MINUTES
PEQUOT LAKES PLANNING COMMISSION/
BOARD OF ADJUSTMENT
REGULAR MEETING
JANUARY 17, 2019

PRESENT: Andrew Birch, Mark Hallan, Laura Larson, Nathan Norton, Tom Paulbeck, Christopher Savino, and Wesley Wilson. ABSENT: None.

CITY PLANNER: Justin Burslie

ZONING SPECIALIST: Dawn Bittner

COUNCIL LIAISON: Scott Pederson (Absent)

The meeting was called to order by City Planner Burslie at 6:00 PM.

ELECT A CHAIR AND A VICE CHAIR:
Planning Commission Member Birch nominated Mark Hallan as Chair. Planning Commission Member Wilson seconded the nomination. All members voted "aye".

Planning Commission Member Hallan nominated Andrew Birch as Vice-Chair. Planning Commission Member Wilson seconded the nomination. All members voted "aye".

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Norton, to open the Public Hearing.

PUBLIC HEARING:
APPLICANT: Nathan Walberg
Applicant requests a Conditional Use Permit to increase parking area for used motor vehicle lot, and add maintenance and repair of customer owned vehicles, provide towing services, tire sales, and onsite sales and display of sawmills and related products in the Commercial Zone (continuation)
Mr. Burslie explained the Staff Report. Applicant was present. Mr. Burslie stated at the November meeting the Planning Commission had requested several items to be submitted by Mr. Walberg. The design for the floor drain has been received. A scalable site plan for the commercial area was requested including the number of vehicles or units for each display area and location of the fence. We did receive a site plan that is not to the level of detail requested. We received a narrative rather than a landscape

plan. The owner is proposing to construct a solid privacy fence. The owner provided photos indicating existing trees providing screening located in public right-of-way. This would not be an adequate landscaping plan. Mr. Burslie pointed out the photos on the table taken by Staff that indicate there is not 50% screening.

The Staff Report contains the Findings of Fact reviewed in November and also 11 potential Conditions of approval. Conditions 10 and 11 were added or modified. Condition 11 refers to a fence along the south lot line being 200 feet in length. The applicant proposes a fence 120 feet in length. Staff recommends 200 feet in length.

We have received 2 letters of correspondence. The first is from the Fire Chief suggesting the Planning Commission apply these as conditions of approval regarding access for fire equipment. The second is from Ryan Schlueter, 4313 Chamber Lane, opposing the CUP. These letters are on the table.

Planning Commission Member Birch asked if there were a total number of vehicles included in the request. Mr. Walberg stated he requested 150 vehicles or sawmills. Mr. Burslie stated at the November meeting the Planning Commission asked for a site plan indicating specific areas and number of vehicles in each area. Condition 9 states an actual number of used vehicles and sawmills or used vehicles and sawmills for sale shall only be allowed in areas "A" through "H", as indicated on the site plan. Bittner stated areas "A" through "H" were on the original site plan, not the one recently submitted.

Mr. Walberg stated he would like to address the fire department issue. His last 2 CUP's indicated driveways at 12 feet in width and were approved. The Fire Chief visited his property in his personal vehicle. Mr. Walberg stated the Chief stated there was a foot on either side of his dually. Mr. Walberg stated he contacted his attorney and provided the Planning Commission with a Minnesota State Department of Public Safety information sheet for the record. He further stated the information sheet states the fire department needs to get within 150 feet of all of the buildings. There is a DNR access next door to the south that is 30 feet wide. That would accommodate any fire equipment that would be there. The law does not state that it has to be on your property; it says they have to have access roads. The access has to be at least 20 feet wide and capable of supporting the weight of the trucks. He doesn't feel the letter should be included as conditions. Mr. Walberg stated if he has to have 20-foot access roads that makes his property 20 feet smaller. Twenty feet times 600 would be taken out of his property when there is a perfectly good access right next door. Mr. Walberg stated all of his buildings are well within the 150 foot requirement. He further stated he contacted the Fire Chief and invited him back after learning the Chief generated a letter to Bittner. He stated the Fire Chief agreed the buildings were within the 150-foot requirement, but stated he would like the access roads to be 20 feet wide. Mr. Walberg requested that this not be included in his CUP as he was given limited access to this and feels he is in compliance. Mr. Walberg stated he had the cell number for the Fire Chief and we could call him since he was unable to attend. Chair Hallan stated that this will need to go to the City Attorney

since Mr. Walberg brought an attorney into it. The City Attorney will decide if a condition should be added and the wording of that condition.

