

**MINUTES
PEQUOT LAKES PLANNING COMMISSION
REGULAR MEETING
AUGUST 15, 2013**

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

CITY PLANNER: Justin Burslie, Community Growth Institute

ZONING ADMINISTRATOR: Dawn Bittner

COUNCIL LIAISONS: None

GATEWAY DISCUSSION:

Mr. Burslie explained the Staff Report. Planning Commission Member Hallan stated that SEH provided traffic projections in 2001 or 2002. There will be a lot of local traffic after the new highway is built. The school traffic will remain. This segment will not need 170 feet of right-of-way.

Mr. Burslie stated we may need to obtain new traffic projections. The use will be similar to CSAH 11. It was the consensus of the Planning Commission to obtain current MN/DOT daily traffic estimates.

Planning Commission Oraskovich stated traffic is different when school is not in session. There will be summer tourist traffic and summer activities.

Mr. Burslie pointed out that Highway 371 will no longer be a state highway, not a county road, but a City street similar to West Grove Street. The capacity would be higher on old 371 than on West Grove Street. The example in the Staff Report would not allow traffic to get through, but it shows what could be constructed.

The right-of-way could be platted and sold for development. The dead end in front of the Bobber Park is worthless.

Planning Commission Member Hallan stated that north and south of County Road 11 diagonal parking could be considered; the pavement width is already there. Diagonal doubles the density of the parking area. It was also pointed out that trailer parking is an issue. State aid standards create a buffer zone for safety backing out of diagonal parking. Parallel parking could also be added on the west side.

The east side along park may not be a good choice for redevelopment and could meet a lot of resistance for development.

Mr. Burslie pointed out the City Council wants the ideal vision of what this corridor could be. The corridor would need to look like a city street and not like a parking lot.

Excess right-of-way could be turned back to property owners or redeveloped.

The west side could be redeveloped as a new concept in a perfect world. It would increase the tax base. The roadway could be moved to the east in the existing right-of-way creating more saleable land on the west, although it is expensive to move bituminous. Contracts would need to be in place requiring a building be constructed within a certain amount of time.

Mr. Burslie explained the Highway 371 Turnback Meeting held earlier in the week. The maintenance of this 3 mile stretch could potentially double or triple the maintenance budget. The City Engineer is going to ask the City Council if the City should accept this turnback; it could remain a CSAH. The City Engineer is collecting numbers. If the City accepts this roadway it will add roughly 15% more roadway to the City's system.

It was determined the Planning Commission needs more information on the statutes for turnbacks. The Planning Commission also wondered if it is better for the City to have a say in the redevelopment or to have the County keep it and maintain it.

The City Engineer will summarize the Turnback Meeting for the City Council. There has been a change in the Council since it was last discussed and he will ask for direction for the Committee. The Committee will meet before the next Planning Commission meeting; Staff will bring back the outcome of that meeting.

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

Chair Seils opened the Public Hearings.

PUBLIC HEARINGS:

**APPLICANTS: Patrick Smith and Robert Rickard
Applicants Request Final Plat of Timber Ridge**

Mr. Burslie explained the Staff Report. Applicants were present. Staff recommends the Final Plat be approved.

Mr. Burslie pointed out an issue that surfaced since the Preliminary Plat public hearing. There is a private sewer system that Staff wrongfully assumed was going to be abandoned. Staff is working with applicant and hope to address this prior to the City Council meeting.

This public hearing is to verify everything has been submitted for Final Plat; we cannot go back to the Preliminary Plat to add conditions.

There was no public comment.

Mr. Burslie explained the City Attorney had noted an easement requirement on Outlot A. The easement does not need Planning Commission approval, but he suggested it be approved with Final Plat. It is a separate document to be recorded with the Final Plat.

A motion was made by Bill Habein, seconded by James Oraskovich, to approve the Final Plat, based on the following Findings of Fact:

1. There were six conditions of the Preliminary Plat approval. All of the conditions have been met or will be met at the time the plat is recorded.
2. The Final Plat of Timber Ridge Agrees with Preliminary Plat of Timber Ridge.
3. We have received the Title Opinion, satisfactory to the City Attorney.
4. There are no improvements required for the plat of Timber Ridge.
5. A letter dated August 2, 2013 from Maureen Hayes, Minnesota Licensed Land Surveyor, #43805 indicates the Final Plat agrees with the Preliminary Plat.
6. Since no improvements are required for the plat, a financial security is not required.

