

**MINUTES
PEQUOT LAKES PLANNING COMMISSION
REGULAR MEETING
AUGUST 20, 2015**

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

CITY PLANNER: Justin Burslie, NJPA

ZONING ADMINISTRATOR: Dawn Bittner

CITY COUNCIL LIAISON: Jerry Akerson and Greg Karr

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

**APPLICANT: Preserve Golf Course Environmental Advisory Committee
Applicant Requests Review of Conditional Use Permit Conditions**

Mr. Burslie explained the Staff Report. Mark Ronnei, Preserve Golf Course, was present, as well as applicant Tom Beaver, Chair of the Environmental Advisory Committee.

Mr. Burslie stated no Findings of Fact were included in the original approval of the Conditional Use Permit (CUP) by the County. Staff has developed Findings and are included in the packets.

Mark Ronnei stated that at an earlier meeting Dan Helbling had requested the Planning Commission include an additional condition regarding an easement. He and Mr. Helbling have spoken and are committed to working out the easement issue. Mr. Ronnei stated the Planning Commission could approve the environmental conditions tonight, but he would like another month to work out the differences with the easement issue. He and Mr. Helbling are making a good faith effort.

Chair Seils stated the Planning Commission will only be dealing with the environmental Conditional Use Permit conditions; the easement issue is a separate issue.

PUBLIC COMMENT:

Dan Helbling – Mr. Helbling stated he does not have an issue with the changes to the environmental conditions. It is in the ordinances that additional conditions can be

applied when there are changes in conditions. He would like a condition added regarding an easement to his property. He stated it is a vital issue that he is bringing up.

Chair Seils stated the easement issue is a civil issue and not something that would fall under this Conditional Use Permit.

Mr. Helbling stated the Planning Commission is changing the CUP.

Mr. Burslie stated the Planning Commission is not reconfiguring the CUP or the golf course. This is maintenance of the CUP and not relevant to the easement issue.

Chair Seils stated this is not changing the CUP, just addressing the language.

Zoning Administrator Bittner stated the City would have needed additional information than the two pieces of paper Mr. Helbling provided at the June meeting. Once the required information had been received it would have needed to be sent to the City Attorney for his review and comment.

Planning Commission Member Habein stated the Planning Commission can pass the environmental portion tonight and table the easement part. The easement issue is not relevant to what we are doing tonight.

Planning Commission Member Brown stated the information in the packet is pretty straight forward and we should deal with the environmental conditions. The easement issue is a separate discussion.

PUBLIC COMMENT CLOSED

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER HALLAN, SECONDED BY PLANNING COMMISSION MEMBER ORASKOVICH, TO APPROVE THE CONDITIONAL USE PERMIT REVISIONS AS RENUMBERED CONDITIONS 1 – 24 AS PRESENTED IN THE PACKET, BASED ON THE FOLLOWING FINDINGS OF FACT:

1. The original Conditional Use Permit was approved by Crow Wing County April 13, 1994. There were no Findings of Fact included in the Minutes of that meeting.
2. The Preserve Golf Course is located at 5500 Preserve Blvd. and is located in the Recreational Zoning Classification.
3. The use as a golf course is an appropriate conditional use in the Recreational Zoning Classification.

4. The use as a golf course, with conditions, conforms to the Pequot Lakes Comprehensive Plan.
5. The use as a golf course, with conditions, is compatible with the existing neighborhood.
6. The use as a golf course, with conditions, would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance of prosperity of the City.
7. The conditional use would not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted, nor substantially diminish or impair values in the immediate vicinity.
8. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
9. The subject property is accessed via County Road 107. The public cost for facilities and services for the golf course will not be detrimental to the economic welfare of the community.
10. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the golf course.
11. The use as a golf course will not generate any offensive odor, fumes, dust, noise or vibrations that will be a nuisance to neighboring properties.
12. The use as a golf course will not destroy any natural or scenic features. There are no known historical features of major significance on the subject property.
13. The use as a golf course, with conditions, will promote the prevention and control of pollution of ground and surface water.

