

**MINUTES
REGULAR MEETING
PEQUOT LAKES PLANNING COMMISSION/
BOARD OF ADJUSTMENT
SEPTEMBER 19, 2019**

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

CITY PLANNER: Justin Burslie, Sourcewell

ZONING SPECIALIST: Absent

COUNCIL LIAISON: Mayor Tayloe

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

PUBLIC HEARINGS:

APPLICANT: Alan J. Brown

Applicant requests a Variance to construct a cabin within the setback of East Twin Lake

MOTION BY PLANNING COMMISSION MEMBER WILSON, SECONDED BY PLANNING COMMISSION MEMBER BIRCH, TO OPEN THE PUBLIC HEARING. PASSED UNANIMOUSLY.

Mr. Burslie explained the Staff Report. Applicant was present.

Planning Commission Member Norton asked why staff recommended condition number two has two different elevations. Burslie stated the elevations are in different datums and the surveyor will determine which of the two is higher.

Mr. Brown (applicant) stated there is limited space to construct a dwelling on the property due to the wetlands and driveway to the west and the lake to the east.

Chair Hallan asked how wide the driveway easement is.

Mr. Burslie stated the width is not identified on the survey.

Planning Commission Member Paulbeck asked Mr. Brown if the driveway/easement drains ok.

Mr. Brown stated the entire road/driveway drains to the wetland area located west of the driveway and a depression area located along his south property line.

Chair Hallan stated a portion of the driveway will need to be elevated in order to meet the fill requirements of the floodplain regulations. Stated the plans submitted do not contain elevation drawings for the dwelling. He would like to see how the property will be graded and how it relates to the entrances to the dwelling. Chair Hallan also stated we need to know how stormwater will be managed.

General consensus the dwelling should be relocated to the northeast and updated plans should show fill location in accordance with floodplain regulations.

Dave Morris (27733 Janco Ln) stated he owns the property located south of the subject property. He stated that all the stormwater from Janco Lane runs down to his property and subject property and has concerns with filling in the natural lowland areas. He stated the lake level and water table have risen considerably recently. Mr. Morris stated he does not have concerns with the size increase of the proposed dwelling.

Chair Hallan stated the applicant should update the survey to include the nearest structures on adjacent properties and a plan for managing stormwater.

MOTION BY PLANNING COMMISSION MEMBER WILSON, SECONDED BY PLANNING COMMISSION MEMBER NORTON, TO TABLE THE APPLICATION UNTIL THE OCTOBER PLANNING COMMISSION MEETING AND REQUIRE UPDATED PLANS, PER DISCUSSION. PASSED UNANIMOUSLY.

APPLICANT: Dan and Lauri Helbling
Applicants requests Final Plat of The Range

Mr. Burslie explained the Staff Report. Applicant was present.

Mr. Helbling stated Premier Homes did the bonding for the project and the bonding company wouldn't issue the bond to them because they were not the property owner. He stated he is in the process of obtaining a bond for the project.

Mr. Burslie stated the application may move forward to council; however the final plat will not be signed until all items listed in the final plat approval (below) are completed and the development agreement is approved by the city attorney and council.

PUBLIC COMMENT OPENED: None.

PUBLIC COMMENT CLOSED.

MOTION BY PLANNING COMMISSION MEMBER WILSON, SECONDED BY PLANNING COMMISSION MEMBER LARSON, TO RECOMMEND APPROVAL OF FINAL PLAT OF “THE RANGE” BASED ON THE FOLLOWING 11 FINDINGS OF FACT WITH ONE CONDITION OF APPROVAL AND CONTINGENT ON ADDITIONAL SUBMITTAL ITEMS INCLUDED IN THE STAFF REPORT AND ADDITIONAL ITEMS REQUIRED BY CITY ATTORNEY.

FINDINGS OF FACT:

1. The development of the subdivision and planned unit development are in substantial conformance with the approved Preliminary Plat, site plan and elevations that govern the general location of lots, roadways, buffers, infiltration basins and improvements dated April 8, 2019.
2. The Final Plat agrees with the Preliminary Plat. The design has not changed since Preliminary Plat approval.
3. The City Engineer has reviewed and approved the excavation, grading or other terrain disturbance, and final plans for all infrastructure.
4. The applicant has complied with Conditions 4, 7 and 8 as they are included in the Declaration.
5. Lot 16 (greenspace) shall not contain any structures. The Water Utility Plan indicates 3 flushing hydrants with 2” connection for fire hose.
6. The cluster sewer system design conforms to Minnesota Pollution Control Agency Standards (Chapter 7080 – 7083 of the Minnesota Administrative Rules) and the design has been reviewed and approved by Tom Espersen, a licensed Advanced Inspector per Minnesota Rules.
7. The City Engineer has reviewed and approved the cluster water system conforms to the Minnesota Department of Health Rules and Regulations MHD 210 – 230 “Water Well Construction Code”.
8. The review by the City Attorney is pending.
9. The developer has paid a park dedication fee in the amount of \$14,040.00.
10. The developer has not provided financial security in the amount of \$281,250.00, which represents 125% of the estimated cost of the uncompleted improvements.
11. An independent plat review dated September 19, 2019 from Terry L. Freeman (License Number 21367) has been submitted. The plat review states the plat meets the requirements of Minnesota Platting Statutes, Chapter 505 and the Professional Surveyors (MSPS) and Minnesota Association of County Surveyors (MACS) manuals.

