AGENDA ITEM # 6.1

REPORT TO CITY COUNCIL

Report Prepared by: Dawn Bittner

Date: July 2, 2019

Subject: Planning Commission Report

Report: The Planning Commission Report is attached.

Council Action Requested: No Action Required.

City of Pequot Lakes

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June 24, 2019

Mayor and City Council
4638 Main Street
Pequot Lakes, MN 56472

Re: Planning Commission Report

Dear Mayor and City Council:

The Planning Commission held their regular meeting in June where they held 5 Public Hearings, discussed conditions for Nathan Walberg, an ordinance amendment regarding flag poles, and reviewed Zoning Standards for the Heart of the Good Life Development and updates to the Downtown Plan. They are sending you 1 recommendation. The draft Minutes for that meeting are attached.

Please feel free to contact me with any questions or concerns at 218-568-6699 or dbittner@pequotlakes-mn.gov.

Sincerely,

Dawn Bittner
Zoning Specialist

"This institution is an equal opportunity provider and employer."

MINUTES
PEQUOT LAKES PLANNING COMMISSION/
BOARD OF ADJUSTMENT
REGULAR MEETING
JUNE 20, 2019

PRESENT: Andrew Birch, Mark Hallan, Laura Larson, Tom Paulbeck, and Wesley Wilson. ABSENT: Nathan Norton and Christopher Savino

CITY PLANNER: Justin Burslie, Sourcewell

ZONING SPECIALIST: Dawn Bittner

COUNCIL LIAISON: Scott Pederson, Absent

The meeting was called to order at 6:00 PM by Chair Hallan.

A motion was made by Planning Commission Member Wilson, seconded by Planning Commissioner Member Birch, to open the Public Hearings. All members voted "aye". Motion carried.

PUBLIC HEARINGS:
APPLICANT: Brent Ryappy
Applicant requests to Rezone from Shoreline Residential to Rural Residential
Mr. Burslie explained the Staff Report. Applicant was not present nor represented by Brent Anderson.

PUBLIC COMMENT OPENED:

No public comments.

PUBLIC COMMENT CLOSED.

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Birch, to recommend the City Council rezone the subject property to Rural Residential, based on the following Findings of Fact:

1. The applicant is proposing to rezone 2.49 acres from "Shoreline Residential" to "Rural Residential."

2. The subject property is privately owned. The property owner has not indicated any plans for future development.
3. The subject property is within the Shoreland Area and no Shoreland soil types have been identified.
4. The vegetative cover of the subject property consists of trees and grasses.
5. The subject property is not adjacent to a public water body. "In-water physical characteristics" and recreational use of surface water do not apply.
6. The subject property has approximately 482 feet of frontage adjacent to South Sluetter Road. Pursuant to a condition of lot split approved October 21, 2004, access to subject property shall only be from South Sluetter Road with said access to be located a minimum of 100 feet south of the centerline of County Road 168.
7. The proposed rezoning does not increase the socio-economic development needs of the public.
8. 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.
9. The subject property does not contain any known significant historical or ecological value.
10. The subject property is adjacent to property zoned "Rural Residential" and "Shoreline Residential". The proposed reclassification is not considered "spot zoning."
11. The proposed rezoning is in conformance with the City of Pequot Lakes Comprehensive Plan.
12. The future land use map identifies the subject property as "Rural Residential." Rezoning the subject property to "Rural Residential" is compatible with that classification.

All members voted "aye". Motion carried.

APPLICANT: Wilderness Point Resort, LLC
Applicant requests to Amend Conditional Use Permit to Expand Existing Beach and Relocate Existing Boat Ramp
Mr. Burslie explained the Staff Report. Thomas Steffens represented the applicant.

Mr. Burslie explained this request had been approved in 2014, but was not acted upon within the required timeframe and became null and void. The request is to expand the beach area to the west side of the boat house and to the west to the proposed location of the boat ramp. The expansion would be 56 feet. Mr. Burslie read through the proposed additional conditions; the conditions of the prior Conditional Use Permit approval remain.

