

**MINUTES
PEQUOT LAKES PLANNING COMMISSION
REGULAR MEETING
OCTOBER 20, 2011**

PRESENT: Deb Brown, John Derksen, Bill Habein, Mark Hallan, Scott Pederson and Cheri Seils. ABSENT: Tom Adams.

CITY PLANNER: Charles L. Marohn, Jr., PE, AICP; Justin Burslie, Planner, Community Growth Institute

ZONING ADMINISTRATOR: Dawn Bittner

COUNCIL LIAISON: None

DOWNTOWN MASTER PLAN & PARK PLAN DISCUSSION:

Justin Burslie explained the analysis of more streets west of the highway as part of the Downtown Master Plan discussion.

The meeting was called to order by Chairman Pederson at 7:30 p.m.

PUBLIC HEARINGS:

APPLICANT: Carol Painter

Applicant requests a Conditional Use Permit for a Sign Shop/Retail Store

Mr. Burslie explained the Staff Report. Applicant was present, as well as her friend Winnie Wayne. Four emails from neighbors had been received and are made a part of the record. Ms. Painter had nothing to add, other than she noticed one of the emails referred to manufacturing signs. She only makes one sign at a time; they are computer generated vinyl signs.

PUBLIC COMMENT: None.

When asked about traffic patterns, Ms. Painter stated at her previous location in the Pine River area, she rarely had 2 cars at one time and on average, approximately 15 to 20 cars per week. As for deliveries, the Postman, FedEx and UPS only deliver one time daily.

The size of the garage is 23' X 23' and she plans to be open year round.

Ms. Painter stated that the bulk of her business is from internet sales, approximately 90%.

When asked, Ms. Painter stated that she has seen the Staff Report and understands the suggested conditions.

A motion was made by John Derksen, seconded by Cheri Seils, to approve the Conditional Use Permit for a Sign Shop and Retail Store, subject to the following Findings of Fact:

1. The request for a conditional use permit to open a sign shop and retail store at 27997 County Road 107.
2. The subject property is located in the Rural Residential Zone.
3. The proposed business would sell products such as decorative items, signs, clocks, rugs, picture frames, books, etc., all of which are produced off-site.
4. All business activities, including storage of materials, will be inside a single car garage.
5. The proposed use is clearly incidental to the primary use of the property which is for residential purposes.
6. The proposed business will be open from 10 a.m.- 6 p.m., Wednesday-Saturday all year round.
7. There will not be any employees working onsite.
8. Besides the signage produced onsite, all other items being sold at the proposed business would be sold offsite.
9. The subject property is heavily wooded. There will not be any items visible from the street.
10. The proposed business will not create nuisance problems relating to noise, vibration, smoke, dust, fumes or litter.
11. The proposed home occupation will not generate more than two (2) customer vehicles at one time.
12. No mechanical or electrical equipment is needed for the operation of the proposed business.
13. The proposed use is considered a Type III Home Occupation and requires a Conditional Use Permit in the Rural Residential Zone.
14. The proposed use conforms to the Comprehensive Plan.
15. The proposed use is compatible with the existing neighborhood.
16. The proposed use will not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
17. The proposed use will not inhibit the use and enjoyment of other property in the immediate vicinity.
18. There does not appear to be any vacant property in the immediate vicinity of the subject property.
19. The proposed use will not increase the cost for public facilities and services.
20. The proposed business will utilize the existing driveway for the subject property.
21. There will typically not be more than two customer vehicles at the proposed businesses at any one time. There is sufficient on-site parking. No off-street parking is necessary.
22. There is no construction planned for the proposed use. There will not be a loss or damage to natural, scenic or historical features of major significance.
23. Groundwater will not be affected by the proposed use.

And subject to the following Conditions:

1. The proposed retail use shall not have any employees other than the owner.

2. There shall be no outside display of merchandise.
3. There shall routinely be no more than two patrons on site at any one time. Facilities to accommodate more than two patrons shall not be constructed.
4. The applicant is encouraged to incubate and grow a successful home-based business with the understanding that, if it is necessary to expand in the future to accommodate additional walk-in patronage, the operation will need to be relocated to a commercial area.

