

**MINUTES
PEQUOT LAKES PLANNING COMMISSION/
BOARD OF ADJUSTMENT
REGULAR MEETING
JULY 18, 2019**

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

CITY PLANNER: Justin Burslie, Sourcewell

ZONING SPECIALIST: Dawn Bittner

COUNCIL LIAISON: Mimi Swanson

The meeting was called to order by Vice-Chair Birch at 6:00 PM.

PUBLIC HEARINGS:

APPLICANT: City of Pequot Lakes

Applicant requests a Conditional Use Permit for a Sign Concept Plan

Mr. Burslie explained this application was tabled at the June 20, 2019 Planning Commission meeting and that the applicant has withdrawn this application.

A motion was made by Planning Commission Member Norton, seconded by Planning Commission Member Wilson, to remove this application from the table and to accept their withdrawal request. All members voted “aye”. Motion carried.

APPLICANT: City of Pequot Lakes

Applicant requests a Variance

Mr. Burslie explained the Staff Report. Applicant was represented by Dawn Bittner, Zoning Specialist.

Mr. Burslie explained usually timeframes or end dates are not included in a Variance request; this request is temporary. You can put time limits on the signage because the request is for a temporary use.

Planning Commission Member Wilson asked if it was a concrete base. Bittner stated she was unsure of the construction, but the sign company would use best management practices since the flags are not supposed to blow down in a wind. Vice-Chair Birch stated with regard to the Variance request, the base construction is not part of the request. Mr. Burslie stated they are temporary in nature, so there likely will not be a large concrete base.

Vice-Chair Birch was concerned precedent would be set by approving a Variance for a real estate sign. Most real estate agents would want a larger sign. He would be more comfortable if these were not considered real estate signs; these are community development project signs. This is a community development project along the highway and should not tie in the real estate sign portion at all. Mr. Burslie stated if the Planning Commission feels the same way, we could say these are not real estate signs. He asked Bittner to confirm what the flags say; Bittner read the 6 signs which Mr. Burslie stated are marketing the site. Vice-Chair concurred that they are real estate signs.

Mr. Burslie stated to keep in mind regarding precedent, every property is unique and unless the request is for the same property, for the exact same request, there is no precedence set.

Planning Commission Member Paulbeck stated to support this request, we cannot guess what a realtor might want to do with a bigger sign. This could be great for our community. Vice-Chair Birch stated he does want to see this done, but wants to be sure we aren't setting ourselves up in the future for some type of failure.

Vice-Chair Birch stated there is no timeline listed, other than when the lots are sold, and that could be forever. Is there a problem with putting 3 years on this? Mr. Burslie stated that is what is unique about this request. The request is temporary and the Planning Commission could add a condition regarding this. We don't know how long it will take for the lots to sell. At an EDC meeting, someone stated it could take 20 years before these lots are sold and developed. Keep in mind it is City owned property and the City is going to do what is best for the City and their property. Mr. Burslie recommended not including a timeline for removal, but that would be up to the Planning Commission.

Planning Commission Member Larson had a question regarding the property being vacant and should lots be sold, would the signs be moved to another location. Mr. Burslie stated Condition #4 covers this: The temporary signage may be placed in any location owned by the applicant so long as the standard signage setbacks are met.

Planning Commission Member Wilson asked who is responsible for the maintenance and installation of the flags. Bittner stated the Public Works Department will be responsible for maintenance and the flag company would be responsible for installation.

Planning Commission Member Paulbeck asked if the EDC has a budget that includes the maintenance and repair of the flags. Bittner concurred.

Council Liaison Swanson inquired if the red color would fade to pink. Bittner stated the flags should not fade.

Public Comment Opened:

John Brown, East Twin Lake – his concern would be high winds damaging the flags and poles. Bittner stated the flag “pole” should withstand wind.

Public Comment Closed.

