

**MINUTES
PEQUOT LAKES PLANNING COMMISSION
REGULAR MEETING
MARCH 16, 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.

COUNCIL LIAISONS: Chris Greer and Mary Pfeiffer.

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

The Park Board item included on the Agenda was removed.

APPLICANT: Carl and Colleen Smith.

Applicant requests Preliminary Plat of Trailside Estates.

Mr. Smith was present. Mr. Marohn explained Mr. Smith's Request for Reconsideration of the City Council's rezoning of one of the parcels included in the preliminary plat. If the Planning Commission were to reconsider their recommendation on the rezoning, there would need to be a new public hearing. Mr. Smith delivered a new plat this afternoon.

Mr. Marohn passed out the map of available lots the Planning Commission had requested at the February meeting. A copy of this map is attached. Due to topography, approximately half of the lots listed as "available" are probably not buildable.

Pat Trottier of Landecker and Associates was also present. He explained that 30 units in the Urban Residential parcel were lost to the road. Another 65' was removed from previous designs to correct an encroachment of a structure at the Forsberg property. This design is short 8.5% of open space required in a Rural Conservation Design.

JOHN DERKSEN ARRIVED AT 6:45.

There was no public comment.

Mr. Smith briefed the Planning Commission on what had transpired since he began this development.

Mark Jurchen, 31387 Lakeside Avenue stated that we need homes that people can afford. We need to increase our tax base. The City has 5 to 7 million dollars in costs related to the expansion of TH 371. We don't want to get caught up in bureaucracy. Developers will not want to come to Pequot Lakes or we will have a tax base too high to encourage new businesses.

The Planning Commission discussed whether the zoning was correct, could they make a decision on this plat and would they be creating a precedent by transferring density? Mr. Marohn explained that transferring density is used often. They would not be setting a precedent by transferring density. The Planning Commission stated the remainder of the Hemmerich property, having water, wastewater and a public road, would become immensely more valuable. The 40-foot ROW in a Rural Section will not work.

A straw vote was taken whether or not the parcel is properly zoned. Yes – 4. No – 3.

The Planning Commission discussed the 40% green space and whether they should stay at 40% or decrease the requirement. Mr. Smith is close at 31.5%. Maybe another design could make it contiguous. Mr. Varilek and Mr. Habein were in favor of dropping from 40%. The property to the south could be developed with a house every 50 feet. The Ordinance would need to be amended to reduce the 40% requirement. The Trail cannot be counted. Forty percent is a sound number and Mr. Smith is the first applicant to ask to have it changed. Seeing a plat gave real world example of what 40% does to actual property. Rural Conservation Designs use 40%. It is not State statute. Forty percent is a design guideline and has worked in other places. Nisswa uses 50%. Staff was directed to research other local cities to see what they use.

A design committee was established to meet prior to the next meeting to discuss this plat. This committee is to include: Mr. Smith, Paul Smith, Mr. Hemmerich, Mr. Trottier, Mr. Woog, Mr. Marohn, Mr. Williams, and Mr. Hallan. Perhaps Mr. Pederson if Mr. Williams cannot attend.

A motion was made by Mark Hallan, seconded by John Derksen, to table this application. All members voted "aye". Motion carried.

APPLICANT: Allen Berens.

Applicant requests Final Plat of Keen Addition.

Mr. Marohn explained that additional information was needed and advised that the Planning Commission either table or deny the request.

Mr. Berens was present. He stated that he did not know the road would have to be tarred when he began this project. He planned to put class 5 down and monies for the Park Dedication Fee. He doesn't have the abstract for the property. He provided City Attorney Sandelin with a Title Insurance Policy. He will meet with Mr. Sandelin on the

Developers Agreement. He will have all information complete by the next meeting. Mr. Marohn will send the March 1 letter to Mr. Berens again, which lists the needed information. Mr. Berens stated that he does not want to tar the road before the construction of the new homes on the lots. He asked if he could escrow a certain dollar amount per lot at the time of the sale of the lots. He was advised that he would need to have financial security for 125% of the actual cost. He would need to submit the estimate to the City Engineer for approval. He would need to post bond for 125% of the cost. The City can't approve the Final Plat without the bond. The width of the road would be up to the City Engineer.

A motion was made by Mark Hallan, seconded by Bill Habein, to table this request, contingent on the applicant agreeing to extend the time line. Mr. Berens agreed to the extension. All members voted "aye". Motion carried.

He was advised to submit the remaining information within 2 weeks.

APPLICANT: Kelly and Bridget Larson.

Applicant requests rezoning from Transition Residential to Agriculture. Parcel No.: 29014200B00009.

Applicants were not present. Mr. Marohn explained the Staff Report. There was no public comment.

