

**MINUTES  
PEQUOT LAKES PLANNING COMMISSION  
REGULAR MEETING  
JULY 16, 2015**

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

CITY PLANNER: Justin Burslie, NJPA

ZONING ADMINISTRATOR: Dawn Bittner

COUNCIL LIAISONS: Jerry Akerson

The meeting was called to order by Chair Seils at 6:00 PM.

Chair Seils opened the Public Hearings.

**PUBLIC HEARINGS:**

**APPLICANT: Preserve Golf Course Environmental Advisory Committee  
Applicant proposes to Review the Conditions of the Existing Conditional  
Use Permit**

Chair Seils explained that Mark Ronnei of the Preserve had requested this item be tabled this evening as he had not had the opportunity to meet with his attorneys regarding Dan Helbling's request for an easement due to the recent storm damage. A written request was received by Staff from Mr. Ronnei's attorneys.

**A motion was made by Planning Commission Member Brown, seconded by Planning Commission Member Oraskovich, to table this public hearing to the August Planning Commission meeting. All members voted "aye".  
Motion carried.**

**APPLICANTS: James and Catharine Funk  
Applicants Request a Conditional Use Permit to Operate a Type III Home  
Occupation**

Mr. Burslie explained the Staff Report. Catharine Funk was present. Mr. Burslie pointed out that no signage for the home occupation is included with this application. The home occupation will need a permit for signage for the business.

Mr. Burslie further stated neighbors had concerns with the business being open on Sunday, although applicant has indicated no plan to conduct business on Sundays. He suggested the addition of a condition stating "The business shall not be allowed to operate on Sundays". Applicant agreed to the additional condition.

**PUBLIC COMMENT:**

No public comment.

**PUBLIC COMMENT CLOSED.**

Planning Commission Member Hallan stated that the dimensions indicated on diagram labeled page 2 of 2 are too large; 360 square feet is allowed and the dimensions indicate the area being 384 square feet. Mrs. Funk explained not the entire space will be used for the salon. The common hallway was included in the calculations and should have been excluded.

Mrs. Funk stated she is closing her shop in town for medical reasons and may not open a salon in her home. She needs to have a location to keep her licensure.

**A motion was made by Planning Commission Member Hallan, seconded by Planning Commission Member Wilson, to approve the Conditional Use Permit to operate a Type III Home Occupation, based on the following Findings of Fact:**

1. The conditional use permit request is for a Type III Home Occupation on property located at 27098 West Twin Lake Drive.
2. The subject property is zoned Shoreline Residential.
3. The subject property is a conforming parcel. The property contains a dwelling, a detached garage and an accessory structure.
4. The property is served by a private deep well and a private subsurface sewage treatment system.
5. All proposed business activities will take place inside the dwelling.
6. The use of the property as a residence will remain the primary use. The area devoted to business operations will be incidental to the structure. Less than 25% of the gross floor area of the residence is being used for the home occupation.
7. Hours of operation shall be 9 AM – 7 Pm Monday through Friday, 8 AM – 5 PM Saturday and closed on Sunday. There will be no business activities between the hours of 10 PM and 7 AM.
8. There will be no employees on site other than the owner.

9. The only retail sales will be those products incidental to the salon business.
10. There will be no visible evidence of a home occupation.
11. No signage is proposed with this application.
12. All activities will be controlled to prevent nuisance problems of noise, vibration, smoke, dust, fumes and litter.
13. Off-street parking is provided.
14. No mechanical or electrical equipment will be used that will interfere with the quiet residential environment of the neighborhood or with the health and safety of the residents.
15. The proposed “use” is considered a “Home Occupation, Type III” and requires a conditional use permit.
16. The proposed use, with conditions, conforms to the Comprehensive Plan.
17. The adjacent property is zoned Shoreline Residential and Rural Residential.
18. The proposed use is compatible with the existing neighborhood.
19. 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.
20. The proposed use will take place inside the dwelling. The conditional use, with conditions, will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject property.
21. The subject property is accessed via West Twin Lake Drive. There will not be a significant increase in traffic on the street due to the proposed use. The public cost for facilities and services for the proposed development will not be detrimental to the economic welfare of the community.
22. The proposed use will not generate any offensive odor, fumes, dust, noise, or vibrations that will be a nuisance to neighboring properties.
23. The proposed use will not destroy any natural or scenic features. There are no known historical features of major significance on the subject property.
24. The proposed use, with conditions, will promote the prevention and control of pollution of ground and surface waters.