REVISED CONDITIONS:

1. The Environmental Plan for the Preserve shall be on file in the Planning & Zoning office and shall become part of the formal findings of fact relating to this application.
2. The applicant shall provide a scaled drawing of the location, dimensions and text for any business sign. Setbacks shall be 10 feet from County Road right-of-way and size shall be no more than 16 square feet. The sign shall be maintained in good condition.
3. The applicant shall obtain all necessary permits from the Army Corps of Engineers, Minnesota Department of Natural Resources, Department of Health, Pollution Control Agency, Soil and Water Conservation District, Department of Agriculture. Copies of each permit or letter stating that no permit is needed shall be kept on file within the Planning and Zoning Office.
4. No lighting from the clubhouse or maintenance building area shall be directed onto adjacent properties.
5. The parking lot shall contain a minimum of 6 spaces per golf hole, plus 1 handicapped space per 50 parking spaces totaling 108 plus 2 handicapped spaces. Parking space size shall be 10' X 18'.

6. Construction shall be limited to buildings indicated on official site plan on file with the Planning and Zoning office, including maintenance building, clubhouse, and irrigation pump station. The applicant shall provide building plans and structure elevations to be filed with the Planning and Zoning Office and applicant will be responsible for all necessary construction permits. Each additional structure greater than 100 square feet in ground cover shall require an amended conditional use permit.
7. Management shall construct/replace wetland vegetation buffers along all protected wetlands that include a minimum of 20 feet of undisturbed vegetation and 30 feet of managed vegetation if disturbed during construction.
8. Management shall maintain a minimum six (6) foot elevation separation between greens, tees, intensely managed areas and the saturated zone and 4.5 feet above the saturated zone for airways.
9. Management shall construct and maintain nutrient/water retention basins in areas adjacent to tee boxes and greens and other intensely managed areas as indicated on the official site plan. The storm water management plan shall be reviewed and approved by the MPCA and shall at a minimum use National Urban Run-off Program (NURP) standards.
10. Management shall construct runoff monitoring sites with a catch basin to collect runoff from storm events. Information from the monitoring sites and lysimeters will be reported to the Planning and Zoning Office and Citizens task force four times during the golfing season and will be used to manage nutrient and pesticide application rate and timing.
11. Structure setbacks from adjoining residentially zoned property shall be a minimum of 50 feet, with existing vegetative screening preserved.
12. Management shall install and maintain during construction a silt fence or other approved erosion control barrier along all disturbed soils within 50 feet of any delineated wetland. The barrier shall be maintained until sufficient grass or other vegetation is established. The erosion control plan shall be reviewed by the Crow Wing County Soil and Water Conservation District and Soil Conservation Service.
13. The septic system designs shall be approved by the Planning and Zoning Office in accordance with Minnesota Pollution Control Agency 7080 - 7083 Rules.
14. Management shall not excavate or dredge any protected wetlands. All other dredging/excavation plans shall be reviewed by the SWCD and Planning and Zoning Office prior to changes to golf course.
15. Management shall submit an erosion and sedimentation plan to the Planning and Zoning Office that includes:
 - A. Delineated wetlands
 - B. Existing and ultimate contours and steep slopes
 - C. Vegetation buffer zones along sensitive areas (steep slopes, wetlands)
 - D. Potential erosion areas
 - E. Location of sedimentation and erosion control measure

