

**MINUTES
PEQUOT LAKES PLANNING COMMISSION/
BOARD OF ADJUSTMENT
REGULAR MEETING
NOVEMBER 21, 2019**

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

CITY PLANNER: Justin Burslie, Sourcewell

ZONING SPECIALIST: Dawn Bittner

COUNCIL LIAISON: Cheri Seils

The meeting was called to order by Chair Hallan at 6:01 PM.

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Birch, to open the Public Hearing. All members voted “aye”. Motion carried.

PUBLIC HEARINGS:

APPLICANTS: Randy and Carol Steenholdt

Applicants request a Variance

Mr. Burslie explained the Staff Report. The request is to construct guest quarters which exceed the maximum area allowed, construct guest quarters on a property that does not meet the minimum “duplex lot” width requirement, exceed the maximum area allowed for accessory structures in the Shoreline Residential District, and exceed the maximum building height for accessory structures. Applicant was present.

Mr. Burslie stated staff is recommending approval of three of the requests, but not the request to exceed the maximum area allowed for guest quarters. Staff doesn't feel the applicant demonstrates practical difficulties to increase the maximum area from the 700 square feet allowed to 750 square feet requested. This is a DNR Shoreland Rule.

Chair Hallan asked why Staff had not considered the increase in the accessory structure size from 1,200 square feet to 1,600 square feet. Mr. Burslie pointed out Finding of Fact Number 12 that addresses accessory structures in the vicinity of the subject property.

Planning Commission Member Larson asked if the addition is to the accessory structure or is it guest quarters. Mr. Burslie stated the guest quarters will be on the second floor of the accessory structure. Within the accessory structure they are allowed 700 square

feet of habitable space. Part of the addition will be used for guest quarters and part for storage.

Mr. Steenholdt stated the application included estimates for the addition and guest quarters size. The actual existing exterior measurements are approximately 29' X 38' and 750 square feet for the guest quarters was a worst case scenario; he doesn't have an issue with 700 square foot maximum. The actual size could be less. He is still working with an architect.

Mr. Steenholdt further explained the existing garage measures 14.5 feet in height. The garage is built into the hillside, so the rear of the structure walks out from the bunkhouse onto the hillside from the rear, measuring approximately 7 feet in height. The average of those heights would be less than 13 feet.

Chair Hallan questioned the size of the existing accessory structure. Discussion ensued and it was determined there was a typo on the first page of the Staff Report which should have stated 1,800 square feet of accessory structure was requested, not 1,600.

Planning Commission Member Paulbeck asked if the 700 square foot limit had to do with the view from the lake. Mr. Burslie stated the 700 square foot limit is a Shoreland Standard and the DNR does not want to saturate shoreline properties with activity. Planning Commission Member Paulbeck stated the addition will not change the view from the lake.

Chair Hallan stated there currently is an exit from the upper floor at the walkout and a set of stairs. When asked, Mr. Steenholdt stated there would not be an additional stairway exit from the guest quarters or addition.

Mr. Steenholdt added that the ground floor of the addition will be used only for storage. When asked by Chair Hallan, Mr. Steenholdt stated the 20' addition will be north and south and the 30' addition will be east and west.

Planning Commission Member Birch asked to clarify the remaining requests since the applicant has agreed not to exceed 700 square feet for the guest quarters and the building height is not exceeding 13 feet.

Mr. Steenholdt amended his application to not exceed 700 square feet total for the guest quarters. Mr. Burslie stated the request to exceed 700 square feet has been eliminated and the request to exceed the maximum building height is no longer relevant. The Planning Commission will only be acting on the second and third request.

PUBLIC COMMENT OPENED:

No public comment.

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PUBLIC COMMENT CLOSED.

A motion was made by Planning Commission Member Birch, seconded by Planning Commission Member Savino, to approve the variance to construct guest quarters on a property that does not meet the minimum “duplex lot” width requirement and to exceed the maximum area allowed for accessory structures in the Shoreline Residential District, based on the following Findings of Fact:

1. The subject property is located at 6184 Inland Trails Road and is in the “Shoreline Residential” zone.
2. The property contains a dwelling and an accessory structure.
3. Applicants propose to convert the loft/storage area above the accessory structure into a bunkhouse (guest quarters) and construct a 600 square foot addition. The maximum accessory structure size is 1,280 square feet. With the addition to the accessory structure, the finished area of the guest quarters would be approximately 750 square feet. The maximum area for guest quarters shall not cover more than 700 square feet.
4. The existing accessory structure measures 14.5 feet in height. The maximum building height for an accessory structure is 13 feet. Applicants propose the addition to the accessory structure to be 14.5 feet in height to match the existing structure.
5. The accessory structure is approximately 260 feet from the OHW of Middle Cullen Lake. The proposed addition would not be lakeward.
6. The minimum lot width for guest quarters in the Shoreline Residential zone is 180 feet. The lot width along Middle Cullen Lake is 151.54 feet.
7. The subject property is served by a private deep well and a compliant Subsurface Sewage Treatment System (SSTS). Applicant proposes to add a bathroom in the guest quarters.
8. The applicant has established that there are practical difficulties in complying with the Code.
9. The plight of the landowner is due to circumstances unique to the property not created by the landowner
 - a. The subject property does not meet the minimum width requirement for the guest quarters. This practical difficulty was not created by the landowner.
 - b. The existing accessory structure which exceed the maximum height allowed was constructed by a previous landowner.
10. The deviation from the Code, with conditions, will still be in harmony with the general purposes and intent of the City Code and Comprehensive Plan.
11. The Variance will not create a land use not permitted in the Shoreline Residential zone. Accessory structures and guest quarters are an allowed use.
12. The subject property is surrounded by Shoreline Residential and Rural Residential development. The variance, with conditions, will not alter the essential character of the locality of the subject property.