Mr. Burslie noted the 4 letters received from Joel and Shelley Thordson, Rick Weiblen, Heidi Lindgren, the area DNR Hydrologist, and the Cullen Lakes Association. Copies of the letters were on the table for the Planning Commission and offered to the public.

Chair Hallan pointed out Condition Number 4 should include relocation of the boat ramp. In addition, the application requested the beach area to be expanded to 156 feet, while the drawing indicates 165 feet. Chair Hallan stated the Planning Commission is considering the expansion to 156 feet.

Mr. Steffens explained the beach issue has been debated for years. He originally proposed a second beach area on the east side of the point which was denied. After meeting with City Staff and the DNR it was decided to expand this beach area. That approval was not acted upon as Mr. Burslie stated and he is requesting this be approved again. The aquatic vegetation removal will be in the expanded beach area and the relocated boat ramp. There are currently 14 cabins and 27 villas at Wilderness Resort. There can be 150 to 200 people on that beach.

PUBLIC COMMENT OPENED:
Patty Lawrow, Middle Cullen Lake – She inquired how wide the boat ramp will be. Mr. Steffens stated he believed it is 12 feet wide. She asked if the boat ramp is in addition to the 156 foot beach area. Mr. Steffens stated the day dock would be 4 to 6 feet wide and the ramp is 12 feet wide, next to the beach. Cabin Number 4 is being moved next to Cabin Number 8.

Lowell Bonnema, 5600 White Pine Drive - He stated he is in favor of this application. The existing beach is inadequate with the number of people at the resort and the traffic to the existing boat ramp is dangerously close to the beach.

PUBLIC COMMENT CLOSED.

Chair Hallan clarified the beach area is 156 feet to the opposite side of the dock. The boat ramp is 12 feet wide. The beach is 156 feet to the edge of the boat ramp, then 12 foot boat ramp. The dock can be placed anywhere inside this area.

Planning Commission Member Birch stated that safety is also a concern with the new location of the boat ramp being adjacent to the beach. This plan does not address safety. Mr. Steffens stated one of the main safety concerns was the traffic traversing along the beach to the boat ramp. The proposed hammerhead turn area should help with the problem. There will be some type of barrier so the boats are not on the beach.

Chair Hallan stated there is approximately 100 feet of natural vegetation to the west property line.

Chair Hallan noted that even if the City approves this Conditional Use Permit, it does not guarantee the DNR will approve the permits for this activity. He further noted the DNR would rather see a more formal plan for a restroom. He stated he is hesitant to

add a condition of the CUP approval when Agenda Item 3 (c) may not get approved. Mr. Burslie stated the DNR is referring to portable bathrooms; they are suggesting there should be some type of bathroom in close proximity to the beach area. The DNR comments for Agenda Item 3 (c) indicate they are not in favor of the bathroom in the boat house.

Planning Commission Member Larson asked if there were plumbing facilities in Cabin 4. Mr. Steffens stated there are, but Cabin 4 needs to be moved as it is directly in the path for the new ramp location. Chair Hallan clarified Cabin 4 is currently on a holding tank.

Planning Commission Member Larson asked since safety is the main concern, is the road going to stop at the new boat ramp location or is it going to continue past the beach. Mr. Steffens stated the road will continue to be used as it provides access to Cabin 9 on the point. Chair Hallan stated golf cart users also will use the road.

Planning Commission Member Birch stated public benefit had been stated earlier, but this is not a public beach. Mr. Burslie clarified it is not open to the public.

Planning Commission Member Paulbeck stated he would be as far away from the boat ramp with his family. Mr. Steffens had mentioned screening for the beach area. Mr. Steffens stated there will be some type of separation, screening or structure to keep vehicles off of the beach. Mr. Burslie stated the Planning Commission does have the authority to require a barrier or fence as a condition to create that buffer. Chair Hallan stated this is a private development and how they decide to provide safety for their residents is their decision.

Chair Hallan clarified the decision for the size of the boat ramp is up to the DNR.

Patty Lawrow asked if lawn or vegetation is removed, are they required to place more at another location. Chair Hallan stated the DNR will regulate removal of the bulrush in the lake. Mr. Burslie stated removal of aquatic vegetation is not regulated like wetland credits.