A motion was made by Planning Commission Member Savino, seconded by Planning Commission Member Larson, to approve the Variance request, based on the following Findings of Fact:

1. The subject property is located south of Derksen Road and is in the “Public” zone.
2. The property is vacant.
3. The applicant plans to develop and sell the subject property. The Pequot Lakes Economic Development Commission is marketing the subject property for sale and plan to use the feather shaped flags as an advertising tool.
4. The applicant proposes to place six, two-sided feather shaped flags, not to exceed fifteen feet in height, along the eastern border of the subject property.
5. The subject property is adjacent to municipal water and wastewater at the intersection of Derksen Road and Morehouse Drive.
6. The applicant has established that there are practical difficulties in complying with the Code. A 9 square foot “For Sale” sign is not adequate to market the 80+ acre site and a banner for 14 days in a 90 day period is not sufficient time to market the 80+ acre site.
7. The property owner proposes to use the property in a reasonable manner.
8. The deviation from the Code will still be in harmony with the general purposes and intent of the City Code and Comprehensive Plan. The Comprehensive Plan does not specifically address this request but allows for commercial development within the City.
9. The variance will not create a land use not permitted in the Public zone.
10. The variance will not alter the essential character of the locality as there are “For Sale” signs along State Highway 371.
11. The variance has not been made based on economic considerations.

And subject to the following Conditions:

1. There shall be no more than six, temporary, two-sided feather shaped flags, not to exceed fifteen feet in height, along the eastern border of subject property.

2. The temporary flags shall meet the one-foot setback from State Highway 371 for a sign.
3. The temporary signage may be located on the subject property owned by the applicant as long as the property is for sale.
4. The temporary signage may be placed in any location owned by the applicant so long as the standard signage setbacks are met.
5. Any flags that become frayed, ripped or torn shall be immediately replaced or removed.

All members voted “aye”. Motion carried.

APPLICANT: City of Pequot Lakes

Applicant requests an Ordinance Amendment regarding Flag Pole Height

Mr. Burslie explained the Staff Report. Last month lighting of flags was also discussed. Staff contacted the City Attorney who stated if we have an ordinance regarding upward lighting, it has to be applied citywide. With the current ordinance, downward lighting would be required for flags.

Planning Commission Member Norton stated he missed last month’s meeting, but what was the height of the TDS flag. Vice-Chair Birch stated it was 50 feet. He further stated there was dialogue with the public as the folks from Minnesota Inboard and Babinski Properties attended. The Planning Commission had come to a consensus that 60 feet was a midpoint between what they requested and the 25 feet allowed. Mr. Burslie stated he thought it was split, not a consensus.

Planning Commission Member Wilson stated that Chair Hallan had a very good point, stating that we don’t have much wind. Planning Commission Member Wilson visited the Dondelinger site with a 9 mph wind, their large flag was hanging down and the smaller ones were flapping in the wind. It was more attractive and the Legion flag the same way; the big flags were hardly moving at all.

Planning Commission Member Paulbeck stated that is an interesting point, but it is not up to us. No one was complaining about it and no one’s safety was at risk. He had driven through the lot for Minnesota Inboard and their lot does sit down below the highway. If they come back for a Variance, he would like to see an actual to-scale rendering.

Public comment: None.

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Norton, to recommend the City Council

**amend the City Code regarding Flag Pole Height. All members voted “aye”.
Motion carried.**

ADDITIONS OR DELETIONS TO AGENDA: None.

OPEN FORUM: None.

NEW BUSINESS:

a. Metes and Bounds Subdivision – Mitch Kittock, applicant

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

Vice-Chair Birch inquired if these lots would require a Variance in the future for development. Bittner stated they are being combined with the parcel to the north and south that already contain principal structures. The split is allowing for a buffer between those two existing structures.

A motion was made by Planning Commission Member Norton, seconded by Planning Commission Member Wilson, to approve the Metes and Bounds Subdivision, based on the following Findings of Fact:

1. The subject property is zoned Rural Residential and is vacant.
2. The lot widths of the proposed parcels both do not meet the minimum standard of 200 feet.
3. Both of the proposed parcels do not meet the minimum buildable area requirements of 5 acres in the Rural Residential Zone.
4. Applicant proposes to consolidate proposed “Tract A” with Lot 2, Block 3, Sibley Wildlife Estates and to consolidate proposed “Tract B” with Lot 4, Block 3, Sibley Wildlife Estates.
5. 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.
6. The applicant is not proposing any provisions for water-based recreation.
7. The proposed lot layout meets the requirements of the ordinance.
8. The proposed side lot lines are at right angles to the adjacent property lines.
9. Each of the proposed parcels has at least 33-feet of frontage on public right-of-way.
10. The subject property meets the requirements of the code for stormwater management.
11. There are no public streets proposed within the development.

