

**MINUTES  
PEQUOT LAKES PLANNING COMMISSION  
REGULAR MEETING  
NOVEMBER 20, 2014**

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

CITY PLANNER: Justin Burslie, Community Growth Institute

ZONING ADMINISTRATOR: Dawn Bittner

COUNCIL LIAISONS: Jerry Akerson and David Sjoblad

**DOWNTOWN PLAN UPDATE:**

Mr. Burslie explained Sections I, II and III have not changed from the original Plan. The Keys to Success have been discussed.

Section IV, Neighborhood Evaluation, edit the following:

- Page 17, location to place planters is the Wells Fargo parking lot;
- Page 25, the building is a City owned multi-purpose building.

Section V, Downtown Placemaking, edit as follows:

- Page 31, add photo of Dru's Garden;
- Page 34, add Desire Path photo;
- Page 35, the photo of the new street lights will not be able to be added until they are installed in the spring;
- Page 38, obtain a photo of the Bands in the Park; either Scott Pederson or Tom Adams may have one to use.

Section VI, Proposed Improvements,

- Page 41, Staff will edit the Parking Strategy section, removing the numbers of parking spaces and revising the text.

Section I, Executive Summary,

- Page 2, first bullet point, Lower Property Values, the first sentence is a negative statement. Staff was directed to revise language.

“Sanitary Sewer” also needs to be corrected throughout Section IV.

It was the consensus of the Planning Commission to review the Downtown Plan annually in November.

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

**PUBLIC HEARINGS:**

**APPLICANT: David and Christine Kennedy**

**Applicant requests to Rezone from Agriculture to Rural Residential**

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

Staff was directed to correct Findings of Fact 11 and 14.

Planning Commission Member Hallan stated the Future Land Use Map identifies this parcel as Agriculture. The City and the State now have a major highway running through it, changing the characteristics of the property. With the MN/DOT highway through the parcel, it is changing the Comprehensive Plan keeping this Agriculture. The City and State actually changed the Comprehensive plan for keeping this Agriculture.

Mr. Burslie stated that the City can't rezone the parcel if it is not in conformance with the Comprehensive Plan. Planning Commission Member Hallan stated the Comprehensive Plan needs to be changed due to the MN/DOT highway.

Mr. Burslie stated Finding of Fact 13 should be changed to: With the realignment of State Highway 371, the characteristics of subject property greatly changed. The Agriculture zoning in the Comprehensive Plan is obsolete.

**A motion was made by Planning Commission Member Hallan, seconded by Planning Commission Member Habein, to recommend the City Council rezone to Rural Residential, with modified Finding of Fact 13, for the proposed 41.96 acre parcel, based on the following Findings of Fact:**

1. The applicant is proposing to rezone the property located at 31510 County Road 112 "Agriculture" to "Rural Residential."
2. The subject property does not contain any natural sensitive areas.
3. The applicant is the property owner and the property owner intends to subdivide the subject property into two parcels.
4. The subject property is not within the Shoreland Area and no Shoreland soil types have been identified.
5. There does not appear to be any lowland area on the subject property.
6. The vegetative cover of the subject property consists of trees and grasses.
7. The subject property is not adjacent to a public water body. "In-water physical characteristics" and recreational use of surface water do not apply.
8. The subject property has sufficient frontage adjacent to County Road 112.

9. The proposed rezoning does not increase the socio-economic development needs of the public.
10. The public sewer and water utilities are not available in the vicinity of the subject property. There are no plans to extend the public utilities to the area of the subject property.
11. The subject property does not contain any known features of significant historical or ecological value.
12. The subject property is adjacent to property zoned "Rural Residential" and "Agriculture". The proposed reclassification is not considered "spot zoning."
13. With the realignment of State Highway 371, the characteristics of subject property greatly changed. The Agriculture zoning in the Comprehensive Plan is obsolete.
14. The future land use map identifies the subject property as "Agriculture." Rezoning the subject property to "Rural Residential" is compatible with that classification.
15. The subject property meets minimum requirements for the "Rural Residential" zone.

**All members voted "aye". Motion carried.**

**APPLICANT: City of Pequot Lakes**

**Applicant requests Ordinance Amendment regarding Subsurface Sewage Treatment Systems**

Mr. Burslie explained the Staff Report.

**A motion was made by Planning Commission Member Oraskovich, seconded by Planning Commission Member Wilson, to recommend the City Council adopt the Ordinance Amendment regarding Subsurface Sewage Treatment Systems. All members voted "aye". Motion carried.**

Chair Seils closed the Public Hearings.

**ADDITIONS OR DELETIONS TO AGENDA:**

Add: New Business, 8. c. Rural Road Standards

**OPEN FORUM: None**

**NEW BUSINESS:**

**a. Metes and Bounds Subdivision, David and Christine Kennedy**

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

Zoning Administrator Bittner explained to the Planning Commission that the City has agreed, as part of the negotiation process with MN/DOT and the County, to abandon the existing roadbed of County Road 112 north of the new County Road 112 where it turns

northwest across the Rasmussen property. For Tract A to have 33 feet of public right-of-way, Tract A will need to include a “flag” strip 33 feet wide along the westerly line of the subject property.

Planning Commission Member Hallan stated that due to the discussions between the City and the State, the County roadbed will not be maintained.

When asked if this subdivision could be approved without a new Certificate of Survey, Mr. Burslie stated a condition could be added that a new survey including a new legal description be submitted by applicant prior to City approval.