16. The golf course will employ at least one turf management specialist that will be certified in proper chemical, fertilizer, pesticide and insecticide use and application. Turf management specialist will be solely responsible for the application of chemical, fertilizers, pesticides and insecticides in conformity with state and federal regulations.
17. Management shall provide and utilize a fertilizer and irrigation plan that minimizes erosion and nutrient loading into adjacent wetlands and public waters. The turf management specialist shall provide fertilizer/irrigation reports to the Planning and Zoning Office and the Environmental Advisory Committee (EAC) every 5 years starting in 2015. Fertilizer shall not be applied unless a soil test has indicated the need for additional nutrients. Only fertilizers with approved EPA testing methods shall be used.
18. Management shall store all hazardous materials (combustibles, pesticides and fertilizers) in accordance with MPCA and Department of Agriculture regulations.
19. Management shall provide access through the golf course to all property owners with easements in place at the time of Conditional Use approval, along the western shore of Upper Cullen Lake. Applicant will not be responsible for off season maintenance of the easement.
20. Management shall implement integrated pest management (IPM) practices in accordance with the University of Minnesota Agricultural Extension Service recommendations.
21. The golf course and accessory facilities shall be operated within the locally defined golfing season. Any expansion to a year round facility will require an amended Conditional Use Permit.
22. "Golf balls cannot be hit or retrieved from unplayable rough area" shall be included in the course rules.
23. Management will continue having wetlands #1, 2 & 3 (as designated by AW Research) tested by a certified laboratory two times, once in mid-summer and once in the fall, every five years starting in 2015.
24. Management shall maintain a water level in the beaver pond south of the 4th green that prevents standing water in the wetland west of the 5th fairway and shall maintain a trail to said pond from behind the 4th green.

ALL MEMBERS VOTED "AYE". MOTION CARRIED.

Chair Seils directed Mr. Ronnei to resolve the easement issue as soon as possible.

ADDITIONS OR DELETIONS TO AGENDA:

Add under New Business:

6. b. Blinking "Open" Signs

OPEN FORUM: None

NEW BUSINESS:

**a. APPLICANT: Bradley and Julie Babcock
Applicants propose a Metes and Bounds Subdivision**

Mr. Burslie explained the Staff Report. This is a metes and bounds subdivision, but is actually a lot line adjustment. Applicants were represented by Adam Kalenberg, realtor.

Adam Kalenberg stated he is a realtor with Exit Lakes Realty. He had no comments on the Staff Report but thanked Staff for their extra work to get the survey completed correctly.

Planning Commission Member Hallan stated access to Parcel A is off of Jack Pine Drive, not County Road 29. Access for Parcel B would be from County Road 29.

Mr. Kalenberg stated he was not aware there would not be access from Jack Pine Drive for Parcel B.

Mr. Burslie stated both lots meet City Code with access from County Road 29. An easement across Parcel A can be established without City approval.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER HABEIN, SECONDED BY PLANNING COMMISSION MEMBER BROWN, TO APPROVE THE METES AND BOUNDS SUBDIVISION BASED ON THE FOLLOWING FINDINGS OF FACT AND ONE CONDITION:

1. The subject properties are zoned “Shoreline Residential” and “Rural Residential”.
2. The metes and bounds subdivision does make the east tract conforming and places the subsurface sewage treatment system entirely on the east tract.
3. The east parcel currently contains a non-conforming dwelling (OHW setback) and a non-conforming accessory structure (OHW setback and sideyard setback). This subdivision does not increase the level of non-conformity. Both structures will remain “non-conforming” since they do not meet the OHW setback requirement. With the reconfiguration, the accessory structure located on the east tract will meet the 10’ sideyard setback requirement.
4. The subject properties are not adjacent to the municipal water and wastewater utilities. The east tract contains a private sewer system and a private water well.
5. The properties are suitable in their natural state for the intended purpose and this lot line adjustment would not be harmful to the health, safety, or welfare of future residents or the community.
6. The applicants are not proposing any provisions for water-based recreation.
7. The proposed lot layout meets the requirements of the ordinance.

8. The proposed side lot lines are at right angles to the existing road line and the property line of the adjacent property.
9. Each of the proposed parcels has at least 33 feet of frontage on public right-of-way.
10. The subject property meets the requirements of the code for stormwater management.
11. There are no public streets proposed within the development.
12. The proposed subdivision would bring the existing detached garage on the east tract into conformity and place the existing private sewer system entirely within the east tract.

Subject to the following Condition:

1. Within 90 days of the subdivision approval, the “existing shed to be relocated” as identified on the survey shall be relocated on “Parcel A” to a location meeting all setback requirements.