Planning Commission Member Wilson stated the Fire Chief quoted Code. Mr. Walberg stated he provided the same Code. Mr. Walberg stated the Fire Chief was not aware of the DNR access when he wrote the letter. Planning Commission Member Wilson stated that Mr. Walberg has had the driveway blocked with a trailer and other items in the past, preventing access for customers. Mr. Walberg stated that is why he needs to expand. He has basically been using half of his property. He needs to be able to use the other half. It was set up that way when he was leasing it, but now he owns all of it and this will allow him to clean things up with additional display area.

Mr. Walberg read from a prepared memo. He referenced the November 21, 2018 letter sent to him by Zoning Specialist Bittner outlining the items requested by the Planning Commission at the November meeting.

1. Floor drain – Mr. Walberg stated he would install drain provided he be given the same timeframe as David Herrera who he believed had a 2-year timeline.
2. Scalable site plan – Mr. Walberg provided a cad drawing of the commercial area with all of the buildings and their measurements. The second part of the request was to include the number of vehicles for each area. He stated he is currently out of spaces to park and needs to use the whole area. It should be up to the business owner to decide how and where his vehicles are displayed for sale. He offered 150 vehicles or sawmills, or combination of either. That would be approximately 15,000 sq. ft., or 11% impervious coverage. This should be a business owner's decision, not Planning and Zoning.
3. Screening along Patriot Avenue – 50% screening is required and Mr. Walberg believes his property is almost completely screened in areas. He had provided photos for the packet. One photo indicates 100% screening. Mr. Walberg stated other businesses over the years had MN/DOT thin trees in the right-of-way.
4. Screening along south lot line – Mr. Walberg has agreed to erect a fence between the two buildings. He did not offer to construct a 200 foot fence. He requested the 10-foot setback be waived; the DNR placed their rocks on the lot line.

Chair Hallan asked where the DNR parcel is located; Mr. Burslie highlighted the parcel on the screen. The DNR parcel extends all the way to the lake.

Planning Commission Member Birch stated it would be good to know if the fire access roads need to be maintained roads, or does the DNR parcel provide adequate access. Mr. Walberg stated Crow Wing Auto Body has been maintaining the DNR parcel for years. Planning Commission Member Birch stated that is a question for the attorney, not the Planning Commission.

Planning Commission Member Norton asked if the fence would impede the fire lane. Mr. Walberg stated he is planning on a fence between the 2 buildings including

unlocked gates. Planning Commission Member Birch stated this could raise additional concerns regarding the Fire Code issues. If we require a fence, does this raise concerns with using this parcel for fire access. Mr. Walberg stated the gates would not be locked. He further stated this is a question for lawyers; the Fire Code only addresses locked gates.

Planning Commission Member Savino asked if the fence was brought up to store more vehicles behind. Mr. Walberg stated the fence was brought up because he thought it would solve some neighbor issues. They currently store vehicles in that area.

Planning Commission Member Larson asked where they plan to place the fence. Mr. Walberg's mechanic stated from the back corner of the front building to the front corner of the back building. Mr. Walberg stated there is quite a bit of vegetation from that point west so fencing would be unnecessary.

Planning Commission Member Birch asked if a letter had been received from the business to the south. Bittner stated that had been received for the November meeting. Mr. Walberg stated that that letter should be disregarded as it entails financial issues. Council Members should not weigh in on issues regarding themselves and financial issues.

Planning Commission Member Larson asked Mr. Walberg how many vehicles are currently on the property. Mr. Walberg stated approximately 100. This expansion will allow the vehicles that are ready to be parked out front.

Planning Commission Member Larson asked if he planned to remove any vegetation. Mr. Walberg stated they plan to remove some vegetation in front of the log building; that will provide more display area. He stated at this time he doesn't plan to remove a lot of vegetation.

Planning Commission Member Birch stated the surfaces appear to be gravel. Mr. Walberg stated gravel and grass. Planning Commission Member Birch asked the difference between impervious surfaces of gravel and pavement. Chair Hallan stated it is all impervious.

