

**MINUTES
PEQUOT LAKES PLANNING COMMISSION
REGULAR MEETING
APRIL 18, 2013**

PRESENT: Deb Brown, Mark Hallan, James Oraskovich, Cheri Seils, Scott Snyder, and Wesley Wilson. ABSENT: J. J. Levenske.

CITY PLANNER: Justin Burslie, Community Growth Institute

ZONING ADMINISTRATOR: Dawn Bittner

COUNCIL LIAISONS: Jerry Akerson and Scott Pederson

The meeting was called to order by Chair Seils at 6: p.m.

GATEWAY DISCUSSION:

Mr. Burslie explained this discussion is the CSAH 11 gateway; there are two other gateways. The draft Memo was discussed; this Memo was the result of earlier discussions from the current alignment of State Highway 371 to Bergquist Drive.

Roundabouts: The City will need to see a traffic study to determine the design.

Trails: Approved the draft language.

Sidewalks: Approved the draft language.

Landscaping: Change “local artists” to “any artists”.

Pedestrian Scaled Lighting: Street lighting identifies the entrance to towns.

Parking: Parking should be short and long term goals. Once the new alignment is built, the excess right-of-way along the former highway could be used for large vehicle/trailer parking.

Planning Commission Member Wilson stated that there are criteria that must be met for roundabouts; senior centers, schools or heavy pedestrian traffic areas are not suitable for roundabouts. There are no pedestrian controls. A School Board representative attended the last meeting and did not want a roundabout at State Highway 371 and CSAH 11. The City Council should be ready for opposition. It is also difficult for trucks to go around them.

The Planning Commission reminded Mr. Wilson that a study of the corridor needs to be done first. These are suggestions for the County.

Discussion of CSAH 11 east of Bergquist Drive:

Bike/Snowmobile Trail: It is necessary to have a trail system east to Breezy Point.

Driving Lanes: That area of CSAH 11 functions as a road, not as a street. The lanes should be kept narrow and the width should be consistent with the remainder of CSAH 11 going west.

Sidewalks/Crosswalks: Sidewalks are a maintenance issue. It is not necessary to run sidewalks all the way to the new highway. Sidewalks should end at Bergquist Drive or go just beyond in front of Ideal Systems. On the south side of CSAH 11, the sidewalk should end at Gravidahl Drive at the Scandia garages.

Parking: There is no need for parallel parking now, but we need to plan for space to add it as the area is developed. Parallel parking on the north side should extend east to Bergquist Drive.

Lighting: There should be pedestrian scaled lighting to the interchange.

Median: There should be no medians.

Curb/Gutter: This is a huge expense; they should be included with the sidewalks east to Bergquist Drive.

It was noted that bike/pedestrian/snowmobile traffic needs to be included getting from one side of the new alignment to the other. We need to get trail traffic into town. It was suggested to check with the City of Ely as they have a trail system in town and they have a huge snowmobile business.

The Memo will be finalized and sent to Mike Loven, Public Work Supervisor, for his comments and will be brought back to the Planning Commission for review. It will then be sent to the City Council.

Discussion will also take place regarding the other two gateways.

Chair Seils opened the Public Hearings:

PUBLIC HEARINGS:

APPLICANT: Minnesota Heritage House, ElderCare of MN
Applicant requests a Conditional Use Permit for an Assisted Living Facility

Mr. Burslie explained the Staff Report. Applicant was represented by Randy Fossum and Jayson Revoir.

Applicants do not propose to change the use of the property; applicants plan to add an additional assisted living unit.

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Mr. Burslie stated he would like to add Findings of Fact Number 13 which should state: The proposed expansion requires a Conditional Use Permit as set forth in the original Conditional Use Permit issued by Crow Wing County in 2000.

The applicant had nothing further to add.

Planning Commission Member Oraskovich stated the application calls for blacktopping the existing gravel road. He asked if the roadway could be moved to the south to the top of the hill. Planning Commission Member Snyder asked if there was a safety concern where it now enters County Road 107.

Planning Commission Member Hallan stated that it is a County road and needs to be addressed by the County. Mr. Fossum stated that there will not be many more trips per day, just staff and visitors. There would be no additional deliveries. The bituminous would take care of the washout problem. Mr. Hallan further stated that the County approved the original Conditional Use Permit with the roadway in its present location.

