

**MINUTES  
PEQUOT LAKES PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
JUNE 15, 2006**

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

CITY PLANNER: Charles Marohn, PE

ZONING ADMINISTRATOR: Dawn Bittner

CITY COUNCIL LIAISON: Cathy Malecha and Mary Pfeiffer.

The meeting was called to order by Chairman Woog at 6:30 p.m.

APPLICANT: Dan Helbling.

Applicant requests a Conditional Use Permit for the RV Resort at the Preserve. Mr. Marohn explained that the EAW has been sent for public comment. He will present the results at the next meeting.

Applicant was present, as well as Tim Moore, WSN.

The Staff Report, on page 1-1, should state 157 units, not 120. Page 1-9, states the trips per day, #38, are 2,700 per day. Applicant met with Duane Blanck, Crow Wing County Highway Engineer, last Tuesday and Mr. Blanck stated the trips per day would be 970. "Trip" is defined as one way, not in and out.

In the Covenants, page 14, states subdivision is prohibited. That means no additional subdivision or splitting of lots or common space. Page 27, Boundary Lines and Alter Units: bring more information next month.

The low lots will be addressed. Impervious coverage: The concept plan indicated areas for the recreational vehicles, decks, fire pits, landscaping, etc. Exceeding the overall impervious coverage limits was discussed. Mr. Helbling indicated on a site plan that 1,000 sq. ft. of impervious coverage would be allowed per site. He stated the Common Interest Community By-Laws would regulate. Parking for the tow vehicles was discussed. The tow vehicle parking is not included in the 1,000 sq. ft. limit, but is included in the overall 17%.

Speed limit signs of 15 MPH will be posted. That is a State requirement for RV parks. Accessory structures will be allowed, but included in the site maximum square footage.

An Approval Committee will be formed to govern sites. Parking will be prohibited on roads.

Landscaping requirements were discussed. Staff will check to see if we can bond that requirements are met.

Applicant met with the City Street Superintendent also and he will forward written comments. The County will comment in the EAW. There are still concerns with the traffic from the Crafter Mall. The applicant stated that there are other exits, such as south Hurtig to County Road 29 and north Hurtig to County 168 west.

One Commission Member stated that businesses are not being charged for road improvements, but prosper from the traffic. Could we petition MnDOT for turn lanes or add as a condition? We could ask MnDOT their opinion of development along these County roads.

Staff comments regarding needed information:

1. Solid waste – adequacy. How did you arrive at number of containers? Is there a Standard? No. Applicant stated he wants a clean park and will add containers as necessary.
2. Signage – Submittal should be as viewed from right-of-way.
3. Grading in Block One.
4. Lots on Block Two – steep topographic area.
5. Storm shelter – submitted.
6. Roadway issues – discussed tonight.
7. Impervious coverage – discussed tonight. Planning Commission comfortable leaving it up to the Association. There will be elevated decks. Association could report to City, possibly annually. The Association would need to keep an accurate running total.

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

APPLICANT: Dan Helbling.

Applicant requests Preliminary Plat of the RV Resort Village at the Preserve.

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

APPLICANT: Dan Couture, Stellar Properties of Minnesota, LLC.

Applicant requests to Rezone from Forest Management to Commercial.

Mr. Marohn briefly explained the history of this property included in the Staff Report. Applicant was present, as well as David Landecker, Landecker and Associates. Mr. Landecker explained that the Preliminary Plat application was tabled in 2004. He believes there was a pending application. He believes this parcel was inappropriately rezoned as there was an application in place.

The Planning Commission and Staff remembered that Mr. McCormack withdrew the application and would possibly come back with a Planned Unit Development or a new approach.

Chairman Woog would like to listen to the tape of that meeting. Staff was directed to contact the City Attorney regarding the validity of the Preliminary Plat Application.

A motion was made by Tom Adams, seconded by Scott Pederson, to table this request to confer with City Attorney.

Roll Call Vote: Mr. Habein, Aye; Mr. Williams, Nay; Mr. Adams, Aye; Mr. Hallan, Aye; Mr. Varilek, Aye; Mr. Pederson, Aye. Motion carried. 5 – 1.

APPLICANT: City of Pequot Lakes.

Applicant requests to rezone from Waterfront Commercial to Shoreline Commercial, Michael and Katherine Davis, property owners. Parcel No. 290102303E00009.

Mr. Marohn explained the Staff Report.

