

**MINUTES
PEQUOT LAKES PLANNING COMMISSION/
BOARD OF ADJUSTMENT
REGULAR MEETING
OCTOBER 21, 2021**

PRESENT: Chair Hallan, Commissioners Ellering, Gonczy, E. Larson, L. Larson, and Norton

ABSENT: Commissioner Caouette

CITY PLANNER: Justin Burslie, Sourcewell

ZONING SPECIALIST: Dawn Bittner

COUNCIL LIAISON: Dan Ronning

UTILITY BILLING / ADMINISTRATIVE SPECIALIST: Jenny Peterson

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

- 2. Consider Agenda**
 - 2.1 Bittner added 5.3 Maximum Accessory Structure Size in the Shoreline Residential Zone

A motion was made by Planning Commission Member Ellering, seconded by Planning Commission Member E. Larson, to open the Public Hearings. All members voted "aye". Motion carried.

- 3. Public Hearings**
 - 3.1 Ken and Judy Kadash, applicants
Applicants request a Conditional Use Permit to allow 25% impervious surface coverage in the "Shoreline Residential" Zone.

Mr. Burslie explained the Staff Report. Applicants were present as well as John Dotty, Dotty Brothers Construction, their contractor.

Chair Hallan added "stormwater basins have adequate capacity based on raw calculations" to Condition #1.

PUBLIC COMMENT OPENED: No Public Comment

PUBLIC COMMENT CLOSED.

A motion was made by Planning Commission Member Norton, seconded by Planning Commission Member E. Larson, to approve the Conditional Use Permit to allow 25% impervious coverage in the Shoreline Residential zone, based on the following Findings of Fact:

1. The subject property is located at 30539 Pequot Boulevard (PIN 29151072) and is zoned "Shoreline Residential."
2. The conditional use permit request is to allow 25% impervious surface coverage in the Shoreline Residential District. The use is an appropriate conditional use in the land use zone.
3. The subject property is a conforming parcel. Applicants propose to remove and replace the existing dwelling and detached garage and to remove the impervious landscape and replace with mulch.
4. The subject property will utilize the existing deep well and will properly abandon the existing Subsurface Sewage Treatment System (SSTS) and install a new Type I, 3-bedroom SSTS.
5. To increase the impervious coverage to 25% requires a conditional use permit meeting the requirements of Section 17-5.8 (4B) of the City Code.
6. The proposed use, with conditions, conforms to the Comprehensive Plan.
7. The proposed use is compatible with the existing neighborhood.
8. 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.
9. 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.
10. The subject property is accessed via Pequot Blvd. and the proposed use will not generate additional traffic on Pequot Blvd. The public cost for facilities and services for the proposed development will not be detrimental to the economic welfare of the community.
11. Adequate off-street parking has been indicated on the Certificate of Survey.
12. The proposed use will not generate any offensive odor, fumes, dust, noise or vibrations that will be a nuisance to neighboring properties.
13. The proposed use will not destroy any natural or scenic features. There are no known historical features of major significance on the subject property.
14. The proposed use, with conditions, will promote the prevention and control of ground and surface waters.

And subject to the following Conditions:

1. Applicant shall provide a Certificate of Survey once construction is complete to verify impervious surface coverage does not exceed 25% and stormwater basins have adequate capacity based on raw calculations.
2. The property shall be properly graded so that stormwater runoff is directed to the stormwater retention areas identified on the plan.

All members voted “aye”. Motion carried.

- 3.2 August Ventures, LLC, applicant
Applicant requests a Conditional Use Permit to expand existing beach area and relocate existing boat access ramp

Mr. Burslie explained the Staff Report. Applicant, Joe Sullivan, was present as well as Cindy Hidde, Stonemark Land Surveying.

Commissioner E. Larson inquired about the distance between the closest neighbor to the boat ramp. Chair Hallan stated the exhibit (sheet #1) states more than 90 ft but less than 100 ft. Commissioner E. Larson inquired if the boat ramp is utilized in the winter to access the lake. Mr. Weiblen stated that yes, the boat ramp is used to access the lake in the winter.

Chair Hallan asked staff if the screening is better to add to this Conditional Use Permit or a separate permit. Mr. Burslie stated that it would be a good idea to add the screening condition to this permit with a vegetation plan.

Commissioner L. Larson inquired if the Commission can require a stormwater/grading plan within the vegetation plan. Chair Hallan stated the Commission could require a stormwater/grading and vegetation plan.

PUBLIC COMMENT OPENED:

Richard Weiblen, 6277 Wilderness Rd had concerns regarding:

- On exhibits there are two different dimensions for the boat ramp from the boat house
- Would like to know if the pine tree to the west of the proposed boat ramp will be cut down or left alone
- He feels the landing is dangerous on the west side of the beach because the boats have to pass the entire beach to get to the mooring docks
- He does not feel this is a “resort” business as it states in the report
- He would like the density of housing looked at
- He would like to have the screening for the private residents completed before or during the project.

