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

PRESENT: Andrew Birch, Mark Hallan, Laura Larson, Nathan Norton, Tom Paulbeck, Christopher Savino, and Wesley Wilson. ABSENT: None.

CITY PLANNER: Justin Burslie, Sourcewell

ZONING SPECIALIST: Dawn Bittner

COUNCIL LIAISON: Mayor Tayloe

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

PUBLIC HEARINGS:
APPLICANT: Babinski Foundation
Applicant requests a Conditional Use Permit to operate Boat Sales, Service, Retail Pro Shop, and Boat Storage
Mr. Burslie explained the Staff Report. The applicant was represented by John Babinski and Bob Erickson. Mr. Burslie presented the Findings of Fact and Conditions in the Staff Report. He also stated the Fire Chief has requested a Condition requiring the applicant provide a fire alarm system satisfactory to the Pequot Lakes Fire Chief. When applicant was asked if they had anything to add, applicant turned the meeting over to their tenant, MN Inboard.

Mike Achterkirch, General Manager of MN Inboard, 37169 Lake Country Drive, Crosslake, and Matt Muller, Owner of MN Inboard, a family business for 27 years and have been in Baxter since 2006. They need more space and this property in Pequot Lakes is a great opportunity.

Planning Commission Member Wilson asked if it would be wise to put a sprinkling system in the maintenance building due to the nature of the work. Mr. Achterkirch explained they do not have a sprinkling system in the Baxter location. They have fire extinguishers throughout their facility. Mr. Mueller stated they have a 32, 000 square foot service facility west of their Twin Cities location and doesn't believe that location is sprinkled. They have been in that location since 2002 and have never had an issue. Most of the work they do is fuel injected, not carbureted; carbureted may experience more flame up.

Planning Commission Member Norton asked if they provide winter boat storage. Mr. Achterkirch stated there would be no exterior storage of customer boats at this facility. There would be some boats displayed outside for sale. A clear, shrink wrapped boat outside would be for sale. There would be exterior storage of stock units, owned by MN Inboard, on site, under a white shrink wrap.

Vice-Chair Birch noted that for a majority of the year, there would be exterior storage of the new stock boats. Mr. Mueller stated for aesthetic purposes, the majority of shrink wrapped boats would be on the back of the building. Mr. Achterkirch stated that there are awnings around the building that would provide display area for boats that wouldn't need to be shrink wrapped. There will also be inside display of boats.

Vice-Chair Birch asked what the average size is of the boats. Mr. Mueller stated the average size of their boats is 20' – 25'. Some pontoons are 27'. The average sale price is $125,000 - $130,000.

Vice-Chair Birch asked Staff if there should be a specific number of boats included, as someone at a later date may store yachts, etc. Mr. Burslie stated it is best to be specific and could be included in the Findings and Conditions. Vice-Chair Birch suggested an average length times 200 boats as a reasonable amount.

Mr. Mueller stated it would be difficult to state that we can't have anything over a certain length. Vice-Chair Birch concurred. Mr. Achterkirch stated that their primary boat is Malibu, which acquires other boats from time to time. They recently purchased Cobalt whose boats are primarily 32'.

Vice-Chair Birch suggested 6,000 lineal feet of boats can be stored on the property. Mr. Burslie suggested limiting the space to store boats to the improved areas. The Planning Commission will be reviewing another application for this same property regarding impervious coverage.

Discussion ensued and it was agreed to include the following as a Condition: Operable boats may only be stored on the asphalt areas.

PUBLIC COMMENT OPENED:
Harold Herboldt – Owner of Flour Sack Antiques across the street. Welcomed them to the area and stated this addition will be good for the area businesses. He questioned the disposal of oils, etc. Vice-Chair Birch stated Condition #4 addresses disposal of the hazardous waste.

Mr. Herboldt asked what was going to be changed on the property. Vice-Chair Birch stated the next Agenda item will address proposed changes to the property.

PUBLIC COMMENT CLOSED:

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Savino, to adopt the Resolution approving the Conditional Use Permit to operate boat sales, service, retail pro shop, boat storage and outdoor display area with the two additional Conditions, based on the following Findings of Fact:

1. The conditional use permit request is to allow boat sales, service, retail pro shop, boat storage, and outdoor display and additional signage in the Commercial zone. The use or development is an appropriate conditional use in the land use zone.
2. The subject property is a conforming parcel. The property contains two 24,000 sf buildings and a 4,160 sf garage.
3. The property is served by a deep well and a compliant subsurface sewage treatment system.
4. The subject property contains an adequate number of off-street parking spaces.
5. The proposed "use" is considered "Commercial Use (Other, Not Classified)" and requires a conditional use permit.
6. Signage will be applied for under separate Land Use Permit meeting Section 17-7.1 of the City Code.
7. The proposed use, with conditions, conforms to the Comprehensive Plan.
8. The adjacent property to the north and west is zoned Commercial, while the property to the south is the State Highway 371/Patriot Avenue interchange and to the east by the Paul Bunyan Trail. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
9. The proposed use is compatible with the existing neighborhood.
10. 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.
11. 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.
12. The subject property is accessed via Patriot Avenue. 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.
13. The proposed use, with conditions, will not generate any offensive odor, fumes, dust, noise or vibrations that will be a nuisance to neighboring properties.
14. The proposed use will not destroy any natural or scenic features. There are no known historical features of major significance on the subject property.
15. The proposed use, with conditions, will not impact ground and surface waters.

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 west property line to provide screening.

3. Existing trees and vegetation along Patriot Avenue shall remain.
4. All hazardous waste from the service area shall be stored and disposed in accordance with Minnesota Pollution Control Agency standards.
5. Signage shall be permitted by separate application.
6. All work on boats shall be conducted within an enclosed structure.
7. 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.
8. All exterior lighting shall be projected downward.
9. Applicant shall provide a fire alarm system satisfactory to the Pequot Lakes Fire Chief.
10. All boats stored outside shall be stored/displayed on a paved surface.

All members voted "aye". Motion carried.