Planning Commission Member Savino asked what percentage would be increasing. Would it be doubling your area? Mr. Walberg stated it is not quite doubling the area. Mr. Walberg's mechanic stated the last CUP they could only use 50% of the property. This application proposes to use the entire commercial area. He further stated only 11% is going to be covered by vehicles and/or sawmills.

Planning Commission Member Savino inquired what the screening requirements are. Mr. Burslie explained the screening requirement is 50% from Patriot Avenue. If you were standing on Patriot Avenue, you should only see 50% of the business. He further

stated Mr. Walberg brought up a good point; why screen his business from the roadway. The Comprehensive Plan references "up north character". If you drive through Baxter there are no trees, just shrubs and small trees. In Pequot Lakes there are mature trees, a different sort of feel, and that is the reason for the ordinance.

Mr. Walberg stated to the north there are 20 acres of trees. Chair Hallan stated there are trees all the way to the Canadian border. Mr. Walberg stated he wasn't trying to be smug, just pointing out there are trees in that area. Mr. Walberg's mechanic stated the log building is almost entirely blocked by trees. Chair Hallan stated they have not provided a survey to scale providing the coverage. Mr. Walberg's mechanic asked why the 50% screening was not included in the previous CUP. Mr. Burslie stated the previous CUP required a landscape plan acceptable to the Planning Commission. The Planning Commission was to review it and make sure it met the 50% screening requirement. It may not have specifically stated 50% screening requirement in the CUP, but a landscape plan was required which would indicate screening.

Planning Commission Member Wilson asked Mr. Burslie if the fence needed to be 10 feet from the property line. Mr. Burslie stated privacy fences can go 3 feet from the property line to allow you to maintain the fence without going on the neighbor's property. The fence needs to be on Mr. Walberg's property and we would recommend 3 feet from the property line. Mr. Burslie further explained that Staff indicated in the Staff Report that the fence begin in the southeast corner of applicant's property and continue west a distance of 200 feet creating a visual buffer between the two commercial businesses.

Planning Commission Member Birch stated he is confused by the fence. Mr. Walberg's mechanic stated there is a neighbor dispute. Planning Commission Member Birch stated a fence would just block one car business from another car business. If fire access is to be from the DNR property, a fence may inhibit that. Chair Hallan stated there is a screening requirement and the fence was offered as an alternate to planting trees for screening.

Planning Commission Member Paulbeck stated a fence is not an up north look; screening by trees would be an up north look.

Mr. Walberg's mechanic stated the area indicated by Mr. Burslie for the fence is not where they plan to place the fence. They only plan to put a fence from the back of the front building to the front of the back building.

Planning Commission Member Birch stated if he is standing in the Crow Wing Auto Body parking lot, it is not an up north feel. It is an auto body business looking at a car dealership.

Mr. Walberg's mechanic stated there is no screening from Crow Wing Auto Body's north property line. Chair Hallan stated we can't go back in history; they are grandfathered in. Everyone is. Mr. Walberg asked why they aren't grandfathered in. Chair Hallan stated they have come in with a new application. Mr. Walberg asked if a new CUP is required when you change your business. Mr. Burslie stated that is correct, when you expand your business or change the use. Mr. Walberg stated he is adding towing, an expansion of his business. Crow Wing Auto Body added towing, where is their new CUP? Mr. Burslie stated Mr. Walberg is expanding the use of his business, doubling the size of the display area. Mr. Burslie stated the CUP is not a negotiation between the City and the applicant. The City has the responsibility to place conditions upon the CUP and those have to be followed by the property owner. If the applicant does not want to abide by those conditions, they are in violation of their CUP. It is not a negotiation. The applicant has stated he would install the holding tank within 2 years; the Planning Commission stated they would like it installed within 1 year. The Planning Commission can make those requirements.

When asked by Chair Hallan, Mr. Burslie stated this is the first amendment to the original CUP. Mr. Walberg stated he thought there had been 2 CUP's. Bittner stated the first was for a Used Automobile Lot and Computer Repair Business. Mr. Walberg stated he had initially been very limited to what he could do. Bittner stated when he wanted to expand that use, he was required to apply for a CUP.

