

MINUTES
PEQUOT LAKES PLANNING COMMISSION
REGULAR MONTHLY MEETING
MAY 15, 2014

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

CITY PLANNER: Justin Burslie, Community Growth Institute

ZONING ADMINISTRATOR: Dawn Bittner

COUNCIL LIAISONS: Jerry Akerson and Dave Sjoblad

DOWNTOWN PLAN UPDATE:

The Planning Commission Members met at the Sibley Lake Park to discuss the addition of bike lanes on West Sibley Street from the Paul Bunyan Trail to Sibley Lake Park.

Mr. Burslie explained the City Engineer had requested input from the Planning Commission regarding future placement of street lights as streets are improved. It was the consensus to include street lights throughout the Downtown Mixed Use zone. Mr. Burslie will forward the DMU map to the City Engineer.

Mr. Burslie also stated Mayor Adams plans to create an aesthetic committee that would make decisions regarding the style for street lights, benches, etc.

The meeting was called to order by Chair Seils at 7:00 p.m.

Chair Seils opened the Public Hearings.

APPLICANT: Wilderness Resort Villas, LLC

Applicant requests Preliminary Plat of CIC 1079 (Third Amendment)

Jeff Miller represented applicant. Mr. Burslie explained the Staff Report.

Mr. Burslie stated a new Preliminary Plat had been submitted after the Staff Report had been completed. The changes between the Preliminary Plat included in the Staff Report and the new submittal are outlined in the email attached. Prior to Final Plat approval the City will need to receive a letter from the MPCA stating that the sewer can support everything on the property and a letter from the Department of Health that the water supply is sufficient.

Mr. Burslie explained the Grading and Drainage Plan and noted the 100-year storm event is identified on all basins and they meet the requirements.

Mr. Burslie stated he recommends the application be approved. The 25 conditions of the CUP need to be met before Final Plat approval. He read the 19 Findings of Fact and added the word “private” to Finding Number 9: The properties will be served by a private clustered sewage treatment system.

The Vegetation Plan submitted, L-1, does not identify what is required for the CUP for the entire property. Mr. Burslie presented one submitted in 2011 as an example. He again stated he recommends approval of the Preliminary Plat with the conditions for the CUP.

Mr. Miller stated Mr. Burslie did an excellent job explaining the process. Everything should be in order to move forward with the Preliminary Plat.

Public Comment Opened:

Ann Beaver, President of the Cullen Lakes Association, asked why the plat map shows 10-foot contours rather than 2-foot contours. Mr. Burslie stated the drainage maps indicate the 2-foot contours. Mrs. Beaver stated the ordinance states 2-foot unless waived by the Planning Commission; if the City is happy with 10-foot, she is okay with it also. She further stated that this is the first plat map that does not show the emergent vegetation. Mr. Burslie stated the City doesn't regulate under the OHW and it is not required to be included.

Mrs. Beaver further stated that this is the first time the wetlands have been indicated on the Preliminary Plat. Mr. Miller stated they were delineated on the first plat and the wetlands are not being impacted; no additional delineation has been done. Mrs. Beaver stated that in some communities it affects the setback. Mr. Burslie stated the setback is from the OHW, not the wetland. The setback from an inland wetland is 16 feet.

Mrs. Beaver asked if the golf cart parking areas should be shown on the Preliminary Plat. Mr. Miller stated that is not normally something to be included on a plat. Items that need to be recorded are included on a Preliminary Plat. The CUP has a lot of information including the golf cart parking which would not be shown on a plat. Mr. Burslie stated it might need to be if they were close to their impervious coverage limit, which they are not.

Mrs. Beaver stated the Landscaping Plan indicates nice landscaping with shrubs for the lodge. She asked if there was a plan that indicates the pine trees that Mr. Steffens stated

would be shown. Mr. Miller stated a committee may be formed to visit the site to document the trees.

Mrs. Beaver stated that the concerns of the lake association are the integrity of the shoreline between the buildings and the lake and the existing vegetation in the lake, adequate screening of buildings from the lake as the buildings are clustered but stretched out along the shoreline, and complete restoration of the second beach be completed and monitored.