Patty Lawrow asked if the Planning Commission had copies of the letters from the Cullen Lakes Association and the 2 residences nearby. Chair Hallan stated they had copies at the table.

Planning Commission Member Larson stated the letter from the Cullen Lakes Association requests a timeline for completion and if that is something we want to include now? Chair Hallan stated the Ordinance gives him 12 months to act on the approval.

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Birch, to amend the Conditional Use Permit to expand the existing beach and relocate existing boat ramp, based on the following Findings of Fact:

1. The conditional use permit request is to expand the existing beach to a width of 156 feet and to relocate the existing boat ramp to the north side of the beach.
2. The subject property is a conforming parcel. It is approximately 30 acres in size and is zoned Shoreline Commercial and Open Space. The Shoreline Commercial District allows commercial planned unit developments.
3. There is no reason to believe that expansion of the beach area or relocating the boat ramp at Wilderness Resort, with conditions, would harm the health, safety, or welfare of the community.
4. Access to the resort is off of public right-of-way.
5. The planned unit development will continue to act as a resort. Although there will be some intensification of use, there will be no change in land use. The use will remain compatible with the adjacent properties.
6. A Commercial PUD is a permitted conditional use within the Shoreline Commercial District.
7. The Comprehensive Plan states *"Make the area's natural, scenic, and recreational amenities the Pequot Lakes brand. The primary reason that people choose to live, work, and visit the Pequot Lakes area is the natural, scenic beauty and the many recreational opportunities."* This proposal, with vigorous conditions to safeguard the environment and water quality, is consistent with the objectives of the Comprehensive Plan.
8. Onsite stormwater retention ponds will reduce sedimentation and nutrient loading of public waterways.
9. The site is largely covered by wooded areas and wetlands. The proposal will not significantly reduce the amount of wooded areas and will not impact the wetlands.
10. The subject property contains an adequate number of off-street parking spaces.
11. The adjacent property to the north is zoned Recreation, while the property to the south is zoned Shoreline Residential and to the west is zoned Recreation. The subject property is adjacent to Middle Cullen Lake on the south and east. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
12. The proposed use is compatible with the existing neighborhood.
13. 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.
14. 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.
15. The subject property is accessed via Wilderness Road. There will not be a significant increase in traffic 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.

16. The proposed use, with conditions, will not generate any offensive odor, fumes, dust, noise or vibrations that will be a nuisance to neighboring properties.
17. The proposed use will not destroy any natural or scenic features. There are no known historical features of major significance on the subject property.
18. The proposed use, with conditions, will not impact ground and surface waters.

Beach Area:

19. The existing beach area is located on the west side of the point and is approximately 100 feet wide. The applicant is proposing to extend the width of the existing beach area to 156' wide.
20. Removal of aquatic vegetation is necessary for the creation/expansion of the beach areas. The City does not have jurisdiction on any work performed below the OHW.
21. The City Code does not allow grading in excess of 50 cubic yards in the Shore Impact Zone.
22. Centralization of the beach area will reduce adverse impacts (unfiltered runoff, erosion, etc.) to the shoreline and the lake.
23. The distance between the location of the proposed boat ramp and the existing boathouse is approximately 165'.

Relocation of the Boat Ramp:

24. The applicant is proposing to relocate the existing boat ramp to the north side of the existing beach and swimming area.
25. oRelocation of the ramp will require removal of approximately 10 – 20 feet of aquatic vegetation on the north side of the beach to allow for installation of the boat launch.
26. Relocation of the existing boat ramp may require a permit from the Minnesota Department of Natural Resources.

And subject to the following Conditions:

Beach Area:

1. The applicant shall demonstrate with professional grading and drainage plan how untreated runoff will be prevented for entering the lake via the proposed beach area.
2. In order to minimize negative impacts on Middle Cullen Lake, one centralized beach area shall be allowed on the subject property. The existing beach may be expanded to 156' in width.
3. Grading in the vicinity of the beach area shall include the use of berms, swales and natural vegetation near the beach area.
4. Necessary permits shall be obtained from the DNR for the removal of any aquatic vegetation for the expansion of the beach area and relocation of the boat ramp.
5. In order to maintain the "up north" character referenced in the Comprehensive Plan and to protect the shoreline and Middle Cullen Lake, the resort may have one centralized beach area.

