

**MINUTES  
SPECIAL MEETING  
PEQUOT LAKES PLANNING COMMISSION  
AUGUST 8, 2013**

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

CITY PLANNER: Justin Burslie, Community Growth Institute

ZONING ADMINISTRATOR: Dawn Bittner

COUNCIL LIAISON: None

The meeting was called to order by Chair Seils at 6:05 p.m.

**ADDITIONS OR DELETIONS TO AGENDA:**

5. New Business – Highway 371 Corridor Committee

Chair Seils opened the Public Hearings:

**APPLICANTS: Patrick J. Smith and Robert Rickard**  
**Applicants request to Rezone from Shoreline Commercial to Shoreline Residential**

Mr. Burslie explained the Staff Report. Patrick Smith was present.

Chair Seils opened Public Comment.

Public Comment: None

Chair Seils closed Public Comment.

A motion was made by Planning Commission Member Brown, seconded by Planning Commission Member Habein, to recommend the City Council Rezone the parcel from Shoreline Commercial to Shoreline Residential, based on the following Findings of Fact:

1. The applicant is proposing to rezone the property located at 30827 Pequot Boulevard from “Shoreline Commercial” to “Shoreline Residential.”
2. The subject property does not contain any natural sensitive areas.
3. The subject property is privately owned. The property owner has submitted an application to subdivide the property into three residential lots and two outlots.

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. A bluff has been identified in the northwest corner of the 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 to Sibley Lake. The rezoning will not impact the in-water physical characteristics.
9. The property has sufficient frontage on Pequot Boulevard.
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 to properties zoned Shoreline Residential, Urban Residential. The proposed reclassification is not considered “spot zoning.”
14. The proposed rezoning is in conformance with the City of Pequot Lakes Comprehensive Plan.
15. The future land use map identifies the property as “Shoreline Residential.” The rezoning request is in conformance with future land use map.
16. The subject property meets minimum requirements for the “Shoreline Residential” zone.

All members voted “aye”. Motion carried.

**APPLICANTS: Patrick J. Smith and Robert Rickard**  
**Applicants request Preliminary Plat of Timber Ridge**

Mr. Burslie explained the Staff Report. Applicants were present; Mr. Rickard arrived at 6:11 p.m.

Mr. Burslie explained the recommendation would be contingent upon the previous Rezone request being approved by the City Council. He further advised there would need to be a motion to allow the existing structures to be non-conforming.

When asked why there were requirements for Outlots A and B, Mr. Burslie explained that the City Code does not allow the creation of non-conforming lots.

Mr. Smith explained that Outlot A is fixing an encroachment issue and Outlot B is being consolidated to create a conforming lot.

Chair Seils opened Public Comment.

Public Comment: None

Chair Seils closed Public Comment.

City water and wastewater is not available.

A motion was made by Planning Commission Member Habein, seconded by Planning Commission Member Brown, to recommend the City Council approve the Preliminary Plat of Timber Ridge, waiving the requirement that the non-conforming structures be brought into conformity, based on the following Findings of Fact:

1. The applicant is proposing to subdivide the property located at 30827 Pequot Boulevard into three residential lots and two outlots.
2. The property is currently zoned "Shoreline Commercial," but the property owner has submitted a request for it be rezoned to "Shoreline Residential."
3. The land is properly zoned (if rezoning application 13-4215 is approved) in its natural state for the intended residential purposes.
4. The subject property contains a non-conforming structure on proposed "Lot 3" (attached deck on the principal structure encroaches in the bluff setback). Proposed "Outlot A" contains an accessory structure which encroaches into proposed "Lot 1."
5. Proposed Lots "1-3" contain adequate contiguous lawn area for the construction of two standard private sewer systems. "Outlot A" and "Outlot B" will be consolidated with adjacent properties that already contain private sewer systems.
6. Proposed Lots "1-3" conform to the minimum requirements of the "Shoreline Residential" zone.
7. Lot layouts are compatible with the existing layout of adjoining properties. The proposed layouts will not constrain the future development of adjacent properties.
8. The proposed side lot lines for each of the lots are at right angles to straight road lines or radial to lake shores.
9. "Lot 1," "Lot 2," Lot 3," and "Outlot B" have adequate frontage on Pequot Boulevard. "Outlot A" does not have frontage on public right-of-way but the property it is being consolidated with has adequate frontage on Pequot Boulevard.
10. The proposed development does not contain any streets.
11. There are not any known or proposed easements for public utilities on the subject property.
12. Each of the lots, with conditions, will not require a variance to allow their intended purposes.

13. The Minnesota DNR has been notified of this request. They have not raised any concerns.

And subject to the following Conditions:

1. "OUTLOT A" shall be consolidated with the property located immediately south of the subject property (PID 290152101K00009)
2. A deed restriction shall be created and filed for "OUTLOT A," stating that it cannot be developed separately from the property located immediately to the south (PID 290152101K00009)
3. A purchase agreement for "OUTLOT A" between the property owner of the subject property and the owner of the property located immediately south of the subject property (PID 290152101K00009) shall be provided to the City.
4. "OUTLOT B" shall be consolidated with the property located immediately north of the subject property.
5. A deed restriction shall be created and filed for "OUTLOT B," stating that it cannot be developed separately from the property located immediately to the north (PID 290152101I00009)
6. A purchase agreement for "OUTLOT B" between the property owner of the subject property and the owner of the property located immediately north of the subject property (PID 290152101I00009).

All members voted "aye". Motion carried.

Chair Seils closed the Public Hearings.

**HIGHWAY 371 CORRIDOR COMMITTEE:**

Bittner explained Mayor Adams is requesting two Planning Commission Members attend the Highway 371 Corridor Committee Meetings. The meetings will be held during the day. Wesley Wilson volunteered to attend. Bill Habein stated he would attend if James Oraskovich could not.

**ADJOURNMENT:**

A motion was made by Planning Commission Member Habein, seconded by Planning Commission Member Brown, to adjourn the meeting. All members voted "aye". Motion carried. The meeting was adjourned at 6:28 p.m.

Respectfully submitted,

Dawn Bittner  
Zoning Administrator

MINUTES  
Pequot Lakes Planning Commission  
Special Meeting  
August 8, 2013