Charlie Boudrye – Stated the Landscape Plan lists a plant schedule. He asked if that represents new plants or existing ones. It only indicates 2 white pines in the northwest corner of the lodge. There are no white pines shown between the lodge and the lake. Mr. Miller stated the Landscape Plan indicates new plantings. Trees are to remain in favor of new plantings. The Resort is just as concerned about maintaining the quality and integrity of the trees in the 125 foot setback from the lake. The majority of pines are in the setback and won't be removed. Mr. Boudrye further stated trees were removed on the east side for lake views in the past. He is concerned about views from the lodge.

Mr. Burslie asked Mr. Miller to describe the difference between the Preliminary Plat provided in the Staff Report and the new submittal on the table. Mr. Miller stated the survey company did another bluff determination and the area on the southwest portion of the point is not a bluff; it does not meet the bluff definition. The lots in that area were moved to the lake setback line instead of a bluff setback.

Mrs. Beaver asked if the City should get a third opinion on the bluff. Chair Seils stated professional surveyors determined it was not a bluff. Mr. Miller stated he does not remember what the definition was when the original plat was prepared or how it compares to the definition today. A certified survey company stated it is not a bluff and we should use that determination. The lots were shifted a little bit closer to the setback line.

Planning Commission Member Oraskovich stated a professional company completed the survey and he would be willing to go with that determination. Other reports state it is a bluff, but the new survey states it is not.

Council Member Sjoblad asked how much lower the density is with this plat. Mr. Burslie stated it is based off of square footage. The Preliminary Plat identifies what is allowed and what they are using. Mr. Miller stated the lodge is in the second tier. Mr. Burslie stated the Staff Report stated how the density is being decreased. It meets the requirements of the code.

Public Comment Closed.

Planning Commission Member Oraskovich asked if they can begin construction. Mr. Burslie stated that the conditions of the CUP have to be met before Final Plat approval.

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Oraskovich, to recommend approval of the Preliminary Plat, based on the following 19 Findings of Fact:

1. The property is zoned "Shoreline Commercial" and "Open Space."
2. A total of 18 lots are being removed from the previous plat and two additional lots are being added.
3. Lot Number 11 has been designated for the lodge building previously approved by the City.
4. The lodge building will be subdivided by a condominium plat in the future.
5. As a PUD, lot size dimensions are not factored in. Instead, overall density and density by tier is considered. This proposal meets the required density requirements.
6. No lots within the plat will require a variance for development.
7. The land is suitable for development without significant alteration.
8. The proposed subdivision includes several existing private roads. These roads will continue to be maintained by the resort association.
9. The properties will be served by a clustered sewage treatment system.
10. The lot lines are at standard angles and contain no unwarranted jogs or bends.
11. There are no significant historical sites indicated on the survey or known to be on site.
12. There is no indication that this development, with vigorous conditions instituted as part of the CUP process, will harm the health, safety, or welfare of the community.
13. Access to the property is off of adjacent public roadway.
14. The internal streets are privately owned and maintained.
15. No easements for utilities are required.
16. A stormwater management plan indicating the 100-year storm event can be managed on the subject property has been submitted.
17. An acceptable erosion control plan has been submitted.
18. The proposal includes no increase in City road maintenance costs, yet will increase city tax revenue. A cost-benefit analysis indicates no long-term cost for the Pequot Lakes taxpayer from this development.
19. A park dedication fee was paid during the initial platting. The City of Pequot Lakes will not require additional park dedication fee for the replatting of this property as the units are simply being realigned/reconfigured and there will therefore be no increase in park demand due to this development.

And subject to the following 25 Conditions of the Conditional Use Permit being met:
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 18 feet.
4. The first floor elevation will match existing grade within +/- 1.5 feet.

The Docking Systems:

5. The number and location of docking systems shall remain the same as previously approved.

Beach Areas:

6. The applicant shall demonstrate with a 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 165' 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 expansion of the beach areas.
10. In order to maintain the "up north" character referenced in the Comprehensive Plan and to protect the shoreline and Middle Cullen Lake, the resort may have one centralized beach area.
11. A beach area shall not be allowed on the east side of the point.
12. The existing beach area may be expanded to the length of the shoreline between the proposed boat ramp location and the west corner of the existing boat house.
13. The centralized beach area may not exceed existing width (landward).
14. A 1,920 sq. ft. "picnic area" shall be allowed to be located directly north of the location of "Dock System #2." (Site plan date dated 3/7/14). This area may not contain any impervious surfaces or permanent structures.
15. Any natural ice ridge that forms in picnic area shall not be altered.