6. The existing beach area may be expanded to the length of the shoreline between the proposed boat ramp location and the west corner of the existing boat house.
7. The centralized beach area may not exceed existing width (landward).
8. The proper permits shall be obtained from DNR before the boat ramp may be relocated.
9. Stormwater shall be diverted away from the lake. Surface runoff at turnaround area and landward shall be diverted to stormwater features and not allowed to run directly down into the lake.

All members voted "aye". Motion carried.

APPLICANT: Wilderness Point Resort, LLC
Applicant requests a Variance to include a Restroom in Reconstruction of Boathouse in the Shore Impact Zone.
Mr. Burslie explained the Staff Report. Thomas Steffens represented the applicant. Mr. Burslie stated the Planning Commission will need to go over the Findings of Fact as Staff could not find Practical Difficulties to approve this request. There is adequate space to construct a bathroom outside the 75-foot setback from the OHW. Comments received from the DNR indicate they are not in favor of adding guest services, gift shop, and a restroom as it is a large expansion of the use. They also state the structure must meet the floodplain minimum elevation standards and this was not included in the Staff Report.

Chair Hallan pointed out there is no floor elevation indicated for the structure. He further noted 2 contours cross one another, a 3 foot difference. Mr. Burslie suggested that the contours likely came from the County GIS map and that the surveyor didn't actually do a survey for this application.

Mr. Steffens stated the structure has been in that location for many years and is an eyesore. It had been used for many uses, including concessions. He had been told by the City he could rebuild it, but now he would like to include a restroom. The old lodge was the only restroom and it will likely be demolished this fall or next spring. There won't be any public restrooms anywhere at the resort. That is why he is proposing to include a handicap accessible, unisex bathroom in this structure. He further stated that the concrete floor needs to be removed and could be raised.

Planning Commission Member Wilson stated if the building needs to be demolished, it would make sense to move the structure away from the high water line, above the flood plain. If it needs to be totally demolished, get it compliant with today's standards.

Mr. Steffens stated they are somewhat hindered by the road that runs behind it. The road is not shown on the map, but in the earlier discussion it was shown on those maps.

When asked how far away the road is, Mr. Steffens stated the structure could be moved back about 20 or 30 feet from the water.

Planning Commission Member Paulbeck asked if it was the plan to have one restroom to service all the people at the beach. Mr. Steffens stated they are restricted to a 20' by 20' structure and also need to have space for staff to distribute equipment used at the beach. To build a larger structure he would need to move the structure back to meet the 75-foot setback.

Planning Commission Member Larson asked why he is planning to tear down the main lodge. Mr. Steffens stated the lodge was built many years ago and is also an eyesore. When asked if it would be rebuilt, Mr. Steffens stated the lodge would not be rebuilt; there would be no new lodge in its place.

Chair Hallan clarified that the most current approved plat does include a new lodge with hotel rooms in place of the old lodge. While Mr. Steffens states there will be no new lodge, this is an association and someone could build the lodge as it has been reviewed and approved. Mr. Steffens stated he plans to come back to the Planning Commission later this year to amend the Conditional Use Permit to remove the lodge from the plat. Chair Hallan stated that cannot be debated tonight.

Planning Commission Member Birch asked if people at the beach are going to want to look at the lake or at the boathouse. It would make sense to move it back and asked if that had been considered. Mr. Steffens stated they had not considered moving the structure back as this location was the only location allowed to reconstruct it.

Planning Commission Member Birch pointed out Cabins 5, 6, 7 & 8 and stated it appeared to be sufficient space to place the structure adjacent to those cabins and asked if that had been considered. Mr. Steffens stated that location would be the front yards where additional villas will be built. When asked, Mr. Steffens stated he had not considered another location for the structure.

