

**MINUTES  
PEQUOT LAKES PLANNING COMMISSION  
BOARD OF ADJUSTMENT  
REGULAR MEETING  
JULY 16, 2020**

PRESENT: Chair Andrew Birch; Commissioners Larson and Paulbeck virtually via Zoom; Commissioners Hallan and Wilson in person at City Hall. ABSENT: Commissioner Norton

CITY PLANNER: Justin Burslie, Sourcewell, in person at City Hall

ZONING SPECIALIST: Dawn Bittner, ABSENT

ADMINISTRATIVE ASSISTANT: Jennifer Peterson, in person at City Hall

COUNCIL LIAISON: Mimi Swanson, virtually via zoom

**1. Call Meeting to Order**

Chair Birch called the meeting to order at 6:00 PM.

**2. Consider Agenda**

Mr. Burslie stated Ms. Bittner added 6.1 Welcoming Communities Advocacy group

**A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Larson, to accept the Agenda, as amended.**

**Roll Call Vote: Birch - AYE; Hallan - AYE; Larson – AYE; Paulbeck – AYE; and Wilson - AYE. Motion carried.**

**3. Public Hearings**

**3.1 Pallansch Properties, LLC, applicant**

**Applicant requests a Conditional Use Permit to construct a 20 unit Assisted Living Facility**

Mr. Burslie explained the Staff Report. Applicant was present virtually via Zoom.

Chair Birch inquired about the quantity of trees to be cut down and the narrowest tree line. Mr. Pallansch, with MN Signature Care stated he believes there will be 40-45 Pine trees removed for the construction and there will still be approximately 100-150 feet of existing coverage from the road.

Commissioner Hallan inquired for Mr. Pallansch to clarify the landscaping on the property. Mr. Pallansch stated the landscaping for Phase II will mirror Phase I. Commissioner Hallan wanted to thank the applicant for placing the infiltration basin and piping it down to the drainage ditch.

PUBLIC COMMENT OPENED: No public Comment

PUBLIC COMMENT CLOSED.

**A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Larson, to approve the Conditional Use Permit request and Resolution, based on the following Findings of Fact:**

1. The proposed development, with conditions, is an appropriate conditional use in the Rural Residential zone.
2. The proposed use conforms to the Comprehensive Plan as the proposed use maintains the rural character of the property. The subject property is currently used for similar purposes and expanding the existing use would not conflict with the future plans for the area. The Future Land Use map identifies the subject property as Rural Residential.
3. The neighborhood surrounding the subject property consists of rural residential properties. The proposed use, with conditions, is compatible with the surrounding neighborhood.
4. 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.
5. The proposed use will not be injurious to the use and enjoyment of surrounding property.
6. The proposed use, with conditions, will not impede the normal and orderly development and improvement of surrounding vacant properties.
7. The proposed use will utilize onsite sewer and water systems. There should be no increase in traffic on County Road 107. With the removal of the building at 5496 Country Care Lane, current staffing and resident count will remain unchanged. The public cost for facilities and services for the proposed development will not be detrimental to the economic welfare of the community.
8. The proposed use will be accessed by a private drive from County Road 107.
9. The proposed development contains adequate off-street parking.
10. The proposed use will not generate any offensive odor, fumes, dust, noise, or vibrations that will be a nuisance to neighboring properties.
11. The proposed use will not destroy any natural or scenic features. There are no known historical features of major significance on the subject property.
12. The proposed use will promote the prevention and control of pollution of ground and surface waters. All stormwater generated on the subject property will be contained onsite.

**And subject to the following Conditions:**

1. This application constitutes an amendment to the existing conditional use permit for the subject property. All of the conditions of approval of the existing conditional permit remain in effect in addition to the conditions of this approval.
2. The landscaping noted on the enlarged site plan dated June 16, 2020 shall be implemented in full. The landscaping shall be maintained and kept free of weeds and debris.
3. An SSTS design which guarantees the discharge standards in MN Rules Chapter 7081.0130, Subpart 2, shall be submitted for a system serving the proposed building. The building may not be occupied until the SSTS is inspected and a certificate of installation is issued by the city.
4. This application constitutes an amendment to the existing conditional use permit for the subject property. All of the conditions of approval of the existing conditional permit remain in effect in addition to the conditions of this approval.
5. The landscaping noted on the enlarged site plan dated June 16, 2020 shall be implemented in full. The landscaping shall be maintained and kept free of weeds and debris.
6. An SSTS design which guarantees the discharge standards in MN Rules Chapter 7081.0130, Subpart 2, and Pequot Lakes City Code Section 15-3.24, Subpart 5C, shall be submitted for a system serving the proposed building. The building may not be occupied until the SSTS is inspected and a certificate of installation is issued by the city.

**Roll Call Vote: Birch - AYE; Hallan - AYE; Larson - AYE; Paulbeck - AYE; and Wilson - AYE. Motion carried.**

### **3.2 City of Pequot Lakes, applicant**

#### **Applicant requests to Rezone from Public and Agriculture to the Patriot Development zoning classification.**

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

#### **PUBLIC COMMENT OPENED:**

Mr. Burslie stated a comment had been received at City Hall from Mr. Anderson of Nisswa and read it into the record.

Jack LaBarre from the Pequot Lakes Baptist Church inquired about what type of uses will be allowed in the development. Mr. Burslie stated it is a business park where all businesses are required to apply for a Conditional Use Permit. Mr. LaBarre also inquired about the possibility for ball fields in the development. Mr. Burslie stated we are not sure what will happen but there was a proposal for the south end of the plat, however, there are no concrete plans as of yet.