ALL MEMBERS VOTED “AYE”. MOTION CARRIED.

b. Blinking “Open” Signs

Zoning Administrator Bittner explained she received a request for an animated OPEN sign permit like the other blinking signs in town. The City Code states “*All flashing, revolving and intermittently lighted signs . . . are prohibited.*” It was the consensus of the Planning Commission that the intent of the Code is not to have blinking lights. Staff should notify the businesses that the OPEN signs need to be static. If their sign is unable to be static, the sign would be grandfathered in until the sign needs to be replaced.

OLD BUSINESS:

a. Nathan Walberg – CUP Review

Zoning Administrator Bittner explained Mr. Walberg had telephoned her July 20. Mr. Walberg stated he received the July 13 letter after the July 16 meeting. He further stated the motorhome is his personal camper and none of our business. He will not be attending the August meeting. He will remove the boat. He is tired of the harassment and may need to contact an attorney. The nosey neighbor can stop.

Planning Commission Member Brown stated Mr. Walberg needs to operate under his Conditional Use Permit.

Planning Commission Member Habein asked Staff if the other used car lots in town are allowed in their Conditional Use Permits to have boats. Staff was directed to look into their conditions and report back next month.

b. Extractive Use Ordinance – Discussion

Mr. Burslie stated this has been an ongoing discussion. Staff had been directed to see if other cities had tonnage fees. We haven't found any municipalities that do, but some counties do. We could check with Crow Wing County and see if the County has an interest in a gravel tax.

Mr. Burslie stated the changes included in the packet were suggested by a former applicant. This is not an ordinance amendment at this time.

It was suggested that our County Commissioner could be contacted. Staff was directed to contact the County to see if this is something they would like to look into.

c. CSAH 11 and Realigned State Highway 371 Intersection – Discussion

Mr. Burslie explained the meeting Staff had with the Mayor, Council Member Karr, Planning Commission Member Wilson and Mike Loven where Staff requested direction for development out to the intersection. Staff was directed to discuss with the Planning Commission and bring to the Council.

Mr. Burslie suggested putting together a memo, have the Planning Commission review it and forward to the Council. Land use and public utilities are the biggest concerns. Development along the east side is not an option.

Zoning in the northwest quadrant, the Caniff farm, is Commercial, the northeast quadrant is Recreation and both on the south are Agriculture.

Planning Commission Member Hallan pointed out a small part of the Caniff parcel is on the east side and that is zoned Commercial. County Road 11 is controlled access and there is no access to that parcel. The new frontage road to the wastewater ponds is not a hot potato for development. The southwest quadrant, the Pfeiffer farm, is zoned Agriculture and could be rezoned. The north half of that 40 acres could be rezoned to match the zoning across the road. The east side of the intersection is not conducive to development.

It is necessary to re-establish the tax base and fill in our vacant areas rather than east of the intersection.

Zoning Administrator Bittner pointed out the northwest quadrant that is zoned Commercial. Access to this area could be from an extension of Bergquist Drive, but water and sewer may be an issue.

Staff will bring a draft memo to the September meeting.

APPROVAL OF MINUTES

A motion was made by Planning Commission Member Oraskovich, seconded by Planning Commission Member Wilson, to approve the July 16, 2015 Minutes, as read. All members voted “aye”. Motion carried.

P & Z ADMINISTRATOR’S REPORT:

Zoning Administrator Bittner pointed out the 10 Land Use Permits issued in July and the 15 letters sent.

Bittner stated she had received a request for the Wilderness Resort Review Committee to visit the resort while the leaves are on. A visit will be scheduled and the group will report back to the Planning Commission in September.

The following Potential Violations/Enforcement Actions were discussed:

1. Kenneth and Diane Lund – They telephoned and will make application. The After-the-Fact permit fee got their attention.
2. William Moen – Lawn has been mowed.
3. Weichert Realtors – Sign structure needs to be removed.
4. David Hallbeck – Lawn has been mowed and garbage has been removed.
5. John Derksen – It appears the pile of yard waste had been removed.

Bittner noted the handout on the tables. Mayor Sjoblad had brought the newspaper to her and requested the Planning Commission and City Council receive a copy of the article regarding lake quality.

ADJOURNMENT:

A motion was made by Planning Commission Member Brown, seconded by Planning Commission Member Hallan, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 7:06 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Administrator