Ann Beaver, Cullen Lake Association President:

Ms. Beaver stated the Cullen Lake Association would like to see screening in place to separate the resort business from the residential.

Doug Ritter, President of Wilderness Resort Villas Association:

Mr. Ritter feels the current boat ramp and beach very dangerous. The HOA is in favor of moving the boat ramp and expanding the beach.

Joel Thordson, 6285 Wilderness Rd:

- Would like large/mature trees planted for screening
- Would like an alternate location for the boat ramp, he feels it is dangerous where they plan on building it (Per Chair Hallan, due to topography there is no alternate location for the boat ramp)

Mayor Gardner stated that he stayed at the resort and backing in the boat on the blind side is very dangerous for the beach users.

PUBLIC COMMENT CLOSED.

A motion was made by Planning Commission Member Ellering, seconded by Planning Commission Member Gonczy, to approve the Conditional Use Permit to expand the existing beach area and relocate existing boat access 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. Relocation 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.
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.
10. A vegetation / screening plan consisting of two staggered rows of seven (14 total trees) 6'-8' tall planted height evergreen trees located west of the boat access area be submitted and implemented prior to issuance of the shoreline alteration permit. The trees shall be properly maintained. Any tree that dies shall be replaced with a new 6'-8' planted height evergreen tree.
11. Stormwater management / grading plan addressing conditions number one, three, and nine of this permit shall be submitted to the city and implemented upon approval.

All members voted "aye". Motion carried.

- 3.3 City of Pequot Lakes, applicant
Applicant requests an Ordinance Amendment to allow guest quarters within a detached accessory structure.

Mr. Burslie explained the Staff Report.

PUBLIC COMMENT OPENED:

Gary Severson, Structures International, would like to see the City of Pequot Lakes to match their ordinance with the surrounding communities' ordinances in regards to accessory structure size and allowability.

PUBLIC COMMENT CLOSED.

A motion was made by Planning Commission Member L. Larson, seconded by Planning Commission Member Ellering, to table the Ordinance Amendment to allow guest quarters within a detached accessory structure until the December meeting. All members voted "aye". Motion carried.

A motion was made by Planning Commission Member Gonczy, seconded by Planning Commission Member E. Larson, to close the Public Hearings. All members voted "aye". Motion carried.

4. Open Forum

5. New Business

5.1 Sketch Plan Review – Wilderness Point Resort Replat

Mr. Burslie explained the Sketch Plan Review. Applicant, Joe Sullivan, was present as well as Cindy Hidde, Stonemark Land Surveying.

Mr. Sullivan gave an overview of having two septic systems on the property, tearing down and building 14 new cabins, and remove the steel lodge to replace with a community building.

Discussion ensued regarding possible utility easements, allowable density for tier 1 and tier 2, cabin locations and sizes, grading, water supply, if the cabins will be rental properties, and how the replat will be handled.

5.2 Tiny Homes – Discussion

Mr. Burslie explained the request. Vicky Kinney was present to answer questions.

Chair Hallan asked Ms. Kinney for examples on tiny home communities. Ms. Kinney will send information to Ms. Bittner to distribute to the Commission.

Ms. Kinney is proposing permanent tiny houses built on foundations in two phases.

Discussion ensued regarding:

- how the gated community supportive housing works
- where the data was taken from

- who would be applying for housing
- tiny home size
- process to get a planned unit development approved
- where the homes would be allowed
- Pocket neighborhood vs. planned unit development
- How will tiny homes affect house values

Mr. Burslie asked the Commission for direction. The Commission took a straw poll that resulted in not allowing tiny homes throughout the city.

5.3 Maximum Accessory Structure Size in the Shoreline Residential Zone

Mr. Burslie explained in the current ordinance we maximize the accessory structure size in the Shoreline Residential Zone of 1280 sq. ft. Mr. Burslie asked the Commission if they would like to keep the 1280 sq. ft. limit or change the ordinance for the size to be included in impervious coverage maximum area.

Consensus of the Commission is for staff to move forward with possibly changing the ordinance for maximum accessory structure size in the Shoreline Residential Zone and bringing information to the November meeting.

6. Old Business

7. Approval of Minutes

7.1 Approval of August 19, 2021 Minutes

A motion was made by Planning Commission Member E. Larson, seconded by Planning Commission Member Gonczy, to approve the August 19, 2021 Minutes. All Members voted “aye”. Motion carried.

8. P & Z Administrator’s Report

8.1 Permits and Correspondence

8.2 Potential Violations/Enforcement Actions

The following Violations/Actions were discussed:

1. Lance Schmidt – Mr. Schmidt had been contacted regarding his unsightly property on Gravidahl Drive. A tenant had recently moved out and upon inspection he decided to remove all of the structures from the parcel. We consider this matter resolved.

9. Adjournment

A motion was made by Planning Commission Member Ellering, seconded by Planning Commission Member E. Larson, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 8:51 PM.

Respectfully submitted,

Jennifer Peterson
Utility Billing/Administrative Specialist

DRAFT