Planning Commission Member Hallan asked why the septic tank was not addressed at Preliminary Plat. Mr. Burslie explained a primary and alternative location for a septic system had been indicated on the Preliminary Plat. Staff had assumed the existing septic system was being abandoned.

Mr. Rickard explained the tank lid shot on the Preliminary Plat was for the cabin that had been removed. The tank for the house should be okay; they plan to abandon 2 or 3 trenches. The tank and remaining trenches should meet the setbacks. They will verify this with the City.

Planning Commission Member Hallan stated that this will need to be taken care of now, not later.

Mr. Smith stated the Outlots will be consolidated with the other lots.

All members voted "aye". Motion carried.

APPLICANT: Nathan Walberg
Applicant Requests a Conditional Use Permit for a Used Car Lot and Computer Business

Mr. Burslie explained the Staff Report. Applicant was present. Vehicles cannot be parked closer than 10 feet from any property line. Screening on east side does

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not meet screening requirements in the Code. The computer business is a side job with no intent to expand it.

The 8 conditions for the Used Automobile Dealership were gathered from other Conditional Use Permits for Used Car Lots issued in the City.

When asked if the number of vehicles can be limited, Mr. Burslie stated a compatible number could be agreed upon between the Planning Commission and the applicant. Mr. Burslie further stated the area identified on the site plan, minus the 10-foot setback, could be the compatible area.

Mr. Burslie pointed out that if the computer business were to expand, the Conditional Use Permit would need to be amended.

Mr. Walberg questioned Condition Number 7: It states vehicles cannot be within 10 feet of property line. They are already 150 feet back from the road; another 10 feet will put them in the driveway. Mr. Burslie clarified 10-foot side yard setback. He reminded him that he cannot park within the highway right-of-way. The State will not allow it.

Mr. Walberg further pointed out that in regard to the number of vehicles allowed, the Planning Commission had a chance to rule on Schoeb's lot and Dotty's lot with no conditions on either. Staff pointed out Schoeb is restricted to bituminous area only.

It was the consensus of the Planning Commission that he could fit 40 to 50 vehicles in the hatched areas of his site plan. Mr. Walberg stated he is only allowed 25% coverage on the property. The Planning Commission reiterated that the hatched area is his limit, no vehicle number.

With regard to Condition Number 7, what about vehicles not ready for sale, not repaired. It was the consensus of the Planning Commission that any vehicles on the property, including purchased vehicles and for sale vehicles, except for customer vehicles coming to the lot, all have to fit on hatched areas. He will be allowed to store, display or park a vehicle on hatched areas only.

Mr. Burslie noted the southeast hatched area indicates the size as 51' X 56'. He asked Mr. Walberg if that should state 15' or 51'. Planning Commission Member Hallan added the lengths listed on the site plan and the size should be 51' X 56'. The site plan is not to scale.

Condition Number 7 should state: "Vehicles shall be restricted to the areas indicated on the site plan. Vehicles may not be parked within 10 feet of a property line." The legend should also state "Parking areas for owner vehicles".

With regard to Condition Number 5, Abandoned Vehicles, does not mean each vehicle is licensed; he can use dealer plates. Our ordinance does not apply by the

letter of the law for this. It does not mean current registration. Our ordinance may need a footnote at a later date.

Staff read the letter from Crow Wing Auto Body into the record. The letter included the following:

“I would like to see the following added as conditions for the above Conditional Use Permit.