A motion was made by John Derksen, seconded by Roger Varilek, to recommend rezoning to Agriculture, based on the following findings of fact:

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 Agriculture does not conform to the Future Land Use Map, but it does not conflict with the objectives of the Ordinance.
3. The subject property is surrounded by properties that have been rezoned to Commercial to the north, Forest Management and Transition Residential to the west, and Forest Management to the south.
4. The Transition Residential Zone is compatible with the Forest Management, Agriculture, and Commercial zones.
5. The Agriculture Zone is compatible with Forest Management, Transition Residential, and Commercial zones.
6. The property was zoned Forestry under the previous Ordinance, which required a minimum lot size of 10 acres. The Transition Residential zone has a minimum lot size of 5 acres, while the Agriculture zone has a minimum lot size of 20 acres. The property owners are requesting to be down-zoned to the Agriculture classification.
7. The property meets the minimum lot size for both the Transition and Agriculture zones, being roughly 30 acres in size.

8. The Agriculture zone is more conducive for animal husbandry purposes than the Transition Residential zone.

All members voted "aye". Motion carried.

APPLICANT: City of Pequot Lakes.

Applicant requests to increase the impervious coverage limits in the RV Resort Overlay District.

Mr. Marohn explained the Staff Report. There was no public comment. Mr. Marohn stated that the Conditional Use Permit criteria includes the proposed 4 A & B and that the paragraph should end at the end of the first sentence, right after 25% or whatever number it is changed to.

A motion was made by John Derksen, seconded by Tom Adams, to strike A & B, to stop sentence at 25%, and strike everything after in paragraph. Roll Call Vote: Mr. Habein: Aye; Mr. Williams: Aye; Mr. Adams: Aye; Mr. Hallan: Nay; Mr. Varilek: Aye; Mr. Pederson: Nay; Mr. Derksen: Aye. Motion carried.

APPLICANT: Dan Helbling.

Applicant requests Conditional Use Permit for the RV Resort Village at the Preserve.

Mr. Marohn explained the Staff Report and suggested the Commission table this request to give applicant the opportunity to submit additional information. Mr. Helbling stated the Staff Report was very thorough. He wanted to be sure the design was acceptable before proceeding.

Del Anderson, 13784 Wildlife Trail, stated that the intersection at Co. Rd. 168 and TH 371 is bad now. He suggested maybe making Hurtig Road a one-way going south would take the traffic to the County Road 29 intersection. He was advised that only part of Hurtig Road is paved. Mr. Helbling stated that he has met with MnDOT and they plan to lengthen turn lanes and widen intersections to accommodate the large vehicles.

Charles Peterson, 28794 Hurtig Road, stated the subject property abuts his property to the north. There currently is access from TH 371 for 2. This access will be closed by MnDOT and a backage road will be built through his property to provide access. Mr. Peterson was concerned that traffic to and from the RV Resort will use this backage road for access. Mr. Helbling stated traffic can be controlled. Accesses are gated. East side driveways for residences only. This can be added to the covenants.

There were 48 findings of fact in the Staff Report. A wider thoroughfare was suggested to get from the east lots to Hurtig Road. Nothing in the plan requires a variance. Lot

sizes are larger than Ordinance requires. The soil treatment areas are not being used for stormwater runoff absorption areas. There was no design for the sewer and water lines. Add a condition that the resort is for seasonal use only and the CUP will be revoked if used year around.

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

APPLICANT: Dan Helbling.

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

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

APPLICANT: Scott Pederson.

Applicant requests a Conditional Use Permit for Tall Timbers.

Mr. Marohn explained the Staff Report and recommended tabling to work out the few items remaining.

Mr. Pederson had a folder of information that he passed out. There are 16 lots. There will be 14 units. Lot 16 is open space. Lot 1 is a housekeeping issue to clean up title work. Lot 15 is the Pederson home. Cabin 5 from the old CUP will remain as the sauna. Color, lighting, landscaping and vegetation are addressed in the handout. It will be very well screened. Docks are also addressed. There are 2 existing, with the 3rd existing to the east that will be removed. The two old ones will be replaced with new ones, slightly larger. There will be 7 slips. Numbers 5, 6 & 7 will have shore stations with no canopies. Number 4 will be for the village boat. Numbers 1 & 2 are pontoon slips. There will only be 3 or 4 shore stations. The stormwater plan will be coming. A lift to the lake is needed as the slope is steep.

Public Comment:

Chairman Woog stated that a letter had been received from Pete and Jan Duquette and made a part of the record.

Mark Jurchen, Lakeside Avenue, stated he is a member of the Board of the Lake Association and had a personal comment that the plan looks very good. There is a Board Meeting on Saturday and he will bring back any comments or concerns the Association may have in writing.

