

**MINUTES
PLANNING AND ZONING COMMISSION
REGULAR MEETING
JUNE 17, 2004**

PRESENT: Dean Williams, Bill Habein, Marty Nelson, Karl Moon, Tom Woog, Mark Hallan and Tom Adams. ABSENT: John Derksen.

COUNCIL LIAISONS: Mary Pfeiffer and Tom Ryan.

CITY PLANNER: Charles Marohn, PE.

ZONING ADMINISTRATOR: Dawn Bittner.

APPLICANT: Arvig Evergreen, LLC

Applicant requests Final Plat approval of Evergreen Third Addition.

Mike Arvig was present. Mr. Marohn explained his Staff Report and stated that No. 6 of the Findings should be modified to state that the final plat check has been submitted. The park dedication fee was discussed. It was agreed that this is a re-plat and is reducing the number of lots. The park dedication fee would have been addressed at the time of the original plat.

A motion was made by Karl Moon, seconded by Tom Adams, to recommend approval of the final plat of Evergreen Third Addition, based on the following Findings of Fact:

1. The ISTS as built is now identified on the preliminary plat.
2. The Storm Water Pollution Prevention Plan and related materials has been submitted.
3. The number of lots and general layout of lots in the Final Plat conforms to the approved design of the preliminary plat.
4. The applicant has not submitted a title opinion.
5. No improvements are required for this subdivision.
6. The applicant has submitted a final plat check.
7. There is no need to post financial security for this subdivision.

subject to a title opinion acceptable to the City Attorney shall be submitted to the City within 60 days.

JOHN DERKSEN ARRIVED AT 6:40 p.m.

Discussion followed regarding recommending approval without receiving the title opinion.

A motion was made by Karl Moon, seconded by Marty Nelson, to amend the motion to require the title opinion be approved by the City Attorney prior to forwarding the recommendation for approval of the final plat to the City Council.

Roll Call Vote: All members voted “aye”. Motion carried.

APPLICANT: Gerald Foley and Kimberly Shierts

Applicant requests a metes and bounds subdivision.

Applicants were present, along with Dan Volk and Linda Richards.

Mr. Marohn explained his Staff Report. The new lot is required to have 33 feet of access off public right-of-way, as well as indicating the location of the ISTS.

Mr. Williams asked that applications be complete before P & Z review. Mr. Marohn explained that Staff tries to be accommodating to applicants and that metes and bounds subdivisions cannot be filed with the County until stamped by the City. A more thorough checklist may be needed.

A motion was made by Karl Moon, seconded by Dean Williams, to approve the metes and bounds subdivision, based on the following Findings of Fact:

1. The land is zoned Residential.
2. The property is suitable for residential construction in its natural state without significant alteration.
3. Tract A has a functioning individual sewage treatment system, the design of which includes proof of an alternate system. The availability of sufficient area for two standard sewage treatment systems has not been shown for Tract B.
4. Adequate provisions exist for recreational access to the water.
5. Tract A is approximately 41,400 square feet. Tract B is 37,900 square feet. Both lots exceed the minimum requirement of 20,000 square feet.
6. The layouts of the proposed lots are compatible with the layouts of adjoining parcels.
7. A third access lot is proposed in order to provide a minimum of 33-feet of public right-of-way to each lot.
8. The driveway along the eastern edge of Tract A will be in the new setback, which would create an additional non-conformity.

subject to the following conditions:

1. The driveway along the eastern edge of Tract A shall be realigned outside the new lot setback.
2. The area marked “Proposed Public Easement” along the northern portion of the property shall be deeded to the City.

3. The applicant shall submit an ISTS design for Tract B.
4. Remove existing structure on Tract B.

Mr. Marohn explained that this does not create a non-conformity and it is not a taking. The property will be deeded to the City. Applicants have 12 months to complete the conditions. The City will not stamp the subdivision until the conditions are met. If the conditions are not met within 12 months, the approval is void.

Roll Call Vote: All members voted “aye”. Motion carried.

APPLICANT: Dotty Auto Company

Applicant requests a Conditional Use Permit to operate an auto rental facility and service department in the Commercial zone.

Applicant, Joe Dotty, was present.

Mr. Marohn explained his Staff Report. Mr. Dotty stated that the floor drains in the service area drain to a holding tank in the rear of the building. The waste will be disposed of properly. A certified company would be hired to remove the waste and report to the MPCA. The number of vehicles on the lot would no increase. He would use the existing vehicles for rental. The building would not increase in size. There were no restrictions on the number of vehicles in the original CUP. There are currently 35 to 50 vehicles on the lot.

A motion was made by Karl Moon, seconded by John Derksen, to approve the Conditional Use Permit, based on the following Findings of Fact:

1. The property is located near downtown Pequot Lakes with direct access to Highway 371. The access points will not change with the expanded use.
2. The current site is used for automobile sales, which is a conditional use in the commercial zone.
3. The proposed automobile repair use is consistent with the objectives of the Ordinance, which provides for automotive repair facilities as a conditional use in the commercial zone.
4. The proposed automobile rental service is not directly listed as an approved use in any zone, but is an essential component of a modern automobile repair facility.
5. The neighboring parcels are also used for commercial uses. The north side of the property is adjacent to a rental storage company, and the south side of the property is a car wash.
6. There are no proposed alterations to the landscape, percent of impervious surface, or the building. Space in the existing building will be used for the service center. The parking spaces already on site will be used for the rental

portion of the business. The character of the existing lot or surrounding lots will not change with the proposed additional uses.