APPLICANT: Babinski Foundation
Applicant requests a Variance to exceed Maximum Impervious Coverage and Maximum Height Allowed
Mr. Burslie explained the Staff Report. The applicant was represented by John Babinski and Bob Erickson. Mr. Burslie presented the Findings of Fact regarding the flag pole request.

Mike Achterkirch addressed the Planning Commission regarding the impervious coverage increase. They prefer to place their boats on an asphalt surface rather than dirt; it is more practical and provides a better presentation. Mr. Burslie stated a Condition is included that a stormwater management plan be created by a licensed engineer which contains the 10-year, 24 hour storm event.

Planning Commission Member Norton asked if providing the stormwater plan would be an issue. Mr. Babinski stated that would not be a problem and Stonemark should be able to provide it. Mr. Burslie clarified that the Condition applies just to the new impervious.

Planning Commission Member Wilson asked where the drainage from the existing impervious coverage is going. Mr. Babinski pointed out the existing stormwater ponds.

Vice-Chair Birch noted that as you look at the survey, it appears the impervious coverage is greater than 59.2%. Mr. Babinski explained the areas between the large buildings is all pervious.

Mike Achterkirch addressed the flag pole. They were surprised to read the recommendation to deny. This is a family owned business selling American made

products. Moving to Pequot Lakes, being on Patriot Avenue, and having a visible American flag would draw people off of the highway. He stated he didn't feel it would sell additional boats, but it would be attractive.

Matt Mueller stated car dealerships and other businesses that carry high-end products like MN Inboard, displaying a large American flag like Dondelinger in Baxter and Lee Anderson in Nisswa draws attention to the business, as well as the community.

Planning Commission Member Wilson stated he is patriotic, but the property is very visible from Highway 371 and 80 feet is overkill and there is nothing that size in town.

Planning Commission Member Norton inquired as to the height of Dondelinger and Anderson signs. Mr. Mueller stated the Dondelinger flag pole is 70 feet. Mr. Babinski stated the Anderson flag pole in Nisswa appears to be that tall.

Mr. Mueller asked if there was a reason that Pequot Lakes doesn't allow the same sizes as Baxter and Nisswa. Vice-Chair Birch explained part of the planning process and developing a Comprehensive Plan is finding out what stands out with your community. Having Pequot Lakes standout from communities like Baxter and Nisswa is something we have been striving for, not being a Baxter just a little further north. He stated if Highway 371 was developed in the same way as it is in Baxter, it wouldn't be ideal for our community. Big, huge flag poles speaks to those types of development. We would love to have your business in town; this flag pole doesn't necessarily match what we are striving for.

Planning Commission Member Paulbeck asked if the City is still planning the 50 flag display in town and wondered if this flag could be a gateway for that display. Vice-Chair Birch stated there have been funds donated for the flag display. Planning Commission Member Paulbeck thought the flag display and discussion could be relevant.

Planning Commission Member Larson stated the flag pole is only for the American flag. Vice-Chair Birch stated we have no control over that. Once the flag pole is up they can put anything up. Mr. Mueller stated they have no intention to put up anything but the American flag. His business is family owned and very patriotic. The location on Patriot Avenue was also intriguing. They are not asking for an obnoxious sized sign; the American flag is a cool symbol for their business and the community. Planning Commission Members Larson and Savino concurred.

Planning Commission Member Norton asked if Dondelinger's flag was also 30' X 40'. Mr. Babinski stated they have a 70-foot flag pole at the Foundation out on County Road 29 with a 20' X 30' American flag. When the pole is 80 feet tall, the larger flag is needed so the height and size of flag is proportionate.

Planning Commission Member Norton inquired where the 80' request came from. Mr. Babinski stated the white fence is in the way as you would look at the flag pole.

Planning Commission Member Paulbeck asked if the rendering of the flag pole was to scale. Mr. Babinski stated he believed it was; Matt and Michelle Mueller had provided that. Planning Commission Member Paulbeck stated, in his opinion, it looks very nice, but this isn't an opinion board.

Mr. Babinski didn't think the flag pole would be an issue.

Vice-Chair Birch clarified that this is not about patriotism or the American flag. There is nothing in the City Code that states they have to raise the American flag. When this business is sold, this Variance is going to go with the property. The new owner will be able to fly whatever they want on that flag pole. This community has already set the 25-foot maximum height level. Your request is more than tripling the maximum height. There would need to be a very good reason to approve that, otherwise why do we have these ordinances in the first place. We can't control what goes there in the future. He encouraged everyone to fly flags, but doesn't understand the need for 80 feet and that big.

Planning Commission Member Paulbeck asked if the Variance could be conditioned that if the ownership changes, the flag pole has to be removed. Vice-Chair Birch stated we cannot dictate what someone puts on a flag or a sign; that involves First Amendment rights. If someone were to put up a flag that contained a message that you consider despicable, at 25 feet you could potentially ignore it, but not at 80 feet and we would be stuck with it in our community.

Mr. Achterkirch asked if the Variance could be conditioned that the flag pole be removed when they are no longer there. Mr. Burslie stated they could voluntarily take it down, but we can't condition it. He further stated that no one is questioning the applicant's patriotism, but when we get a Variance request we need to look at the character of the neighborhood. There are very modest flag poles all along Patriot Avenue, 25 feet or less. There are no flag poles close to this size. If there were two very large buildings and you needed to get the flag above the buildings or some other circumstance that you couldn't meet the 25 foot height requirement could be a different recommendation. We did consult with the City Attorney and he didn't see how the City could approve this. If the Planning Commission wants to approve the request, we would need to develop Findings in support of that decision.

PUBLIC COMMENT OPENED:
Isaac Besty, Anchor Point Road, Crosslake – He works for MN Inboard and the bridge is approximately 30 feet high and the trees are approximately 45 feet from the subject property for traffic traveling southbound. The 80 foot flag pole gets it above the tree line for southbound traffic.

Vice-Chair Birch stated this does run a little bit counter to what you said that this isn't about selling boats; it's about being patriotic and being part of the community. As a community we went through a development process that set out these standards at 25 feet. He stated he is not anti-flags, not anti-America, and he flies an American flag. Approving the Variance cannot be for patriotism; it has to be for an actual reason. He hasn't heard that reason.

