Commission Member Oraskovich thanked the applicant for providing complete information.

A motion was made by Planning Commission Member Habein, seconded by Planning Commission Member Wilson, to approve the Variance based on the following Findings of Fact:

1. The subject property is located at 30607 Pequot Boulevard and is in the “Shoreline Residential” zone.
2. The property contains a pre-existing, non-conforming principal structure, a guest dwelling and two accessory structures.
3. The pre-existing, non-conforming principal structure is non-conforming because it is located within a bluff impact zone.
4. The proposed expansion of the principal structure includes the addition of second story, 15.5’ x 40.3’ deck/screen porch on the lake side of the structure and an 8’ x 36.3’ porch on the non-lake side of the structure.
5. The existing impervious surface coverage of the property is 8.5% while the proposed impervious surface coverage is 9.8%.
6. The applicant has established that there are practical difficulties in complying with the code as the structure is pre-existing/non-conforming and cannot be expanded without a variance.
7. Much of the subject property area is classified as a “bluff.” The pre-existing structure was constructed by a previous landowner within the bluff impact zone. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
8. The deviation from the ordinance, with conditions, will still be in harmony with the general purposes and intent of the ordinance and comprehensive plan.
9. Single family dwellings are a permitted use in the Shoreline Residential Zone. The variance will not create a land use not permitted in the Shoreline Residential Zone.
10. The subject property is surrounding by residential development. The variance will not alter the essential character of the locality of the subject property.
11. The variance does not appear to be for economic reasons alone and reasonable use of the property seems to exist under the code.

And subject to the following conditions:

1. Before any land is disturbed for construction purposes, appropriate temporary erosion control measures (including the use of a silt fence on the lake-side of the principal structure) shall be installed. Staff shall verify these measures before construction activities commence. The erosion control devices shall remain in place until construction on the property is complete and all the disturbed areas are restored.
2. A detailed drawing verifying the height of the proposed modified principal structure is below 25 feet as defined by ordinance shall be submitted with the land use application.
3. In accordance with Section 4.3 “Use of Pre-Existing Lots,” Lot 1 and Lot 2 shall be consolidated before a land use permit is issued for the subject property.
4. The stormwater management plan dated March 21, 2014 shall be implemented in full.

5. Have applicant or surveyor determine impervious surface coverage of the two new lots. (New 1 & 2) (Lot 3).
6. The existing retaining wall will remain in its current location and will not be modified.

All members voted “aye”. Motion carried.

Chair Seils closed the Public Hearing.

**ADDITIONS OR DELETIONS TO AGENDA:** None.

**OPEN FORUM:** None.

**NEW BUSINESS:** None.

**OLD BUSINESS:** None.

**APPROVAL OF MINUTES:**

Chair Seils pointed out the letter on the table from Tom Steffens concerning the conditions included in the draft Minutes of the March 20, 2014 meeting. Mr. Burslie stated that the Minutes can be edited if incorrect.

Mr. Burslie further stated he remembers discussing them, even if only briefly. They were read into the record. Mr. Steffens had a copy of the Staff Report and knew the conditions were included.

Planning Commission Member Hallan stated a lighting plan is necessary. The condition has been included in the Staff Report each month. As the applicant proceeds the City will need the lighting plan. Mr. Burslie stated a lighting plan needs to indicate the neighbors will not be impacted.

Planning Commission Member Oraskovich stated the conditions were read during the meeting.

Council Member Gardner asked about Condition 24. Mr. Burslie stated the storm water management plan was submitted as part of their Preliminary Plat application, which was received after the March 20 meeting.

Regarding Condition 25, re-vegetating beach on east side of point, Bittner stated this area has not been successfully re-vegetated. There is correspondence in the file as recent as July and August, 2013 stating vegetation had been destroyed. This is a valid condition.

Chair Seils stated there are no inaccuracies in the Minutes. Staff can provide a copy of the meeting recording to Mr. Steffens if he wishes.

A motion was made by Planning Commission Member Oraskovich, seconded by Planning Commission Member Brown, to approve the March 20, 2014 Minutes, as read. All members voted "aye". Motion carried.

**ZONING ADMINISTRATOR'S REPORT:**

Bittner pointed out the 3 permits issued and the 5 letters sent out. The following Potential Violations/Enforcement Actions were discussed:

1. Virgil Dahl – Bittner stated she will be taking pictures for the City Attorney as soon as the snow melts.
2. James Byrne – Mr. Burslie and Bittner will meet with Mr. Byrne on May 6.
3. The Planning Commission stated the following properties need to be added to the Violation List: 30737 Old Highway 371 and 30821 Old Highway 371.

**ADJOURNMENT:**

A motion was made by Planning Commission Member Brown, seconded by Planning Commission Member Hallan, to adjourn the meeting. All members voted "aye". Motion carried. The meeting was adjourned at 7:54 p.m.

Respectfully submitted,

Dawn Bittner  
Zoning Administrator