

**MINUTES
PEQUOT LAKES PLANNING COMMISSION
REGULAR MEETING
JUNE 19, 2014**

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

CITY PLANNER: Justin Burslie, Community Growth Institute

ZONING ADMINISTRATOR: Dawn Bittner

COUNCIL LIAISON: Jerry Akerson

DOWNTOWN PLAN UPDATE:

Mr. Burslie explained last month we discussed transportation improvements, such as the painted bike lanes; this month we are going to talk about items that could revitalize the downtown. The Park Board should be involved in these items.

The vegetation enhancements in the Trailside Park were discussed. Staff will go to the Park and rework the items included in the Staff Report and supply a map. The Planning Commission will meet there at an upcoming meeting.

The meeting was called to order by Vice-Chair Brown at 7:00 p.m. Vice-Chair Brown opened the public hearings.

PUBLIC HEARINGS:

**APPLICANTS: Post #49 American Legion, Brainerd Lakes Chamber of Commerce – Pequot Office, and Pequot Lakes Public Schools
Applicants Propose an Amendment to the Sign Ordinance Regarding Digital Signs**

Mr. Burslie explained the Staff Report and corrected the applicant as listed in the Staff Report. The amendment request was not included in the Staff Report and was available at the table. The American Legion was present.

Mr. Burslie stated the ordinance does not have criteria for an ordinance amendment. Two Findings of Fact are provided in the Staff Report. The Planning Commission sends

a recommendation to the City Council. He further stated that many hours have been spent discussing digital signs and that they are in direct conflict with the Comp Plan.

Randy King, Commander of the American Legion – Stated the Legion purchased two 18” X 48” signs. The signs are programmable to change or scroll and color can be toned down. They would like to place the signs along County Road 11. Advertisement is important for their business; they could advertise special events and dinners at the Legion, as well as the music entertainment the City has in the Park. The Legion provides funds for many different things in the community.

Mr. King further stated that competition is constantly growing. The Legion is struggling to get younger veterans to join the club. Younger people are drawn to this type of advertising. It would be in good taste and he is willing to bring a sign in and set up for the Planning Commission to view. He believes \$1,500 has been invested in the signs.

Public Comment: None.

Vice-Chair Brown read the email received from former Planning Commission Chair Tom Woog.

Planning Commission Member Habein stated that Mr. Woog spent a considerable amount of time discussing signs as a former Planning Commission Member and his letter holds a lot of merit and the Planning Commission should take heed. A lot of people are against digital signs and the Comprehensive Plan is against it, more or less. We should take all of this into consideration, not just the businesses and merchants, but the community as well. Planning Commission Member Engels concurred.

Planning Commission Member Oraskovich stated he is new to the Planning Commission and read the Staff Report thoroughly. There are not many digital signs in Nisswa or Pine River. There are not many towns our size that have digital signs. At first he thought it would be all right for the Legion, the School and the Chamber to have digital signs, but after reading that everyone in that designated area could have one, he no longer agreed. The sign ordinance is a tough thing to change and in the best interest of the community, we should leave as is.

Planning Commission Member Hallan stated that no off premise signs are allowed. The School District had previously requested an off premise sign; if amendment was approved, they would be allowed to place a digital sign on their property.

Planning Commission Member Hallan further stated that our ordinance states signage has to be on the building or a freestanding sign on the property; 10% of building façade for signage on the building and square footage limit for freestanding sign. The proposed

Minutes

Pequot Lakes Planning Commission

June 19, 2014

amendment states dynamic displays are not allowed within 100 feet of a residential property. It would be allowed for anyone else in the Downtown Mixed Use zone except those businesses near the residential home. It should either be allowed for everyone or not allowed. You can't treat businesses differently in the same zone. An electronic sign has the ability to be many signs.

In addition, Planning Commission Member Hallan stated that if dynamic signs are allowed, they should not be in addition to signage already allowed. There needs to be a certain factor to restrict allowable area; on premise only with a primary structure.

Planning Commission Member Wilson stated it is getting harder and harder to go out and manually change the signs. The School, Senior Center and Legion could all benefit from this type of sign. The School has activities that he was only made aware of from talking to other parents. The Legion has a portable sign on the ground that is hard to see and is an eyesore. We don't want the blue flashing sign like Holiday in Nisswa, but is this type of information sign taking away from the "up north" appeal?

Vice-Chair Brown stated she has been through these types of discussions in the past. If this amendment were approved everyone in the Downtown Mixed Use zone can have a digital sign. What does that look like for Pequot Lakes? Is that the "feel" we want for Pequot Lakes? She stated she understands the position of the Legion. Technology is such that people are texting and on line. The School sends out texts and has online information. We can't limit these signs to non-profits.