- a. There are accessory structures in the vicinity of the subject property that exceed the maximum area allowed however there are no guest quarters in the vicinity of the subject property that exceed the 700 sf limitation.
13. The Variance does not appear to be for economic reasons alone and reasonable use of the property seems to exist under the Code.

And subject to the following Conditions:

1. Existing trees and vegetation between the accessory structure and the OHW shall remain in a live state to provide screening as viewed from the lake. In the event the existing trees and vegetation dies or is damaged by a natural event, additional trees and vegetation shall be planted to provide screening as viewed from the lake.
2. The Design for the bathroom addition shall be submitted by a state licensed SSTS Designer.
3. The guest quarters contained in the accessory structure may not exceed 700 sf. A detailed floor plan of the accessory structure shall be submitted identifying the location and dimensions of the proposed guest quarter area and proposed uses for the other spaces in the accessory structure.

All members voted “aye”. Motion carried.

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Larson, to close the Public Hearing. All members voted “aye”. Motion carried.

ADDITIONS OR DELETIONS TO AGENDA:

Bittner requested to add 6 b.: 2020 Project Priorities

OPEN FORUM: None.

NEW BUSINESS:

a. American Flag Illumination – Discussion

Mr. Burslie explained the City has been unable to find suitable solar lighting to illuminate the American Flag in the new Flag Display. Discussion ensued and it was the consensus of the Planning Commission to amend the ordinance to allow upward lighting in the Public Zone. Staff was directed to hold the Public Hearing at the January Planning Commission meeting.

b. 2020 Project Priorities

Mr. Burslie explained the City Council and City Administrator have asked the Planning Commission for projects to work on in 2020. These are in addition to applications

received for Public Hearings, etc. The consensus of the Planning Commission suggest the following:

- Evaluate the gateways into town, County Road 11/Main Street and both Patriot Avenue intersections, to be made more inviting and welcoming to the City.
- Evaluate zoning standards along Patriot Avenue, reduce right-of-way and reevaluate the corridor.
- General review of the zoning ordinance.
- Review Future Land Use Map.

OLD BUSINESS:

a. Nathan Walberg – Discussion, Tank System

Mr. Burslie explained the Staff Report and noted a letter of explanation and a letter from the MPCA has been provided by the applicant. Applicant was present.

Mr. Walberg provided an email from the MPCA stating there are no laws or regulations that would require an auto body shop to install a drain in the shop floor, only laws that regulate *if* you have a drain. Mr. Walberg stated he runs a “dry shop”.

Chair Hallan stated that the Plumbing Code does not say yes or no to require a grease trap; it states the decision reverts back to the local unit of government.

Planning Commission Member Birch stated requiring the applicant install a drain could cause more problems than what could be avoided. It would require more maintenance, and have a greater potential for failure due to the in-floor heat. When the condition was applied, it was understood that a floor drain was standard practice.

The Planning Commission recommends removal of the condition and Staff was directed to contact the City Attorney to see if it can just be removed or if a public hearing needs to be held.

A motion was made by Planning Commission Member Savino, seconded by Planning Commission Member Larson, to remove the condition requiring a floor drain/sediment trap based on the information provided by the MPCA.

Chair Hallan asked Mr. Walberg what the event was that perpetrated inspection by the MPCA as indicated in the letter he provided. Mr. Walberg stated it was an anonymous complaint.

All members voted “aye”. Motion carried.

b. Downtown Plan Update – Revised Text

Mr. Burslie explained this text is being presented in final form and asked if anyone had any additions. Planning Commission Member Larson stated the last 3 Keys to Success don't have any text beneath them. Bittner asked her to provide language to include.

c. Downtown Plan Update – Neighborhood Evaluation

Mr. Burslie explained the definition for Street Maintenance Revenue needs to be changed.

Planning Commission Member Birch asked if the street maintenance revenue, cost, and property tax information is necessary. This information could have a negative affect if someone were looking to move here or start a business. Discussion ensued and it was determined that this information will be included for now, but may be removed in the future.

Bittner asked everyone to complete their review and to turn in their written comments by December 9 to be included in the update for the January meeting.

d. Downtown Plan Update – Executive Summary

Planning Commission Member Birch provided a draft Summary for review. The Executive Summary from the current Plan was very negative. He asked the Planning Commission Members to review for the January meeting.

APPROVAL OF MINUTES:

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Savino, to approve the October 17, 2019 Minutes. All members voted “aye”. Motion carried.

P & Z ADMINISTRATOR’S REPORT:

Bittner pointed out the 7 permits issued and the 5 letters sent since the last meeting.

ADJOURNMENT:

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Savino, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 7:56 PM.

Respectfully submitted,

Dawn Bittner
Zoning Specialist

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