

**MINUTES  
PEQUOT LAKES PLANNING COMMISSION  
REGULAR MEETING  
JANUARY 19, 2012**

PRESENT: Tom Adams, Deb Brown, Bill Habein, J. J. Levenske, Scott Pederson and Cheri Seils. ABSENT: None.

CITY PLANNER: Charles L. Marohn, Jr., PE; AICP

ZONING ADMINISTRATOR: Dawn Bittner

CITY COUNCIL LIAISON: Jerry Akerson

The meeting was called to order by Chairman Pederson at 6:31 p.m.

**DOWNTOWN MASTER PLAN & PARK PLAN DISCUSSION**

Mr. Marohn explained that the City Council has not adopted the Comprehensive Plan. The update was forwarded to them and was defeated 3 – 2. The adoption would need a super majority, or a 4/5's vote. What do we need to do to obtain that 4<sup>th</sup> vote? Chairman Pederson asked the Council at their last meeting to move forward with the adoption. Pequot Lakes is a different city today than it was in 2004; there is a new highway alignment, a different economy and business development issues we need to address.

Mr. Marohn noted 6 concerns Council Member Ryan has raised in the past. He recommended addressing those concerns and bringing the Comp Plan back to the Council.

Chairman Pederson suggested reopening the discussions and look at all aspects of the Plan. We need to weed out what needs to be added or removed and work through those and present in a non-voting format to the City Council and get their feedback. He suggested we may need to go back to the committees that approved and supported the Plan.

Mr. Marohn presented his handout. Chairman Pederson requested removing the word "schizophrenic" from the discussion. Such language doesn't belong in this discussion. Mr. Marohn will change the word to "contradictory" although that is not the word used by Council Member Ryan.

**No. 1: No provision for development along bypass:**

Council Member Akerson requested to be on record stating he is a bypass person; he is not a through town person. He wants a Plan that's the best for this town. It makes sense to develop a Comprehensive Plan that would contemplate commercial development along that route. The property owners would be getting back some kind of return on the homes and land used for the bypass route.

Mr. Adams suggested bringing together members of the EDC, Chamber and maybe property owners along the corridor to discuss how development should proceed along the corridor and come back to the Planning Commission and City Council with a recommendation. The stakeholders would have an opportunity to say what they are thinking and use that as an action plan to address what Council Member Akerson is talking about and what the business people located in the center of the City are talking about.

Council Member Akerson stated that if there were some type of development along the corridor a certain percentage of traffic going by would see businesses and stop and come in to town.

Chairman Pederson stated that including a map highlighting where commercial zones exist along the bypass and where County Road 11 intersects would be a good idea. There is substantial commercial property at both ends and in the middle already existing.

Mr. Marohn stated that as part of the discussion, utilities are not going to be run to the east side of the alignment. The west side is going to be developed all the way out to the highway with commercial at the intersection; there is no plan now. We will need to wait for what happens. Development will only be on the west side. The east side zoning doesn't change from what it is today. The resolution that passed looked at engineers' costs to run utilities out there, skipping undeveloped areas, would not pay.

Mr. Habein stated it is not equitable for existing businesses to pay for utilities for new businesses along the new route.

Chairman Pederson stated the Planning Commission cannot supersede a resolution from the City Council.

**No. 2. Park plan does not address a ball park:**

Mr. Marohn explained that Mr. Derksen had brought up ball park construction, a municipal ball park. Council Member Akerson stated that we don't know how long the school can take the liability or community use of the school fields. Chairman Pederson and Mrs. Seils stated that this should be a Park Plan action item. Chairman Pederson pointed out that trail systems and bike and snowmobile trails are included in the Plan.

Ms. Brown questioned whether or not we want to make Pequot Lakes a destination for ball games in the summer months. Softball tournaments are huge.

**No. 3. Same action items in multiple locations:**

Mr. Marohn explained that this was done intentionally and reinforces many of the strategies. He will provide an example.

