

**MINUTES
PEQUOT LAKES PLANNING COMMISSION/
BOARD OF ADJUSTMENT
REGULAR MEETING
SEPTEMBER 17, 2020**

PRESENT: Chair Birch and Commissioner Larson attended via Zoom, Commissioners Hallan, Paulbeck, and Wilson attended in person.

ABSENT: Commissioner Norton

CITY PLANNER: Justin Burslie, Sourcewell

ZONING SPECIALIST: Dawn Bittner

ADMINISTRATIVE ASSISTANT: Jennifer Peterson

COUNCIL LIAISON: Cheri Seils

1. Call Meeting to Order

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

2. Consider Agenda

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Hallan, to approve the Agenda as presented.

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

3. Public Hearings

A motion was made by Planning Commission Member Hallan to open the Public Hearings, seconded by Planning Commission Member Wilson. Motion Carried.

3.1 Eric's Excavating, Inc., applicant

Applicant requests a Conditional Use Permit to allow an Excavating Business in the Commercial Zone

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

Discussion ensued regarding the applicant submit a to-scale site plan, lean-to location, impervious coverage, vegetative buffers, and the conditions of the CUP.

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 and Resolution, based on the following Findings of Fact:

1. The conditional use permit request is to allow an excavation business. The proposed development, with conditions, is an appropriate conditional use in the Commercial zone.
2. The subject property is a conforming parcel. The property is vacant.
3. As determined by the planning commission at their meeting on August 20, 2020, the proposed “use” is considered “Commercial Use (Other, Not Classified)” and requires a conditional use permit.
4. Signage will be applied for under separate Land Use Permit Meeting Section 17-7.1 of the City Code.
5. The proposed use conforms to the Comprehensive Plan. The Future Land Use map identifies the subject property as Commercial.
6. The neighborhood surrounding the subject property consists of commercial properties. The proposed use, with conditions, is compatible with the surrounding neighborhood.
7. 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.
8. The proposed use will not be injurious to the use and enjoyment of neighboring properties nor diminish or impair property values in the immediate vicinity.
9. The adjacent property to the north is zoned Commercial. The subject property is bounded on the east by Patriot Avenue, on the south by Royce Street, and on the west by Lilac Drive. The proposed use will not impede development of surrounding vacant property.
10. There will be no public facilities or services for the proposed use. Applicant will install a private sewer system and a private drilled water well.
11. The subject property is accessed via Lilac Drive. 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.
12. The proposed use, with conditions, 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 not impact ground and surface waters.

15. Applicant proposes 7 designated parking spaces for customer and employee parking. There is ample room for additional parking, if necessary. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.

And subject to the following Conditions:

1. The property shall maintain a neat and orderly appearance.
2. The trees and vegetation shall remain along the east, west, and south property line to provide 50% screening.
3. All hazardous waste from servicing vehicles and equipment shall be stored and disposed in accordance with Minnesota Pollution Control Agency standards.
4. Signage shall be permitted by separate application.
5. All work on equipment shall be conducted within an enclosed structure.
6. A floor drain/sediment trap shall be installed in the repair area in accordance with Minnesota Department of Health's best management practices. The floor drain shall be connected to a holding tank and pumped regularly. The holding tank system shall be designed by a licensed plumber. A copy of a maintenance/pumping contract shall be submitted to the city.
7. All exterior lighting shall be projected downward.

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

4. Open Forum

5. New Business

5.1 David Kennedy – Violation Discussion

Ms. Bittner explained the Staff Report. Mr. Kennedy was present.

Chair Birch and Ms. Bittner both agree that there has been significant work done on the property, however, there is no action the Commission can take at this point due to the administrative citation.

Mr. Kennedy agreed that the Commission does not have any prevue of the criminal charges. Mr. Kennedy gave a statement with his concerns and improvements already made. Mr. Kennedy requests the maintenance ordinance violations be complete and in compliance.

Chair Birch suggested the three conditions Mr. Kennedy will need to do in order to be in compliance are: he will need to remove the trees growing in the garden; remove and/or clean up the "overgrown" walkway; and trim the overgrown plants growing around the pergola.

Discussion ensued regarding the property violations. The consensus of the Commission was for Mr. Kennedy make the improvements listed by Chair Birch. Chair Birch will continually check on the property and report back to the Commission next month.

5.2 Potential Ordinance Amendment Discussion – Water Oriented Accessory Structures

Mr. Burslie explained the Staff Report.

Discussion ensued regarding the pros and cons of Water Oriented Accessory Structures such as setbacks, height requirements and structure requirements. Mr. Burslie will do further research and bring the discussion back to a future Commission meeting.

5.3 Potential Ordinance Amendment Discussion – Guest Cottages / Guest Quarters

Mr. Burslie explained the Staff Report.

Discussion ensued regarding the size allowed, the differences between guest cottages and guest quarters, and the requirements of the Ordinance for Guest Cottages and Guest Quarters. Mr. Burslie and Ms. Bittner will do further research to move forward with amending the Guest Cottages / Guest Quarters Ordinance.

6. Old Business

7. Approval of Minutes

7.1 Approval of August 20, 2020 Minutes

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Paulbeck, to approve the August 20, 2020 Minutes.

8. P & Z Administrator's Report

8.1 Permits and Correspondence

Bittner pointed out the 4 permits issued and the 9 letters sent since the last meeting.

8.2 Potential Violations/Enforcement Actions

The following potential violations/enforcement actions were discussed:

9. Adjournment

A motion was made by Planning Commission Member Hallan, seconded by Planning Commission Member Paulbeck, to adjourn the meeting. All members voted "aye". Motion carried. The meeting was adjourned at 7:45 PM.

Respectfully submitted,

Jennifer Peterson
Administrative Assistant

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