



AGENDA ITEM # 6.1

REPORT TO CITY COUNCIL

Report Prepared by: Jenny Peterson, Deputy Clerk

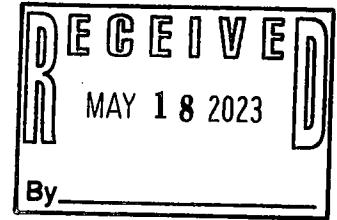
Date: June 5, 2023

Subject: Planning Commission Report.

Report: Please see attached Report.

Council Action Requested: No action requested.

5/17/2023



Resignation from Planning Commission:

It is with sadness that I, Sara Boulka, will be resigning from Planning Commission effective May 2023.

I have purchased a home in Long Prairie, MN and will no longer be a resident of Pequot Lakes.

I have enjoyed serving the community and learned a lot from my position.

Thank you so very much,

Sara Boulka

Zoning Administrator's Report

A. April/May Permits: The following permits were issued over the last month by the Zoning Department:

1. Dennis Gonczy, 30614 Rae Ave, Accessory Structure and Fence
2. Scott Grossman, 4474 Pow Wow Point Rd, Accessory Structure
3. Thomas Peterson, 4095 County Rd 168, Metes and Bounds Subdivision
4. Dan Helbling, 5850 Little Walnut, After-the-Fact Addition
5. James Byrne, 4948 Olson Rd, Driveway
6. Natalia Maher, 31078 Government Dr, Sign
7. Joe Ruttger, XXXX Morehouse Dr, Driveway/Parking Lot
8. Michael Kerger, 3691 Rickard Rd, Accessory Structure
9. Russell Gibbons, 31220 Front St, Fence
10. Eric Larson, 28393 Mayo Hills Rd, Firepit & Sidewalks
11. Todd & Kim Martin, 4491 County Rd 16, Fence
12. David Dahlquist, 6049 N Shuetter Rd, New Build

B. Correspondence: Your Staff sent the following correspondence since the last meeting:

1. Tom Peterson, 4095 County Rd 168, Approval of Metes and Bounds Subdivision;
2. Dan & Lauri Helbling, 5850 Little Walnut Ln, Resolution of After-the-Fact Permit for addition to home.

C. Potential Violations/Enforcement Actions: The City Staff is currently working on the following potential violations/enforcement actions. We will report on each of these each month until they are resolved to the satisfaction of the Planning Commission.

- Timothy & Kristi Crist – Exterior Storage and Abandoned Vehicles. (4/20)
- Lloyd & Darleen McAninch – Exterior Storage. Staff has contacted individual occupying parcel. Numerous items have been removed. (4/20)
- Lonesome Real Estate LLC – Offsite Sign. (5/20)
- John & Sarah Olson – Exterior Maintenance. (8/20)
- David & Louise Johnson – Exterior Storage. This item is being removed from the violation list. (6/21)
- John & Caroljean Weise – Exterior Storage (Pequot Blvd.) (9/21)
- John & Caroljean Weise – Property Maintenance (Heath Street) (12/21)

- **John & Caroljean Weise – Property Maintenance (Front Street) (3/22)**
- **David & Christine Kennedy – Property Maintenance (6/22)**
- **Christopher & Sarah Savino – Exterior Storage (7/22)**

**MINUTES
PEQUOT LAKES PLANNING COMMISSION/
BOARD OF ADJUSTMENT
REGULAR MEETING
APRIL 24, 2023**

PRESENT: Chair L. Larson; Planning Commission Members Gonczy, Johnson, and E. Larson, ABSENT: Planning Commission Members Norton, Boulka and Mesa

CITY PLANNER: Justin Burslie, Sourcewell

DEPUTY CLERK: Jenny Peterson

COUNCIL LIAISONS: Dan Ronning

1. **Call Meeting to Order**
 - 1.2 Roll Call

2. **Consider Agenda**

A motion was made by Planning Commission Member Gonczy, seconded by Planning Commission Member E. Larson, to approve the agenda, as presented. Passed Unanimously, 4-0.

3. **Public Hearings**

4. **Open Forum**

None

5. **New Business**
 - 5.1 Metes and Bounds Subdivision - Tom Peterson, applicant was present.

Mr. Burslie explained the staff report.

Planning Commission Member E. Larson inquired if the driveway will be moved. Mr. Burslie stated that the driveway will stay in the same place with an easement already in place.