Chair Hallan stated the current CUP did not limit the number, but indicated areas for parking of the used vehicles.

Planning Commission Member Norton stated he is confused by Condition #9. He can't picture how 150 vehicles would lay out. Mr. Walberg stated he can't provide that. Planning Commission Member Paulbeck asked if Mr. Walberg could point out on the diagram how the vehicles would lay out. Mr. Walberg stated he is hesitant to do that; as a business and property owner, he should be able to make changes. It seems some members want him to dial in where they want them. The City has already stated there is 600 feet of Commercial area to do with what you want. He further stated across the road SPR has no CUP. They are allowed to do whatever they want. How is that fair to other businesses. The conditions you propose are expensive and burdensome. He is willing to take them on, but could there be some fairness, a level playing field?

Planning Commission Member Birch stated that whatever is decided tonight, it is going to have to go to legal to reference the fire code. Chair Hallan stated we have the letter from the Fire Chief requesting it be made a condition. Mr. Walberg asked if his document could be a part of what is sent to legal. Chair Hallan stated there will be further discussion regarding the fence, parking area setback from the property line. He asked Staff if the 10-foot setback from the property line was discussed at the November meeting or where did that come from. Bittner asked which property line he was referring to. Chair Hallan stated Condition #10 states 10 feet or greater from all

property lines not screened by a fence. Mr. Burslie stated this is a requirement in the highway business district.

Planning Commission Member Birch stated Condition #6 states no more than 4 customer-owned inoperable vehicles shall be parked outside for more than 48 hours. He asked if they needed to be customer-owned. He asked Mr. Walberg if he would be comfortable if that condition stated no more than four inoperable vehicles. Mr. Walberg stated he would not be comfortable with that language. He stated his mechanic is certified and they can purchase inoperable vehicles and the mechanic can put them back together as operable vehicles. If he is allowed to erect the fence where they want to, they should be able to keep the inoperable vehicles behind the fence. Planning Commission Member Birch stated he just doesn't understand the need for the fence if it is not benefitting screening from Patriot Avenue. Chair Hallan stated the fence would provide screening as viewed from Patriot Avenue traveling north.

Planning Commission Member Larson stated the use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, or appearance or prosperity of the City, the fence would probably be a good idea. It would be cleaning up your property and keeping some of the mess behind. Placing the fence where you want gives those vehicles a place, while opening up your corner for people to see the vehicles ready for sale and potentially clean that area up a bit.

PUBLIC COMMENT:

Greg Seils (Crow Wing Auto Body) stated he had a 20-year lease with the DNR for use of their 30-foot parcel; he is not going to renew the lease. He planted the trees along the north lot line of the DNR lot and filled the wetland for a driveway to get to their house. The DNR property was a wetland and he filled it. He moved the culvert from the Watt side of his property to the north side; MN/DOT didn't want any additional access to the highway. He plans to move the culvert back to the Watt side to put the DNR lot back to the way it was. He stated he is not worried about a fence, just have orderly cars and not parked on the DNR land. A fence further back would be nice as screening for visibility from their residential area. The DNR land is trail access to lake; it is not a public access. It is not for the Fire Department access to Mr. Walberg's house; only a walking trail. A fire lane or access to the Walberg house should be on his own property. Mr. Seils further stated he supports Mr. Walberg having a successful business, but keep the cars neat and orderly.

Discussion ensued regarding snow removed from vehicles and parking in the right-of-way. Mr. Burslie reminded the Chair that all comments should go through the Chair. Chair Hallan reminded the Walberg group that they had not been interrupted when they spoke and they should not interrupt the public as they speak.

Mr. Seils stated he is waiting for Wade Miller from DNR to get back to him regarding use of the DNR parcel. Mr. Seils further stated Mr. Walberg has not complied with his current CUP. Vehicles are parked under the power line in the right-of-way. The DNR lot is only an access trail. It hasn't been improved because a boat access needs 66 feet. He stated he has his floor drains pumped and so does Watt. He would like to see Mr. Walberg have saleable vehicles neatly parked up front and be able to have deliveries, and kept organized. Mr. Seils also stated he never sees a garbage truck at the Walberg property. He asked the Planning Commission to check with the Fire Chief and the DNR before making a decision regarding fire access.