PUBLIC COMMENT OPENED.
Patty Lawrow, Middle Cullen Lake – stated her family has been on the lake since 1965. The boathouse didn't have concessions; those were in the lodge with the bathroom. The boathouse is next to the water.

Lowell Bonnema – stated the boathouse is 15' – 18' from the water. The road makes it difficult to move back. It is an asset to have the structure next to the lake.

PUBLIC COMMENT CLOSED.
Chair Hallan stated a property owner can repair or replace to exact dimensions, but when the floor level is being raised, at what point is the reconstruction more than what

is allowed. Mr. Burslie explained a property owner can repair, maintain and replace a pre-existing structure. In this case the structure is also in the flood plain so if they do replace it they do need to flood proof it. We would permit it meeting the floodplain standards, but they can't intensify the use; that is what the Variance request is for.

Planning Commission Member Birch asked if there were shoreland development rules that dictate you can't improve or replace up to 50% of the value of the structure. Mr. Burslie stated the ordinance states if 80% of the structure is damaged or value and a permit isn't applied for in maybe 160 days, then you can't replace it. When asked, Mr. Burslie stated the rules come from State Statute.

Patty Lawrow asked if plumbing had to be setback from the shoreline. Chair Hallan stated there are separation requirements between a well and septic. Mr. Burslie stated there are setback requirements for SSTS which is 50 feet for the tank and OHW. The applicant had asked Chair Hallan if a holding tank would be allowed for the boat house and Chair Hallan stated it would not be allowed. They are proposing a grinder basin which would be below the OHW.

Planning Commission Member Paulbeck asked if there were are precedents for this. Has this type of use, a high volume restroom next to the water, been approved elsewhere in the Brainerd lakes area? Mr. Burslie stated he is not aware of any.

Planning Commission Member Wilson asked if this request is for one unisex bathroom. Chair Hallan stated it is. Planning Commission Member Wilson stated they plan to remove the lodge with bathrooms and replace with one bathroom.

Mr. Burslie stated the 9 Findings of Fact in the Staff Report were left open ended. If the Planning Commission is prepared to make a decision we would need to modify the Findings to reflect your decision. The application can be approved or denied; the application can also be tabled if you need additional information to make a decision.

Mr. Steffens asked Chair Hallan if he could request this application be tabled so he could consider alternate locations. He stated he was not aware he could construct the structure at another location.

Chair Hallan asked if any Planning Commission Members were in favor of tabling this. Planning Commission Member Birch stated he would be more comfortable denying the request. Denying the Variance does not preclude them from coming back with an additional request. He was concerned with the time deadlines.

Mr. Steffens stated he was concerned with Findings that could affect the viability of another request.

Mr. Burslie stated he was concerned that another request may require the notification of neighbors and publishing again. If the application is denied, the applicant will need to reapply for a new Variance.

A motion was made by Planning Commission Member Birch, seconded by Planning Commission Member Larson, to deny the Variance request to include a restroom in the reconstruction of the boathouse in the Shore Impact Zone. The Planning Commission reviewed the 9 Findings of Fact:

1. The subject property is located at 6316 Wilderness Road and is in the "Shoreline Commercial" and "Open Space" zones.
2. The property contains Wilderness Point Resort, a commercial planned unit development.
3. Applicant proposes to remove the existing boathouse and reconstruct a 400 square foot structure. Applicant proposes to use this structure for guest services, storage, gift shop, and restroom. This structure would be within the Shore Impact Zone.
4. The subject property is served by a private deep well and a MPCA NPDES permit for the septic system.
5. The applicant has not established that there are practical difficulties in complying with the Code. The resort beach is used by over 100 people daily during the summer and there are no bathroom facilities that will be available other than in nearby cabins.
    a. A restroom facility may reasonably be constructed in a conforming location on the subject property.
6. The deviation from the Code will not be in harmony with the general purposes and intent of the City Code and Comprehensive Plan. The applicant does have the ability to rebuild the structure to the floodplain standards; however, intensification of the use would not be compatible with zoning ordinance and Comprehensive Plan.
7. The Variance will not create a land use not permitted in the Shoreline Commercial zone. Accessory structures are a permitted use.
8. The subject property is surrounded by Recreation, Shoreline Residential development. The Variance will not alter the essential character of the locality of the subject property.
9. The Variance does not appear to be for economic reasons alone and reasonable use of the property seems to exist under the Code.