And subject to the following Condition:

1. Proposed “Tract A” shall be consolidated with Lot 2, Block 3, Sibley Wildlife Estates and proposed “Tract B” shall be consolidated with Lot 4, Block 3, Sibley Wildlife Estates.

All members voted “aye”. Motion carried.

b. Nathan Walberg – Discussion

Mr. Burslie explained the City reached out to Mr. Walberg requesting an onsite visit. Mr. Walberg responded with the letter on the table that he doesn't feel it is necessary to discuss the matter further.

The driveway appears to be kept open and that there is a customer parking area. It was the consensus of the Planning Commission to be optimistic that Mr. Walberg will continue to meet his deadlines.

c. Ordinance Amendment – Interim Uses, Discussion

Mr. Burslie explained Staff was directed to include the Land Use Matrix and have a discussion regarding Interim Uses. Interim Uses are very similar to Conditional Uses, but it has an end date or event that terminates the Use.

Mr. Burslie stated some cities have listed some commercial uses as IUP's rather than CUP's, which can be detrimental to commercial development. Some businesses won't invest in that city when their permit ends at a specific time.

When asked, Mr. Burslie stated a use must be either Interim Use or Conditional Use; they can't be labeled C/I as Staff can't choose which one to use. The example was Commercial Use, Other.

The Planning Commission was directed to review the matrix for next month.

OLD BUSINESS:

a. Heart of the Good Life Development – Zoning Standards

Mr. Burslie explained we should determine a new name for this area, rather than HOTGL. Staff was directed to strike the impervious coverage language highlighted in yellow, as well as the minimum parking standards for athletic fields.

Vice-Chair Birch stated the Fire Chief has commented that structure height can be 35 feet, but do we also need to require a setback for rooftop equipment to provide access for firefighters. Planning Commission Member Norton stated the rooftop equipment is generally placed in the center of the building, not the edge of the roof. Staff was directed to contact the Fire Chief for his comments regarding screening of rooftop equipment. It was the consensus of the Planning Commission to change structure height to 35 feet.

Outdoor Recreation – do not include sport stadiums. Strike fencing and locked gate around ball fields.

The Land Use Matrix will be reviewed at the August Planning Commission meeting, as well as the entire HOTGL standards. Staff was directed to print the standards and mail to each Planning Commission Member.

b. Downtown Plan Update – Discussion

Mr. Burslie explained comments have been incorporated into the revision.

Planning Commission Member Paulbeck stated the Downtown Plan should read like a book and a marketing document. Mr. Burslie stated it is not a marketing document, but an overall vision for this area. Planning Commission Member Paulbeck stated it should read like a book rather than being black and white as written.

Planning Commission Member Wilson and Vice-Chair Birch requested information be included in the packets next month regarding the Night Sky Initiative.

APPROVAL OF MINUTES

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Paulbeck, to approve the June 20, 2019 Minutes. All members voted “aye”. Motion carried.

P & Z ADMINISTRATOR’S REPORT:

Bittner pointed out the 9 permits issued and the 15 letters sent. The following Potential Violations/Enforcement Actions were discussed:

1. Chris Brown – Bittner sent him a letter requesting removal of all trailers, boats, recreational vehicles and construction materials be removed by July 13. The pontoon boat, canoe and miscellaneous items remained July 15. The exterior storage issue has been since 2017, with letters and discussion in 2018. The Planning Commission advised her to move forward with an Administrative Citation.

Bittner noted the Project Priority List for the Planning Commission includes:

- Work with the HRA to develop a redevelopment plan for existing homes;
- Update the Downtown Plan; and
- Draft Architectural, landscaping, and zoning regulations for the Heart of the Good Life Development.

The Planning Commission is on track with the Downtown Plan and the HOTGL standards.

Bittner pointed out the Council Minutes regarding the Small Cities Development Program included in the Administrator's Report. This is a deferred payment program. The time consuming part will be getting by-in from the property owners.

Bittner also explained the Crow Wing County HRA is having a Workforce Housing Study completed. This will include data for the entire County and all 18 municipalities. This study should be complete by the end of December. Once we have a copy of that study, we can work on the redevelopment plan included on the Project Priority List. The City Administrator is aware that the Planning Commission will not complete the housing redevelopment plan until 2020.

ADJOURNMENT:

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Norton, to adjourn the meeting. All members voted "aye". Motion carried. The meeting was adjourned at 7:00 PM.

Respectfully submitted,

Dawn Bittner
Zoning Specialist