

**PEQUOT LAKES
PLANNING AND ZONING COMMISSION
REGULAR MEETING
FEBRUARY 16, 2006
MINUTES**

PRESENT: Bill Habein, Dean Williams, Mark Hallan, Roger Varilek and Scott Pederson. ABSENT: Tom Adams, Tom Woog and John Derksen.

CITY PLANNER: Charles Marohn, PE.

ZONING ADMINISTRATOR: Dawn Bittner.

COUNCIL LIAISON: Mary Pfeiffer.

Charles Marohn called the meeting to order at 6:30 p.m. With the Chairman and Vice-Chair both absent, a Temporary Chair needed to be elected.

A motion was made by Dean Williams, seconded by Scott Pederson, to nominate Mark Hallan as Temporary Chairman. All members voted "aye". Motion carried.

APPLICANT: Carl and Colleen Smith.

Applicant requests Preliminary Plat of Trailside Estates.

Mr. and Mrs. Smith were in attendance. Mr. Marohn explained that he had met with the applicant and Landecker and Assoc., as well as several telephone conversations. He needs direction from the Planning Commission on the transfer of density issue. He explained the two zoning districts within this plat (UR & TR). The Open Space requirement is 40%. They can get to 40% in the TR zone with more density in the southern part of the plat (UR). Rural Conservation Design is not allowed in UR. The total Open Space would be less than 40%.

Mr. Marohn also explained that Mr. Smith may wish to install cluster sewage treatment systems and drill wells rather than hook up to City utilities. Mr. Hallan pointed out that the MPCA would need to issue a SDS permit.

If the density was reduced, possibly to 50 units, the 40% could be reached. Mr. Marohn again asked if the 40% Open Space could be in the TR zone and the development in the southern portion. Discussion followed.

Mr. Smith stated that the City raised the WAC and SAC fees which added \$10,000 per house. The parcel was zoned Multi-family when he purchased it in June which would

have allowed 1 unit per 3,800 sq. ft. He could have brought a plat in then but was trying to work with the City.

The Planning Commission stated that 40% Open Space is required by Ordinance. The applicant will have to determine number of lots and see if it is economically feasible.

Mr. Marohn explained that Mr. Smith has requested the Council to reconsider their decision to rezone the parcel to TR at their March 8 meeting. The Council may change the zoning and then there would be different issues.

A motion was made by Dean Williams, seconded by Bill Habein, to table this. All members voted "aye". Motion carried.

APPLICANT: Al Berens.

Applicant requests Final Plat of Keen Addition.

Mr. Marohn stated that correspondence had been received today from the City Attorney listing several items that the applicant needs to provide. This needs to be completed next month. Staff was directed to notify Mr. Berens what he needs to submit and that he must be at the March meeting.

A motion was made by Scott Pederson, seconded by Dean Williams, to table this matter. All members voted "aye". Motion carried.

Staff was directed not to accept incomplete applications. All information should be submitted with the application.

APPLICANT: City of Pequot Lakes.

Applicant requests to rezone from Rural Residential to Transition Residential. Parcel ID's: 290114400CA0009, 290114400CB0009 and 290114400CC0009. Michael and Kelly McBrien, owners.

Kelly McBrien and her father, Gary Crocker, were in attendance. Mr. Marohn explained the Staff Report. Mr. Crocker stated that when his daughter and her husband purchased the property in 1998 they did not check to see what the property was zoned. They purchased it from a private party and were told the property was zoned commercial. They operated a day care and then a beauty salon. They have paid commercial taxes. They really don't care what it is zoned, but they would like to know what commercial activities would be allowed, either permitted or by Conditional Use Permit. Mr. Marohn listed the uses allowed in the Rural Residential zone. Commercial zone would be spot zoning.