Relocation of the boat ramp:

16. Proper permits shall be obtained from DNR before the boat ramp may be relocated.
17. Stormwater runoff shall be diverted away from the lake. Surface runoff at turnaround area and landward shall be diverted to stormwater features and not allowed to run directly down into the lake.

Road in the Shore Impact Zone:

18. 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.
19. Patrons of the resort shall not be allowed to use motorized vehicles (including golf carts) beyond barriers at the south end of the two designated parking areas (identified on the site plan dated 3/7/14).
20. 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.
21. Maintenance personnel 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:

22. A vegetation/screening plan for the entire property acceptable to the Planning Commission shall be submitted before construction activities commence.
23. A lighting plan for the entire property acceptable to the City shall be submitted before construction activities commence.
24. An updated professional stormwater management plan for the entire property including the proposed additional impervious surfaces (lodge, courts, automobile parking, golf cart parking, etc.) shall be submitted during the platting process.
25. The beach area on the east side of the point shall be re-vegetated and restored to its natural state.

Council Member Sjoblad asked if there was any way to monitor what is going on out there, such as tree cutting. Things have happened in the past with the trees. Chair Seils stated the lake association has been diligent. Planning Commission Member Oraskovich stated a committee could be in place to help monitor. Mr. Burslie stated in order to be sure the conditions are being met, the Council could require a bond.

Planning Commission Member Habein asked if the motion needed to be amended to set up a monitoring committee. Mr. Burslie stated it would not be a condition, but could be a side recommendation to the City Council that a committee be formed. Council Member Sjoblad stated it would be handled at the Council level.

All members voted "aye". Motion carried.

A motion was made by Planning Commission Member Habein, seconded by Planning Commission Member Oraskovich, to recommend the City Council form a group or

committee to monitor the redevelopment activities of Wilderness Resort Villas. All members voted “aye”. Motion carried.

APPLICANT: City of Pequot Lakes

Applicant requests an Ordinance Amendment

Mr. Burslie explained the Staff Report. The definition made the bottom measurements confusing. It had been suggested that dirt could be pushed up against a building making that the highest ground level to measure from. The amendment would include “average ground level adjoining”.

Public Comment: None.

A motion was made by Planning Commission Member Oraskovich, seconded by Planning Commission Member Habein, to recommend approval of the ordinance amendment regarding building height. All members voted “aye”. Motion carried.

Chair Seils closed the Public Hearings.

ADDITIONS OR DELETIONS TO AGENDA:

Add to New Business – Wilderness Resort Tree Cutting

OPEN FORUM: None

NEW BUSINESS:

Wilderness Resort – Tree Cutting

Mr. Burslie explained Staff had received a complaint and pictures of tree cutting taking place at Wilderness Resort. The pictures looked as though the trees were not alive. He further explained that screening being cut away is a concern. Council Member Sjoblad stated that this is what his concern earlier was about.

Mr. Miller stated he was upset after receiving the pictures. When he asked, Staff informed him that names are confidential for zoning violation complaints.

Mr. Miller stated no one had authorized anyone to be on the property to take the pictures and that they were not taken from the lake. The pictures were taken to cause undue problems for the owners and developer of the Resort. Each stump was from a dead tree; the dead tree is still lying next to the stump. The trees were omitted from the pictures.

Mr. Miller further stated the pile of logs were from the new construction site of Units 25 & 26. Those stumps are still out there as well. This complaint process is just creating problems for the Resort that the Planning Commission has to address. The Resort is not cutting down live trees; they were dead. It is a liability to leave dead trees standing.

Mr. Miller stated he welcomes a committee being created by the Planning Commission and the City Council. He wants the committee to be on the property and make recommendations that the committee would want changed. He further stated he does not welcome the lake association being a part of that committee. He feels the lake association is more interested in creating roadblocks than working with the Resort. Pictures are not the same as being on site. He would like each member to be on site and walk with them to explain the things that have been done.