Harold Herboldt, owner of Flour Sack Antiques - People drive on Highway 371 at 70 miles per hour. Many people have told him he needs a big sign so his business can be found. He has a large sign not visible from Highway 371. He is in favor of the large flag to promote business.

Mr. Achterkirch asked if it might be possible for the City to have some type of City identifiers at the north and south ends of Patriot Avenue, such as flags. Mr. Burslie stated it may be possible to approach the City to place a flag pole in their right-of-way. The City Code does not regulate the City right-of-way.

Planning Commission Member Wilson asked if they planned to light the flag pole. Mr. Achterkirch stated that they plan to have lights shining up toward the flag. Planning Commission Member Wilson stated there is an ordinance against that and the lights would need to be downward facing.

James Watkins, 3956 Ramsey Street – The water tower lights are pointing upwards and have nearly blinded his wife. A lot of businesses have upward lit signs. The flag is a good idea to catch people's attention; it is something to recognize as you are coming into town.

Planning Commission Member Wilson clarified that there are lights that shine up as they were grandfathered in as they were there before the ordinance was changed. If you are going to display a flag, it is supposed to be lit at night. Mr. Babinski asked if every flag has to be taken down at night. Vice-Chair Birch stated that is according to flag standards. Mr. Babinski stated there must be some law that allows flags to be displayed and lit at night. Vice-Chair Birch stated it is not a law; it is a standard.

Planning Commission Member Norton inquired if it may be a good idea to consult the Heart of the Good Life committee to get some direction as to what they may want to see at this location. He does like the idea of having a big, American flag to pull people from the highway. Mr. Burslie reminded him we can't regulate what is put on the pole.

Planning Commission Member Larson stated she cannot vote against a beautiful flag flowing in the sky to attract people to Pequot on the off-chance that someone may fly something else in the future. Vice-Chair Birch stated the question in front of the Planning Commission has nothing to do with what they fly on there; that is not relevant to what we are asking.

Vice-Chair Birch stated Planning Commission Member Larson won't be voting against an American flag. Some people may say you are voting against an American flag. You are voicing your opinion on our standards for structure height. They can fly all the American flags they want. We are only discussing how high the structure can be. If we allow this at 80 feet and we don't have very good Findings why they can be at 80 feet, then every applicant that comes and wants to put up a structure, we are going to have to abide by the same standard. This is simply setting a standard in our community that we don't want to see duplicated.

Mayor Tayloe asked who else would want to put up a flag like that. Planning Commission Member Savino asked if the standards were in place before the bypass. Vice-Chair Birch stated they may have been. Planning Commission Member Savino stated there has been a pretty significant change with the highway going around town. Vice Chair Birch stated the development of the Comprehensive Plan update was done post-bypass, so these standards and all of those things were considered by this Commission after the bypass.

Vice-Chair Birch stated what he is hearing is that we would vote to allow the Variance with the Finding that the overpass is a practical difficulty due to the height of the bypass so the 80 foot flag pole would be allowed due to that unique structure and that the bypass prevents visibility to the subject property for motorists traveling south on State Highway 371.

Planning Commission Member Wilson stated if this is allowed, the Planning Commission is opening a can of worms. What are we going to say to the next applicant that wants to exceed the height? It could be anything, not necessarily a flag pole; it could be lighting or a billboard. We are setting a precedent if we approve this request. And that is something we are going to have to live with. It is nice driving along and seeing the trees. That is what people think of being up north. And now we are going to exceed the height of the trees with a flag. That piece of property is so visible that even a 25 foot flag pole would stand out.

Harold Herboldt, owner of Flour Sack Antiques – He stated their sign is higher than 25 feet and people are driving on Highway 371 at 70 miles an hour. A flag up high will draw their attention. The area is unique and would attract attention and bring people into town.

Planning Commission Member Norton asked how high the buildings are. Mr. Babinski stated they have 18 foot sidewalls, so possibly 25 feet.

Mr. Babinski stated that as you drive into Nisswa you see Lee Anderson's flag at 70 feet and that is right along the highway. It makes an impression, but it doesn't stick out.

Vice-Chair Birch asked if the flag pole portion of this application can be tabled while the Planning Commission looks into possibly amending the ordinance to allow specific structures to exceed the 25 foot maximum. This could be addressed with public input and through the City Council. When we grant a Variance, we set a precedent and this is a pretty small group to be setting precedent. We could request direction from the City Council to look into this in the next month regarding flag poles.

Mr. Burslie stated because both requests were requested on one application on one property, you can't table just part of the application. You need to make a decision on it. What you could do is deny that portion of the application with the understanding that the Planning Commission is going to reevaluate this. If the Council and the City doesn't adopt a new ordinance, you could waive an additional application fee if the applicant wants to come back with a similar Variance request. That would be a Council decision.

PUBLIC COMMENT CLOSED.

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Norton, to approve the Variance to exceed the maximum impervious surface coverage, and deny the request to construct a flag pole exceeding the maximum height requirement with the understanding the Planning Commission will look to discuss an ordinance amendment to allow for larger flag poles, based on the following Findings of Fact:

On the request to exceed the maximum impervious surface coverage allowed and construct a flag pole exceeding the maximum building height allowed:

1. The subject property is located at 29240 Patriot Avenue and is in the "Commercial" zone.
2. The property contains two 24,000 square foot buildings and a 4,160 square foot garage.
3. Applicant plans to lease the subject property to be used for boat sales, service, retail pro shop, boat storage, and outdoor display area.
4. The subject property is served by a private deep well and a compliant septic system.

On the request to exceed the maximum impervious surface coverage:

5. Customer parking spaces will be along the south side next to the building.
6. Applicant proposes to expand the asphalt parking area to the south for the outdoor display of potentially 200 boats.
7. Applicant proposes to expand the asphalt parking area to the north to accommodate a customer pickup and drop-off area for roughly 100 boats.
8. The current impervious coverage of the entire parcel is 43.9%. Applicant proposes to increase the impervious coverage to 59.2%.
9. The applicant has established that there are practical difficulties in complying with the code. The existing asphalt does not allow sufficient parking area to

display numerous luxury boats for sale. Gravel display areas are not conducive to the overall appearance or the cleanliness required for the proposed use.