**And subject to the 3 conditions outlined in the Staff Report with the addition of the 4<sup>th</sup> condition as suggested by the City Planner:**

1. Hours of operation shall be limited to hours between 7 AM and 10 PM as outlined in the Ordinance.
2. Onsite parking shall be on the existing driveway or west lawn area.
3. The owner of the salon shall be a fulltime occupant of the dwelling and the primary use of the property shall remain residential.
4. The business shall not be allowed to operate on Sundays

All members voted “aye”. Motion carried.

**APPLICANT: City of Pequot Lakes**

**Applicant requests an Ordinance Amendment regarding Signs**

MINUTES

Pequot Lakes Planning Commission

July 16, 2015

Mr. Burslie explained the Staff Report. This ordinance amendment was initiated by the Planning Commission. Last fall we adopted the new dynamic display ordinance which is the most restrictive digital display ordinance he has seen. At that time we failed to strike the digital gas price sign portion of the Code. Gas price signs are now covered under the digital display ordinance.

**PUBLIC COMMENT:**

Craig Holland, Pequot Lakes Super America – What is the sign ordinance today?

Mr. Burslie stated 32 square feet of signage.

Mr. Holland asked how many digits.

Mr. Burslie stated the size of letters or numbers, not number, is regulated.

When Mr. Holland asked when the ordinance was changed, Mr. Burslie informed him it was last fall. Mr. Burslie further stated this amendment is to remove the gas price sign portion. Planning Commission Member Brown stated that digital signs are now allowed in Pequot Lakes.

Planning Commission Member Habein inquired about the size of the letters and digits. Mr. Burslie state they must be greater than 8 inches and needs to be static; sign cannot change.

Mr. Holland asked if the new Super America sign is okay. Mr. Burslie stated that the new SA sign falls under the Digital Display ordinance. The ordinance is in conflict.

When Mr. Holland asked what the date of the amendment was, Mr. Burslie stated it was this past fall and the gas price should have been struck at that time.

Mr. Holland asked about colors. Mr. Burslie stated one color for the background and one color for the numbers or letters is allowed. Mr. Holland stated the new SA sign has green and white. Zoning Administrator Bittner provided a photo from the SA sign application. Mr. Burslie stated the white “UNLEADED” and the green “DIESEL” portions of the sign are not digital; they are static. Planning Commission Member Hallan stated 32 square feet is allowed for the digital portion; the backlit border is not part of the dynamic display; it is static.

**PUBLIC COMMENT CLOSED.**

Council Member Akerson asked if the digital signs on the canopy count toward the 32 square feet and wondered if everyone would be in compliance. Mr. Burslie stated the canopy signs would count and that the amendment is to eliminate redundancy. The new SA sign in under the 32 square feet. If existing signs were over, they would be a pre-existing use.

Planning Commission Member Hallan stated 32 square feet is a good number as it allows all businesses enough space for information. Council Member Akerson stated the school is going to want more space.

**A motion was made by planning Commission Member Hallan, seconded by Planning Commission Member Brown, to recommend the City Council amend the ordinance by striking part 8 for gas price signs, based on the 2 Findings of Fact. All members voted “aye”. Motion carried.**

1. The amendment is in conformance with the Comprehensive Plan;
2. The amendment will eliminate the inconsistency between gas pricing and dynamic displays in the Ordinance.

Chair Seils closed the Public Hearings.

**ADDITIONS OR DELETIONS TO AGENDA:**

Delete under New Business:

6. a. Metes and Bounds Subdivision, Bradley and Julie Babcock, Applicants

Add under New Business:

6. b. Nathan Walberg Conditional Use Permit

6. c. Design Review Team – Volunteers

6. d. July 21 meeting – Volunteer

**OPEN FORUM:** None.

**NEW BUSINESS:**

**Nathan Walberg Conditional Use Permit**

Mr. Burslie explained the City had received a complaint regarding the used car lot operated by Mr. Walberg. Staff investigated and documented 3 boats and a motorhome. It is not known if the motorhome is for sale or if someone is living in it. Mr. Walberg was invited to this meeting, but the letter was mailed the previous Monday.

Mr. Burslie stated an expansion of Mr. Walberg's CUP would require a public hearing; this matter could be placed on the Violation List.

