

**MINUTES
PEQUOT LAKES PLANNING COMMISSION/
BOARD OF ADJUSTMENT
REGULAR MEETING
NOVEMBER 19, 2015**

PRESENT: Deb Brown, Todd Engels, Bill Habein, Mark Hallan, James Oraskovich, Cheri Seils and Wesley Wilson. ABSENT: None.

CITY PLANNER: Justin Burslie, NJPA

ZONING SPECIALIST: Dawn Bittner

COUNCIL LIAISONS: Dave Sjoblad ABSENT: Jerry Akerson

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

PUBLIC HEARING:

APPLICANT: Richard German

Applicants requests a Variance to exceed the impervious coverage limit in the Shoreline Residential zoning classification.

Mr. Burslie explained the Staff Report. Applicant was present.

Mr. Burslie pointed out that Finding of Fact Number 7 needs to be amended. The phrase “with conditions” needs to be removed.

Mr. German stated he had nothing to add to the Staff Report and would be happy to answer questions.

Planning Commission Member Engels stated he liked the idea of using the Sonotubes, allowing stormwater to be absorbed. Mr. German stated it will also allow the tree roots to breath.

Mr. Burslie noted the site plan for the proposed accessory structure was not included in the Staff Report. Bittner obtained the site plan from the parcel file and presented it to the Planning Commission.

PUBLIC COMMENT OPENED:

There was no public comment.

PUBLIC COMMENT CLOSED.

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A motion was made by Planning Commission Member Habein, seconded by Planning Commission Member Hallan, to approve the Variance with no conditions, based on the following Findings of Fact:

1. The subject property is located at 27480 West Twin Lake Drive and is in the “Shoreline Residential” zone.
2. The property contains an existing dwelling with an attached garage.
3. The existing impervious coverage of the property is 26%, including the 7% created by the encroachment of West Twin Lake Drive.
4. The applicant proposes to construct a 384 square foot accessory structure.
5. The overall proposed impervious surface coverage of the property is 27.3%.
6. The applicant has established that there are practical difficulties in complying with the Code as West Twin Lake Drive was constructed in such a manner that it encroaches upon applicants’ property, increasing the impervious coverage. Applicant is unable to add impervious coverage and stay within the parameters of the Code.
7. The deviation from the Code will still be in harmony with the general purposes and intent of the City Code and Comprehensive Plan.
8. Accessory structures are an accessory use in the Shoreline Residential Zone. The Variance will not create a land use not permitted in the Shoreline Residential zone.
9. The subject property is surrounded by residential development. The Variance will not alter the essential character of the locality of the subject property.
10. The Variance does not appear to be for economic reasons alone and reasonable use of the property seems to exist under the Code.

All members voted “aye”. Motion carried.

Chair seals closed the Public Hearing.

ADDITIONS OR DELETIONS TO AGENDA: None.

OPEN FORUM: None.

NEW BUSINESS:

a. John Babinski Permit Extension

Dawn Bittner explained the Staff Report.

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Oraskovich, to approve the extension of Land Use Permit Number 05-03. All members voted “aye”. Motion carried.

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Mayor Sjoblad updated the Commission on John Babinski's projects and vision for his business in Pequot Lakes. Mr. Babinski had attended the recent EDC meeting.

OLD BUSINESS:

a. David Kennedy – Metes and Bounds Subdivision Discussion

Mr. Burslie explained the Staff Report. Mr. Kennedy was not present. When asked, Mr. Burslie stated there was no action required unless the Planning Commission were to remove Condition Number 2. No vote was necessary as the Planning Commission concurred with their previous decision to retain Condition Number 2.

Mr. Burslie further explained that approval of a Metes and Bounds Subdivision will be void if not acted upon within one year unless the approval is extended by the Planning Commission. The Metes and Bounds Subdivision for Mr. Kennedy was approved November 20, 2014. Staff recommends the Planning Commission extend their time to act on the approval and to submit the new survey until December 21, 2015.

A motion was made by Planning Commission Member Oraskovich, seconded by Planning Commission Member Brown, to extend the time for Mr. Kennedy to act on the Subdivision and submit the new survey until December 21, 2015. All members voted "aye". Motion carried.

b. Virgil Dahl

Ms. Bittner explained the Staff Report. Once the cleanup fees are certified to his real estate taxes and not a receivable, Staff was directed to address the Land Use Permit Application for the storage buildings.

c. Wilderness Resort Review Committee Update

Mr. Burslie explained the Staff Report. The vegetation plan included in the packets has not been approved. The Code requires shoreline to have 75% screening; this is a large property and it is difficult to determine what 75% would be.

Planning Commission Member Oraskovich suggested possibly removing some of the small trees but not any of the big trees.

Planning Commission Member Engels stated Mr. Burslie noted on site the location of a potential historic ice ridge and wetland area and that the property owner should not remove them. Mr. Burslie stated the wetland needs to be delineated.

Mr. Burslie stated the Committee has taken more ownership in their review than originally granted by the Council. The Committee will need to find a place where both the City and the property owner are happy.

Planning Commission Member Hallan directed Staff to contact the MPCA to see where the septic system approval is at.

d. Extractive Use Ordinance – Update by Council Member Akerson

Council Member Akerson was absent. This matter will be placed on the January Agenda.

APPROVAL OF MINUTES

Mr. Burslie stated he had been contacted by Mr. Kennedy regarding Kennedy's comments included in the Minutes. Mr. Burslie listened to the audio from the September meeting and corrected Mr. Kennedy's comments, based on the audio. The corrected Minutes were offered to each Planning Commission Member on the table with the incorrect comments stricken and the correct comments underlined.

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Hallan, to approve the September 17, 2015 Minutes, as corrected. All members voted "aye". Motion carried.

P & Z ADMINISTRATOR'S REPORT:

Bittner announced this will be Chair Seils' and Planning Commission Member Oraskovich's last meeting and thanked them for their service on the Planning Commission. Bittner noted that some terms on the Planning Commission will be expiring December 31 and urged Members to either come forward with names of potential applicants or speak directly with the individuals.

Bittner pointed out the 13 permits issued in September and October, as well as the 20 letters sent.

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 6:47 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Specialist