**No. 4. Americans love autos – we can't change that mentality, social engineering:**

Suggestions to improve the quality of living in our downtown neighborhoods and to lower the long-term costs associated with maintaining them is not social engineering. There is a need to improve the tax base and overall value of these neighborhoods.

**No. 5. Plan is contradictory, we want rural character but then put a highway through the rural area:**

Council Member Akerson stated we want the best bypass we can because we have to deal with it. He thinks Council Member Ryan feels the same way also. Council Member Akerson stated that Council Member Ryan talks about making the bypass better. He won't speak for him, but Council Member Ryan's objection to the highway location may be a misconception.

Chairman Pederson suggested getting an opinion from Council Member Ryan explaining his intent. He made a complaint about putting a highway through a rural area; we need to talk to him about it and get an explanation.

Council Member Akerson stated that we no longer had a through town route once municipal consent was signed. He stated that it can't be changed.

Chairman Pederson stated that if Council Member Ryan had another point, we need clarification. Chairman Pederson directed Mr. Marohn to ask for clarification; the debate is over.

**No. 6. We are making it less likely that people will come to town:**

Mr. Marohn explained that he may have misunderstood his comment. He doesn't understand what makes it less likely to come to town. He suggested asking Council Member Ryan for clarification.

Council Member Akerson stated there have been no accommodations made for signage and with no businesses along the intersection it is less likely people will stop in Pequot Lakes.

Chairman Pederson suggested highlighting the gateway comments; there have been huge discussions to attract visitors. There are entrances on each end. There have been a lot of discussions to draw people in.

Council Member Akerson stated that if the business owners don't have traffic and no signs, people don't know where they are. Mr. Adams stated that we have a number of things that will draw people – the existing businesses bring traffic to town.

Mr. Adams noted an article in the Echo last week indicating the longevity of a substantial number of businesses in the City.

**PUBLIC HEARINGS**

**APPLICANT: Tom Saatzer**

**Applicant requests a Variance to Create an Undersized Parcel**

Applicant was not present but was represented by Ted Pederson, Realtor, representing both Mr. Saatzer and Ron Schaefer. Mr. Marohn explained the Staff Report. Chairman Pederson stated he would like to discuss both the Variance and Metes and Bounds Subdivision simultaneously. Mr. Marohn explained that the property owners would like this issue resolved. The solution would be to subtract from the Saatzer parcel and add to the Schaefer parcel. A lot line adjustment would make the Saatzer parcel nonconforming. It would lessen the nonconformity of the Schaefer parcel.

There can't be a second dwelling built on either the Saatzer or Schaefer parcels; neither parcel can be subdivided further. This lot line adjustment has no impact on that.

**Public Comment:**

Mr. Pederson stated an honest mistake was made by Mr. Schaefer, who is a civic minded person. He made a mistake, is embarrassed and would like to correct this.

Public Comment Closed.

Mr. Levenske asked if the Variance is passed, it creates a nonconforming lot. Mr. Marohn stated that both parcels would be nonconforming. The Variance allows for the creation of the nonconforming lot.

Ted Pederson stated that Mr. Schaefer plans to remove both the carport and the shed.

Council Member Akerson asked if Mr. Saatzer would still be able to build a house. Mr. Marohn explained that Mr. Saatzer can remove the travel trailer and build a house without a Variance of any type.

A motion was made by Tom Adams, seconded by Cheri Seils, to approve the Variance, based on the following Findings of Fact:

1. The applicant has requested a variance to create an undersized parcel in the Rural Residential Zone.
2. The subject property is 5.01 acres in size and is located at 6368 North Sluetter Road.
3. The subject property currently meets all the minimum lot and use requirements of the code. After the subdivision, it will not meet the lot size requirement.
4. The subject property is being used in a reasonable manner. The subject property contains a conforming dwelling, water well house, and sewer system.
5. The plight of the land owner is due to circumstances not created by the land owner. The encroaching accessory structure was constructed over the property line by the property owner to the south.
6. The deviation from the ordinance will create a non-conforming property. The subject property will be 4.67 acres while 5 acres are required. The creation of an undersized property is not in harmony with the general purposed and intent of the Ordinance and the Comprehensive Plan.