Planning Commission Member Habein stated the Planning Commission should listen to Staff. Staff recommends the amendment not be approved. Mr. Burslie stated his basis for that recommendation is from the Comprehensive Plan, which the City has approved. The recommendation is based on prior decisions made by the public.

A motion was made by Planning Commission Member Hallan, seconded by Planning Commission Member Habein, based on tonight's discussion, having no value in tabling the request, and not very many people giving input, although applicant offered to bring signs in to look at, the Planning Commission recommends that the ordinance remain as is with no modification with respect to digital displays.

ROLL CALL VOTE: Todd Engels: Aye; Bill Habein: Aye; Mark Hallan: Aye; James Oraskovich: Aye; Wesley Wilson: Nay. Motion Carried. Ayes – 4; Nay – 1.

APPLICANTS: William and Ruth Habein
Applicants Request to Rezone from Forest Management to Rural Residential

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

Public Comment – None.

A motion was made by Planning Commission Member Oraskovich, seconded by Planning Commission Member Hallan, to recommend the City Council rezone this parcel from Forest Management to Rural Residential, based on the following Findings of Fact:

1. The applicant is proposing to rezone the property located at 4143 County Road 16 from “Forest Management” to “Rural Residential.”
2. The subject property does not contain any natural sensitive areas.
3. The applicant is the property owner and the property owner intends to subdivide the subject property into two parcels.
4. The subject property is not within the Shoreland Area.
5. There does not appear to be any lowland area on the subject property.
6. The subject property exceeds the minimum buildable area requirement of the code.
7. The vegetative cover of the subject property primarily consists of trees.
8. The subject property is adjacent not adjacent to a water body, hence the rezoning will not impact any in-water physical characteristics.
9. The property has sufficient frontage on County Road 16.
10. The proposed rezoning does not increase the socio-economic development needs for the public.
11. The public sewer and water utilities are not adjacent to the subject property. There are no plans to extend the public utilities to the subject property.
12. The subject property does not contain any known significant historical or ecological value.
13. The subject property is adjacent a property zoned “Rural Residential.” The other properties adjacent to the subject property are located in the City of Jenkins.
14. The proposed reclassification is not considered “spot zoning.”
15. The proposed rezoning is in conformance with the City of Pequot Lakes Comprehensive Plan.
16. The future land use map identifies the property as “Forest Management.” Other properties in the vicinity of the subject property are classified as “Rural Residential.”
17. The subject property meets minimum requirements for the “Rural Residential” zone.

And subject to the following Condition:

1. Within three months, the private sewer system on the property shall be inspected. The report shall be filed with the City of Pequot Lakes.

All members voted “aye”. Motion carried. Planning Commission Member Habein abstained.

Vice-Chair Brown closed the public hearings.

ADDITIONS OR DELETIONS TO AGENDA: None.

OPEN FORUM: None.

NEW BUSINESS:

a. Timber Harvesting in Rural Residential Zone

Mr. Burslie explained the Staff Report. If the property is zoned Forest Management, the owner can come in with a Forest Management Plan and Clear Cutting, as defined, is allowed with a Conditional Use Permit.

Planning Commission Member Habein stated that it shouldn't matter whether you have 40 acres or 5 acres, whether Forest Management or Rural Residential. There are some types of trees that have to be removed every so many years in order to keep the woods healthy. Poplar is one of them. Intensive Vegetation Removal should be allowed in the Rural Residential zone if you want your woods to stay healthy. He stated he could have tabled his earlier hearing to Rezone to next month and clear cut his 26.5 acres and been perfectly legal. Mr. Burslie stated he would have had to receive a Conditional Use Permit and submitted a Forest Management Plan.

Mr. Burslie stated he is not arguing how forestry is done; it is not allowed in the Rural Residential zone. Planning Commission Member Habein stated you can't preserve poplar, jack pine or oak. They need to be harvested to get regrowth.

Planning Commission Member Habein further stated it is difficult to find someone to come in to harvest 10 to 20 acres. Kevin Brown, area forester, in attendance, is able to come into one area and start with one parcel, and then move on to other that are close enough to harvest their wood.

Mr. Burslie stated that the definition of Intensive is not making a field. Kevin Brown stated most people do not want to cut the oak trees. There is a need in this area to harvest the smaller tracts.

Mr. Burslie further stated that looking at the definition of Clear Cutting, if less than 75% is removed, it is not Clear Cutting.

Planning Commission Member Hallan suggested making Clear Cutting a CUP in the Rural Residential zone. That way the foresters can coordinate multiple parcels in an area.