A motion was made by Tom Adams, seconded by Bill Habein, to recommend rezoning this parcel to Transition Residential, based on the following findings of fact:

1. The property is not compatible with commercial uses associated with waterfront use.
2. The property does not meet the minimum lot width of 300 feet for the Shoreline Commercial District.
3. The property is not well-suited for existing commercial or recreational uses associated with the natural resources of lakes or streams as it is not adjacent to any lakes or streams.
4. The property is adjacent to an existing property zoned Shoreline Commercial (formerly Waterfront Commercial) but does not abut a riparian body.
5. Properties to the north have been rezoned to Transition Residential.
6. The adjoining property to the west has been rezoned to Transition Residential.
7. Rezoning this property to Shoreline Commercial would not meet the compatibility requirements, as this property does not have shoreline as is required for this zoning classification.
8. The subject property meets the compatibility requirements for the Transition Residential zone as it surrounded by properties that are zoned Transition

Residential and Shoreline Commercial, and other properties that are proposed to be rezoned to Transition Residential.

9. The subject property meets the purpose and intent of the Transition Residential zone as it acts as a buffer between differing use densities and is located within the projected utility service area.
10. Lot does not meet minimum Lot Width requirements but is a legally existing non-conforming use.

All members voted “aye”. Motion carried.

APPLICANT: City of Pequot Lakes.

Applicant requests to rezone from Agricultural to Rural Residential, Samuel and Joan Kantos, property owners. Parcel No. 290101100A00009.

Mr. Marohn explained the Staff Report. The Planning Commission pointed out that the neighboring parcels are Agriculture. This parcel doesn't meet the minimum lot size for either the Transition Residential or Agriculture zones.

A motion was made by Scott Pederson, seconded by Roger Varilek, to recommend rezoning this parcel to Agriculture, based on the following findings of fact:

1. Rezoning to Agricultural would help preserve the character of the area.
2. The property was zoned Agricultural under the previous Ordinance.
3. The parcel does not have access to city sewer and water and is located outside of the projected utility service area.
4. The proposed zoning of Agriculture would not conflict with adjacent properties. Adjoining properties are zoned Agriculture and Forest Management.
5. The subject property does not meet minimum lot size requirement for the Agricultural zone or any other zoning classification that would be compatible with the area.
6. Rezoning to the Agricultural zone is consistent with the goals of the Comprehensive Plan, which provides for low-density development within this area.

APPLICANT: City of Pequot Lakes.

Applicant requests to rezone from Medium Density Residential to Transition Residential, City of Pequot Lakes, property owner. Parcel No.: 2911400090A0009 and 2911400090B0009.

Mr. Marohn explained the Staff Report.

A motion was made by Dean Williams, seconded by Bill Habein, to recommend rezoning these parcels to Recreation, based on the following findings of fact:

1. The property is currently undeveloped and is owned by the City of Pequot Lakes.
2. There is little topographic change and only light vegetative coverage is present on the property.
3. These properties have frontage on County Highway 17, which could be forested to provide a green corridor into the City.
4. The lots provide public open space in the area.
5. Sewer and water are not currently available, but the properties are located within the project utility service area.
6. As these properties are owned by the City, and potentially could be used for recreation purposes, the properties could be best zoned to Recreation (R) to preserve the property as public open space.
7. Rezoning to Recreation would be compatible with the zoning on the surrounding properties as the Recreation zone is compatible with and can be established adjacent to every other zoning classification.
8. While the Future Land Use map does not specifically designate these properties for future Recreation uses, rezoning to Recreation would still be consistent with the spirit and intent of the Comprehensive Plan.

All members voted “aye”. Motion carried.

**ADDITIONS OR DELETIONS TO AGENDA:**

Add:

6. e. Mark Schoeb Conditional Use Permit Extension.
6. f. Over the Counter Permits.

Delete:

7. a. Extractive Use Overlay District.
7. b. Wetland Permitting.

Mr. Williams deleted the two items under Old Business. The two maps included with the Extractive Use Overlay District are same as last month. The Commission had asked that the buffer from a residence be increased to one-half mile. He would also like to see the County’s Ordinance.

Wetland permitting had been briefly discussed last month. Mr. Williams would like Staff to discuss this with Soil and Water, consider Staff commitment to take on, and possible fees that could be charged. There was no new information included in this Staff Report.

**OPEN FORUM:** None

**NEW BUSINESS:**

**Metes and Bounds Subdivision, Janet Blesener, applicant:**

Mr. Marohn explained the Staff Report. He pointed out that the Ordinance requires the removal of the non-conforming structure on Tract A during the subdivision process, unless waived by the Planning Commission.

A motion was made by Dean Williams, seconded by Scott Pederson, to approve the metes and bounds subdivision, granting a waiver to the existing dwelling on Tract A, not requiring that it be removed. This waiver is only for the purpose of this subdivision and it does not carry forward to any other requests on this property, based on the following findings of fact:

