

**MINUTES
PEQUOT LAKES PLANNING AND ZONING COMMISSION
JUNE 19, 2003**

PRESENT: Bill Habein, Marty Nelson, Joe Dotty, Karl Moon, and Tom Woog.
ABSENT: Cheri Seils, Mark Hallan and John Derksen.

ZONING ADMINISTRATOR: Charles Marohn.

The meeting was called to order by Tom Woog, Commission Chairperson, at 6:34 p.m.

APPLICANT: Jim Brunen.

Applicant requests rezoning in the Medium Density Residential District to the Exempt Commercial zoning classification.

Applicant was present and his address is P. O. Box 21, Crosslake, MN.

Mr. Marohn explained his Staff Report. Theresa Acosta, 31102 Spruce Street, was in the audience and voiced her support of the zoning change.

John Derksen arrived at 6:37.

A motion was made by Karl Moon, seconded by Joe Dotty, to approve the rezoning request, based on the findings of fact:

1. The parcel is currently zoned Medium Density Residential.
2. The present development on the parcel is single-family residential.
3. The parcel topography is flat.
4. The parcel is directly west of the Exempt Commercial District.
5. The parcel is grouped with the downtown commercial area in the proposed Future Land Use Map as an Urban Commercial land use.
6. At this stage in the comprehensive planning process, rezoning this parcel to a commercial use is consistent with the City's vision.

All members voted "aye". Motion carried.

APPLICANT: Mark and Andrea Neva.

Applicant requests a variance to remodel and construct an addition to an existing home on East Twin Lake.

Applicant was present and his address is 28055 Norway Lane, Pequot Lakes.

Mr. Marohn explained his Staff Report. Mr. Neva explained that they propose to move the structure back from lake 6 feet, still within the 75' set back, and their

desire to preserve the mature trees and parking area. They have a shared driveway and are respectful to their neighbor regarding parking issues. Their septic system is located behind the house and if the house were moved back 12 feet to meet the setback, their parking would be significantly decreased.

The Commission stated that their obligation is to eliminate non-conformities, not decrease them.

A motion was made by Karl Moon, seconded by Marty Nelson, to deny the variance request based on the inability to determine a hardship. Roll call vote: Mr. Habein, aye; Mr. Nelson, aye; Mr. Dotty, aye; Mr. Moon, aye; Mr. Derksen, nay. Motion carried.

APPLICANT: City of Pequot Lakes.

Applicant requests to establish/clarify zoning classification, Christopher and Brenda Greer property.

Mr. Marohn explained that this property was annexed into the City at the same time as the Tulenchik property, with the same omitted public hearing on the zoning request. This public hearing is to clarify the zoning classification, as recommended by Thomas Fitzpatrick, City Attorney. It was the intent of the City Council at the time to zone the property Medium Density Residential and Wooded Residential.

Mr. Greer was in attendance and stated that he had requested Medium Density Residential zoning, less than 1 acre, for the two lots along the road and Wooded Residential, 1 acre, on the remainder of the property.

Curt Cogan, 31368 County Road 112, Pequot Lakes, was in attendance. He owns the neighboring property and his property is zoned Agricultural. He stated his concern that development of the Greer property may affect his agricultural classification.

Don Bye, attorney for the Greer's, stated that this hearing is to confirm what was attempted to be done in October, 2001.

A motion was made by Joe Dotty, seconded by Bill Habein, to approve the zoning classifications of Medium Density Residential and Wooded Residential. All members voted "aye". Motion carried.

APPLICANT: City of Pequot Lakes.

Applicant requests to establish/clarify zoning classification, Merlin and Jill Carlson property.

Mr. Marohn explained that the above explanation applies to this request. It was the intent of the City Council at the time to zone the property Wooded Residential.

A motion was made by Karl Moon, seconded by Joe Dotty, to approve the zoning classification of Wooded Residential. All members voted "aye". Motion carried.

ADDITION OR DELETION TO AGENDA:

Staff requested the following additions:

8. a. Jim Fruth letter.
8. b. Von Ro.
9. c. Benvelle Equestrian Center.

APPROVAL OF MINUTES:

A motion was made by Joe Dotty, seconded by Karl Moon, to approve the Minutes as read. All members voted "aye". Motion carried.