Kevin Brown stated providing a Forest Management Plan will not be a problem. He asked if the Management Plan could just be taken to Staff rather than to a Planning Commission meeting. Mr. Burslie stated we would need to amend the ordinance from a CUP and change to Permitted.

Staff was directed to bring this matter to the next Planning Commission meeting with public notification to modify the matrix for Vegetation Removal, Clear Cutting as Permitted uses in the Forest Management and Rural Residential zones.

Kevin Brown stated the DNR is willing to attend an upcoming meeting to offer support for tree harvesting.

Planning Commission Member Habein asked if he could move forward with vegetative removal if it didn't exceed 75%. He hoped to receive an interpretation at tonight's meeting.

Vice-Chair Brown asked what percentage he planned to cut. Mr. Habein stated 60 to 65%. Kevin Brown had done the estimate.

Mr. Burslie stated that as per the definition of "Vegetation Removal, Clear Cutting," vegetation removal under 75% is not considered clear cutting and would not require a CUP. Mr. Habein can harvest without a Management Plan and cut within that 75% limit.

Staff was directed to provide a proposed amendment to 50% with a Management Plan next month.

It was the consensus of the Planning Commission that if documentation is provided, the Saxvold property can also be harvested if less than 75%, with a Management Plan.

b. Direct Sale of Tax Forfeit Land

Mr. Burslie explained the Staff Report. He would like to add as a Condition that the lot be consolidated to the adjacent property.

A motion was made by Planning Commission Member Hallan, seconded by Planning Commission Member Oraskovich, to recommend the City Council approve the property

be reclassified to “non-conservation” and the property be offered for sale to the adjacent property owner, subject to the following Condition:

1. This lot must be consolidated with the adjacent property.

All members voted “aye”. Motion carried.

c. Metes and Bounds Subdivision, William and Ruth Habein

Mr. Burslie explained the Staff Report. Mr. Habein was present. Staff recommends the application be approved with the following Condition:

1. The application shall be null and void if the City Council denies Rezoning Application 14-4259.

A motion was made by Planning Commission Member Oraskovich, seconded by Planning Commission Member Hallan, to approve the Metes and Bounds Subdivision, based on the following Findings of Fact:

1. The subject property is currently zoned Forest Management. This application is contingent on the City Council approving the applicant’s request to rezone the property to Rural Residential.
2. The lot widths of the proposed parcels both meet the minimum standard of 200 feet.
3. Both of the proposed parcels meet the minimum area requirements of the Rural Residential 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. Each of the proposed parcels has at least 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.

Subject to the following Condition:

2. The application shall be null and void if the City Council denies Rezoning Application 14-4259.

All members voted “aye”. Motion carried. Planning Commission Member Habein abstained.

OLD BUSINESS:

a. Byrne Accessory Structure Update

The Zoning Administrator presented the email received that morning from Mr. Byrne. Mr. Byrne may have just received the hard copy of the letter, but he was also emailed a copy in May.

Vice-Chair Brown stated Mr. Byrne has had ample time to verify the measurements.

Planning Commission Member Hallan stated the issue is not going to go away. Sooner or later Mr. Byrne has to face the music; that may as well be now.

It was the consensus of the Planning Commission to send this matter to the City Attorney.

APPROVAL OF MINUTES:

A motion was made by Planning Commission Member Oraskovich, seconded by Planning Commission Member Habein, to approve the May 15, 2014 Minutes, as read. All members voted “aye”. Motion carried.

P & Z ADMINISTRATOR’S REPORT:

Bittner pointed out the 8 permits issued in May and the 16 letters sent or received since the last meeting. Bittner directed the Planning Commission to the Special City Council Meeting Minutes regarding Virgil Dahl and reported on her June 17 onsite visit, escorted by a Police Officer. The following correspondence was discussed:

1. Lakes Jam – Banners have not had “Proud Sponsor Of” added; Staff will monitor when the banners are placed for next years’ event.
2. Committee to monitor tree cutting at Wilderness Resort – Staff will notify members appointed by the City Council and schedule a meeting.
3. The letter received from Ann Beaver, Cullen Lakes Association President – Staff was directed to send a copy of the letter to Jeff Miller.

The following Potential Violations/Enforcement Actions were discussed:

1. Gorton Properties – Staff reported that the property owner is making nice progress removing the exterior storage.
2. Bill Moen – His property has been mowed; Staff will monitor for remainder of season.
3. Wanda Gorgoschlitz – Her property has been mowed; Staff will monitor for remainder of season.
4. John Derksen – Mr. Derksen must comply by June 25; Staff will make a site visit that day.

ADJOURNMENT:

A motion was made by Planning Commission Member Hallan, seconded by Planning Commission Member Habein, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 8:44 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Administrator