10. The property owner proposes to use the property in a reasonable manner.
11. The deviation from the Code will still be in harmony with the general purposes and intent of the City Code and Comprehensive Plan. The applicant will be required to retain additional stormwater runoff generated by the increased impervious surface coverage onsite.
12. The variance will not create a land use not permitted in the Commercial zone. The proposed commercial use of the property is allowed with a conditional use permit (Conditional Use Permit #19-10).
13. The subject property is surrounded by Commercial development to the north and west. The subject property is bounded on the east and south by State Highway 371. The variance will not alter the essential character of the locality of the subject property.
14. The variance has not been made based on economic considerations.

On the request to construct a flag pole exceeding the maximum building height:

15. The applicant proposes to place an 80-foot flag pole in the southeast corner of subject property. The maximum height for structures in the Commercial Zone is 25 feet.
16. The applicant intends to fly a 30' X 40' American flag on the proposed flag pole.
17. The applicant has not established there are practical difficulties in complying with the maximum height ordinance. A flag pole meeting the requirements of the ordinance may be constructed in multiple locations on the subject property which would be visible to patrons of the proposed commercial business and the adjacent public right-of-way.
18. The property owner does not propose to use the property in a reasonable manner. An 80 ft high flag pole is not reasonable given it is over three times the maximum height allowed in the Commercial Zone.
19. The "plight of the landowner" (not being able to construct an 80 ft tall flag pole under current ordinance) is not due to circumstances unique to the property not created by the landowner. The subject property is relatively level. The height and location of existing structures on the subject property and adjacent properties do not create a visibility issue for a 25' high flag pole. The subject property does not have any unique circumstances or features which would justify an 80 ft tall flag pole.
20. The deviation from the Ordinance with any attached conditions will not be in harmony with the general purposes and intent of the Ordinance and the Comprehensive Plan.
21. Flag poles are an allowed use in the Commercial Zone. The variance will not create a land use that is not allowed.
22. The variance request would alter the essential character of the locality. The exceedingly tall flag pole (and flag) would be visible from great distances. No other commercial or residential properties in the city have flag poles remotely close in height to the proposed flag pole.
23. The variance request has not been made based on economic considerations.

And subject to the following Condition:

1. Before a permit is issued for the additional impervious surface coverage, the applicant shall submit a stormwater management plan created by a licensed engineer which contains the 10-year, 24 hour storm event on the subject property for all new impervious surfaces. Said plan shall be implemented in full.

Planning Commission Member Norton asked the applicant if they were comfortable with this. Mr. Babinski stated he understands that the City has rules and that the Planning Commission has to make decisions and understands where the Planning Commission is coming from.

All members voted "aye". Motion carried.

APPLICANT: Resort Development LLC/Premier Homes
Applicant proposes a Conditional Use Permit for a Planned Unit Development and Preliminary Plat of "The Range"
Mr. Burslie explained the Staff Report. Applicant was represented by Dan Helbling.

The applicant has not submitted a stormwater retention plan or a grading plan. They have obtained an informal easement from the golf course to allow some of the stormwater to infiltrate onto the driving range.

Mr. Burslie read through the Conditions. This development meets all of the requirements of the ordinance.

Dan Helbling, 5850 Little Walnut Lane – He has owned the property for about 28 – 29 years. There is a need in the City for this type of housing. Grand View Lodge will be handling the sales and marketing of the project. Grand View did a similar project last year at the Pine Golf Course. Grand View owns the Preserve Golf Course and supports this project.

Mr. Burslie noted that in some of the association documents we saw that rental or short-term rental of these properties was referenced, as well as a management company. When Mr. Helbling had initially approached the City, he stated this was going to be a residential planned unit development. Mr. Helbling acknowledged that. Mr. Burslie stated this is not a commercial PUD, and there will be no rentals of these properties allowed other than what is allowed through our Short-term Rental Ordinance. Mr. Helbling acknowledged that and stated he had discussed this with Staff and they do not plan to amend that ordinance or request a Variance for it. Mr. Burslie further clarified that this is a residential PUD and will be privately owned and if they choose to rent their properties through the Short-term Rental Ordinance they are allowed to do that. Mr. Helbling stated that Grand View would be handling the rental of the properties and would need to follow the ordinance.

Mr. Burslie stated that in Nisswa, Grand View Lodge has these types of developments but they are commercial PUD's and they limit the actual time the owner can stay there. It is the inverse of our ordinance. This is a residential PUD.

Planning Commission Member Norton stated he prefers the residential PUD, but wonders if Grand View is aware of our ordinance and will come back wanting this changed. Mr. Helbling stated he is just applying to split the land, the planned unit development and the operation of the Conditional Use Permit. He won't be involved in the housing build-out or the sales of the properties at all.

Vice-Chair Birch asked if the residential PUD is the correct one. Planning Commission Member Norton stated he feels Grand View will want to rent them out more often, but maybe that's irrelevant. Mr. Burslie asked Mr. Helbling if Grand View is aware this is a residential PUD. Mr. Helbling acknowledged that. Mr. Burslie stated that ultimately Mr. Helbling is the landowner; we are recommending approval of this based on Mr. Helbling being the owner and developer. If he wants to coordinate with someone for the building and management, that is up to him and not the City, but we want to be clear with him to be sure Grand View is aware that this is a rural residential property. Mr. Helbling stated these are not being sold to Grand View; they are being sold to individual people.

Planning Commission Member Larson asked if these were timeshare properties. Mr. Helbling stated they were not timeshare properties; they would be full ownership as single family residences.