P & Z ADMINISTRATOR'S REPORT:

Mr. Marohn explained the 18 permits and the May correspondence, as well as the Potential Violations/Enforcement Actions:

1. Roger Langenbau: Agreement has been sent to him, but signed copy not received back yet.
2. DBA Wilderness Resort: He clarified that they have agreed to remove the trailers after Labor Day, not Memorial Day.
3. Virgil Dahl: The City Council has referred this matter to the City Attorney.
13. Jonathan Acosta. They have submitted a Permit Application.
24. Chris Greer: Mr. Greer has made substantial progress. Mr. Greer also wished to be heard by the Commission with regard to Mr. Marohn. This was moved to Open Forum.

Mr. Marohn asked if Staff had anything to add. I stated that:

18. Layman: I had been contacted and Martin Joyce had been contacted by them to inspect ISTS.
19. Marcellus: He responded and will get ISTS inspected.
20. Rice: One vehicle remains.

OPEN FORUM:

Chris Greer explained to the Commission that he felt he was being harassed by the P & Z Staff, due to the number of letters that had been sent regarding the erosion of his new road. He explained that he had talked to Mayor Malecha and Councilman Sjoblad after receiving the first letter, and again after receiving the second letter. He listed the dates of Mr. Marohn's letters, including the letters in response to Don Bye, Mr. Greer's attorney. When asked if he had responded to Staff, he indicated that he had not. He felt he had been treated unfairly by Mr. Marohn and requested a written apology. He also felt that Mr. Marohn had changed the ordinance so he could not put in a modular home. The Commission expressed their appreciation for his comments and stated that Councilman Bolz-Andolshek and the City Council will look at the modular home issue.

OLD BUSINESS:

Jim Fruth had delivered the following letter regarding banners at the Farmer's Market:

When I addressed your meeting on the subject of banners, one of your members asked for my suggestion(s) for a banner law. Having given it much thought, perhaps we want to keep it simple and wide open for now. So my suggestion would be, "Banners shall be kept in good condition and displayed in good taste." The, if we wish to be assured of that, we could add, "Each banner shall be displayed for no longer than _____ days". "30" might be a good number.

So far, there has been only one problem with banner displaying and the above "law" would have governed it. The difficulty with limiting the number of banners that may be displayed on any one landowner's property is likely to change as new situations arise so saying that the "display be in good taste" would cover any situation. With a ruling like the above, the matter would be effectively tabled and easy to amend at a future date. Sincerely yours, Jim Fruth.

Von Ro:

Mr. Marohn explained that this was being brought up as Conditional Use Permits are periodically reviewed and there are many recreational vehicles displayed at this property. After a brief discussion, it was agreed to invite Mr. Hardy to an upcoming meeting.

MARTY NELSON LEFT AT 8:00.

NEW BUSINESS:

Tom Beavers was present to discuss the Preserve Golf Course Conditional Use Permit and to request a reduction in the number of samplings.

A motion was made by John Derksen, seconded by Bill Habein, that the Commission interprets the Conditional Use Permit as giving the Environmental Responsibility Committee the authority to make decisions on testing and thanks the Committee for keeping us as informed as they have. All members voted "aye". Motion carried.

Gilroy Arvig was not in attendance.

Benvelle Equestrian Center:

Briana Visser had responded to the letter from Staff regarding an off-site sign. She had received permission from the landowner at the end of their street to erect a directional sign. She does not want to do anything wrong, but would like to request permission to leave the sign at that location. Mr. Marohn explained that the sign ordinance is difficult to apply in the urban area. The Commission would like to meet with the Chamber to discuss sign issues. This matter was tabled to a future meeting.

Mr. Marohn requested time for a short discussion regarding policy and procedure. He stated that the Commission receives copies of all correspondence and believes openness is the best policy. The Commission is the ultimate boss and requested guidance. Procedurally, if the public has a problem, they need to bring it to the Commission. Personal interrogation from the public is not proper. The public needs to direct remarks to the Chairperson and the Commission will discuss matters with Staff. Mr. Moon recommended sending Mr. Greer an apology letter.

A motion was made by Karl Moon, seconded by Joe Dotty, to adjourn the meeting. All members voted "aye". Motion carried. The meeting was adjourned at 8:51 p.m.

Respectfully submitted,

Dawn Bittner
Planning and Zoning Staff