Planning Commission Member Hallan stated that the County has dealt with major washouts over the years, but whoever does the final site design, to have them run the stormwater into the ditch with proper vegetation to handle the stormwater.

Mr. Burslie stated that the Staff Report does not request the paving to be completed. Planning Commission Member Hallan stated the paving needs to be part of this construction. Mr. Revoir stated that they will tar to the new building as part of this construction, phasing the remainder of the existing roadway and parking areas.

Public comment: None.

A motion was made by Planning Commission Member Snyder, seconded by Planning Commission Member Wilson, to approve the Conditional Use Permit, based on the following thirteen Findings of Fact:

1. The proposed development, with conditions, is an appropriate conditional use in the Rural Residential zone.
2. The proposed use conforms to the Comprehensive Plan as the proposed use maintains the rural character of the property. The subject property is currently used for similar purposes and expanding the existing use would not conflict with the future plans for the area. The Future Land Use map identifies the subject property as Rural Residential.
3. The neighborhood surrounding the subject property consists of rural residential properties. The proposed use, with conditions, is compatible with the surrounding neighborhood.

4. 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.
5. The proposed use will not be injurious to the use and enjoyment of surrounding property.
6. The proposed use, with conditions, will not impede the normal and orderly development and improvement of surrounding vacant properties.
7. The proposed use will utilize onsite sewer and water systems. There will be a slight increase of traffic on County Road 107. The public cost for facilities and services for the proposed development will not be detrimental to the economic welfare of the community.
8. The proposed use will be accessed by a private drive.
9. The proposed development contains adequate off-street parking.
10. The proposed use will not generate any offensive odor, fumes, dust, noise, or vibrations that will be a nuisance to neighboring properties.
11. The proposed use will not destroy any natural or scenic features. There are no known historical features of major significance on the subject property.
12. The proposed use will promote the prevention and control of pollution of ground and surface waters. All stormwater generated on the subject property will be contained onsite.
13. The proposed expansion requires a Conditional Use Permit as set forth in the original Conditional Use Permit issued by Crow Wing County in 2000.

And subject to the following Condition:

1. The landscaping plan dated 3/20/13 shall be implemented in full. The landscaping shall be maintained and kept free of weeds and debris.

All members voted "aye". Motion carried.

APPLICANT: Leanne Evenson

Applicant requests to Rezone from Agriculture to Forest Management

Mr. Burslie explained the Staff Report. Applicant was represented by Pat Trotter, Stonemark Land Surveying.

Mr. Burslie explained that the Planning Commission would need to make a recommendation to the City Council. Planning Commission Member Hallan asked if Staff had considered the Rural Residential zone rather than Forest Management. Mr. Burslie explained Staff had recommended Forest Management due to the Future Land Use Map.

Mr. Trotter stated Forest Management gives the property owner more flexibility. Mr. Burslie stated Rural Residential would have created flag lots with narrow access points and large areas to the rear.

Public comment: None.

A motion was made by Planning Commission Member Oraskovich, seconded by Planning Commission Member Snyder, to recommend the City Council approve the Rezone request, based on the following fifteen Findings of Fact:

1. The applicant is proposing to rezone 12.56 acres of a 37.56 acre tract from “Agriculture” to “Forest Management.”
2. The subject property does not contain any natural sensitive areas.
3. The subject property is privately owned. The property owner has not indicated any plans for future development.
4. The subject property is not within the Shoreland Area and no Shoreland soil types have been identified.
5. The only lowland on the subject property is in the lower southeast corner. The remaining area appears to be buildable.
6. The vegetative cover of the subject property consists of trees and grasses.
7. The subject property is not adjacent to a public water body. “In-water physical characteristics” and recreational use of surface water do not apply.
8. The subject property has 1,050 feet of frontage adjacent to County Road 112.
9. The proposed rezoning does not increase the socio-economic development needs of the public.
10. The public sewer and water utilities are not available in the vicinity of the subject property. There are no plans to extend the public utilities to the area of the subject property.
11. The subject property does not contain any known significant historical or ecological value.
12. The applicant wishes split the subject property into two tracts. The southern tract must be rezoned to “Forest Management” so it meets the “total lot area” requirement of the Ordinance.
13. The subject property is surrounded by “Rural Residential,” “Forest Management,” and other properties zoned “Agriculture.” The proposed reclassification is not considered “spot zoning.”
14. The proposed rezoning is in conformance with the City of Pequot Lakes Comprehensive Plan. The proposed zone will require the subject property to remain in large tracts, preserving the rural character in this part of the City.
15. The future land use map identifies the subject property as “Agriculture.” Rezoning a portion of the subject property to “Forest Management” is compatible with that classification and with the future land use map.