PUBLIC COMMENT OPENED:
Grant Walker, 28642 County Road 107 – His family has been at the location since 1967. When the golf course was built, they were not in favor of it. One of the Conditions of approval was one dwelling per 5 acre parcel with no rental. Bittner stated she had a copy of the original Conditions of approval for the golf course and it doesn't restrict any future housing. Mr. Walker asked if anyone can put houses on 1.5 acre parcels. Bittner stated through a residential planned unit development that would be allowed. Mr. Walker asked if the road that was closed when the golf course was built to the State land would be reopened. Staff explained that is not part of this application. He also asked if a shooting ordinance would be put in limiting the hunting in the area. Mr. Burslie stated firearms cannot be discharged within 200 feet of a residence. Mr. Walker is looking at 20 acres on the east side of the golf course to purchase. He asked if he would be allowed to do a housing development like Mr. Helbling is proposing. Mr. Burslie asked if that property is adjacent to the golf course. Mr. Walker stated it was. Mr. Burslie stated Mr. Walker would have the same opportunity to rezone the property and to put it into the Residential-Golf Course Community Overlay District. Mr. Walker would like it stated that these are single family, non-rental units; they need to live there. Mr. Burslie agreed. There will be no timeshare and whoever purchases the home will need to live

there, that it cannot be rented. Vice-Chair Birch stated that is what the Planning Commission was discussing earlier. They will need to abide by the same ordinances as any residents. We have an ordinance for Short-term rentals; I think your concerns are all good ones. Your concerns for hunting or shooting – those items are not in front of us tonight. When those issues come forward, I suggest you be vocal. Mr. Walker further stated that Staff, Dawn Bittner, knows what he does for a living. He was concerned that this development might affect his business. Bittner assured him that this development will not change what he is currently are doing. He may not expand the use; the use must be contained to the one parcel where the activities are taking place. Vice-Chair Birch stated the applications being discussed will not impact his operations.

Planning Commission Member Hallan stated he is in favor of a residential PUD. The City has a commercial PUD in Wilderness Point. He would not be in favor of this application if it were a commercial PUD. This is a rural residential neighborhood.

Karl Moon, 28150 County Road 107 – He stated he agrees with Mr. Walker's sentiment. This whole project has been give an inch, take a mile project. The Board was not originally in favor of the golf course because it was all forested land. After a lot of discussion and negotiating, the golf course was allowed. We assumed the golf course would maintain the rural nature with a forested environment. Mr. Helbling built a residence with a pole barn. Did that impact the area? Probably not. We keep getting more and more urbanized in that development. It's a slippery slope. If we allow a little bit, we get a lot more. If the City needs more housing, is this where we need the housing? It might be better to have housing where facilities are available, such as water, sewer, and higher traffic roadways. My comment to the Board is we don't get into a situation where it becomes more urban as opposed to more forestry, more rural, when we allowed the golf course originally. So far that doesn't seem to be.

Grant Walker asked what the houses would cost. Is the middle income person going to be able to afford them? Vice-Chair Birch stated that is not part of this process. Planning Commission Member Hallan asked if Grand View has indicated what these homes will be marketed at. Mr. Helbling stated the homes would be $400,000 to $500,000. Mr. Helbling stated prior to beginning this process, he did research and spoke with Mark Jurchen who was Chair of the Economic Development Commission and he provided a letter of support stating this is the price range of the housing needed in Pequot Lakes.

PUBLIC COMMENT CLOSED.

Planning Commission Member Hallan noted that Condition #5 states Lot 16 may not contain any structures. If there is going to be a common well, a well house will be needed. He suggested adding the following to that condition: except a well house that will not exceed 120 square feet in area.

Planning Commission Member Hallan also noted that the drainage easement that Preserve LLC will be granting, the actual document will need to be provided and recorded with Crow Wing County prior to Final Plat.

A motion was made by Planning Commission Member Savino, seconded by Planning Commission Member Wilson, to adopt the Resolution approving the Conditional Use Permit for a Planned Unit Development and recommend the Council approve the Preliminary Plat, based on the following Findings of Fact:

On the conditional use permit and preliminary plat:

1. The subject property is located along Little Walnut Lane and is 12.4 acres.
2. The subject property is zoned "Rural Residential" and is located within the "Residential-Golf Course Community Overlay District".
3. The request is for a Conditional Use Permit for a Planned Unit Development and approval of the corresponding Preliminary Plat of "The Range".
4. The proposed development consists of 15 single-family residential building sites and one commonly owned lot to be utilized as "greenspace".

On the Conditional Use Permit (Planned Unit Development):

5. The proposed Planned Unit Development is an appropriate use in the "Rural Residential" zone. Residential Planned Unit Developments are allowed in the "Rural Residential" zone with a Conditional Use Permit.
6. The proposed density of the development is 1.25 units per acre. Two units per acre is allowed.
7. Lot 16 consists of 11 acres of commonly owned property. The proposed lot includes a wetland, greenspace, and private roadways.
8. The development pattern preserves natural features including trees and other vegetation by utilizing a 50-foot buffer around the perimeter of the development. Trees and other vegetation will also be preserved in Lot 16.
9. The Planned Unit Development is accessed via Little Walnut Lane.
10. The proposed development pattern is in harmony with the land use density, transportation facilities, and community facilities objectives in the Comprehensive Plan. The Plan identifies the subject property as "Rural Residential" which is, "Development patterns in this area are low-density residential. These areas will not be served by municipal utilities and the amount of new roads and development will be limited."
11. The proposed residential lots are 42.0' X 96.0' (4,032 sf).
12. Setbacks: All proposed residential lots and proposed structures are outside the 50-foot buffer.
13. Access: The PUD has direct access to Little Walnut Lane, a private road. Preserve Blvd. was built to highway standards and provides access to the Preserve Golf Course. Access to Little Walnut Lane is from Preserve Blvd. Little Walnut Lane is a gravel road and development of this PUD will provide for a paved road and maintenance by the home owner's association.