Under the Used Automobile Dealership section:

2: All hazardous waste from servicing automobiles shall be stored and disposed of properly by **a certified hauler. Proper floor drains and traps that catch oil, antifreeze and detail fluids shall be installed and shall be pumped by a certified waste remover. Also used oil filters shall be disposed of in same manner. No painting of vehicles shall be done except in a contained booth with proper air makeup & filters.**

4. There shall not be an accumulation of junk and debris on the property. **Trash shall be stored in a closed container and hauled away in a timely manner.”**

Planning Commission Member Hallan stated Watt Auto is a repair shop; those types of conditions were included for that type of use. Mr. Walberg stated it may take 5 months to fill a 5 gallon bucket. He has no commercial generation of waste. He inquired if the other car dealers have the same conditions. Dotty may for his service area. Planning Commission Member Hallan further stated that Mr. Watt needs a State permit and to follow State of Minnesota rules and regulations.

Planning Commission Member Wilson asked Mr. Walberg is he has a trap now. Mr. Walberg stated he doesn't do enough chemicals to do that. He sweeps it up and disposes of it. Every other car dealer has a detail shop and they dispose of it.

Chair Seils stated that Crow Wing Auto Body has a holding tank for washing vehicles. Planning Commission Member Wilson has a trap for his own personal use.

Mr. Walberg stated he is trying to avoid other expenses; he needs a snow plow and a lift.

Chair Seils inquired if they were putting a floor in the back building. Mr. Walberg stated the owner is putting the floor in.

There was no public comment.

Planning Commission Member Hallan stated Condition Number 2 should be changed to “All hazardous waste from servicing automobiles shall be stored and disposed of properly according to State regulations.” In addition, Condition Number 7, strike the first 5 words. Planning Commission Member Oraskovich concurred.

Mr. Burslie stated the Zoning Ordinance requires all Commercial developments to have a Vegetation and Screening Plan. Condition Number 8 requires the Plan be submitted for approval. One year should be adequate to implement in the spring, although it is up to the Planning Commission. Mr. Walberg stated there are already trees between the highway and his business. Mr. Burslie stated that they may be adequate, but the Plan needs to be submitted and approved by the Planning Commission.

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

1. The conditional use permit request is for a used car dealership and computer repair business on the property located at 29317 State Highway 371.
2. The subject property is zoned both “Shoreline Residential” and “Commercial.” The proposed commercial use of the property will occur only on the commercially zoned portion of the subject property.
3. The current use of the property is for a used car dealership and a computer repair business.
4. The existing computer repair business is ancillary to the other use of the property. It does not have any employees or the retail sale of goods.
5. The used car dealership does not have any employees.
6. The proposed development, with conditions, is an appropriate conditional use in the Commercial Zone.
7. The Future Land Use map identifies the subject property as “Rural Residential.” The proposed use is commercial in nature and is located in a commercial corridor, adjacent to State Highway 371.
8. The neighborhood surrounding the subject property consists of Commercial properties located to the north, south and east of the subject property. There is “Shoreline Residential” property located to the west of the subject property. A significant vegetative buffer separates the subject property from the adjacent “Shoreline Residential” properties. The proposed use, with conditions, is compatible with the surrounding neighborhood.
9. 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.
10. The proposed use will not be injurious to the use and enjoyment of surrounding property.

11. There are vacant properties located to the north and south of the subject property. The proposed use, with conditions, will not impede the normal and orderly development and improvement of surrounding vacant properties.
12. The proposed use will utilize onsite sewer and water systems. There will not be a significant increase in traffic on Highway 371 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.
13. The proposed use will be accessed by a private drive adjacent to Highway 371.
14. The proposed development contains adequate off-street parking.
15. The proposed use will not generate any offensive odor, fumes, dust, noise, or vibrations that will be a nuisance to neighboring properties.
16. The proposed use will not destroy any natural or scenic features. There are no known historical features of major significance on the subject property.
17. The proposed use, with conditions, will promote the prevention and control of pollution of ground and surface waters. All stormwater generated on the subject property will be contained onsite.