All members voted “aye”. Motion carried.

APPLICANT: Charles B. and Beverly G. Peterson
Applicant requests to Rezone from Forest Management to Rural Residential and Commercial

Mr. Burslie explained the Staff Report. Applicant was present, along with Pat Trotter, Stonemark Land Surveying.

The colored map included in the Staff Report was discussed. Planning Commission Member Hallan asked why there is a portion being left Forest Management. Mr. Burslie explained that there have been several subdivisions and rezones in the past. The City is working with the applicant to get this property where it should be by taking baby steps. Platting the property is not an option at this time; a Metes and Bounds Subdivision will take place if the Rezone is approved.

Public comment: None.

A motion was made by Planning Commission Member Snyder, seconded by Planning Commission Member Brown, to recommend the City Council approve the Rezone request from Forest Management to Rural Residential and Commercial, based on the following Findings of Fact:

On the Property to be Rezoned Rural Residential:

1. The applicant is proposing to rezone 6.3 acres of a 25.75 acre tract from “Forest Management” to “Rural Residential.”
2. The subject property does not contain any natural sensitive areas.
3. The subject property is privately owned. The property owner has not indicated any plans for future development.
4. The subject property is within the Shoreland Area but no Shoreland soil types have been identified.
5. There does not appear to be any lowland area on the subject property. All of the 6.3 acres appear to be buildable.
6. The vegetative cover of the subject property primarily consists of trees. There is a small clearing on the subject property.
7. The subject property is not adjacent to a public water body. “In-water physical characteristics” and recreational use of surface water do not apply.
8. The property has sufficient frontage on County Road 168 and Hurtig Road.
9. The proposed rezoning does not increase the socio-economic development needs for the public.
10. The public sewer and water utilities are not available in the vicinity of the subject property. There are no plans to extend the public utilities to the area of the subject property.
11. The subject property does not contain any known significant historical or ecological value.

12. The applicant wishes split the subject property currently zoned “Forest Management” into three parcels. The portion to be rezoned to Rural Residential meets the minimum area requirements of the Ordinance.
13. The subject property is adjacent to properties zoned Shoreline Residential, Rural Residential, Forest Management, Commercial, and Rural Preservation. The proposed reclassification is not considered “spot zoning.”
14. The proposed rezoning is in conformance with the City of Pequot Lakes Comprehensive Plan. The rezoning and subsequent subdividing will “clean-up” previous rezoning and parcel configuration issues.
15. The proposed rezoning is not entirely in conformance with the City of Pequot Lakes Future Land Use Map. The map identifies the subject property as Forest Management. Previous rezoning and parcel reconfiguration have created a unique circumstance for the subject property. The rezoning of the property to Rural Residential will not negatively impact the subject property or surrounding properties.

On the Property to be Rezoned Commercial:

1. The applicant is proposing to rezone 2.18 acres of a 25.75 acre tract from “Forest Management” to “Commercial.”
2. The subject property does not contain any natural sensitive areas.
3. The subject property is privately owned. The property owner has not indicated any plans for future development.
4. The subject property to be rezoned Commercial is not within the Shoreland Area No Shoreland soil types have been identified.
5. There does not appear to be any lowland area on the subject property. All of the 2.18 acres appear to be buildable.
6. The vegetative cover of the subject property primarily consists of trees and grasses.
7. The subject property is not adjacent to a public water body. “In-water physical characteristics” and recreational use of surface water do not apply.
8. The property has sufficient frontage on County Road 168 and Hurtig Road.
9. The proposed rezoning does not increase the socio-economic development needs for the public.
10. The public sewer and water utilities are not available in the vicinity of the subject property. There are no plans to extend the public utilities to the area of the subject property.
11. The subject property does not contain any known significant historical or ecological value.
12. The applicant wishes split the subject property currently zoned “Forest Management” into three parcels. The portion to be rezoned to Commercial meets the minimum area requirements of the Ordinance.
13. The subject property is adjacent to properties zoned Shoreline Residential, Rural Residential, Forest Management, Rural Residential, and Rural

- Preservation. The proposed reclassification is not considered “spot zoning.”
14. The proposed rezoning is in conformance with the City of Pequot Lakes Comprehensive Plan. The rezoning and subsequent subdividing will “clean-up” previous rezoning and parcel configuration issues.
 15. The proposed rezoning is not entirely in conformance with the City of Pequot Lakes Future Land Use Map. The map identifies the subject property as Forest Management. Previous rezoning and parcel reconfiguration have created a unique circumstance for the subject property. The rezoning of the property to Commercial will not negatively impact the subject property or surrounding properties.