14. Utilities: The PUD will be served by private wells and subsurface sewage treatment systems. An SSTS site suitability report created by an advanced SSTS designer has been submitted.
15. Open Space: Over 67% of the development will remain in permanent open space communally owned and maintained by the home-owner's association.
16. The use and enjoyment of other property in the immediate vicinity of the subject property will not be impaired. The surrounding uses include a seasonal home and vacant land to the north, vacant County owned land to the east, and the Preserve Golf Course to the south and west. The development includes a 50-foot buffer (no buildings) around the perimeter of the subject property.
17. The proposed development will not impede the normal and orderly development of surrounding vacant property.
18. Adequate plans for utilities, access roads, draining and other necessary facilities have been submitted. The city engineer will approve final utility, road and drainage plans.
19. The development has a sufficient number of off-street parking spaces. Loading spaces are not necessary since the development does not include commercial uses.
20. The development will not generate public nuisances such as offensive odor, fumes, dust, noise, or vibration. The development does not contain street lights or other lighting that will impact adjacent properties.
21. The development will not depreciate property values within the immediate vicinity.
22. The development will not cause the Local, County, and State road systems to exceed their safe carrying capacity.

On the preliminary plat:

23. The subject property is properly zoned for the proposed use of a single-family residential housing development.
24. There is a wetland on the western edge of the subject property.
25. There are no non-conforming structures on the subject property.
26. Each of the proposed lots will be served private water and sewer utilities.
27. The property is not adjacent to a public water body so provisions for water based recreation are not necessary.
28. Lot areas and dimensions are consistent with the zoning ordinance with approval of the planned unit development.
29. Lot layouts are compatible with the adjoining properties. The surrounding uses include a seasonal home and vacant land to the north, vacant County owned land to the east, and the Preserve Golf Course to the south and west.
30. The planned unit development has approximately 780 feet of frontage on Little Walnut Lane, a private roadway. The development is accessible via Little Walnut Lane and Preserve Blvd.
31. There are no private streets within this development.
32. There is no public infrastructure required with this development.
33. All of the lots may be developed with single family homes without requiring variances.

34. Survey standards: The preliminary plat was prepared by a licensed surveyor (Patrick A. Trottier-PLS #41002) and conforms to the standards in Minnesota Statutes.
35. The subject property is accessed via a 33' wide easement Document #A888164.
36. Street improvement standards: The proposed private drive will be constructed by the developer and maintained by the home owners association. There are no public streets proposed in the development.
37. Sanitary provision standards: The development will be served by a cluster sewer system. The system will be installed by the developer at his expense. The system will be maintained by the developer/home owner's association.
38. Water supply standards: The development will be served by a cluster water system. The system will be installed by the developer at his expense. The system will be maintained by the developer/home owner's association.
39. Drainage/grading standards: The total proposed impervious surface coverage of the development is 17.5% (20% allowed). An engineered stormwater management plan has not been submitted by applicant.
40. Dedication to the Public Standards: Section 17-9.10 requires a payment or dedication to the City a portion of land for public use. This planned unit development does not include any land dedicated for public use.

And subject to the following Conditions:

On the conditional use permit and preliminary plat:

1. Except as amended by these conditions, the development of the subdivision and planned unit development shall be 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. Prior to construction, excavation, grading or other terrain disturbance, final plans for all infrastructure (private roads, water system, etc.) and grading shall be submitted to and approved by the City Engineer. The improvements within the development shall be designed by a licensed engineer.
3. The 50-foot buffer around the perimeter of the planned unit development shall remain in a natural state in perpetuity, except for road access areas and SSTS components. The vegetation in the buffer shall not be altered except to create areas for SSTS tanks/drainfield(s) and road accesses. Structures may not be constructed in the buffer.
4. Lots 1 – 15 may only be developed with single family homes.
5. Lot 16 (greenspace) may not contain any structures, except a well house that will not exceed 120 square feet in size. Vegetation located in Lot 16 shall substantially remain in a natural state. Vegetation may be removed from Lot 16 in order to construct trails, private roads, sewer system, and water system. Reference to these provisions shall be made in the development covenants.
6. A hydrant shall be installed off of the deep water well for fire protection.
7. Ownership and long-term maintenance responsibilities/obligations for the community water system shall be described in the development covenants.

8. Ownership and long-term maintenance responsibilities/obligations for the sewer system shall be described in the development covenants.
9. The cluster sewer system shall conform to Minnesota Pollution Control Agency Standards (Chapter 7080 – 7083 of the Minnesota Administrative Rules) and the City of Pequot Lakes SSTS standards. The final plat shall not be signed until the final SSTS design is reviewed and approved by an Advanced Inspector per Minnesota Rules.
10. The cluster water system shall conform to the Minnesota Department of Health Rules and Regulations MHD 210-230 "Water Well Construction Code", and the cluster system shall receive the approval of the City Engineer.
11. The city attorney shall review and approve the declaration, covenants, by-laws, etc. before the final plat is signed.
12. The developer shall pay a park dedication fee in the amount of $14,040.00 in accordance with Section 17-9.10 "Dedication to the Public – Standards". (416 X 2.25 PPH = $936 X 15 lots = $14,040.).
13. Prior to the submission of a Final Plat application the applicant shall provide for the construction of the required improvements at their expense and shall have the work completed or shall enter a Development Contract and give bond or other financial assurance satisfactory to the Council in an amount equal to 125% of the estimated cost of the uncompleted improvements except as provided in 10.3. The bond shall be released by the City Council upon the recommendation of the City Engineer indicating the improvements are satisfactorily complete.

All members voted "aye". Motion carried.

APPLICANT: Brandon Andersen
Applicant requests an Ordinance Amendment to Expand the Offsite Sign Overlay District
Mr. Burslie explained the Staff Report. Applicant was present.

Vice-Chair Birch asked the applicant if he would like to address the ordinance language. Mr. Andersen stated he believed the intent of the ordinance is meant to allow signage along this corridor and he is requesting his property be included in the Overlay District.

PUBLIC COMMENT OPENED:

No comments.

PUBLIC COMMENT CLOSED.

Planning Commission Member Norton asked if Staff had determined only one sign in the linear footage would be allowed.

Planning Commission Member Hallan explained the history of developing this Overlay District. He asked Mr. Andersen if he knew how many lineal feet he had along the highway. Mr. Andersen was not exactly sure.

Planning Commission Member Wilson asked if this area is within 2,000 feet of the billboard on City property. Staff said it was not within the 2,000 feet of that billboard.