And subject to the following Conditions, as corrected:

On the Use Automobile Dealership:

1. The business activities shall only be conducted on the commercially zoned area of the subject property (east 600 feet).
2. All hazardous waste from servicing automobiles shall be stored and disposed of properly according to State regulations.
3. The hours of operation shall not be before 8 AM and not after 6 PM Monday – Saturday. The business shall not be open on Sunday.
4. There shall not be an accumulation of junk and debris on the property.
5. “Abandoned Motor Vehicle(s),” as defined by Ordinance, shall not be allowed on the property.
6. Repair, maintenance, and detailing of vehicles shall be performed only on vehicles owned by the business and/or business owner.
7. Vehicles shall be restricted to the areas indicated on the site plan. Vehicles may not be parked within 10 feet of a property line.
8. A landscaping and screening plan shall be submitted to the Planning Commission for approval. Landscaping and screening shall be planted and/or constructed within one year of CUP approval.

On the Computer Repair Business:

1. The business shall not be expanded without amendment to the CUP.

All members voted “aye”. Motion carried. Chair Seils abstained.

ADDITIONS OR DELETIONS TO AGENDA: None.

OPEN FORUM: None.

NEW BUSINESS:

a. David Lind Variance, Impervious Surface Coverage

Mr. Burslie explained the Staff Report. Mr. Lind was present. Mr. Burslie explained one condition of approval stated applicant was to provide documentation that the impervious coverage condition had been met. The applicant has provided photos, as well as a modified survey. As Staff, how do we determine what 24.7% is without an updated survey. Staff is seeking direction from the Planning Commission whether another survey will be required or if the Planning Commission is comfortable with what has been submitted.

Mr. Lind stated he had completed everything that was required, plus some more by the pond. He doesn't want to spend the money on another survey.

Planning Commission Member Hallan commented that the bituminous pavement has been removed and made into a pond. Mr. Lind stated there are rocks there because there is a huge erosion issue with the pond. Planning Commission Member Hallan stated there is no reason for a survey; Staff could go out there and measure it. This is a major change, down from 31 percent.

Mr. Burslie stated the original intent may have been to have another survey. Planning Commission Member Hallan stated there is the original Certificate of Survey; the modified survey represents the final. The original site was at 32.8%. Staff could go out and observe that these things were taken out to these dimensions.

Mr. Burslie stated Staff will go out, do a site visit and report back.

Planning Commission Member Habein stated Mr. Lind has made a credible effort reducing the impervious coverage. Planning Commission Member Oraskovich stated Mr. Lind has done a good job meeting the conditions.

Mr. Lind stated 2 City streets wash down his driveway; the City is going to have problems with all of the lots keeping their impervious coverage down. Mr. Burslie stated the County has done a study that indicates the more impervious coverage the worse the water quality is. 25% is set by the State.

Mr. Lind showed pictures of the pond when it fills up, catching the water, but then lets loose and the water spills right to the lake. He was advised rip rap walls could be used to slow the water down.

Mr. Lind stated he would like to construct a fire pit one day. He asked what the City's take was on pervious pavers. Mr. Burslie stated typically they are looked at as impervious. They need maintenance to keep from filling up; they need to be

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vacuumed out. That is the City policy. They don't remain pervious. Planning Commission Member Hallan stated that many Planning Commissions in the area have said no to pervious pavers. When they fill in, they become impervious.

Staff will contact Mr. Lind to set up a time for the site visit.

OLD BUSINESS: None.

APPROVAL OF MINUTES:

A motion was made by Planning Commission Member Hallan, seconded by Planning Commission Member Habein, to approve the July 18, 2013 Minutes, as read. All members voted "aye". Motion carried.

A motion was made by Planning Commission Member Habein, seconded by Planning Commission Member Wilson, to approve the August 8, 2013 Special Meeting Minutes, as read. All members voted "aye". Motion carried.

ZONING ADMINISTRATOR'S REPORT:

Bittner pointed out the 9 Land Use Permits issued in July. The number of permit applications received indicates a 35% increase from 2012.

The following correspondence and Potential Violations/Enforcement Actions were discussed:

1. Kukachka After-the-Fact Shed and Fence: Staff advised property owner has applied for and received a permit for the shed and fence;
2. Wilderness Resort: Staff informed the Planning Commission that they were onsite that afternoon and met with Mr. Steffens. Allowing golf cart traffic on the walking path will require an amendment to their Conditional Use Permit. Mr. Steffens agreed to block vehicle traffic and erect proper signage for walking path.

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 8:08 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Administrator