All members voted “aye”. Motion carried.

Chair Seils closed the Public Hearings.

ADDITIONS OR DELETIONS TO AGENDA: None.

OPEN FORUM: None.

NEW BUSINESS:

a. Wellhead Protection Plan Update:

Bittner provided a brief explanation of the update and why the Drinking Water Supply Management Area has been reduced in size.

b. Metes and Bounds Subdivision, Charles Peterson, applicant:

Mr. Burslie explained the Staff Report. Applicant was present, as well as Pat Trotter, Stonemark Land Surveying.

Mr. Burslie explained that this request would need to be approved subject to the Rezone request earlier being approved by the City Council.

Mr. Peterson provided an explanation of the original zoning from Crow Wing County.

Mr. Burslie explained that platting would clean up this parcel, but that is not being done at this time.

A motion was made by Planning Commission Member Snyder, seconded by Planning Commission Member Wilson, to approve the Metes and Bounds Subdivision, contingent upon the City Council approving the earlier Rezone request, based on the following Findings of Fact:

1. The subject property is currently zoned Forest Management. The property owner has applied to rezone "Tract B" to Rural Residential and the "Remainder Tract" to Commercial.
2. Each of the proposed tracts meets the requirements of their respective proposed zoning districts.
3. "Tract A" meets the requirements of the Forest Management Zone, "Tract B" meets the requirements of the Rural Residential Zone and the "Remainder Tract" meets the requirements of the Commercial Zone.
4. The single existing structure on the subject property meets the requirements of the Commercial Zone.
5. None of the proposed parcels contain a private sewer system. Each of the proposed parcels has sufficient space for the installation of private sewer systems.
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. Each of the proposed parcels contains more than 33-feet of frontage on public right-of-way.
11. Each of the proposed properties meets the requirements of the code for stormwater management.
12. There are no public streets proposed within the development.

All members voted "aye". Motion carried.

c. Off-site Signage, Discussion:

Bittner explained that Staff has been contacted by an individual requesting to rent space in order to place a sign for her business, after being informed she could not just place a sign as off-site signs are not allowed. She had indicated to Staff that she may rent a closet to store supplies.

It was the consensus of the Planning Commission that this would not be an allowed use. A Sign Concept Plan would have allowed something more than outlined in the ordinance.

The Planning Commission further stated that she would need to occupy space and have a physical presence to advertise her business with a sign.

Staff was directed to inform her that an Ordinance Amendment may be an option, but to also let her know how discussions on signs have gone in the past.

d. Trailside Park:

Mr. Burslie explained the City Council has asked the Planning Commission for a recommendation to acquire the Trailside Park property. The park is currently

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owned by the Department of Natural Resources and the City has negotiated a deal with them to purchase the property. The Comprehensive Plan references the Park several times and the City needs to make it a vital part of our community.

Mr. Burslie stated that there is one deed restriction that the use must continue as recreational trail use.

A motion was made by Planning Commission Member Snyder, seconded by Planning Commission Member Oraskovich, that the acquisition of the Trailside Park property from the Department of Natural Resources is in conformance with the Comprehensive Plan and recommends the City move forward with the acquisition. All members voted "aye". Motion carried.

OLD BUSINESS:

a. Used Car Lot, Nathan Walberg:

Mr. Burslie explained the Staff Report and read the July 17, 2012 Land Use Permit approval: to operate a used car lot per Planning Commission approval limiting the total number of cars to 18, with no more than 3 cars in the repair booth..." Mr. Burslie explained that Staff had originally suggested a Conditional Use Permit; Staff and the Planning Commission worked with the applicant and issued the Land Use Permit to allow 18 cars. The City has a responsibility to address complaints.