A motion was made by Dean Williams, seconded by Bill Habein, to recommend rezoning these parcels to Rural Residential, based on the 9 findings of fact listed in the Staff Report, and adding No. 10:

1. The rezoning to Transition Residential is consistent with the City's Comprehensive Plan and Future Land Use Map, which designates this area as an urban/rural transition area.
2. The rezoning to Commercial does not conform to the City's Comprehensive Plan or Future Land Use Map.
3. The subject properties are surrounded by a parcel that the City has proposed to rezone to Transition Residential. This property, and the property immediately adjacent to the east have both opted out of the blanket rezoning and have yet to have their rezoning public hearings.
4. The parcel is bordered to the south by a property that the City has proposed to rezone to Agriculture from Forestry. This property has also opted out of the blanket rezoning and has not yet been rezoned.
5. The Transition Residential Zone is compatible with the Rural Residential, Agriculture, and Recreation zones; however, the Land Use Ordinance indicates that the Transition Residential zone can be established next to these zones so long as these zones do not surround the Transition Residential zone. In this case, the subject property, and the other properties in the immediate area that are proposed to be Transition Residential, would be entirely surrounded by these low density zoning classifications.
6. The Ordinance indicates that the Commercial zone may not be established in an area where it is completely surrounded by residential zones, and the subject properties are completely surrounded by such properties.
7. The properties were zoned Rural Residential under the previous Ordinance, which required a minimum lot size of 5 acres. Rezoning to Transition Residential would not be down-zoning as the Transition Residential zone also has a minimum lot size of 5 acres.
8. The properties would be non-conforming if they were rezoned to Transition Residential because they do not meet the minimum lot size for the zone.
9. The properties meet the minimum lot size of 20,000 square feet for the Commercial zone.
10. The Transition Residential zone also required that the property be within the projected utility service area. This property falls just outside of the potential future service area, as indicated on the Potential Utility Service Area map in the City's Comprehensive Plan.

Staff was directed to send Mrs. McBrien a copy of the Matrix.

ADDITIONS OR DELETIONS TO AGENDA:

Staff added the following:

7. f. Dan Helbling Recreational Vehicle Resort Sketch Plan.
7. g. Joe Dotty Condition Follow-up Visit.
7. h. Special Council Meeting.

OPEN FORUM: None. Chairman Hallan stated he would bring this back at the end of the meeting.

NEW BUSINESS:

WAREHOUSING AND COMMERCIAL WAREHOUSING DEFINITIONS:

Mr. Marohn explained the Staff Report. The Crafters Mall would be allowed as a CUP, but the winter storage of boats would not if defined as Commercial Warehousing. A condition could be added to the CUP for the Crafters Mall for the winter storage. Interior storage only, no “stuff” left outside.

EXTRACTIVE USE OVERLAY DISTRICT:

Mr. Marohn explained the Staff Report. Some additional criteria to consider: current pit locations, outside shoreland areas, access to major roadway, vicinity to residential areas, visibility from road, buffer distance, types of processing, continue in FM and AG, and areas where gravel is present.

Terry Curtis, Anderson Brothers Construction, was in the audience. He stated that other criteria would be location and resource needs. The County has tier requirements and there is mapping available indicating where gravel is present.

Reclamation needs to be addressed. Inactive pits are an eyesore. Extractive and processing plants are separate issues. Reclamation needs to be phased or have a timeframe.

Staff was directed to obtain approval from City Council to move forward. Above information and/or tools could be costly.

INDUSTRIAL/BUSINESS PARK USES.

Staff explained that the information handout listed permitted uses from our old ordinance. When they updated the handout with the new ordinance information, the “list” seemed generic. Staff was directed to work with City Planner to revise handout.

JANN BLESENER – Sketch Plan Review:

Cindy from Landecker and Assoc. was present to collect information for applicant. She stated they plan to increase the size of 2 cabins, convert garages into bunkhouses and construct extra units in the back for family.

They plan to create 2 new lots by moving the center lot line. The lots are non-conforming now. The one cabin is 37.8 feet from the OHW. There are rules for increasing non-conforming structures. A PUD can be done without this density.