Mr. Hallan pointed out that there are new Health Department rules and a community water supply is required at 15 units.

Mr. Pederson stated that construction would be phased. Phase One would be Units 7, 8, 9 & 10. Phase Two would be Units 2 through 6. Phase Three would be Units 11 – 14. Some units may have basements and some may be on slabs.

A motion was made by Tom Adams, seconded by Dean Williams, to table this request. All members voted “aye”. Motion carried.

APPLICANT: Scott Pederson.

Applicant requests Preliminary Plat of Tall Timbers.

A motion was made by Dean Williams, seconded by Tom Adams, to table this request. All members voted “aye”. Motion carried.

ADDITIONS OR DELETIONS TO THE AGENDA:

Add to agenda:

7. c. Doggy Day Care.

NEW BUSINESS:

APPLICANT: Gerald Olson.

Applicant requests a Metes and Bounds Subdivision.

Mr. Marohn explained the Staff Report.

A motion was made by Dean Williams, seconded by Tom Adams, to approve the metes and bounds subdivision, based on the following findings of fact:

1. The property is properly zoned Urban Residential and is suitable in its natural state for commercial and residential uses as permitted in the UR zone, as the property currently is being used for residential purposes and is one of the larger properties in the area.
2. There are not any significant natural features, such as steep slopes or wetlands, that would constrain future development on these properties.
3. The existing structures located on this property are conforming as they meet all required setbacks.
4. Each of the lots in the subdivision currently has access to municipal sewer services, however hooking sewer to the North Tract may be difficult due to the shallowness of the line. Even if the property is unable to hook up to municipal

sewer, the North Tract still meets the minimum lot size for unsewered lots in the UR zone.

5. The applicant is not proposing any provisions for water-based recreation as these properties are not adjacent to any water bodies.
6. All lots meet the minimum lot size for sewered lots of 6,250 square feet and unsewered lots of 20,000 square feet in the UR zone, with the North Tract being 45,000 square feet and the South Tract being 49,500 square feet.
7. All lots meet the minimum lot width of 50 feet, with both tracts being 150 feet wide.
8. All the lots meet the impervious coverage limit for the UR zone, with the North Tract not having any impervious coverage and the South Tract having roughly 10% coverage
9. The proposed lot layouts are compatible with the existing layout of adjoining properties and the property would be split like the properties to the east. Future development will not be constrained by these lot layouts.
10. The proposed side lot lines are at right angles to the existing road line and the property lines of adjacent properties.
11. Both tracts meet the minimum requirement for frontage on a public right-of-way of 33 feet by having 150 feet each.

All members voted “aye”. Motion carried.

APPLICANT: Fire Hall Retail Center – Sign Concept Plan.

Staff explained the plan and the request for a directional sign in the northwest corner of the lot. After discussion, Staff was directed to notify applicant to either place the sign on the building or apply for a Conditional Use Permit.

APPLICANT: Doggy Day Care.

Staff explained the request. Staff was directed to advise that the drop-off service would be classified as a Commercial Use Other and would require a Conditional Use Permit.

OLD BUISNESS:

Extractive Use Overlay District:

Mr. Marohn passed out 2 maps that were added to the Staff Report. The map shows areas indicating 1,000-foot buffer, not gravel. Terry Curtis, Anderson Brothers Construction, was in audience. He stated he is not familiar with the DNR map. Most cities use USGS maps. We might want to check with Bonnie at the County. We may want to look at the County’s Ordinance.

MINUTES:

A motion was made by Dean Williams, seconded by Bill Habein, to approve the Minutes of the Joint Meeting with the Park Board. All members voted "aye". Motion carried.

A motion was made by Dean Williams, seconded by Mark Hallan, to approve the Minutes of the February Meeting. All members voted "aye". Motion carried.

ZONING ADMINISTRATOR'S REPORT:

Staff pointed out the 4 permits issued and the 16 letters written. Mr. Marohn advised he will be attending the next Retail Committee Meeting of the Chamber to discuss signs in the downtown area.

Potential Violations/Enforcement Actions:

1. Bonnie Watt – Mr. Marohn will meet with her attorney on April 11.
2. Darrell Lake – Mr. Woog stated he wished the Planning Commission and the City Council had been on-site to witness this violation. He hopes the City Council will not reduce any after-the-fact fees and fines recommended by the Planning Commission.
3. Dean Visser – Mr. Woog stated that each business is allowed one freestanding sign and asked if he could give up his sign rights to allow the off-site sign. Staff was directed to check the Ordinance. We do not regulate sign content.

Bittner stated that copies of the City Council Minutes will be included in their packets in the future.

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 10:56 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Administrator