Mr. Burslie stated Mr. Andersen has 930 feet of frontage along State Highway 371.

When asked, Mr. Andersen stated he does not have a location in mind for the sign. He is getting his permit to protect his right to place a sign in the future. He stated he is not sure how long the permit protects it.

Mr. Burslie stated that if he were not to build a sign within a year, if another property owner came in and applied for the permit, they would get the sign. They would first need to have their property included in the Offsite Sign Overlay District.

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Savino, to recommend the City Council expand the Offsite Sign Overlay District to include these parcels. All members voted "aye". Motion carried.

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

ADDITIONS OR DELETIONS TO AGENDA: None.

OPEN FORUM: None.

NEW BUSINESS:
a. Brandon Andersen – Conditional Use Permit Discussion
Mr. Burslie explained the Staff Report. Mr. Andersen was present.

Vice-Chair Birch asked if there was a process to amend a Conditional Use Permit. Mr. Burslie stated it is the same process as approving a CUP. It would require the application, application fee, notification, and the Public Hearing, but yes, you can certainly amend a CUP.

Mr. Andersen read from a prepared statement to stay on task:

"My overall objective is to work with the City to get more businesses and customers into Pequot Lakes to support my business which ultimately financially supports the families of my employees and supporting vendors in the area. A little background just to give you context what was going on 12 years ago. It's all pretty much new faces, but Mark, I think you were here back then. (Planning Commission Hallan acknowledged that he was on the Planning Commission.) A lot has changed since we decided to build our new production facility in July, 2007. There was no plan at that time to have a bypass. There was talk and different things going on on the side, but there was no plan to have a bypass at that point. That all changed very quickly in the coming months right after that. The Industrial Park had not yet been rebranded a Business Park. It was preferable to have our type of business in the Industrial Park. Commercial real estate values in Pequot Lakes were 2 to 3 times higher than their current levels, as they are right now. In August, 2007 while in the middle of my construction project, we realized that a CUP was required due to the height of the dust collection system that we were purchasing. The project had already been started and any delays would have been extremely expensive. Certain members of the City Council and Planning and Zoning Commission took this opportunity to put in stipulations on this project that are not consistent, in my opinion, with the way other land owners in our community are treated. There is a whole back-story that I will steer clear of for the greater good of the community in general. Fast forward to the present day. Customer traffic counts in our showroom and the immediate surrounding businesses are down 25 to 60 percent with the loss of highway traffic. There is no way to screen my log yard without cutting off visibility of our production facility and signage directing people to our factory outlet showroom in downtown Pequot Lakes. Northbound traffic would not be able to see through the trees to our production facility. On a personal note, I have lost between 1.2 and 1.7 million dollars in commercial property investments and additional debt service costs on my commercial properties in Pequot Lakes over the past 12 years. The only positive that my business has experienced from the bypass is people were introduced to our production facility and realized that we are not building furniture in a garage behind our showroom, but instead are a large operation. The activity in our production facility and yard creates curiosity and drives people into our showroom. The commercial property value declined in Pequot Lakes in the past 12 years has shifted property tax burden over to residential property owners. We must do whatever we can to revive commercial property values, in addition to supporting projects like Mr. Helbling just brought forward. We need to grow our tax base in our town. I've got a few questions. Most of these are rhetorical by nature, but I want you to consider them as we address this.

#1. Why would the City require that Lonesome Cottage comply with point number 3 of the Conditional Use Permit and require us to plant 100% screening of the exterior storage area as viewed from the highway when it will cause irreparable harm to my business. Side note: The bypass has a significantly higher elevation to my log yard so planting trees is not going to hide my log piles that are on the west side of the log yard.

#2. What was the purpose at the time the CUP was adopted in 2007 and is this requirement still serving the purpose that was intended at the time.

#3. Please ask yourselves when drafting and reviewing a Conditional Use Permit conditions, is this going to make the business more or less likely to want to move here. Will this make people more or less likely to come shop and support our community?

#4. Is this condition consistent with the way other businesses are being treated in our community? Selective enforcement of ordinances has been an issue in our community for years. Numerous other businesses in the Industrial Park have outside storage that doesn't require screening. That is why we build industrial parks in the first place. When I drove over here I drove through the Industrial Park and I counted at least 6 or 7, depending on the subjectivity of it, of what some might consider blighted outside storage in the Industrial Park.

#5. Will having a precedent of 100% screening for a manufacturing facility operations make it more or less likely to attract other businesses to our community and specifically, the Heart of the Good Life Development, the 80 acres south of this property.

Facts and circumstances change. There is a current State law that says you can't have Sunday dinner before you shovel the sidewalk. How many other state laws, city ordinances and conditional use requirements are there currently in place that should be removed? Many people live and move to rural Minnesota because they don't want people to tell them what they can and can't do with their property. Putting unreasonable restrictions on a person's property limits our personal freedom. It takes people with common sense and no personal political vendettas to make poor decisions. Please allow me to just focus on making my business better and take care of my customers rather than getting distracted further with our city's politics. I have tried to steer clear for 10 plus years of the city politics that have been going on here. I have tried to serve by being the Chair of Crow Wing County HRA and on the School Board for 8 years."

Planning Commission Member Hallan stated he will take exception to one statement.

Mr. Anderson stated only one? He felt pretty good about that.

Planning Commission Member Hallan stated he does not believe the City has selectively been enforcing certain ordinances. I have sat through hundreds, no, over a thousand meetings in my life here and in other cities. Has everything been done fairly? No. This is not a perfect group, but I don't believe the City, as a whole, has selectively tried to go around any ordinance with anyone. There is a long history, I don't think we need to get into that; I don't think we have burned any bridges. Brandon, from that stand point, I think your personality has changed in the last 15 years and you also matured a lot more from my stand point. I am just saying that now the bypass is in and now you see what it

looks like. I have no idea, I was around then, but I don't know exactly why we said the screening requirement or what we were anticipating. We aren't screening our own spray irrigation field. Someone could object to the rainbows of color by our effluent being sprayed out there. Your comment is, I think, that some type of screening should be done. Should it be 100%? No. How do you define 100%? Leaf on? Leaf off? Where do you go with this?