7. The expanded uses are not expected to significantly increase traffic or parking needs.
8. According to the applicant, all hazardous materials produced by the expanded service center will be stored on-site and removed by a third party for treatment.
9. Water demand and waste treatment is handled on-site and, therefore, will not affect municipal facilities.
10. The proposed use is not within the shoreland zone and is not visible from public waters,

subject to the following conditions:

1. All hazardous waste from the automobile service center shall be stored and disposed of properly.
2. An audible alarm will be installed on the holding tank.

Roll Call Vote: All members voted “aye”. Motion carried.

APPLICANT: Region Five Development Commission and Pequot Lakes HRA

Applicant requests a variance from rear yard setback and minimum lot size.

Applicants, William Higgs and Sharon Thurlow, were in attendance.

Mr. Marohn explained that this application should not have been accepted as it is incomplete. A Certificate of Survey is required and the lot split would create a non-conformity. A variance for rear yard setback would be required on one. Staff owes applicants and Planning Commission an apology. One house on the lot is an over the counter permit. After the new ordinance is adopted, possibly 2 homes would be allowed.

Mr. Higgs stated that Region 5 is a non-profit governmental agency that builds low to medium income family homes. They use variations of loans to build homes economically. They are requesting a variance in lot size, from 15,000 sq. ft. to 13,500 sq. ft.

A duplex would also require a lot split.

A motion was made by Karl Moon, seconded by John Derksen, to table this matter. All members voted “aye”. Motion carried.

Sharon Thurlow stated they need to be able to build 2 homes to be cost effective. Two lots on this property makes sense. The Comp Plan supports this. They will get the Certificate of Survey completed with the sewer easement.

The Ordinance amendment and lot split should be on the agenda next month.

APPLICANT: Merlin and Jill Carlson

Applicants request a metes and bounds subdivision.

Applicants requested this matter be tabled in order to collect additional information needed to meet ordinance requirements.

A motion was made by Karl Moon, seconded by Tom Adams, to table this matter. All members voted “aye”. Motion carried.

OPEN FORUM:

Greg Clausen was in attendance. Mr. Marohn explained that Staff had received a complaint about landscaping being done on his property on Sibley Lake. Staff documented the landscaping and met on site with the property owner and his landscaper. Mr. Clausen agreed to apply for a permit, pay an after-the-fact fee and agreed to a restoration plan. Mr. Clausen stated that they purchased the property in 2002 and were not aware of permit requirements. He also stated that they plan to re-vegetate the slopes and add a berm. Restoration would be completed within the next 60 days.

Discussions at the Comprehensive Plan meetings included plans to inform new property owners of zoning regulations. It was suggested that the “fine” portion be used to educate property owners through a publication. The Council would determine the after-the-fact portion and how it could be used.

A motion was made by John Derksen, seconded by Bill Habein, to recommend that the City Council designate the after-the-fact portion of this problem to a lake education program. All members voted “aye”. Motion carried.

Mr. Clausen’s Addendum was discussed. He was advised to allow the rip rap to re-vegetate itself. The Commission added the following to Shore Impact Zone:

2. Plant ground cover vegetation to restrict erosion on existing slope, be of native species and not maintained.

A motion was made by Karl Moon, seconded by Tom Adams, to recommend acceptance of the proposed reconstruction with the changes discussed as resolution of this matter, stay on the violation list and Staff will report back. All members voted “aye”. Motion carried.

Short Recess.

ADDITIONS OR DELETIONS TO AGENDA: None

NEW BUSINESS:

a. Comprehensive Plan – Review of Comments from Joint Review Committee

Mr. Woog stated that copies of the notes were included in their packets for their review. There were no comments from the Commission. Mr. Marohn gave Councilman Ryan information on Park Dedication Fees and Cost Benefit Analysis.

b. Site confirmation of conditions from previously approved applications.

Mr. Woog questioned our follow-up procedure to be sure conditions are being met on applications for conditional use permits and variances that have been approved subject to certain conditions. Mr. Marohn stated that our Ordinance does not address this. Another Ordinance he is aware of requires one-year reviews. We could adopt this as a policy. The Planning Commission directed Staff to review all applications approved within the past year. A Planning Commission member will accompany Staff on a site visit arranged in advance with the property owner and will report back to the Commission.

APPROVAL OF MINUTES:

A motion was made by Karl Moon, seconded by Marty Nelson, to approve the May Minutes as submitted. All members voted “aye”. Motion carried.

The Planning Commission directed Staff to include the Findings of Fact in the Minutes in the future.

P & Z ADMINISTRATOR’S REPORT:

Permits and Correspondence: Ms. Bittner reported 16 permits were issued in May along with two letters sent out.

Potential Violations/Enforcement Actions:

Olgerts Vijums: The new ISTS was installed and inspected on June 16, 2004. This matter has been resolved.

Carl Wilson: The Police Department became involved and is dealing with Mr. Wilson. They have also contacted Social Services to check into the living conditions for the two minor children.

A motion was made by Karl Moon, seconded by Bill Habein, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Dawn Bittner

Zoning Administrator