Chair L. Larson inquired about the SSTS Compliance Inspection that needs to be completed before the sale tract can be consolidated with the west plat. Mr. Burslie stated the SSTS Compliance Inspection will need to be conducted if not within three years.

- t. The subject property is zoned Shoreline Residential and is adjacent to Mayo Lake (General Development.)
2. The lot widths of the proposed parcels meet the minimum standard of 100 feet.
3. The proposed parcels meet the minimum buildable area requirements of 20,000 square feet in the Shoreline Residential Zone.
4. Proposed "Tract A" contains the pre-existing dwelling which is served by an SSTS and private well. The property has direct access to Co Road 168 however it is accessed via an existing driveway (easement) across the "remnant tract."
5. Proposed "remnant tract" is 18.3 acres and does not contain any structures. The proposed parcel is mostly wooded and is approximately 25% wetland area.
6. Proposed "sale tract" is 1.1 acres and contains an accessory structure (garage). The tract is proposed to be consolidated with the parcel located to the west of the subject property (4093 COUNTY ROAD 168, PIN 29270768)
7. The subject property is not adjacent to municipal water and wastewater utilities. Proposed "Tract A" contains an SSTS and sufficient space for an alternate site, while proposed "remnant tract" contains, sufficient space for a primary and alternate location and "sale tract" is proposed to be consolidated with a parcel that contains an SSTS.
8. 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.
9. The applicant is not proposing any provisions for water-based recreation.
10. The proposed lot layout meets the requirements of the ordinance.
11. Each of the proposed parcels has at least 33 feet of frontage on public right-of-way.
12. The subject property meets the requirements of the code for stormwater management.
13. There are no public streets proposed within the development.

Planning Commission Direction: The Planning Commission can approve the metes and bounds subdivision, deny the metes and bounds subdivision, or table the request if additional information is needed. If the motion is for approval or denial, findings of fact should be cited.

Staff Recommendation: The proposed parcels meet the minimum requirements of the Shoreline Residential Zone. Staff recommends the application be approved with the following conditions:

- 1) Prior to the city signing deeds (required for recording) for the subdivision the applicant shall submit a current SSTS compliance inspection report for the SSTS located on "Tract A."

- 2) "Sale Tract" must be consolidated with the property located at 4093 County Road 168 (PIN 29270768) as proposed.

Planning Commission Member E. Larson moved to approve the Metes and Bounds subdivision with 13 findings of fact and conditions. Planning Commission Member Johnson. Motion carried 4-0.

5.2 Food Truck Regulations - Discussion

Mr. Burslie stated that in City recently received a request regarding licensing Food Trucks. The city currently licenses food trucks by using our Transient Merchant license. Mr. Burslie stated that the city adopted a temporary commercial structures ordinance, City Code 17-8.12, which would be allowed with an interim use permit application. Mr. Burslie stated that the Minnesota Department of Health (MDH) also has other regulations that would need to be considered.

Collin Jacobs, 30984 Government Dr, stated he was approached by a gentleman to move a food truck on the south side of his property. Mr. Jacobs stated the main concern was that the food truck would need to be moved every 14 days with the current Transient Merchant License. The gentleman would like to have a permanent place for a food truck and would landscape the area.

Discussion ensued regarding length of time in one location, hours of operations, areas where trucks would be allowed, interim use permits, and regulations with the MDH.

5.3 Fee Schedule - Discussion

Mr. Burslie Stat that Jenny and I have been discussing the City's fee schedule. We would like to potentially adopt a simpler fee schedule for Land Use Fees. Staff will work on the fee schedule to be approved and activated on January 1, 2024.

5.4 Fence Setback Requirements - Discussion

Mr. Burslie stated that there is no requirement for the setback from a sideline property line in the City Code. Discussion ensued regarding setbacks, within the property line, and maintenance. The Commission recommends keeping a strong recommendation to property owners of a three-foot setback from the property line.

5.5 Commercial Impervious Coverage - Discussion

Mr. Burslie stated that a commercial property has applied for a land use permit for the expansion of a building. Staff discovered that the Commercial zone allows 25% impervious coverage up to 50% with a Conditional Use Permit (CUP). Discussion ensued regarding increasing the impervious coverage from 25% to 60% outside the shoreline area.