Mr. Walberg stated he would like to have a fence; it would solve garbage issue and screening.

Bob Bartel designed the floor drain/holding tank and was in attendance. He stated this is not part of the SSTS Code, but the plumbers' code with the EPA and MPCA. The shop area currently has no drains and has in-floor heating. It is not amenable to installing a floor drain.

PUBLIC COMMENT CLOSED.

Planning Commission Member Norton inquired with the residential area in the rear, do the trees count as screening without leaves. Mr. Burslie stated the ordinance states leaf-on conditions, which would apply. Planning Commission Member Norton asked if Mr. Walberg is currently allowed to do mechanic work and transmission work. Mr. Burslie stated on vehicles he owns, not for others.

Planning Commission Member Birch asked if we need to resolve the fire access issue prior to approving the CUP. Chair Hallan stated the letter from the Fire Chief and the Minutes will be sent to the City Attorney for his opinion whether or not it should be included as a Condition of the CUP. Mr. Walberg asked that his information from the Minnesota Department of Public Safety also be sent to the City Attorney.

Chair Hallan suggested discussing each condition. Discussion ensued and the following was decided:

1. No tire sales, exterior display of sawmills, or repair/maintenance work on customer owned vehicles may be allowed on the subject property until the conditions of this permit are fulfilled.
2. There shall be no exterior storage of tires.
3. Fifty percent screening shall be maintained along Patriot Avenue.
4. A floor drain/sediment trap shall be installed in the auto repair area in accordance with MDH's best management practices. The floor drain shall be connected to a holding tank and pumped regularly. The holding tank system shall be designed by a licensed SSTS designer or licensed plumber. A copy of a maintenance/pumping

contract shall be submitted to the city. The floor drain/holding tank system shall be installed by August 30, 2019.

5. All garbage, used oil and related waste shall be disposed of in accordance with MPCA regulations.
6. No more than fifteen (15) inoperable units (vehicles and sawmills) shall be present on the property at any given time.
7. All mechanic work on vehicles shall be conducted within an enclosed structure.
8. Signage shall be permitted by separate application.
9. There shall be no more than a total of one hundred fifty (150) vehicles and sawmills allowed on the subject property. The maximum number allowed is a combination of vehicles and sawmills.
10. Parking areas shall be set back a distance of 10' or greater from side property lines in areas that are not screened by a fence.
11. A 6'-7' high wooden privacy fence shall be constructed along the south property line. The fence shall commence at the rear of the front building and run west to the front of the rear building. The fence shall be a minimum of 3 feet from the south property line. The fence shall be installed by August 30, 2019.

During the above discussion, Chair Hallan noted regarding the fire access, per applicants' testimony, they are only using 11% of their property. That leaves sufficient space to provide fire access and park their vehicles. Based on what the City Attorney decides regarding the statute and regulations with the Fire Chief, there is adequate area to provide fire access.

Planning Commission Member Birch asked if we are required to resolve the issue of fire access prior to approving the CUP. Chair Hallan stated he is requesting the letter from the Fire Chief go to the City Attorney with respect to determination whether or not it should be considered as an additional condition of approval of this CUP. Planning Commission Member Wilson stated the DNR property could be used. Chair Hallan stated the applicant has provided the DNR information and the City Attorney needs to determine if that is applicable to this CUP. He further directed Bittner to forward the draft Minutes along with the Fire Chief letter and the information provided by applicant.

When discussing the number of vehicles to be allowed, Planning Commission Member Norton wondered if increasing the number of vehicles to 150, with regard to the problems in the past with 100 vehicles, will increasing the number also increase problems in the future. Planning Commission Member Birch concurred, adding from public comment, pictures, and personal experience, the current space looks cramped and is hard to get around with 100 vehicles. There are too many vehicles in a small space now. He proposed expansion of the area, but leave the number at 100, spread them out over the property, in a more organized, orderly fashion.

Planning Commission Member Savino asked what percentage was allowed to be used to park vehicles in the past. Bittner provided the site plan from the previous CUP that indicates specific areas, no percentages. Chair Hallan stated the commercial area is 600

feet from the right-of-way west toward Sibley Lake. Planning Commission Member Savino stated there is an overflow now because of the restriction of space. Increasing the space 100% and the number of vehicles by 50% is reasonable.