7. The current use of the property is for residential purposes. The use is conforming and will not change with the granting of this particular variance.
8. The variance will not alter the essential character of the locality. There will not be any additional structures built as part of this variance request.
9. The variance is to resolve a non-conformity issue. The variance, along with a subdivision, will allow an existing structure currently crossing the property line to be completely on the adjacent property owner's property.

All members voted "aye". Motion carried.

**ADDITIONS OR DELETIONS TO AGENDA:** None.

**OPEN FORUM:** None.

**NEW BUSINESS:**

**a. Metes and Bounds Subdivision Application, Gary Peterson:**

Mr. Marohn explained the Staff Report. Applicant was not present.

A motion was made by Deb Brown, seconded by J. J. Levenske, to approve the Metes and Bounds Subdivision, based on the following Findings of Fact:

1. The subject properties are located at 3646 West Mayo Lane and 6647 South Sluetter Road.
2. The properties meet the minimum size and dimensional standards of the Shoreline Residential Zone.
3. The proposed parcels have less than 20% impervious surface coverage.
4. The proposed subdivision will not increase the density of the area.
5. The proposed properties are suitable in their 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.
6. The subject properties both contain private sewer systems.
7. The applicants are not proposing any provisions for water-based recreation.
8. The proposed tracts will conform to the minimum requirements of the Rural Residential Zone.
9. Lot layouts are compatible with the existing layout of adjoining properties.
10. Both of the proposed parcels meet the minimum frontage on public right-of-way requirement of 33 feet.

Subject to the following Conditions:

1. An updated description shall be provided that describes the entire new lot, which will include Lot 1 and Block A. They will be combined as one parcel at the time the subdivision is filed with the county.
2. The resulting impervious surface coverage of the property located at 6647 S Sluetter Road shall not exceed 20%. An updated survey with impervious surface calculations shall be submitted to the city verifying this.

All members voted "aye". Motion carried.

**b. Metes and Bounds Subdivision Application, Ronald Schaefer:**

Mr. Marohn explained the Staff Report. Applicant was represented by Ted Pederson, Realtor. Mr. Marohn explained that the applicant indicated he will remove the carport and recommends approval with one condition. Removal of the shed is at the discretion of the owner.

A motion was made by Bill Habein, seconded by Tom Adams, to approve the Metes and Bounds Subdivision subject to the following Findings of Fact:

1. The subject property are located at 3618 County Road 168 (Schaefer Tract) and 6368 North Sluetter Road (Saatzer). Both properties are zoned Rural Residential and are used for residential purposed.
2. The proposed "Saatzer Tract" would be considered a non-conforming parcel since it would be 4.67 acres in size. The proposed "Schaefer Tract" is more conforming than the current tract. The existing property is 3 acres while the proposed property is 3.33 acres.
3. The "Schaefer Tract" currently contains a non-conforming 36' x 56' pole building (partially encroaching the property line), 20' x 20' accessory structure (completely encroaching the property line), 10' x 16' (completely encroaching the property line) and approximately 2,400 sq. ft. of gravel and bituminous parking area (completely encroaching the property line).
4. The proposed properties, with conditions, would not contain any non-conforming structures.
5. Each of the proposed parcels have less than 15% impervious surface coverage.
6. The proposed properties are suitable in their 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 subject properties both contain conforming private sewer systems.
8. The applicants are not proposing any provisions for water-based recreation.
9. Neither of the proposed tracts will conform to the minimum requirements of the Rural Residential Zone.
10. Lot layouts are compatible with the existing layout of adjoining properties.
11. Both of the proposed parcels meet the minimum frontage on public right-of-way requirement of 33 feet.

Subject to the following condition:

1. So as to correct the remaining non-conformities, the 20' x 20' accessory structure shall be removed.

All members voted "aye". Motion carried.