6. Old Business

None

7. Approval of Minutes

7.1 Approval of March 27, 2023

A motion was made by Planning Commission Member E. Larson seconded by Planning Commission Member Johnson, to approve the March 27, 2023, Minutes. All members voted "aye". Motion carried, 4-0.

8. P & Z Administrator's Report

8.1 Permits and Correspondence

8.2 Potential Violations/Enforcement Actions

The following Potential Violations/Enforcement Actions were discussed:

Mr. Helbling inquired about a 30-day extension until April 30, 2023.

9. Adjournment

A motion was made by Planning Commission Member Johnson, seconded by Planning Commission Member E. Larson, to adjourn the meeting. All members voted "aye". Motion carried, 4-0.

The meeting was adjourned at 6:40 PM.

Respectfully submitted,

Jenny Peterson
Deputy Clerk

**MINUTES
PEQUOT LAKES PLANNING COMMISSION/
BOARD OF ADJUSTMENT
REGULAR MEETING
MAY 22, 2023**

PRESENT: Chair L. Larson; Planning Commission Members Gonczy, Johnson, E. Larson, Mesa and Norton ABSENT:

CITY PLANNER: Justin Burslie, Sourcewell

DEPUTY CLERK: Jenny Peterson

COUNCIL LIAISONS: Dan Ronning

1. Call Meeting to Order

1.2 Roll Call

2. Consider Agenda

A motion was made by Planning Commission Member E. Larson, seconded by Planning Commission Member Johnson, to approve the agenda, as presented. Motion carried 6-0.

3. Public Hearings

A motion was made by Planning Commission Member E. Larson, seconded by Planning Commission Member Gonczy to open public hearings. Motion carried 6-0.

3.1 Preliminary Plat – Gardner/Makowsky were present.

Mr. Burslie explained the staff report. The applicants have requested vacation of the cul-du-sac at the end of Lilac Drive with the City.

Discussion ensued regarding the driveway entrances, park dedication fees, steep slope definition on lot 7 and 8, and the vacation of Lilac Drive cul-du-sac.

Tyler Gardner, applicant, would like to propose lowering the park dedication fee from \$416 to \$200 per person, due to the applicants not developing the lots themselves.

Nicholas Makowsky, applicant, inquired if the driveways need culverts and what the minimum width and length would be required. Mr. Burslie stated we do not have a driveway width requirement in the city ordinance, he will verify with the City Engineer and public works department for the culvert necessity.

Staff Findings: Staff provides the following Findings of Fact for consideration by the Planning Commission:

1. The applicants are proposing to subdivide an 18.7 acre parcel located at the south end of Lilac Dr. (no physical address) into eight residential lots.
2. The property is zoned "Urban Residential."
3. The land is properly zoned in its natural state for the intended residential purposes.
4. The subject property does not contain any structures.
5. Proposed Lot 1 & Lot 2 are approximately one acre and will share a driveway entrance on Patriot Avenue.
6. Proposed Lot 3 & Lot 4 are approximately one acre and will share a driveway entrance on Patriot Avenue.
7. Proposed Lot 5 is approximately one acre and will be accessed via Royce Street.
8. Proposed Lot 6 is approximately half an acre (22,000 sf) and will be accessed via Royce Street.
9. Proposed Lot 7 is 6.6 acres and contains several areas considered "steep slopes" per city definition. The proposed lot also contains wetland area located along the west property line. It will be accessed by a driveway entrance on Royce Street.
10. Proposed Lot 8 is 7.2 acres and contains "steep slopes" and wetland area located along the west property line. The proposed lot will be accessed by a driveway entrance on Royce Street.
11. The proposed development will be served by private subsurface sewage treatment systems located on each individual lot.
12. The proposed development will be served by private water wells located on each individual lots.
13. Lot layouts are compatible with the existing layout of adjoining properties. The proposed layouts will not constrain the future development of adjacent properties.
14. The proposed side lot lines for each of the lots are at right angles to straight road lines or radial to lake shores.
15. There are no proposed private or public streets within the development. Each of the proposed lots will be accessed via existing public roads.
16. There are no storm drainage improvements proposed.
17. Each of the lots will not require a variance to allow their intended purposes.
18. Portions of Lot 7 and Lot 8 are located within the Shoreland Area. The DNR has been notified of the proposed plat and submitted comments dated May 4, 2023 (Jake Frie, Area Hydrologist.)
19. The proposed development is consistent with the following goals contained in the comprehensive plan:

- a. Off-lake residential development should occur in areas that do not excessively add to the service burden of the City.
- b. Ensure that new development adds to the character of the community and enhances the sense-of-place.

