

**MINUTES
PEQUOT LAKES PLANNING COMMISSION
REGULAR MEETING
OCTOBER 18, 2012**

PRESENT: Deb Brown, Bill Habein, J. J. Levenske, Cheri Seils, and Scott Snyder.
ABSENT: Tom Adams and Wesley Wilson.

CITY PLANNER: Justin Burslie, Community Growth Institute

ZONING ADMINISTRATOR: Dawn Bittner

CITY COUNCIL LIAISONS: Jerry Akerson and Tom Ryan.

The meeting was called to order by Chairperson Seils at 6:01 p.m.

GROW ZONE EXPANSION:

Mr. Burslie explained the street analysis prepared for North and South Washington Avenue. As found with the streets on the west side of town, the maintenance revenue does not cover the actual maintenance cost to replace the street.

An infrastructure maintenance fee for vacant lots was discussed. The City is maintaining the streets in front of those vacant lots without receiving the necessary revenue. The Planning Commission asked for a list of vacant lots that are available for development. Large lots with a single dwelling could be included also.

The Planning Commission would like to focus on North Washington Avenue as it has the greatest potential for development.

PUBLIC HEARINGS: None.

ADDITIONS OR DELETIONS TO AGENDA: None.

OPEN FORUM: None.

NEW BUSINESS:

a. Appeal of Zoning Administrator's Decision, Ken Boschee

Bittner explained misunderstanding a question from a property owner and giving an incorrect answer prior to his making application for a Land Use Permit. After he submitted his application she determined a Land Use Permit could not be issued due to

the Variances that had been granted for the property earlier by Crow Wing County. Mr. Boschee was present to appeal the Zoning Administrator's decision to not issue the permit.

Mr. Burslie explained the appeal process in the ordinance; the applicant can appeal the Zoning Administrator's decision to the Planning Commission and the Planning Commission's decision to the City Council.

Council Member Akerson questioned when the provision to not allow additions to nonconforming structures with prior Variances had been added to our ordinance. Mr. Burslie stated he was not sure, but it is fairly standard land use language.

Mr. Snyder stated he understands the wording in the ordinance, but as a Planning Commission, how do we change it. It was the consensus to not amend the ordinance. There are no setback issues, just the fact that there had been previous Variances granted.

Mr. Boschee had provided Staff with the required report from a certified Building Inspector, Scott Sadusky. His report stated although the property is not up to current Minnesota Building Code for frost depths, he believes it is a fine candidate for expansion to the main house.

Mr. Boschee asked if the age of the previous Variances would make a difference. They were issued in 1980, 1986, and 1992.

Ms. Brown stated the Variances were for a deck and drainfield from Crow Wing County. She asked if there were any concerns with the current foundation not meeting Code? Mr. Boschee stated there were no concerns; Mr. Levenske agreed, stating the existing foundation is sound.

Ms. Brown further stated that he would need to go through the Variance process. Mr. Levenske further stated the Planning Commission can't trump the ordinance; Mr. Boschee would need another Variance to follow proper protocol.

Council Member Ryan stated when the ordinance was approved no one would have contemplated that every Variance would have counted, not just the Pequot Lakes Variances. Someone could have had a Variance in 1965 and laws could have changed 14 times; that would not have been in the spirit of what the City was doing. He further stated that he wouldn't have any problem issuing an over-the-counter permit for Variances this old. Anyone that has applied to Pequot Lakes and received a Variance from Pequot Lakes, such a Variance would count.

Mr. Burslie explained that Staff is trained to read the letter of the law. If the Planning Commission's interpretation is only Variances that were granted by Pequot Lakes, that is not Staff's interpretation.

The Planning Commission discussed disregarding the previous Variances, Variances granted by Crow Wing County years ago and what the intent or spirit of the law for Variances issued by Pequot Lakes.

A motion was made by J.J. Levenske, seconded by Deb Brown, approving the appeal of Mr. Boschee based on the interpretation that the spirit of the ordinance is to restrict the permit for Variances granted only by the City of Pequot Lakes. All members voted “aye”. Motion carried.

OLD BUSINESS:

a. Review of Master Park Plan

The Planning Commission thought the Park Board had done a very nice job with the Master Park Plan and that it was well put together. The Planning Commission offered the following comments, in no particular order:

- Pets – Signs addressing responsibility of pet owners for cleanup, etc.;
- Water – Availability to drinking water for both humans and pets;
- Trail – Bike interaction from the Trail and development of a trail system between the parks;
- Signage – Directional signs toward the different parks;
- Interactive Uses – Low capital investments vs. expensive playground equipment; plant buffalo grasses to reduce mowing/maintenance;
- Sustainable Design – Be financially responsible.

Commission Member Adams was absent, but had indicated he had some language suggestions; Staff will forward those on to the Park Board.

APPROVAL OF MINUTES:

A motion was made by J. J. Levenske, seconded by Scott Snyder, to approve the September 20, 2012 Minutes, as read. All members voted “aye”. Motion carried.

ZONING ADMINISTRATOR’S REPORT:

Bittner pointed out the 2 permits issued and the 5 letters or emails sent, as well as the excerpts from the October 2 draft City Council Minutes.

The copies of the letters and emails were inadvertently not included in the Report. Staff will include them in the November Report.

The following Potential Violations/Enforcement Actions were discussed:

1. Virgil Dahl – Bittner informed the Planning Commission that Council Member Pederson had received a complaint; Council Member Pederson will contact Mr. Dahl.
2. Vold – Council Member Akerson asked how many trailers there were; Staff indicated three.

3. Cooper – Council Member Akerson asked if this was the same individual that was at the September meeting; Mr. Burslie explained that it was and that a letter explaining what had taken place had been sent to Mr. Cooper, as directed by the Planning Commission.
4. Frostbite – Council Member Akerson asked if this was Shannon Schmidt; Staff indicated that it was. Staff will visit the property and follow-up with Mr. Schmidt and the property owner.
5. Stattelman – The Planning Commission asked about the animal husbandry letters; Staff explained she had chickens, but they have been removed.

ADJOURNMENT:

A motion was made by Scott Snyder, seconded by Deb Brown, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 7:23 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Administrator