#### **PUBLIC COMMENT CLOSED.**

**A motion was made by Planning Commission Member Paulbeck, seconded by Planning Commission Member Wilson, to recommend the City Council rezone the parcels to the Patriot Development zoning classification, based on the following Findings of Fact:**

1. The applicant is proposing to rezone 87.3 acres from “Public” and “Agriculture” to “Patriot Development.”
2. The subject property is publically owned and is the Heart of the Good Life Development.
3. The subject property is not 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 896.04 feet of frontage adjacent to Derksen Road.
7. Rezoning the subject property will not have an adverse impact on the socio-economic development needs of the public
8. The public sewer and water utilities are available in the vicinity of the subject property. There are 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 “Commercial” and “Light Industrial”. 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 “Light Industrial” and “State property”. Rezoning the subject property to “Patriot Development” is compatible with that classification.

**Roll Call Vote: Birch - AYE; Hallan - AYE; Larson - AYE; Paulbeck - AYE; and Wilson - AYE. Motion carried.**

**3.3 City of Pequot Lakes, applicant**  
**Applicant requests Preliminary Plat of Heart of the Good Life Development**  
Mr. Burslie explained the Staff Report. Applicant was not present.

Commissioner Hallan asked if there was any discussion of minimum area or figure for public usage in the future. Mr. Burslie stated he did not think there has been a discussion as of now.

Chair Birch asked if the Park Dedication Fee will be added to the future purchasers of the land. Discussion ensued regarding the Park Dedication Fee. Mr. Burslie stated at this time no future purchasers will need to pay a Park Dedication Fee.

**PUBLIC COMMENT OPENED: No Public Comment**

**PUBLIC COMMENT CLOSED.**

**A motion was made by Planning Commission Member Larson, seconded by Planning Commission Member Hallan, to recommend the City Council approve the Preliminary Plat of Heart of the Good Life Development, based on the following Findings of Fact:**

1. The applicant is proposing to subdivide property located along Derksen Road into two commercial lots and one outlot.
2. The property is currently zoned "Public" and "Agriculture", although applicant proposes to rezone the subject property to the "Patriot Development" zoning classification.
3. The land is properly zoned in its natural state for the intended commercial purposes.
4. The subject property contains the Pequot Lakes Public Works Facility.
5. The subject property is adjacent to public sewer and water.
6. Proposed "Lots 1 & 2" conform to the minimum requirements of the "Patriot Development" zone. "Outlot A" will be further subdivided as businesses chose to be located in this development.
7. Lot layouts are compatible with the existing layout of adjoining properties. The proposed layouts will not constrain the future development of adjacent properties.
8. The proposed side lot lines for each of the lots are at right angles to straight road lines or radial to lake shores.
9. Proposed "Lots 1 & 2" and "Outlot A" have adequate frontage on Derksen Road.
10. The proposed development contains Larsen Parkway, a 66.06' wide public street.
11. The subject property contains utility easements.
12. Each of the lots will not require a Variance to allow their intended purposes.
13. The Minnesota DNR has been notified of this request. They have not raised any concerns.
14. The subject property is owned by the City of Pequot Lakes and a portion of it will remain in public ownership for public use in the future. A park dedication fee is not required for the proposed development.

**Roll Call Vote: Birch - AYE; Hallan - AYE; Larson - AYE; Paulbeck - AYE; and Wilson - AYE. Motion carried.**

### **3.4 City of Pequot Lakes, applicant**

#### **Applicant requests an Ordinance Amendment regarding Bee Keeping**

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

Discussion ensued regarding the benefits, possible problems, where the colonies can be allowed, permitting and amount of allowable bees.

**PUBLIC COMMENT OPENED:**

Kayla Wooliscroft, 31435 Isabelle Dr, Pequot Lakes gave an overview of Bee Keeping including the definition of a “colony”, amount of bees and the benefits to allowing Bee Keeping.

PUBLIC COMMENT CLOSED.

**A motion was made by Planning Commission Member Hallan, seconded by Planning Commission Member Wilson, to continue discussion of the City of Pequot Lakes Ordinance Amendment on Bee Keeping to the August 20, 2020 meeting.**

**Roll Call Vote: Birch - AYE; Hallan - AYE; Larson - AYE; Paulbeck – AYE; and Wilson - AYE. Motion carried.**

**4. Open Forum**

**5. New Business**

Commissioner Hallan said he was contacted by Alan Brown on East Twin Lake regarding building a storage shed with possibility of installing a new ISTS system on his property. Mr. Brown will contact Ms. Bittner regarding this plan.

Chair Birch stated the new angled curb on Rasmussen Road to his driveway is terrible. He was questioning how we can change our Road Construction Standards to not allow these types of curb in the future.

**6. Old Business**

**6.1 Welcoming Communities Advocacy Group**

Mr. Burslie explained City Administrator Malecha would like one member of the Planning Commission to volunteer for this committee. Commissioner Wilson volunteered to be on the Region 5 Welcoming Communities Advocacy Group.

**7. Approval of Minutes**

**7.1 A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Larson, to approve the June 18, 2020 Minutes.**

**Roll Call Vote: Birch - AYE; Hallan - AYE; Larson - AYE; Paulbeck - AYE; and Wilson - AYE. Motion carried.**

**8. P & Z Administrator’s Report**

**8.1 Permits and Correspondence**

Mr. Burslie pointed out the 16 permits issued in June and the 11 letters sent since the last meeting.

## **8.2 Potential Violations/Enforcement Actions**

### **9. Adjournment**

**A motion was made by Planning Commission Member Hallan, seconded by Planning Commission Member Wilson, to adjourn the meeting. All members voted "aye". Motion carried.** The meeting was adjourned at 7:06 PM.

Respectfully submitted,



Jennifer Peterson  
Administrative Assistant