Planning Commission Direction: The Planning Commission can recommend the City Council approve, deny, or table the Preliminary Plat application.

Staff Recommendation: We recommend that the application be approved with the following conditions:

1. Prior to submittal of the final plat application the vacation of Lilac Drive shall be recorded at Crow Wing County, if approved by the city. If the vacation request is not approved, the preliminary plat shall be amended to reflect the exiting right-of-way of Lilac Dr.
2. Lot 5 shall be accessed via Royce Street with a driveway located on the 262 ft property line segment located west of the “sight triangle.” There shall not be driveway entrance constructed on Patriot Avenue to serve Lot 5.
3. Lot 1 & Lot 2 shall utilize shared driveway entrance located in the right-of-way as proposed on preliminary plat.
4. Lot 3 & Lot 4 shall utilize shared driveway entrance located in the right-of-way as proposed on preliminary plat.
5. Prior to submittal of the final plat application the shared driveway entrances serving Lots 1-4 and culverts (if necessary) shall be constructed and inspected/approved by the city.
6. There shall be no vegetation removed within any of the areas designated as “steep slopes” except for the placement of stairways, landings and access paths per Section 17-7.9 1A of the Pequot Lakes Zoning and Subdivision Ordinance.
7. Wetland area shall not be modified unless authorized by Crow Wing County.
8. Natural or manmade stormwater storage areas shall be utilized where needed and shall be designated by drainage and utility easement, if necessary. All storage areas shall be vegetated and designed to lower naturally after a storm.
9. Onsite subsurface sewage treatment systems shall conform with Minnesota Pollution Control Agency Standards and the City of Pequot Lakes SSTS standards.
10. Onsite wells shall conform to the Minnesota Department of Health Rules and Regulations.
11. Prior to submittal of the final plat application, the developer shall pay a park dedication fee in the amount of **\$7,521.28** in accordance with Section 17-9.10 “Dedication to the Public—Standards.”
 - a. 8 proposed lots x 2.26 people per household (according to State Demographer) x \$416 per expected resident = **\$7,521.28**

Planning Commission Member E. Larson moved to approve the Preliminary Plat for the Patriot Pines with 19 findings of fact and 11 conditions of approval, seconded by Planning Commission Member Norton. All members voted “aye”. Motion Carried 6-0.

3.2 Preliminary Plat – HOTGL City of Pequot Lakes

Mr. Burslie explained the staff report.

Mr. Burslie stated the City has decided to Plat as you go with intent to develop in the Heart of the Good Life (HOTGL) Development.

Tyler Gardner inquired about potential park dedication fees with new development. Discussion ensued regarding park dedication fees not being charged in a commercial district.

1. The applicant is proposing to create two lots, and extension to Larsen Parkway and an Outlot within the Heart of the Good Life Development.
2. The property is zoned “Patriot Development.”
3. The land is properly zoned in its natural state for the intended commercial and high density residential purposes.
4. The proposed lots are vacant.
5. Proposed Lot 1 is 3.3 acres and is located in the northwest corner of the development. The lot contains 112,830 sq ft of buildable area and is adjacent to Derksen Road and Larsen Parkway—both public streets.
6. Proposed Lot 2 is 4.1 acres and is located adjacent to the south of Lot 1. The proposed lot contains 151,717 sq ft of buildable area and is adjacent to the proposed platted 66’ wide extension of Larsen Parkway.
7. Proposed “Outlot A” is 69 acres and is vacant.
8. The proposed development will be served by the municipal sewer and water as those public utilities are planned to be constructed within the proposed 66’ wide platted public road extension of Larsen Parkway located adjacent to the east of the proposed lots.
9. Lot layouts are compatible with the existing layout of adjoining properties. The proposed layouts will not constrain the future development of adjacent properties.
10. The proposed side lot lines for each of the lots are at right angles to straight road lines or radial to lake shores.
11. The proposed development contains one public street which meets the dimensional requirements of the zoning ordinance.
12. Each of the lots will not require a variance to allow their intended purposes.
13. The proposed development of the subject property is consistent with the following goal contained in the Comprehensive Plan:
 - a. Ensure that new development adds to the character of the community and enhances the sense-of-place. All new developments – including

commercial, industrial, residential, mixed use, recreational, or civic – should incorporate Pequot Lakes’ small town feel and cultural heritage in their layout and design.