1. The properties are properly zoned Shoreline Residential, as they are adjacent to West Twin Lake and are currently used for residential purposes.
2. Both proposed lots meet the minimum required lot size of 20,000 square feet, each having more than two acres of area.
3. Both lots fall just under the minimum lot width of 100 feet, both having about 94 feet of shoreline.
4. Both lots have existing structures. The dwelling on Tract A does not meet the lake setback of 75 feet as it is 37.8 feet from the OHW. The structures on Tract B meet all setback requirements.
5. There are no known historical or ecologically significant areas or sites on the parcels.
6. Both lots are served by on-site septic systems and have more than adequate space to construct a second system should one be required on either lot.
7. No new lots will be created with this lot line adjustment.
8. There are no proposed provisions for water-based recreation, as the properties have suitable access to the lake.
9. The proposed lot layout is generally compatible with the layout of surrounding properties and will not hinder the future development of the surrounding area.
10. The side lot line is radial to the OHW of West Twin Lake, but contains a bend to accommodate the location of an existing structure and equalize the areas of the two parcels.
11. The lot adjustment will not alter the drainage regime as no new structures are being proposed at this time.
12. No public dedications are being proposed with this lot line adjustment.

All members voted "aye". Motion carried.

**Discussion on Impervious Coverage in the Transition Zone for RCS Developments:**

Mr. Marohn explained the Staff Report. Staff was directed to schedule a public hearing next month.

**East Twin Lake Management Plan:**

A motion was made by Bill Habein, seconded by Mark Hallan, to recommend the City Council adopt the East Twin Lake Plan. All members voted “aye”. Motion carried.

**Downtown Plan:**

Mr. Marohn explained that the text is not ready to present to the Planning Commission. He will bring it next month. This will go to the City Council in July and he will inform the Council that the Planning Commission will look at it next month.

**Mark Schoeb Conditional Use Permit Extension:**

Staff explained that Mr. Schoeb received a Conditional Use Permit to operate a motor vehicle sales and service lot in November, 2004. Our old Zoning Ordinance did not have a one-year timeframe to act on a CUP, as does our current Ordinance. Mr. Schoeb is now ready to move forward with his plan and has requested a six-month extension to complete his project.

A motion was made by Tom Adams, seconded by Bill Habein, to approve a six-month extension for Mr. Schoeb to complete his project. All members voted “aye”. Motion carried.

**Over The Counter Permits:**

At the City Council Meeting, Councilman Ryan stated a resident had to wait a week to receive an over the counter permit while Staff was on vacation. He asked Staff to obtain a recommendation from the Planning Commission on how Staff’s absences for vacation could be handled in the future. Mr. Marohn stated that state statute required the City to act on an application within 60 days. The Planning Commission directed Staff to meet with Council Liaison Craig Nagel and have him bring a recommendation to the City Council.

**OLD BUSINESS:**

**Extractive Use Overlay District:**

Deleted from Agenda.

**Wetland Permitting:**

Deleted from Agenda.

**APPROVAL OF MINUTES:**

Under New Business, Wetland Filling, page 15, Mr. Williams wanted to clarify what “additional information” had been requested.

1. Number of requests for this.

2. Amount of Staff training needed.
3. Commitment to processing these things – what it was going to cost us if we took this on.
4. Revenue – what potential revenue would we receive from taking this program on?

Under Old Business, Extractive Use Overlay District, page 15, Staff included the increase of one-half mile from residences on the overlay map, but there should also have been an increase from the OHW. Discussion followed and there was no consensus as to what that increase should have been.

Page 11-1, e, of the Staff Report, should state “1,000 feet from the OHW of any lake or stream”.

Mr. Williams updated the Commission on the City Council Meeting.

A motion was made by Dean Williams, seconded by Mark Hallan, to approve the May Minutes, as corrected. All members voted “aye”. Motion carried.

#### **P & Z ADMINISTRATOR’S REPORT:**

Bittner pointed out the 18 permits issued in May and the correspondence. She also stated that compared to this date in 2005, there have been 25 fewer Land Use Permit Applications.

Potential Violations/Enforcement Actions:

The Planning Commission discussed the following:

1. Bonnie Watt – The letter from her attorney was discussed. There are more violations than the DNR as stated by her attorney. Staff will ensure that her rezoning is included in the Council Report.
2. James and Barbara Whitty – Staff informed the Commission that she spoke with Mrs. Whitty and their Landsburg representative. Staff was directed to obtain a copy of their signed contract with Landsburg prior to the next Council Meeting and to send her another invoice.
3. Darrell Lake – Mr. Marohn will respond to Ms. Cahill’s letter.
4. Virgil Dahl – The old trailer has been removed.
5. DNR Trail – Staff has been notified that they have removed the debris, except for some metal straps which they plan to remove in the fall.

Using Robert’s Rules was discussed. This could help speed up meetings. Limiting time for each public hearing was discussed. Having a special meeting to do the opt-out rezones was also discussed. Staff was directed to bring a copy of the format the Council uses. It was the consensus of the Commission to limit number of items, rather than discussion time. They also would like to NOT receive any submittals at the meetings. This is not productive without Staff recommendation.

A motion was made by Mark Hallan, seconded by Tom Adams, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 10:42 p.m.

Respectfully submitted,

Dawn Bittner  
Zoning Administrator