Mr. Miller explained the Resort does not want to be a problem. They are creating a nice amenity for the City and the lake association should not feel it is nothing but harmful. Another property owner was in attendance. Mr. Miller would like a committee created to come out and meet with representatives of the Resort, review what is taking place and make recommendations to make the project better. He does not like being chastised because someone took deceptive pictures.

Planning Commission Member Habein stated everyone should go out at least once to take a look at the property; you visualize things differently. Mr. Miller agreed.

Planning Commission Member Oraskovich agreed to the creation of a committee. He stated he lives in that part of the community and rides his bikes down there. He would like to be involved to help monitor the property. The Planning Commission has seen the pictures of the shoreline and things that are a concern. These items should be addressed upfront. Mr. Miller would welcome that.

Lowell Bonnema – Stated he is an owner and the pictures upset him. The pictures were taken to mislead the Planning Commission; it was very vindictive. He stated he is a member of the lake association and respects the lake association. The Resort used to be a dump project and now is a beautiful addition to the City. He takes exception of the lake association taking shots at the Resort. He stated he is speaking for most of the owners.

Planning Commission Member Brown stated it is important to develop the committee. It makes it difficult for the Planning Commission when these things keep coming up; it makes the Planning Commission skeptical.

Council Member Akerson stated it is important that people don't come to these meetings with preconceived notions. Focus on the future instead of the past. We all have made mistakes and the committee is good for both sides. It is important to not come here with preconceived notions on all projects, not just this one.

OLD BUSINESS:

a. James Byrne Accessory Structure Update

Mr. Burslie explained the Staff Report. The bullet points are statements made by the property owner. The photo was taken May 6, 2014. Applicant will re-measure to confirm Planning Commission Member Hallan's report. Mr. Burslie further stated it is not the intent of the ordinance to add dirt along the bottom to meet the height measurement.

Council Member Akerson stated the upper porch does not look usable.

Planning Commission Member Oraskovich questioned the intended use. Mr. Burslie stated Staff was not invited inside to observe how the structure was being used. Planning Commission Member Oraskovich stated Mr. Byrne could try piling up dirt, but let's make him change it.

Mr. Burslie stated the options are listed in the Staff Report. Mr. Byrne was receptive to the after-the-fact Variance.

Council Member Sjoblad stated he doesn't want the City setting a precedent by allowing people to buy their way out of a problem.

It was the consensus of the Planning Commission that Mr. Byrne provide his measurements to the City prior to the next Planning Commission meeting, June 19, 2014.

APPROVAL OF MINUTES:

A motion was made by Planning Commission Member Oraskovich, seconded by Planning Commission Member Brown, to approve the April 17, 2014 Minutes, as read. All members voted "aye". Motion carried.

P & z ADMINISTRATOR'S REPORT:

Bittner pointed out the 6 permits issued in April, as well as the 8 letters sent. The following Potential Violations/Enforcement Actions were discussed.

- Virgil Dahl – Staff reported that a hearing has been scheduled for June 3, 2014 at 6:00 p.m. to consider adopting an order declaring his property a public nuisance.
- John and Barbara Derksen – Chief Klang spoke with Mr. Derksen May 13 and was given 2 weeks to remove debris.
- Lakes Jam – Staff reported Lakes Jam asked if their banners could be allowed if they added “Proud Sponsor Of” to their banners. The banners are only placed on the properties of their sponsors. Council Member Sjoblad stated he is not in favor of offsite signs, but if our local businesses are sponsoring a local event, they are promoting their own businesses as well. Council Member Akerson stated signs along corridors create excitement, though he has never agreed with our sign ordinance. Planning Commission Member Oraskovich stated that there are other ways to advertise, such as radio, newspapers, etc. If one is allowed to do it, then you will surely need to address it with someone else. Council Member Sjoblad stated that it sets well with him; he would approve of adding “sponsored by”. This event is good for the whole area. Planning Commission Member Wilson stated it would also help the business displaying the sign. It was the consensus of the Planning Commission to allow Lakes Jam to display their banners only on the property of their sponsors and by adding “Proud Sponsor Of” to the banners.

ADJOURNMENT:

A motion was made by Planning Commission Member Brown, seconded by Planning Commission Member Habein, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Administrator