It was suggested to make Lot 13 larger and split the outlot. They may get 4 or 5 units back there. A 50-foot buffer is necessary even though her brother supports the PUD.

TAX FORFEIT LOTS ON COUNTY LAND SALE:

A motion was made by Dean Williams, seconded by Bill Habein, to recommend that the Council not approve the lots for sale and not approve the Non-Conservation classification and to obtain a recommendation from the Park Board. All members voted “aye”. Motion carried.

The Park Board should develop policies for Tax Forfeited Lands.

JOHN DERKSEN ARRIVED AT 9:00 p.m.

DAN HELBLING RECREATIONAL VEHICLE RESORT SKETCH PLAN:

Mr. Helbling was in attendance. He advised that he had made application for the CUP and Preliminary Plat for the March meeting. Twenty percent of each lot is concrete. Five lots are just below 5,000 sq. ft. He will need to obtain the MPCA SDS Permit for the sewage treatment system. The Draft EAW is done. The Landscape Plan is included in the CUP submittal. Hurtig Road would be used for access. MnDOT formula would state 2,700 trips per day. Realistically, there would be approximately 600 trips per day. It would be seasonal use only, but RV’s could be parked over the winter.

Impervious coverage omitted in ordinance amendment and will have public hearing next month. Somewhere between 10% and 40% was discussed. Twenty-five percent could be the base with a bonus for stormwater plan, possibly up to 30%.

JOE DOTTY CONDITION FOLLOW-UP VISIT:

Bill Habein volunteered to accompany Staff next week. Staff will coordinate.

SPECIAL COUNCIL MEETING:

The City Council has scheduled a Joint Council Meeting with the Planning Commission for Tuesday, March 21 at 6:30 p.m. to discuss future road plans.

OLD BUSINESS:

CATHI MCBRYDE – Refuse Violation

The Planning Commission requested authorization from the City Council to proceed with prosecution.

APPROVAL OF MINUTES:

A motion was made by Dean Williams, seconded by John Derksen, to approve the January Minutes. All members voted “aye”. Motion carried.

ZONING ADMINISTRATOR’S REPORT:

Staff pointed out the 2 permits issued and the 13 letters sent. There were no questions.

Potential Violations/Enforcement Actions:

The following were discussed:

1. Pestello’s – Permit was issued last spring for addition and sign violation was pending new ordinance.
2. Tom Johnson – County Road 11, accessory structures do not have a maximum in the AG zone.
3. Darrell Lake – Mr. Marohn received a response from Cahill, their attorney. Staff will coordinate with Mr. Marohn.
4. Photos of lake properties – East Twin Lake has been photographed through their Lake Plan. Sibley Lake is scheduled to do their Lake Plan this summer.
5. Bonnie Watt – Mr. Marohn contacted her attorney and was advised that she has Lyme’s Disease, but she should be getting back to resolving this violation in a few months. The City Attorney was not contacted about reforestation.
6. DNR Trail Cleanup – STS crew did not get out there before freeze-up.
7. Curt Pestello – This sign violation will be included in ordinance update from Chamber.
8. Dean Visser – This is an off-site sign and will need to be removed.

Staff was directed to follow-up with the Chamber and their suggestions for signage in the DMU. February 15 was their deadline.

Staff was directed to create a map of bare platted lots with city sewer where affordable housing could be built.

OPEN FORUM:

Tom Ryan – Lot Split:

Mr. Ryan would like to split off the rear 175 feet of his lot. His stormwater from the parking lot goes to the TH 371 ditch and the rest goes to the pond area in the rear. The potential backage road will dissect the lot in approximately the same location. Stormsewer would be part of that project. The lot split would create a non-conformity as the impervious coverage would be too high on the front part of the lot. He would need to apply for a subdivision and a variance at the same time. He could possibly obtain a stormwater management easement over the rear lot. The rear lot could not be utilized until Stormsewer is put in.

A motion was made by Bill Habein, seconded by John Derksen, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 10:36 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Administrator