Mr. Hallan stated he will abstain from the vote and that he had been contacted by a neighbor for clarification between a home occupation and a commercial basis. Mr. Burslie stated that the primary use would need to be residential and the business secondary. This intended use would fit the Home Occupation definition.

Mr. Hallan further stated that the Staff Report and Finding of Fact Number 4 refer to attached garages. Neither of the garages is attached to the principal structure. They are both stand alone. Staff was directed to make that change to Finding of Fact Number 4.

When Ms. Painter asked about the 6' allowable signage, Mr. Burslie stated that both sides of the sign are counted.

All members voted "aye". Motion carried. Mr. Hallan abstained.

ADDITIONS OR DELETIONS TO AGENDA: None

OPEN FORUM: None.

NEW BUSINESS:

a. Review of Non-Conforming Structure Ordinance

The Planning Commission discussed whether the Ordinance should be amended so the homeowner knows there is structural integrity of the existing structure, prior to applying for a 50% addition. They further discussed the possibility of allowing a 50% addition, then the homeowner demolishing the existing structure to build new at a later date. The Ordinance could be amended or this could become a Conditional Use Permit.

Staff was directed to bring back recommendations next month.

b. Violation Letters, Discussion

Staff explained the Planning Commission had been asked to review the violation letter format as it may be too harsh. The Planning Commission suggested eliminating the reference to the City Code and the potential violation language. The letters could be nicer for first time offenders. Staff was directed to bring back an example next month.

c. Field of Dreams, Discussion

After reviewing the Minutes from the October 13, 2011 Park Board meeting, the Planning Commission supports the Park Board's decision to continue planting trees in the park areas creating a natural buffer between the road and the homes and to maintain the intent of past Councils that the park areas be used as a buffer. Staff will forward this message to the Park Board.

OLD BUSINESS:

a. Building Code Enforcement, Tom Nelson – Fire Chief (continuation)

Dan Warrington, the State Electrical Inspector for this area, is in favor of the City adopting the Building Code. He stated a good example was the non-conforming structure discussion earlier; structural integrity problems could be alleviated. He recommends the City pass it and wishes more communities had the Building Code.

Mr. Nelson stated he included a letter in the packets. The examples of fees do not include any land value. When asked by the Chair, Staff stated new home construction in 2010 and 2011 included 10 new homes and 7 dwelling additions, resulting in \$5,598 in Land Use Fees.

Mr. Marohn stated that his quote in Chief Nelson's letter was true, although he doesn't want the Planning Commission to construe that he recommends adopting the Code. He stated this would be the preferred alternative, but the City and the Planning Department are dealing with more pressing issues and this would get in the way of that. He is not advocating for the Building Code.

If we were to adopt the Building Code, future expansions could need to be brought up to code. There are many variables and property owners would need to consult a licensed design professional.

Chairman Pederson stated this is good information and is educating the Commission.

Mr. Nelson stated he thought this was a good idea for Pequot Lakes as he is a Councilman in Breezy Point and the fees weren't a big difference. He is concerned with the safety of the firefighters. This wouldn't solve all the problems, but it would be a step in the right direction. He felt a recommendation from the Planning Commission was more beneficial than just going to the City Council.

It was the consensus of the Planning Commission that the timing is not right; they would like more information next month. They would like lists of communities in Crow Wing and southern Cass Counties that do and do not have the Building Code. They would like the information in a structured format, listing pros and cons. Also include information based on values vs. square footage so costs can be compared.

b. Community Supported Agriculture (continuation)

This will be discussed next month.

APPROVAL OF MINUTES:

A motion was made by Cheri Seils, seconded by Bill Habein, to approve the September 15, 2011 Minutes, as read. All members voted “aye”. Motion carried.

ZONING ADMINISTRATOR’S REPORT:

Bittner pointed out the seven permits issued and the eleven letters sent or received.

ADJOURNMENT:

A motion was made by Mark Hallan, seconded by Deb Brown, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Administrator