14. The subject property is owned by the City of Pequot Lakes and so the park dedication fee requirement does not apply.

Planning Commission Direction: The Planning Commission can recommend the City Council approve, deny, or table the Preliminary Plat application.

Staff Recommendation: We recommend that the application be approved with no conditions of approval.

Planning Commission Member E. Larson moved to approve the Preliminary Plat with 14 findings of fact and no conditions of approval. Planning Commission Member Johnson seconded the motion. All members voted “aye”. Motion carried 6-0.

3.3 Final Plat – HOTGL City of Pequot Lakes

Mr. Burslie explained the staff report.

1. The applicant is proposing to create two lots, and extension to Larsen Parkway and an Outlot within the Heart of the Good Life Development.
2. The property is zoned “Patriot Development.”
3. The land is properly zoned in its natural state for the intended commercial and high density residential purposes.
4. The final plat of Heart of the Good Life First Addition is in conformance with the approved preliminary plat of the same name.
5. The design standards of the plat are in conformance with the City of Pequot Lakes Zoning and Subdivision Ordinance.
6. The final plat document has been prepared by licensed land surveyor- Chad Conner, License No, 41643.
7. Dedication to the public and appropriate drainage and utility and drainage easements are included on the final plat.
8. There are no private streets proposed within the plat.
9. There are no private covenants proposed.
10. A title opinion for the development has been previously accepted by the city attorney.
11. There is no financial security required for the plat.
12. A development contract is not require for the plat.
13. A final plat check has been approved by a third party assessor.

Planning Commission Direction: The Planning Commission can recommend the City Council approve, deny, or table the Preliminary Plat application.

Staff Recommendation: We recommend that the application be approved with no conditions of approval.

Planning Commission Member Johnson moved to approve the Final plat of the Heart of the Good Life with 13 findings of fact with no conditions of approval, seconded by Planning Commission Member Norton. All members voted “aye”. Motion carried 6-0.

3.4 Ordinance Amendment – 17-5.10 Commercial Zone

Mr. Burslie explained the staff report.

Cindy Hidde, Stonemark Land Surveying, stated that the County allows a 1” rainfall allowance for a stormwater plan by a surveyor, however, an engineer would be the designer for a 10-year plan which is more complex. Discussion ensued regarding the determination of a simple vs. complex plan.

Planning Commission Member E. Larson moved to approve the Ordinance Amendment for impervious coverage increase from 25% to 50% with an option of up to a 10% increase to 60% with a storm water retention plan in the Commercial zone and approved administratively, seconded by Planning Commission Member Gonczy. All members voted “aye”. Motion carried 6-0.

4. Open Forum
None

5. New Business
5.1 Sketch Plan for Potential Plat – Cindy Hidde, Stonemark Land Surveying was present.

Mr. Burslie explained the staff report. Cindy Hidde presented a new plan with a 66 ft road with cul-du-sac on the southwest side of plat.

Discussion ensued regarding the following:

- the width of the roadway, cul-du-sac radius
- one-acre lot size was based off prior discussion
- access to future connectivity
- possibly eliminating the north arc to the cul-du-sac
- dedicated road easement
- potentially having the city assist with road build cost
- vacation of cul-du-sac
- re-allocating area to enable lot size requirements.

6. Old Business

None

7. Approval of Minutes

7.1 Approval of April 23, 2023, Meeting Minutes

A motion was made by Planning Commission Member Johnson seconded by Planning Commission Member E. Larson, to approve the April 23, 2023, Minutes. All members voted “aye”. Motion carried, 6-0.

8. P & Z Administrator’s Report

8.1 Permits and Correspondence

8.2 Potential Violations/Enforcement Actions

The following Potential Violations/Enforcement Actions were discussed:
Mr. Helbling applied and paid for his After-the-Fact permit.

9. Adjournment

A motion was made by Planning Commission Chair L. Larson, seconded by Planning Commission Member E. Larson, to adjourn the meeting. All members voted “aye”. Motion carried, 6-0.

The meeting was adjourned at 7:18 PM.

Respectfully submitted,

Jenny Peterson
Deputy Clerk