Mr. Walberg stated when he agreed to 18 cars he was new to the business and now has a better understanding of the business. He stated Pequot Auto has 29 vehicles, plus U-Hauls and Dotty Auto has 23 vehicles. He is not looking for special treatment, just a level playing field. He needs a little leeway on the number of vehicles.

The Planning Commission reminded him that both Dotty Auto and Pequot Auto operate with Conditional Use Permits.

Mr. Burslie explained that a Conditional Use Permit would set guidelines to get him started.

Mr. Walberg asked the cost of a Conditional Use Permit. Staff stated she believed a Commercial Conditional Use Permit is \$450, plus a \$46 recording fee.

Planning Commission Member Snyder asked if 18 vehicles are not enough, what number would work. Mr. Walberg stated 25. Mr. Snyder suggested the landlord assist with the Conditional Use Permit fee.

Planning Commission Member Hallan stated that initially Mr. Walberg didn't want to go through the Conditional Use Process; he wanted to see how this worked out. Mr. Hallan further stated that if Mr. Walberg plans to grow his business, sooner or later he is going to need a Conditional Use Permit.

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Mr. Walberg stated the City needs to offer a choice.

Planning Commission Member Brown stated as a small business owner herself, she can appreciate where he is coming from. Ms. Brown further stated the Planning Commission had looked at the definitions initially and looked at alternative ways to make his business work without a Conditional Use Permit. She further stated she is disappointed there have been complaints and that the number of vehicles allowed are not going to work. A Conditional Use Permit may be the best way to go.

Mr. Walberg stated that based on the limited number of vehicles he can't make it work. There are other things he needs worse than a Conditional Use Permit, such as a snow plow and a hoist.

Planning Commission Member Brown stated that there had been discussion of definition of what he was trying to accomplish. Planning Commission Member Hallan stated that was when the number of vehicles was increased.

Planning Commission Member Snyder asked if he would be willing to move forward with a Conditional Use Permit. That may increase inventory and help him stay in business.

Planning Commission Member Oraskovich stated he is not comfortable as a new member to raise the number of vehicles; it seems the Planning Commission has worked with Mr. Walberg in the past.

Mr. Walberg stated he could not find ordinances for any other cities that regulate the number of vehicles. Chair Seils stated the number of vehicles are regulated through the Conditional Use process.

Planning Commission Member Hallan stated screening, such as a fence, would be more expensive than the Conditional Use Permit. The Planning Commission has helped him with baby steps; it may be time for a Conditional Use Permit.

Planning Commission Member Hallan further stated that the Planning Commission gave a guideline and that guideline is going to hold unless Mr. Walberg comes in for a Conditional Use Permit.

Planning Commission Member Snyder stated that if the City is moved toward enforcement, Mr. Walberg will be required to get a Conditional Use Permit. He advised Mr. Walberg to budget for a Conditional Use Permit so complaints can be dealt with that way.

Council Member Akerson asked if Mr. Walberg would be able to park excess vehicles off site. Mr. Walberg stated that might be an option.

Mr. Walberg asked if his permit could be amended to 21 vehicles and that he would reduce the existing number down over the next month.

It was the consensus of the Planning Commission to leave the number at 18 and that the City would not be going out to count vehicles right away.

Council Member Pederson stated Mr. Walberg needs a Conditional Use Permit before other items on his wish list.

Bittner reported she observed more than 15 vehicles in the front and more than 13 vehicles in the rear from the right-of-way south of the property this morning.

APPROVAL OF MINUTES:

A motion was made by Planning Commission Member Snyder, seconded by Planning Commission Member Brown, to approve the March 21, 2013 Minutes, as read. All members voted “aye”. Motion carried.

ZONING ADMINISTRATOR’S REPORT:

Bittner pointed out that there were no Land Use Permits issued in March, although the application numbers are similar to the previous three years.

The following correspondence was discussed:

1. Bittner informed the Planning Commission that if they have anyone in mind to fill the upcoming vacancy on the Planning Commission to speak directly to the Mayor.
2. DK Holdings – Council Member Akerson asked about the need for a sign permit. Bittner explained the new sign for Quest requires a permit and the new placement of the other signs will be included.

The following Potential Violations/Enforcement Actions were discussed:

1. Virgil Dahl – Bittner informed the Planning Commission that Mr. Dahl has not responded to the letter.

ADJOURNMENT:

A motion was made by Planning Commission Member Snyder, seconded by Planning Commission Member Hallan, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 8:16 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Administrator
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