A motion was made by Planning Commission Member Birch, seconded by Planning Commission Member Larson, to amend the Findings of Fact as stated by Staff for the motion for denial. All members voted "aye". Motion carried.

APPLICANT: City of Pequot Lakes
Applicant requests a Conditional Use Permit for a Sign Concept Plan
Mr. Burslie explained the Staff Report. Applicant was represented by Zoning Specialist Bittner. It is the intent that the flags would be removed when the property is sold.

Planning Commission Member Birch asked why this application is for a Conditional Use Permit and not a temporary use permit. Bittner stated the ordinance includes language to allow additional signage through a Conditional Use Permit. Planning Commission Member Birch stated it would be more applicable to apply a temporary use permit to this type of use than a Conditional Use Permit. When the property sells, this permitted use would carry over to the new owner.

Mr. Burslie stated the City would be asked to remove the signs before the property is transferred, but Planning Commission Member Birch is correct. They could be in place forever if approved tonight. The purpose of the Sign Concept Plan is to allow signage for unique situations.

Planning Commission Member Birch asked if we should look at temporary use permits for Sign Concept Plans. We also ran into this type of issue when discussing the food truck. We want to be able to give people the ability to do what they want to do, but not forever.

Mr. Burslie stated if the Planning Commission wanted to table this application, we could look at amending the ordinance to allow through an Interim Use Permit; it would have an end date or event.

Chair Hallan suggested tabling this application and directed Staff to come back with another temporary type use to allow this.

PUBLIC COMMENT OPENED:

No public comment.

PUBLIC COMMENT CLOSED.

A motion was made by Planning Commission Member Paulbeck, seconded by Planning Commission Member Wilson, to table this application.

APPLICANT: Lonesome Real Estate, LLC
Applicant requests to Amend Conditional Use Permit for Exterior Storage
Mr. Burslie explained the Staff Report. Applicant was represented by Brandon Andersen.

Mr. Burslie explained the additional conditions. Planning Commission Member Birch asked how we define scrap.

Mr. Andersen reiterated the Staff Report by stating exterior storage is now a permitted use and would not require a Conditional Use Permit as it did in 2007. Now Staff is suggesting adding conditions regarding tidiness where a Conditional Use Permit in not required. This should be a moot point. No one else in the Industrial Park would have conditions placed on their exterior storage.

Mr. Andersen stated Condition Number 2 had been complied with. The trees were planted in the 6-month period.

Mr. Andersen further stated placing an additional condition for neatness is arbitrary and offensive. He is not in favor of any additional conditions being placed on his property.

Mr. Andersen had mentioned his billboard had been delayed due to this and Chair Hallan asked Staff if the two issues were related. Staff stated the City couldn't issue the permit for the billboard while Mr. Andersen was technically in violation of the previous condition for screening which he is requesting be removed.

With regard to proposed Condition Number 2 regarding a neat and orderly condition, Chair Hallan asked Staff if the City has received complaints regarding the exterior storage. Staff indicated they had not.

With regard to proposed Condition Number 3 regarding storage of scrap material, Chair Hallan offered to define scrap material as wood byproducts. The wood byproducts are stored on the southern 2/3 of the property. Mr. Andersen concurred, but stated he doesn't want the Planning Commission to tell him where he can store materials. He needs to do what is most efficient for his business. He requested it be on record that he is not agreeing to specific areas to store things. He will store it in the most safe, efficient and aesthetic manner that he can.

When asked, Mr. Burslie stated the proposed Condition Number 3 is similar to other conditions placed on manufacturing businesses. The Planning Commission doesn't need to use it.

Planning Commission Member Paulbeck asked if the Planning Commission needs to stay with the screening requirements if there have been no complaints on a business in the Industrial zone doing business like other businesses in his industry. He is referring to the proposed third condition. Planning Commission Member Paulbeck stated Mr. Andersen isn't being messy; it is the nature of that industry.