Chair Hallan noted that if the conditions of this CUP are not adhered to, the City has the option to revoke the CUP. If it appears vehicles have not moved for months, the Police Chief can pay a visit as we have done with other enforcement issues. There is no need to start sending letters for the violation.

Mr. Burslie verified with Chair Hallan that he wants the Fire Chief's letter to go to the City Attorney. Chair Hallan stated he wants the letter to go to the City Attorney to determine if it is appropriate to make that an applicable condition. If it is determined applicable, it shall be included as Condition Number 12. Mr. Walberg requested his information be included to the City Attorney. Chair Hallan stated Mr. Walberg's information and the meeting Minutes should be sent with the Fire Chief's letter to the City Attorney.

A motion was made by Planning Commission Member Wilson to table this request until we receive a report from the City Attorney. Chair Hallan pointed out this application was made in November and a decision needs to be made. Planning Commission Member Norton asked if the application can be approved conditioned on the determination of the City Attorney. Chair Hallan stated it was his intent that the City Attorney determine whether the letter from the Fire Chief should be made Condition Number 12. Mr. Burslie stated a decision needs to be made tonight.

Planning Commission Wilson withdrew his request to table. Chair Hallan stated even if it takes the City Attorney 6 months to make a determination, it won't impact Mr. Walberg's business. If the applicant doesn't agree with the determination of the City Attorney, he can appeal it to the City Council.

A motion was made by Planning Commission Member Birch, seconded by Planning Commission Member Savino, to approve the Conditional Use Permit request, with the 11 Conditions, as amended, with the provision of the 12th Condition based on the Attorney's determination, based on the following Findings of Fact:

1. The conditional use permit request is to amend the existing conditional use permit to allow expansion of the parking area for the used motor vehicle lot, add maintenance and repair of customer owned vehicles, provide towing services, tire sales and onsite sales and display of sawmills in the Commercial zone.
2. The subject property is located at 29349 Patriot Avenue and is zoned Commercial and Shoreline Residential.
3. The subject property is conforming. The parcel contains a dwelling, an office, a pole building, and a log building.
4. The subject property is served by private water wells and 2 private sewer systems.

5. The proposed "use" is considered "Commercial Use (Other, Not Classified)" and requires a conditional use permit.
6. The proposed use, with conditions, conforms to the comprehensive plan.
7. The adjacent property is zoned "Shoreline Residential", "Commercial", and "Recreation".
8. The proposed use is compatible with the existing neighborhood.
9. Signage will be applied for under separate Land Use Permit meeting Section 17-7.1 of the City Code.
10. The proposed use, with conditions, will not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
11. The conditional use, with conditions, will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject property.
12. The subject properties are accessed via Patriot Avenue. There will not be a significant increase in traffic on either street due to the proposed use. The public cost for facilities and services for the proposed development will not be detrimental to the economic welfare of the community.
13. The proposed use will not generate any offensive odor, fumes, dust, noise or vibrations that will be a nuisance to neighboring properties.
14. The proposed use will not destroy any natural or scenic features. There are no known historical features of major significance on the subject property.
15. The proposed use, with conditions, will promote the prevention and control of ground and surface waters. No tire sales, exterior display saw mills, or repair/maintenance work on customer owned vehicles may be allowed on the subject property until the conditions of this permit are fulfilled.

And subject to the following Conditions:

1. No tire sales, exterior display of sawmills, or repair/maintenance work on customer owned vehicles may be allowed on the subject property until the conditions of this permit are fulfilled.
2. There shall be no exterior storage of tires.
3. Fifty percent screening shall be maintained along Patriot Avenue.
4. A floor drain/sediment trap shall be installed in the auto repair area in accordance with MDH's best management practices. The floor drain shall be connected to a holding tank and pumped regularly. The holding tank system shall be designed by a licensed SSTS designer or licensed plumber. A copy of a maintenance/pumping contract shall be submitted to the city. The floor drain/holding tank system shall be installed by August 30, 2019.
5. All garbage, used oil and related waste shall be disposed of in accordance with MPCA regulations.
6. No more than fifteen (15) inoperable units (vehicles and sawmills) shall be present on the property at any given time.
7. All mechanic work on vehicles shall be conducted within an enclosed structure.
8. Signage shall be permitted by separate application.