It was the consensus of the Planning Commission to wait for a response from Mr. Walberg and to place this item on the August Agenda.

Council Member Akerson stated it is not unusual for used car lots to have boats and motorhomes for sale. Planning Commission Member Hallan stated that Mr. Walberg is permitted for vehicles. Council Member Akerson stated Mr. Walberg should amend his CUP.

Zoning Administrator Bittner will notify Mr. Walberg.

### **Design Review Team – Volunteers**

Mr. Burslie explained that there may be interest in development along the new alignment of State Highway 371 and the Design Review Team (DRT) would be involved in those discussions. Two members of the Planning Commission are required to be members of the DRT and Staff is making the Planning Commission aware they may be contacted in the future.

### **July 21 Meeting – Volunteer**

Staff has been asked to schedule a meeting to discuss potential development along the alternate alignment. Mayor Sjoblad, Council Member Peterson, City Planner Burslie and Zoning Administrator Bittner will be attending. Chair Seils is not available to attend and Staff is requesting one Planning Commission Member to volunteer to attend. The meeting is scheduled for Tuesday, July 21 at 2:00 PM.

Planning Commission Member Wilson will try to attend.

### **OLD BUSINESS:**

#### **Comprehensive Plan Review – Donjek Report**

Mr. Burslie explained he was surprised at what the Report contained; he has always assumed the report stated the alternate alignment would kill the city. It stated the opposite.

The zoning section states the current zoning fits with the proposed highway with large tracts, and low density development. The report also references making sure we don't leap frog along County Road 11 and develop the east side. We should look at incremental development from the west.

After the meeting with the Mayor on Tuesday we will have more insight into the Planning Commission's role. It may require Comprehensive Plan update. The City needs to have a plan of what is going to happen to land use; we need to plan for it.

### **Wilderness Resort Review Committee**

Zoning Administrator Bittner explained Mr. Steffens has not responded to requests to schedule another onsite meeting.

She further explained she had received photos from a concerned lake resident regarding vehicles parked in areas where not allowed. After reviewing the pictures she determined the vehicles were not in violation.

Also, an additional picture had been sent regarding a new dock that is not part of their multiple docking approval. A cabin remains at the end of the peninsula and the dock in question is by that cabin. Staff assumes as the resort is redeveloped and the cabin is removed, this dock will also be removed. This dock is shown on a picture provided by the Cullen Lakes Association dated July, 2009.

### **Extractive Use Ordinance – Discussion**

Zoning Administrator Bittner asked Planning Commission Member Hallan if he had received any information from his colleagues regarding sample ordinances to collect fees to repair local roadways. He has not received them yet and will follow-up with his colleagues.

### **Virgil Dahl – Discussion**

Zoning Administrator Bittner explained Mr. Dahl was removing the existing mobile home. He requested a permit to add on to the "sleeper" with a 14' wide end of an old mobile home and construct an 8' addition to be as wide as the sleeper. He plans to reside the mobile home to match the addition and existing sleeper. Mr. Dahl had been advised that the Planning Commission would need to approve this type of construction. She requested direction from the Planning Commission.

Planning Commission Member Wilson stated the mobile home has been removed. Everything from inside was thrown out prior to its removal. He removed the deck for Mr. Dahl and all of the items underneath are fully exposed. Staff was directed to visit the property and report the condition. Zoning Administrator Bittner will have either the Police Chief or Sergeant accompany her.

Any addition to the sleeper needs to be a structure, not part of a mobile home. It would need to be a fully constructed addition.

**APPROVAL OF MINUTES:**

A motion was made by Planning Commission Member Oraskovich, seconded by Planning Commission Member Wilson, to approve the June 18, 2015 Minutes, as read. All members voted “aye”. Motion carried.

**P & Z ADMINISTRATOR’S REPORT**

Bittner pointed out the 13 Land Use Permits issued and the 16 letters sent. The following Potential Violations/Enforcement Actions were discussed:

1. David and Andrea Clausen – Planning Commission Member Hallan requested she forward the photographs to him.
2. Gloria Atwater – Staff was directed to follow-up on this; the condition continues to deteriorate.
3. Len Nelson – Portable canopy.

**ADJOURNMENT:**

A motion was made by Planning Commission Member Habein, seconded by Planning Commission Member Hallan, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 7:11 p.m.

Respectfully submitted,

Dawn Bittner  
Zoning Administrator