Planning Commission Member Birch stated this is a business in the Industrial Park. The road going by is a 4-lane expressway and that people should see this property as a completely acceptable use. He inquired about a statement made by Mr. Andersen regarding a Conditional Use Permit wouldn't be needed now for exterior storage. Bittner stated under our current ordinance, exterior storage is an accessory use. He then inquired why we are adding conditions for it. Mr. Burslie stated it is a standard type of condition we have used in other light manufacturing facilities. If you don't want to use it, strike it.

PUBLIC COMMENT OPENED:
Bob Erickson, Babinski Properties – If we get an 80-foot flag pole, you won't see his property.

PUBLIC COMMENT CLOSED.

A motion was made by Planning Commission Member Paulbeck, seconded by Planning Commission Member Larson, to approve the amendment of the Conditional Use Permit for Exterior Storage with proposed Condition Number 1, based on the following Findings of Fact:

1. The conditional use permit request is to amend the screening requirements of the conditional use permit approved in 2007. The use of exterior storage is an appropriate use in the Light Industrial district, which allows exterior storage as an accessory use.
2. The subject property is a conforming parcel. The property contains a manufacturing facility and 5 accessory structures.
3. The subject property is served by municipal water and wastewater.
4. The subject property contains an adequate number of off-street parking spaces.
5. The use does not conflict with the Comprehensive Plan, which encourages a diversity of industrial uses.
6. The use would be compatible with the existing neighborhood which contains light industrial businesses and similar structures. Some businesses have been using portions of their property for outdoor storage for several years.
7. The use is unlikely to be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City, as the storage of wood for a manufacturing business is unlikely to be harmful. The exterior storage area is visible from State Highway 371. Although not everyone will agree, this storage of materials could be a negative appearance for the City.
8. The use is unlikely to be injurious to the use and enjoyment of other property in the immediate vicinity as the properties to the west and north are also industrial in nature, with the lot to the south being vacant and State Highway 371 to the east. The zoning requirements for the 85 acre development to the south of the Industrial Park are in the process of being created. The vision for this area is much different than the existing Business/Industrial Park.

9. The use will not impede the normal and orderly development of surrounding vacant properties as the surrounding vacant properties are platted and proposed for industrial uses. The use will be entirely contained on the subject property.
10. The use will not require any additional public services at a public cost, and so will not have a detrimental impact on the economic welfare of the community.
11. The applicant accesses the property off of Morehouse Drive with one access point near the north lot line of the northernmost lot, a second access just to the north of the intersection of Morehouse Drive and Schmidt Way, and a third access just to the south of that intersection. These multiple accesses should not cause issues with traffic in the surrounding area.
12. The use of exterior storage does not require any parking spaces, but the related manufacturing business on the same property provides sufficient parking onsite to serve the operation.
13. The exterior storage of wood is unlikely to produce noise, dust, fumes, or vibration in a manner that would constitute a nuisance. The seven-foot high chain-link fence does not prevent a visual nuisance.
14. It is unlikely the use will result in the damage or destruction of natural or historical features of major significance.
15. The use will prevent and control the pollution of surface and groundwater through the use of retention basins around the northern property line and the eastern property lines in the north. A second retention basin is located on the west side of the property near the intersection of Morehouse Drive and Schmidt Way.

And subject to the following Condition:

1. All conditions of the Conditional Use Permit # 07-71 shall remain in effect except conditions number two and three which are hereby removed from the permit.

All members voted "aye". Motion carried.

A motion was made by Planning Commission Member Birch, seconded by Planning Commission Member Wilson, to close the public hearings. All members voted "aye". Motion carried.

ADDITIONS OR DELETIONS TO AGENDA: None.

OPEN FORUM: None.

NEW BUSINESS:
a. Nathan Walberg – Cease and Desist Letter
Zoning Specialist Bittner explained the Staff Report. Mr. Walberg was not present.

The Planning Commission reviewed the photographs provided by Mr. Walberg, indicating Watt Auto and Crow Wing Auto Body park vehicles in the right-of-way. The photos also indicate traffic from the right-of-way in front of his business onto the access for the DNR property. Bittner noted it appears a small parking area has been created for customers and the fire access has been created. However, most often it is blocked by a tow truck.