**c. Auto Repair/Used Car Lot Discussion, Roger Langenbau:**

Mr. Marohn explained the Staff Report. Mr. Langenbau was not present.

Rezoning this parcel to commercial is not consistent with the Future Land Use Map. A Used Car Lot is not a Home Occupation; a Used Car Lot is not a former use. The

property owner via his Realtor asked for a second opinion from the Planning Commission. The owner will need to make a formal appeal.

Auto body and auto repair are similar. Mr. Marohn explained the Letter of Agreement protecting the historic activities happening there. Used car sales is a new use, not allowed. New buyers could continue uses listed in the Letter of Agreement. There is no compelling reason to allow used auto sales.

**OLD BUSINESS:**

**a. Building Code Enforcement (continuation):**

Bittner indicated that she had not collected the requested information. The Planning Commission stated that this is not a priority and will look at the information when she completes it.

**b. CSAH 11 Corridor Study (continuation):**

The Planning Commission had previously looked at the proposals submitted by the County. The proposed improvements were not visions of Pequot Lakes, but proposals submitted by the County. Once the new highway is constructed, the portion west of the highway will become City roadway. The Planning Commission chooses not to comment on the County proposals.

The Planning Commission does feel it is necessary to begin discussions on what the corridor should look like, the gateway to Pequot Lakes. It was suggested we open dialog with the City Engineer, Tim Houle, and the County. The outcome can be affected by the Comprehensive Plan.

**c. Non-Conforming Structure Ordinance, Discussion:**

Mr. Marohn explained that the Ordinance Amendment was sent back from the City Council. He stated the Planning Commission can review it and send it back. The Mayor did not like the tiered approach. Council Member Ryan had requested information regarding the Shoreland Rules and that information was sent to him.

Mr. Marohn explained that we could repeal the whole section, and then it would be conforming to State Statutes. Our Ordinance created an exception; it is more lenient than what the State provides. The City had to get a waiver from the DNR to create our Ordinance. If we repeal this section, we go back to what is included in State Statutes.

Chairman Pederson stated the tiered language allowed larger additions further back than those closer to the lake. The City Council stated it looked confusing and added complexity. The value would have been worth the time spent doing the math.

Council Member Akerson suggested eliminating anything less than the 50% setback. Mr. Marohn explained that that would be more restrictive than our existing Ordinance, but a viable option.

Mrs. Seils stated that she prefers to not make people come in for Variances. Ms. Brown questioned whether or not there was a way to simplify it, maybe 2 or 3 tiers.

A motion was made by Tom Adams, seconded by Deb Brown, to adjust the number of tiers to 2; Tier One to be 0 – 50% of Setback, Tier Two to be 51% - 99% of Setback; allow 25% expansion in Tier One and 50% expansion in Tier Two; include proposed additional language to D; J & K as submitted.

Council Member Akerson questioned the necessity of a licensed building inspector. Problems are not likely to be found until walls are torn down or roof raised; it is an extra cost to the home owner. Discussion followed and the Planning Commission agreed to add professional engineer.

Tom Adams amended his motion for J to state “*A state licensed building inspector or professional engineer must submit...*” Deb Brown seconded the amendment.

Vote on the amendment: All “ayes”. Motion carried.

Vote on original motion, as amended: All “ayes”. Motion carried.

**d. Comprehensive Plan, Discussion:**

The Comprehensive Plan was discussed as part of the Downtown Master Plan and Park Plan.

**APPROVAL OF MINUTES:**

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

**ZONING ADMINISTRATOR’S REPORT:**

There were no Land Use Permits issued in December. Bittner pointed out the breakdown of Land Use Permits issued for 2011, as well as the 5 letters or memos sent.

Bittner was reminded to contact SuperValu regarding the north driveway.

**ADJOURNMENT:**

A motion was made by Bill Habein, seconded by Cheri Seils, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 8:42 p.m.

Respectfully submitted,

Dawn Bittner  
Zoning Administrator