9. There shall be no more than a total of one hundred fifty (150) vehicles and sawmills allowed on the subject property. The maximum number allowed is a combination of vehicles and sawmills.
10. Parking areas shall be set back a distance of 10' or greater from side property lines in areas that are not screened by a fence.
11. A 6'-7' high wooden privacy fence shall be constructed along the south property line. The fence shall commence at the rear of the front building and run west to the front of the rear building. The fence shall be a minimum of 3 feet from the south property line. The fence shall be installed by August 30, 2019.

ROLL CALL VOTE: Andrew Birch: Aye; Laura Larsen: Aye; Nathan Norton: Aye; Tom Paulbeck: Aye; Christopher Savino: Aye; Wesley Wilson: Nay. Motion Carried 5 – 1.

ADDITIONS OR DELETIONS TO AGENDA: None.

OPEN FORUM: None.

NEW BUSINESS:

a. Kent and Pamela Johnson, Landscape Plan Review

Mr. Burslie explained the Staff Report. Applicants were present.

When asked, Mr. Johnson stated he plans to use 3' – 4' high trees, not seedlings, for screening. Chair Hallan stated he would like a minimum 1.5" caliper trees be used.

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Larson, to approve the Landscape Plan. Trees shall have a minimum caliper of 1.5 inches. All members voted "aye". Motion carried.

b. Year End Report

Bittner pointed out the increased number of applications received; 75% of all applications are handled as over-the-counter permits by Staff.

c. Liaisons to Council Meetings

Bittner explained at times the City Council may have questions for the Planning Commission Member or that she may need support of the Planning Commission Member when explaining recommendations to the City Council. This also gives the Planning Commission Members an idea of what takes place with their recommendations.

Planning Commission Members Norton and Paulbeck switched August and December meetings.

d. LMC Land Use Incentive Program
Bittner explained the Staff Report. Chair Hallan and Planning Commission Member Larson will complete the online course.

e. Permanent Temporary Structure in DMU
Mr. Burslie explained the Staff Report. Staff was directed to provide information for an upcoming meeting for the City to amend the ordinance to allow Temporary Commercial Structures as an interim use. This would be a discussion item, not a public hearing.

f. Wilderness Resort Villas – Verbal Update by Chair Hallan
Chair Hallan reported he has been contacted by Tom Steffens, Wilderness Resort Villas developer. It was developed as one large plat and now the association is looking at splitting the resort into 2 parcels. If the resort is split, it will no longer be required to have the septic system permitted through an NPDES permit. A Subsurface Sewage Treatment System (SSTS) would be less expensive to install.

Chair Hallan advised Mr. Steffens to bring his subdivision plans to the City.

OLD BUSINESS:
a. Exterior Storage Ordinance
Mr. Burslie explained the Staff Report. The Planning Commission directed Staff to change Footnote Number 3 from 30 feet to 16 feet and hold the Public Hearing on this at the February meeting.

b. Heart of the Good Life Development – Discussion
Mr. Burslie showed the marketing video that was created by WSN and explained the Staff Report. The City Council has directed the City Planner and Planning Commission to create architectural, landscaping, and zoning regulations for the HOTGL Development.

Staff was directed to bring forward examples and to do it in sections, such as exterior architecture, landscaping, etc.

APPROVAL OF MINUTES:
A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Birch, to approve the November 15, 2018 Minutes. All members voted "aye". Motion carried.

P & Z ADMINISTRATOR'S REPORT:

Bittner pointed out the 4 permits issued in November and December and the 16 letter sent or received.

Bittner reported she has been contacted by a property owner who has rented their property on VRBO, etc. in the past. Mrs. Lewis stated the City is discriminating against them as apartment landlords are not held to the same standards. The property owners should have been notified. The City is denying them revenue. When asked what they should do with the rentals they have for the year, Bittner told her that one of her business partners was told these discussions were taking place and to not rent their lake property more than 4 leases per year. She was invited to an upcoming Planning Commission meeting.

ADJOURNMENT:
A motion was made by Planning Commission Member Birch, seconded by Planning Commission Member Wilson, to adjourn the meeting. The meeting was adjourned at 9:12 PM.

Respectfully submitted,

Dawn Bittner
Zoning Specialist