CONDITION OF APPROVAL:

1. All documents must be acceptable to the City Attorney prior to Council approval of this Final Plat.

In addition, before the final plat is signed by the city the applicant shall provide the following:

- a) "Pumphouse details" referenced on Sheet 3 and Sheet 4 of the plans for the water distribution system.
- b) A copy of submittals (and response) to the Minnesota Department of Health regarding the water well, pumphouse and water distribution system.
- c) A copy of the Construction Stormwater General Permit from the Minnesota Pollution Control Agency (MPCA).
- d) Updated erosion control plan to include a double row a silt fence or a combination bio-rolls (bio-logs) and silt fence located on the west/south side of Unit 1 to the east side of Unit 2.
- e) Updated stormwater management plan to include a 6-inch to 12-inch tall vegetated (mowable) berm outside of the toe of sloped areas to prevent direct stormwater runoff to wetlands and adjacent properties.
- f) Updated specifications on the private road/driveway which includes pavement thickness.
- g) A financial security in the amount of \$281,250.00, which represents 125% of the estimated cost of the uncompleted improvements.
- h) An updated development agreement including the amount of the financial security (see "g" above)- *per email dated September 11, 2019 from city attorney.*
- i) Exhibits identified in development agreement- *per email dated September 11, 2019 from city attorney.*
- j) The final plat must be in the name of the same entity as the development agreement. If the intent is for that entity to be Resort Development LLC (the entity listed in the Development Agreement), the registration for that LLC will need be renewed as it is currently listed as inactive on the Secretary of State's website- *per email dated September 11, 2019 from city attorney.*

Before permits are issued for the development the applicant shall provide the following:

- k) Copies of all required plumbing permits for the dwelling units from the MN Department of Labor and Industry.

All members voted "aye". Motion carried.

MOTION BY PLANNING COMMISSION MEMBER BIRCH, SECONDED BY CHAIR HALLAN, TO CLOSE THE PUBLIC HEARINGS AT 7:25 PM. PASSED UNANIMOUSLY.

ADDITIONS OR DELETIONS TO AGENDA: None

OPEN FORUM: None

NEW BUSINESS: None

OLD BUSINESS:

a. Ordinance Amendment – Interim Uses, Discussion

Mr. Burslie explained the land use tables and reviewed the “interim use” permitting mechanism.

Planning Commission Member Birch stated “animal husbandry,” “extractive use,” and “temporary commercial structures,” should all be allowed as “interim uses.” Will vary depending on zone. General consensus to update the ordinance in conjunction with future ordinance amendments.

b. Heart of the Good Life Development – Zoning Standards

Mr. Burslie explained there have been 3 suggestions received for this zoning classification. Discussion ensued and it was the consensus of the Planning Commission to name this new zoning classification, “Patriot Development Park”.

Mr. Burslie explained the new screening standard on page 2.

c. Heart of the Good Life Development – Matrix

Mr. Burslie explained new uses were added at the August Planning Commission meeting and need to be defined. Staff has included draft definitions for discussion.

General consensus to hold a public hearing on proposed ordinance language regarding “Patriot Development Park” and updates to the land use matrix in January 2020.

d. Downtown Plan Update – Revised Text

e. Downtown Plan Update – Neighborhood Evaluation

Mr. Burslie explained Staff has received only 2 completed evaluations and that it will be difficult for Staff to complete the update without sufficient input from the Planning Commission Members. A sample worksheet prepared by Staff is included in the packet. A printed evaluation and definitions is included on the table. He reminded the Planning Commission that the update is to be complete by the end of the year and to turn the completed evaluations into City Hall by October 3.

APPROVAL OF MINUTES:

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Birch, to approve the August 15, 2019 Minutes. All members voted “aye”. Motion carried.

P & Z ADMINISTRATOR’S REPORT:

Mr. Burslie pointed out the eight letters written and the seven permits issued.

Chair Hallan stated it was nice to see the property owners utilizing the city-owned property adjacent to Sibley Lake get their matters resolved.

ADJOURNMENT:

A motion was made by Planning Commission Member Birch, seconded by Planning Commission Member Wilson, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 8:02 PM.

Respectfully submitted,



Justin Burslie
City Planner