

**MINUTES  
PEQUOT LAKES PLANNING COMMISSION  
REGULAR MEETING  
AUGUST 18, 2011**

PRESENT: Tom Adams, Deb Brown, John Derksen, Bill Habein, Mark Hallan, Scott Pederson and Cheri Seils. ABSENT: None.

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

ZONING ADMINISTRATOR: Dawn Bittner

COUNCIL LIAISONS: Jerry Akerson and Cathy Malecha

The meeting was called to order by Chairman Pederson at 7:06 p.m.

**DOWNTOWN MASTER PLAN & PARK PLAN DISCUSSION**

The Planning Commission met at Brown Street at 6:00 p.m. to discuss future redevelopment of Brown Street and the intersecting north/south streets.

Chairman Pederson opened the Public Hearings:

**PUBLIC HEARINGS:**

**APPLICANT: City of Pequot Lakes**

**Applicant requests an Ordinance Amendment addressing “Public Use” in the Land Use Matrix**

Mr. Marohn explained that he has been involved in discussions regarding public uses within the City. The Code doesn’t provide for public uses on any property at all. This is commonly overlooked in Codes. The Mayor has requested the Planning Commission look at public use, define it properly and add it to the Land Use Matrix.

Although a corrected version of the amendment has been placed on the table for the Planning Commission, Mr. Marohn stated he preferred the one proposed in the packets with “P” for Permitted Use in all zones, including Open Space and Water Resource. A pier or a marina could be built on a lake, a Water Resource zone or a warming house or weigh station could be built in Open Space; he recommends making Permitted Uses in each zoning classification.

State and Federal agencies are exempt from zoning ordinances. The School District and County would be the only other entities, other than the City, that would fall under a Public Use.

Water Resource is the surface water; the DNR controls under the OHW. A pier would be Water Resource and a public landing would be Shoreline Residential.

A motion was made by John Derksen, seconded by Mark Hallan, to recommend to the City Council approval of the Ordinance Amendment regarding Public Use.

When asked, Mr. Marohn explained that this would make the bus garage in the Industrial Park an allowed use. Modifications to the footprint of the building would require a Land Use Permit. The use would be permitted.

ROLL CALL VOTE: Mr. Habein, Aye; Mr. Adams, Nay; Ms. Brown, Aye; Mr. Derksen, Nay; Ms. Seils, Aye; Mr. Hallan, Aye. Motion carried Aye 4 – Nay 2.

**APPLICANT: City of Pequot Lakes**  
**Applicant requests an Ordinance Amendment for Industrial Park Subdivision Overlay District**

Mr. Marohn explained he had been contacted by the City Attorney inquiring what the vote was for this Amendment at the City Council meeting. The City Attorney pointed out that our Ordinance had changed and while Zoning Map Amendments require a 4/5ths vote for approval, Ordinance Amendments only require a majority vote. Technically the City Council only needs to approve the Summary Publication and this will move forward as it was passed by a majority vote. Mr. Marohn will inform the City Council of this at the September Council meeting.

**ADDITIONS OR DELETIONS TO THE AGENDA:**

Add: 7. b. New Business – Tom and Toni Fleck Land Use Permit Discussion

Add: 8. a. Old business – Gloria Dei Church Update

**OPEN FORUM:** None.

**NEW BUSINESS:**

**a. Variance Extension Request, Steve Caouette**

Mr. Marohn explained that the property owner thought they had 2 years to act on their Variance, not 6 months. Their Variance was approved October 15, 2009. Mr. Marohn further explained that this provision is in the code because standards change over time. Staff will add a statement regarding the expiration period to approval letters.

The Planning Commission discussed inspections throughout construction.

A motion was made by Mark Hallan, seconded by Tom Adams, to authorize an extension for applicants to obtain a Land Use Permit to October 31, 2011. All members voted “aye”. Motion carried.

**b. Tom and Toni Fleck Land Use Permit Discussion**

Mr. Marohn explained that he has been working with the Fleck's for quite a while deciding what to do with their existing cabin. They have a unique situation where the cabin is approximately 15 feet from the lake. There are 3 options in the Ordinance and they chose the 50% addition that would not go closer to the lake.

Mr. Marohn also explained that there has been a discrepancy between the architect and Community Growth and City Staff as to the correct number for the 50% addition. A final site visit discovered where the discrepancy came from. It is a grey area, but the architect was counting the well house/pump house as habitable area.

The contractor was present, John Koupal from Start to Finish Builders and Remodelers. He explained the Fleck's desire to keep the addition at 16 feet, rather than 15 feet, 4 inches, which meets the 50% number City Staff determined. When asked, Mr. Koupal stated that the foundation for the cabin does not include the well house. The screen porch on the lake side has no foundation and is on piers; this area is now enclosed and not used as a porch.

Mr. Marohn stated that the pump house is an ancillary structure; it cannot be accessed from inside the dwelling. The implications are 9 square feet.

Mr. Koupal stated the cabin will be gutted from inside with new shingles and windows. They need to take the floor boards up to place the water lines; it is now open space underneath. It is a seasonal cabin now but they want to use it year-round.

Mr. Marohn stated there can be no structural changes to the existing cabin. If the well house is being counted in the square footage, it has to stay the way it is, no changes. They plan to demolish it.

Mr. Marohn reminded the Planning Commission that it is their interpretation to count the well house or not as part of the structure. The homeowners haven't ignored the ordinance. Mr. Hallan stated that he does not have a problem with the addition being 16 feet. This is a grey area and Staff cannot approve this.

It was the general consensus of the Planning Commission to allow the addition at 16 feet. It was important that this was discussed with the Planning Commission. Staff will issue a modification to their Land Use Permit.

Mr. Marohn reminded Mr. Koupal that removal of the trees by the water will require a separate site visit. Staff will schedule several Planning Commission members to attend. Removal of trees in the SIZ needs permission from the Planning Commission.

**OLD BUSINESS:  
Gloria Dei Church Update:**

Chairman Pederson attended the meeting August 1 at Gloria Dei regarding the traffic for SuperValu. MN/DOT agreed to remove the cedar trees south of the SuperValu driveway and possibly the clump north of the Church driveway. MN/DOT also plans a dedicated turn lane for SuperValu when they do their mill and overlay in 2012.

Chairman Pederson stated the Church seemed receptive to a “Church Entrance Only” sign. One suggestion was to allow SuperValu to place an entrance sign next to their driveway. Chairman Pederson stated the Church needs to take action with signage.

**APPROVAL OF MINUTES:**

A motion was made by Tom Adams, seconded by John Derksen, to approve the July Minutes as read. All members voted “aye”. Motion carried.

**ZONING ADMINISTRATOR’S REPORT:**

Bittner pointed out the 3 Land Use permits issued and the 10 letters sent. The following Potential Violations/Enforcement Actions were discussed:

1. Thomas Tulenchik – Staff explained the recent site visit with Commission Members Pederson and Adams. The wooded areas previously cleared are re-vegetating on their own and Mr. Tulenchik has no intent to remove any vegetation. The improvements he is making are internal. Mr. Tulenchik is to supply the City with a Subsurface Sewage Treatment System Compliance Inspection. Once the Compliance Inspection is received, this matter will be removed from the violation list.

**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 8:16 p.m.

Respectfully submitted;

Dawn Bittner  
Zoning Administrator