**A motion was made by Planning Commission Member Habein, seconded by Planning Commission Member Oraskovich, to approve the Metes and Bounds subdivision, subject to the following Findings of Fact:**

1. The subject property is currently zoned Agriculture. This application is contingent on the City Council approving the applicant’s request to rezone this parcel to Rural Residential.
2. The lot widths of the proposed parcels both meet the minimum standard of 200 feet.
3. Both of the proposed parcels meet the minimum area requirements of the Rural Residential zone.
4. The existing structures on “Tract B” meets all setback requirements. There are no existing structures on “Tract A.”
5. The subject property is not adjacent to the municipal water and wastewater utilities. “Tract B” contains a private SSTS and water well. “Tract A” does not contain a private SSTS or water well.
6. The property is suitable in its natural state for the intended purpose and this lot split would not be harmful to the health, safety, or welfare of future residents or of the community.
7. The applicant is not proposing any provisions for water-based recreation.
8. The proposed lot layout meets the requirements of the ordinance.
9. The proposed side lot lines are at right angles to the existing road line and the property line of the adjacent property. The east property line will be the west right-of-way line of the new State Highway 371 alignment.
10. Each of the proposed parcels has at least 33-feet of frontage on public right-of-way.
11. The subject property meets the requirements of the code for stormwater management.
12. There are no public streets proposed within the development.

**Subject the following conditions:**

1. The application shall be null and void if the City Council denies Rezoning Application 14-69.
2. Applicant shall provide a new Certificate of Survey for Tract A that includes a 33-foot strip of land along the west boundary of this parcel to the location where it would meet the public right-of-way of the new County Road 112.

**All members voted “aye”. Motion carried.**

### **b. Wilderness Resort Villas, LLC – Vegetation Plan Discussion**

Zoning Administrator Bittner explained Tom Steffens had not supplied any information to be included in the packet. Mr. Steffens had contacted her that morning just prior to 10:00 AM wanting to schedule a meeting of the Review Committee for that afternoon between 1:00 and 3:00. Bittner had informed him it was too short notice and would need to be scheduled at another time.

Mr. Steffens had telephoned Planning Commission Member Oraskovich and Planning Commission Member Engels inviting them for the meeting, after Bittner had notified him it would need to be scheduled at another time.

Planning Commission Member Engels did go to Wilderness Resort and met with Mr. Steffens. Trees had been marked with tape, but it seemed as though more trees had been removed. He stated the trees that are going to be kept need tags with numbers affixed and be over 4 inches in diameter. He stated Mr. Steffens plans a 30-foot wide clearing in front of each unit.

Planning Commission Member Engels presented a site plan of a project he had been involved with several years ago where the trees that were to remain were indicated on the plan and each tree had a metal tag affixed to it. This could be a mechanism to ensure the trees that should stay actually remain. It was the consensus of the Planning Commission that this would be a good idea.

Zoning Administrator Bittner was directed to schedule a site meeting for the Review Committee with Mr. Steffens as soon as possible.

### **C. Rural Road Standards**

Council Member Sjoblad explained the discussions the City has had regarding accepting Wildlife Trail and their improvements. The Comprehensive Plan calls for Rural Road Standards which the City has not established.

A citizen had researched rural road standards and provided Council Member Sjoblad with that information. Council Member Sjoblad asked the Planning Commission, as the Public Works Department Liaison, to study this information and provide draft Rural Road Standards. Chair Seils directed Staff to include this information in the January packet for the Planning Commission to review; it could be placed on the Agenda if time allows.

### **OLD BUSINESS:**

#### **a. “River Street” – Update**

Zoning Administrator Bittner informed the Planning Commission that all 3 neighboring parcels are for sale. The owner of the parcel to the east provided a copy of the plat indicating the location of survey monuments on his property. There seems to be confusion as to who placed the metal posts along River Street and when they were placed. Foot traffic no longer has access to the lake as the posts restrict access. The dock has been there “forever” and no one puts it in or takes it out.

The City has received an estimate for a boundary survey of River Street which would include location of any encroachments, replace missing monuments and provide a sketch of the survey for \$900 - \$1,200. No Certificate of Survey would be provided. The City Budget currently does not include funds for this survey.

#### **b. Downtown Plan Update**

Mr. Burslie stated the Planning Commission had discussed final edits during the Pre-meeting Discussion. Council Member Sjoblad asked if this would include any portion of Old Highway 371 as they have started discussion on that street improvement. Mr. Burslie indicated it would be in the area of St. Alice Church. Council Member Sjoblad stated the plan for the last street light would be at East Woodman Street.

**A motion was made by Planning Commission Member Oraskovich, seconded by Planning Commission Member Hallan, that the Planning Commission recommends the City Council adopt the Downtown Plan with the changes discussed and that the City Council allow the Planning Commission to review the Downtown Plan each year in November. All members voted “aye”. Motion carried.**

#### **APPROVAL OF MINUTES**

A motion was made by Planning Commission Member Brown, seconded by Planning Commission Member Hallan, to approve the October 16, 2014 Minutes, as corrected. All members voted “aye”. Motion carried.

#### **ZONING ADMINISTRATOR’S REPORT**

Zoning Administrator Bittner pointed out the 7 permits issued in October and the six letters or emails sent or received since the last meeting.

October 20 letter to James Byrne – Planning Commission Member Hallan stated Mr. Byrne contacted him and they have agreed to meet around the Thanksgiving holidays to discuss Mr. Byrne’s plans for grading around the accessory structure. Planning Commission Member Hallan will supply documentation of their meeting and if the plan meets the City Code, Mr. Byrne can withdraw his Variance request.

**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 8:07 p.m.

Respectfully submitted,

Dawn Bittner  
Zoning Administrator