

**MINUTES
PEQUOT LAKES PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 15, 2011**

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

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

ZONING ADMINISTRATOR: Dawn Bittner

CITY COUNCIL LIAISONS: Jerry Akerson and Cathy Malecha

The meeting was called to order by Vice-Chair Adams.

DOWNTOWN MASTER PLAN & PARK PLAN:

The Planning Commission met with a few members of the Park Committee and walked through the Trailside Park discussing layout. This discussion will continue at the October meeting.

PUBLIC HEARINGS: None.

ADDITIONS OR DELETIONS TO AGENDA: None.

OPEN FORUM: None.

NEW BUSINESS:

a. Metes and Bounds Subdivision, Kenneth & Beverly Ganske, applicants

Mr. Marohn explained the Staff Report. Mr. and Mrs. Ganske were present. Kevin McCormack was also present to answer questions.

The Planning Commission agreed to modify the condition provided in the Staff Report to state that the garage shall be removed.

A motion was made by Bill Habein, seconded by Mark Hallan, to approve the metes and bounds subdivision based on the following Findings of Fact:

1. The subject property is properly zoned Urban Residential. Tract B is currently used for residential purposes while Tract A contains two accessory structures and may be used for residential purposes in the future.

2. Both of the proposed properties have more than 6,250 square feet of buildable area. Neither Tract A nor Tract B would be constrained from future development.
3. Tract "A" contains two non-conforming structures. One of the non-conforming structures crosses the eastern property line and is approximately 3.26' into the public right-of-way. The other non-conforming accessory structure is approximately 6.62' from the south property line, while typically 10' is required.
4. Tract "B" contains a non-conforming accessory structure which is approximately 4.96 from the side property line while typically 10' is required. It also contains a conforming dwelling.
5. Tract "A" has approximately 13% impervious surface coverage while Tract "B" has approximately 29% impervious surface coverage. Both are below the 40% maximum.
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 subject property is currently served by the municipal water and sewer system. Tract "A" is adjacent to the public sewer and water system. It may be connected to the systems in the future.
8. The applicant is not proposing any provisions for water-based recreation.
9. Both tracts will conform to the minimum requirements of the Urban Residential Zone.
10. Lot layouts are compatible with the existing layout of adjoining properties.
11. Both Tract A and Tract B meet the minimum frontage on public right-of-way requirement of 33 feet,

subject to the following condition:

1. The accessory structure encroaching into the public right-of-way on Tract "A", shall be removed.

All members voted "aye". Motion carried.

b. Building Code Enforcement, Tom Nelson – Fire Chief

Tom Nelson, Fire Chief, was present. He explained he hopes to persuade the City to adopt the Building Code again. He feels the City needs something for public safety, the citizens and the firemen.

The State of Minnesota follows the International Building Code and all contractors are required to build to that Code. Cities of more than 5,000 populations are required to administer the Code. The entire Code would need to be enforced, not just certain parts.

Breezy Point administers the Code. Cities may contract with an individual or a company. There would be a fee structure. Municipalities with the Building Code have a higher value; there are higher interest rates and less growth without it.

Vice-Chair Adams suggested the following:

1. Have the Fire Chief look over commercial plans; or
2. Make recommendation to the City Council to adopt the Code; or

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3. Since we don't have a full Commission in attendance, think about it until next month.

It was the consensus of the Planning Commission to continue discussion at the October meeting.

The Breezy Point Inspector, Scott Sedusky, was in attendance and will supply additional information and examples for next month.

c. KC Companies

Mr. Marohn explained that Tommy Woog, member of the Economic Development Committee, has brought the facelift that KC Companies had done to his attention. KC Companies did a phenomenal job renovating the storefront of their building along Front Street. That is investing in the community.

d. Fleck Project Update, John Koupal – Start to Finish Remodeling

Mr. Koupal explained that he is asking permission to remove and replace the roof on the Fleck residence. It is a non-conforming structure and they are constructing a 50% addition.

He stated the supporting piers for the porch area had sunk; they removed them, dug down 5 feet and filled it with concrete. They are piers, not a block foundation. He also stated he couldn't see the roof rafters until the sheetrock ceiling had been removed.

Mr. Marohn stated they could rebuild a new structure in the exact dimensions. They can maintain and repair the existing. He also explained the statute changes. Removing and replacing the piers are structural changes.

The wall on the lakeside (porch area) will need to be reinforced; it will have new windows and headers. The foundation for the rest of the structure will not be reinforced; the 3 piers are new.

Mr. Marohn explained there are only 2 options:

1. Follow the conditions of the permit and City Code; or this project is done and their only option is to build a new house 75 feet back from the lake;
2. Acknowledge we understand these plans; they are not major changes but are outside the spirit of the City Code. For this application it is not a huge difference and will not be more noticeable from the lake.

It was the consensus to allow the reasonable option. However, homeowners should look ahead and do due diligence ahead of time to be sure structure is solid.

Mr. Marohn explained that this action is an interpretation of the City Code, not a Variance request. They have the right to maintain the existing structure which would include replacement of the ceiling with equivalent roof truss system and a bearing wall on the outside lakeside wall, being consistent with Section 4 of the Code.

A motion was made by Mark Hallan, seconded by Bill Habein, to place on record that it is the interpretation of the Planning Commission to be in favor of replacing the roof system with gable span trusses with 4/12 roof pitch; not to increase the height of the building, total height of 8 feet, match back wall; maintain existing structure; use truss system to replace and upgrade lakeside wall for that support system. All members voted "aye". Motion carried.

Next month the Planning Commission will look at the requirements of Section 4.4 (3).

OLD BUSINESS: None.

APPROVAL OF MINUTES:

A motion was made by Deb Brown, seconded by Mark Hallan, to approve the August, 2011 Minutes as read. All members voted "aye". Motion carried.

ZONING ADMINISTRATOR'S REPORT:

Bittner pointed out the 10 permits issued and the 6 letters or emails sent and received. The following Potential Violations/Enforcement Actions were discussed:

1. Thomas Tulenchik – Bittner explained the City has received the Compliance Inspection and this matter is resolved.
2. Dale Olson – Staff directed to follow-up on status of restoration.
3. RV Park sign – Staff directed to contact MN/DOT regarding sign.

Market Forces – The booklet will be discussed at the October meeting.

ADJOURNMENT:

A motion was made by Mark Hallan, seconded by John Derksen, to adjourn the meeting. All members voted "aye". Motion carried. The meeting was adjourned at 9:11 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Administrator