Chair Hallan noted it appears some vehicles have been moved around. However, the fire access was blocked by a trailer on his way to the meeting.

There were several people in the audience. One gentleman stated he attended the Public Hearing to expand the use. When the Planning Commission suggested a 10-foot setback for parking vehicles, he stated that would cut down the customer parking area. Mr. Walberg is not abiding by any of the setbacks, including right-of-way and DNR property. He is supposed to only have 15 inoperable vehicles. Fifty of the 150 might start. He has been using the right-of-way for his sawmill business; tree bark is present.

The Planning Commission reviewed the photos presented.

Revocation of the Conditional Use Permit was discussed.

The Planning Commission directed Staff to schedule an onsite meeting at the Walberg property with all of the Planning Commission in attendance, 1 or 2 City Council Members, the Fire Chief and the Police Chief.

b. Ordinance Amendment – Flag Pole, Discussion
Mr. Burslie explained the Staff Report. Discussion ensued regarding lighting of the American Flag, flag sizes and lighting. Staff was directed to contact the City Attorney to see if we can regulate lighting only the American Flag and upward lighting.

It was the consensus of the Planning Commission to direct Staff to prepare an ordinance amendment for maximum flag pole height at 60 feet for the Commercial and Light Industrial zone and 30 feet for all other areas and to not regulate flag size. Flag pole height will be removed from the structure height maximum.

OLD BUSINESS:
a. Heart of the Good Life Development – Zoning Standards
Mr. Burslie explained the language in the Staff Report is all new. Staff was directed to prepare ordinance language as follows:

- 75% impervious, 25% green space;

- Building height, check with the Fire Chief to increase his recommendation from 30' to 35'; buildings may need to be two-story or three-story buildings; sprinkling requirements are triggered by square footage and material types of construction;
- Strike the language for lighting being downward directional and signs being shut off at night; the Economic Development Commission requested that change;
- Screening of rooftop equipment shall not be considered part of the building height;
- Architectural Review Submittal, the City Council will need to decide who will be the Architectural Review Committee.

b. Downtown Plan Update – Discussion
Mr. Burslie explained we incorporated Planning Commission Member Norton's comments. We will need to update the Downtown Plan by the end of the year. Staff requested comments from the Planning Commission.

APPROVAL OF MINUTES:
A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Larson, to approve the May 16, 2019 Minutes. All members voted "aye". Motion carried.

P & Z ADMINISTRATOR'S REPORT:
Bittner pointed out the 5 letters sent since the last meeting and the 11 Land Use Permits issued. The following Potential Violations/Enforcement Actions were discussed:

1. Louisa Tiegen – Exterior Construction Incomplete. The Land Use Permit was extended to December 17, 2018. Administrative Citations were issued in December, January, and March. The garage door has not been installed. The Planning Commission directed Staff to notify Ms. Tiegen the garage door needs to be installed by October 31, 2019 or she will be in violation.

2. Chris Brown – Exterior Storage. Planning Commission met with Mr. Brown August, 2018. Letter from Staff April 5, 2019 to remove trailers and pontoon and to screen. Mr. Brown stated 24 hours not mentioned at meeting. The Planning Commission directed Staff to inform Mr. Brown that equipment for his business could be parked on the vacant lot and removed the next business day.

The Brainerd HRA and Crow Wing County HRA will be making a presentation at the July 2 City Council meeting explaining the Small Cities Redevelopment Program Grant and the target neighborhood areas. Housing is on our Project Priority List and the Planning Commission should attend the Council meeting to gather information for our

upcoming housing discussions. If more than 3 members plan to attend, I will post this as a Special Meeting.

ADJOURNMENT:
A motion was made by Planning Commission Member Birch, seconded by Planning Commission Member Paulbeck, to adjourn the meeting. All members voted "aye". Motion carried. The meeting was adjourned at 9:33 PM.

Respectfully submitted,

Dawn Bittner
Zoning Specialist