Vice-Chair Birch stated we don't have an application in front of us to consider. His Conditional Use Permit does exist. He doesn't have an issue with the statements made by Mr. Andersen and the conditions on the site, the need for visibility, and all of the points made were excellent ones. But we are working off of what was done in 2007. There is a process to review this. If Mr. Andersen doesn't feel the CUP is relevant, we need to go through the application process to get it changed. Then we can have the conversation with an application that we can act upon.

Planning Commission Member Hallan stated we don't have the ability to aye or nay the condition. He asked Staff if there is a way for the fee to review the CUP to be waived. Staff stated the City Council can waive the fee. He suggested recommending the Council to allow the applicant to come back to discuss the one condition with no application fee.

When asked, Mr. Andersen said he would be fine with that.

Vice-Chair Birch asked Mr. Andersen if he had anything to add. Mr. Andersen stated he doesn't want to drag up old history, but in regards to maturing, he just needs to give it context. Planning Commission Hallan stated he is an engineer and is anal. Mr. Andersen stated that with the amount of money it has cost him, and he knew it was going to cost him at the time, you would have been pretty excited about the situation, too, that he was faced with and the hardship that was put on him and his family. Mr. Hallan stated he doesn't know that history. Mr. Andersen stated there needs to be context to those comments.

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Paulbeck, to recommend the City Council waive the application fee for Mr. Andersen to amend his Conditional Use Permit. All members voted "aye". Motion carried.

b. Metes and Bounds Subdivision –
Dan and Lauri Helbling, applicants
Mr. Burslie explained the Staff Report. Applicant was present.

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

1. The subject property is zoned Rural Residential.

2. The lot widths of the proposed parcels both meet the minimum standard of 200 feet.
3. Both of the proposed parcels meet the minimum buildable area requirements of 5 acres in the Rural Residential Zone.
4. Proposed "Tract A and Tract B" are vacant.
5. The subject property is not adjacent to municipal water and wastewater utilities. Proposed "Tract A and Tract B" contain sufficient space for a primary and alternate SSTS location.
6. There is a wetland located in the northwest corner of subject property.
7. 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.
8. The applicant is not proposing any provisions for water-based recreation.
9. The proposed lot layout meets the requirements of the ordinance.
10. The proposed side lot lines are at right angles to the adjacent property lines.
11. Each of the proposed parcels has at least 33-feet of frontage on public right-of-way on Little Walnut Lane, a 33-foot wide ingress and egress easement.
12. The subject property meets the requirements of the code for stormwater management.
13. There are no public streets proposed within the development.

All members voted "aye". Motion carried.

c. Metes and Bounds Subdivision –
Adam Bitzer, applicant
Mr. Burslie explained the Staff Report. Applicant was present.

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

1. The subject property is zoned Rural Residential.
2. The lot widths of the proposed parcels both meet the minimum standard of 200 feet.
3. Both of the proposed parcels meet the minimum buildable area requirements of 5 acres in the Rural Residential Zone.
4. Proposed "Tract A and Tract B" are vacant.
5. The subject property is not adjacent to municipal water and wastewater utilities. Proposed "Tract A and Tract B" contain sufficient space for a primary and alternate SSTS location.
6. 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.
7. The applicant is not proposing any provisions for water-based recreation.
8. The proposed lot layout meets the requirements of the ordinance.
9. The proposed side lot lines are at right angles to the adjacent property lines.
10. Each of the proposed parcels has at least 33-feet of frontage on public right-of-way.

11. The subject property meets the requirements of the code for stormwater management.
12. There are no public streets proposed within the development.

All members voted "aye". Motion carried.

d. Future Sale of Tax Forfeited Land – Biggs Addition to Pequot
Mr. Burslie explained the Staff Report.

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Norton, to recommend the City Council reclassify these parcels to "Non-Conservation" and be offered for sale together by Crow Wing County. All members voted "aye". Motion carried.

e. Future Sale of Tax Forfeited Land – Brunes Addition to Pequot
Mr. Burslie explained the Staff Report.

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Norton, to recommend the City Council reclassify these parcels to "Non-Conservation" and be offered for sale to the adjacent property owner to the east. All members voted "aye". Motion carried.

f. Future Sale of Tax Forfeited Land – Pow Wow Point
Mr. Burslie explained the Staff Report.

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Norton, to recommend the City Council reclassify this parcel to "Non-Conservation" and be offered for sale by the County. All members voted "aye". Motion carried.

OLD BUSINESS:
a. Heart of the Good Life Development – Architectural Standards
Mr. Burslie explained the modifications made to the standards reviewed last month. Discussion ensued regarding EFIS and architectural pre-cast panels. It was the consensus not to include either. Submittal requirements should be included. Screening of roof-top units (i.e. air conditioning) should also be included.

b. Heart of the Good Life Development – Landscape Standards
Mr. Burslie explained modifications had been made to the standards reviewed last month. Bittner asked a Park Commission Member, Kent Johnson, to review the standards and he provided the comments on the table. Mr. Johnson was in attendance and explained his comments, which Staff will include for the May meeting.

APPROVAL OF MINUTES:
A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Paulbeck, to approve the March 21, 2019 Minutes. All members voted "aye". Motion carried.

P & Z ADMINISTRATOR'S REPORT:
Bittner pointed out the 3 permits issued and the 3 letters written. Planning Commission Member Hallan asked if the subdivision application had been received for Wilderness Resort. Bittner stated she had received 3 applications which she will review next week, but didn't believe a subdivision application was included. One of the applications was to extend the beach that was included in his last CUP and she asked if that approval is now void since it wasn't acted upon in a timely manner. Mr. Burslie asked if he acted upon any of the approvals. Bittner will verify. The Review Committee should schedule another visit.

ADJOURNMENT:
A motion was made by Planning Commission Member Norton, seconded by Planning Commission Member Birch, to adjourn the meeting. All members voted "aye". Motion carried. The meeting was adjourned at 8:35 PM.

Respectfully submitted,

Dawn Bittner
Zoning Specialist