

**MINUTES
PEQUOT LAKES PLANNING COMMISSION
REGULAR MEETING
MAY 19, 2005**

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

CITY PLANNER: Charles Marohn, PE.

ZONING ADMINISTRATOR: Dawn Bittner.

CITY COUNCIL LIAISONS: Craig Nagel and Justin Bolz-Andolshek.

The meeting was called to order at 6:41 p.m. by Chairman Woog.

APPLICANT: Gene Hurtig.

Applicant requests a Variance to allow dwelling with less than required width.

Mr. Marohn presented the Staff Report. He corrected the size of the dwelling from 12' in width to 16' in width.

Mr. Hurtig was present and stated that the existing dwelling was built around 1900 and had outlived its usefulness. He owns a 1992 manufactured home presently located at Pequot Terrace. He stated that the parcel to relocate the manufactured home is wooded between the lake and the proposed structure, the structure would be located south of the barn and shed and would be visible from the road. He stated that the old dwelling and 3 other buildings would be demolished and that with the proximity to the lake, there would be no future farming.

The Planning Commission discussed the 20' minimum width requirement and had concerns of setting a precedent. Screening was also discussed.

A motion was made by Dean Williams, seconded by Mark Hallan, to recommend approval of the Variance request, based on the following findings of fact:

1. The structure is existing in the community.
2. The structure will be placed in an isolated location, not a high traffic road.
3. There is 100% screening from the lake and neighbors, except from road.

subject to the following:

1. Manufactured home be placed on a permanent foundation.
2. Manufactured home be removed within 5 years.
3. Fifty percent screening to be planted as viewed from the road.

4. Existing dwelling be removed in 12 months.
5. Must meet requirements of Section 4.5.5 of the new Ordinance, regarding inspection requirements..

All members voted “aye”. Motion carried.

APPLICANT: Corliss Holley.

Applicant requests a Variance to construct a dwelling within the road setbacks.

Mr. Marohn explained that Staff thought the application had been withdrawn because the Sketch Plan submitted indicated that the dwelling did not encroach on the setbacks. This matter no longer requires a public hearing, therefore there will be no public input. Kevin McCormack, Landecker and Assoc., was in attendance and verified that the sketch Staff passed out was the most current version. Applicant’s wife, Sheila Holley, was present and verbally withdrew the application. Mr. Marohn stated that the structure creates a lot of impervious surface and they must maintain stormwater. Mr. McCormack stated there is a low area and that a 25’ berm would be placed around this area and the gutters and downspouts will be directed to this low area. Applicant will make application for an over-the-counter land use permit.

7:15 JOHN DERKSEN ARRIVED.

ADDITIONS OR DELETIONS TO AGENDA:

6. b. Joyce Denzer, Permit Extension
7. c. Adoption of State Building Code.

OPEN FORUM:

Steve Qualley was in attendance representing Earl and Jeannine Hemmerich. The Hemmerich’s own property at the end of North Sluetter Road and plan to plat this parcel. In order to continue North Sluetter Road in a straight line and not have to move the power line, a 33-foot easement is needed from the DNR for property owned by the State of Minnesota Trust Fund, located in Loon Lake Township. The Township does not wish to apply for this easement as it would not serve the Township. Another governmental agency could be granted the easement, such as the City. This would require a resolution from the City Council. He plans to come to the next Planning Commission meeting to request a recommendation to the Council for this easement. He is not initiating the 60-day rule. Annexation of the Loon Lake portion of the roadway was discussed. Steve is looking for a P & Z recommendation for a resolution from the Council to be applicant.

APPLICANT: City of Pequot Lakes.

Public Hearing on Adoption of the Updated Land Use and Subdivision Ordinance.

The Planning Commission discussed the Sign portion. Signage needs work, but not to hold up passage. That portion can be reviewed later.

Mr. Williams had the following comments: (page numbers)

1. 2-1 Needs title of old Ordinance.
2. 3-8 Common Interest Communities/Condominium Ownership remains in the definitions. (Interval Ownership was removed.)
3. 5-5 Remove text box.
4. 6-
5. 5-19, 24 & 26 Commented on the tables.
6. 6-1 Overlay Districts. Only Highway 371 defined. Remove others and do at a later date.
7. 7-2 Remove comment.
8. 11-2 Questioned Board of Adjustment.
9. 11-4 Questioned why Park Commission is in Land Use Ordinance. Park Commission makes recommendations on Park Dedication Fees and land dedications. Could remove A & C.
10. 11-4 (11.5) Rezone is not included. (It is an Amendment in 13.4)
11. Metes and Bounds Subdivisions (found in Subdivisions 11.9 (3))
12. Zoning Map? What is the next step?

A moratorium on subdivisions under the old Ordinance was discussed. We should use the new one. June or July have new map ready for discussion. Signage and the map are unresolved issues.

A motion was made by John Derksen, seconded by Dean Williams, to recommend to the City Council adoption of the Updated Land Use and Subdivision Ordinance. All members voted "aye". Motion carried.

Mr. Woog requested that the column headings be included on each page of the matrix. A draft map will be available after the Council meeting, concurrent with the Ordinance passing.

Notification to property owners was discussed. The local newspaper is not adequate as not everyone receives the paper. Other methods were discussed: public service message on radio stations, annual city-wide meeting or mailings to all property owners. Mark Jurchen stated that the community needs to know that a lot of diverse opinions are included in the Ordinance. The Zoning Map will be on the agenda for the June Planning Commission meeting. The City Council will need to give the Planning Commission direction on timeline for review of the Sign portion of the Ordinance.

A motion was made by Mark Hallan, seconded by John Derksen, to recommend that the City Council place a restriction on subdivisions that requires that the property have a zoning classification consistent with the new ordinance at the time of or applied

concurrently with the subdivision application. If the property is not already zoned consistent with the new ordinance, there should be no fee for the rezoning application.

All members voted “aye”. Motion carried.

NEW BUSINESS:

Joyce Denzer, Permit Extension:

Staff explained her request and stated that the exterior storage has been removed or stored inside the structure.

A motion was made by Bill Habein, seconded by Mark Hallan, to extend her Land Use Permit until May 20, 2005 with the 10% fee. All members voted “aye”. Motion carried.

Adoption of the State Building Code:

Staff explained that the Council had a work session with a representative of the State Building Codes Division in which he answered questions and presented information. Councilman Bolz-Andolshek suggested this type of meeting would be helpful for the Planning Commission. Staff was directed to see if this representative would be available to meet one hour prior to our next meeting.

Councilman Bolz-Andolshek made some comments regarding the Hurtig Public Hearing earlier:

1. Was this to be Mr. Hurtig’s homestead?
2. No further instruction – closure.
3. Denigrating comments – be respectful.

Park Committee, Review of Park Plan:

The Planning Commission reviewed the Park Plan presented to the City Council and thought it was a very nice plan.

OLD BUSINESS:

Albert and Joyce Jewell Metes and Bounds Subdivision:

Mr. Marohn explained that the 10% coverage required is the lot coverage, not tree coverage.

A motion was made by John Derksen, seconded by Bill Habein, to approve the metes and bounds subdivision, subject to the following condition:

1. The land 33’ on each side of the centerline of Hurtig Road be dedicated for roadway purposes.

All members voted “aye”. Motion carried.

Justin Bolz-Andolshek Condition Follow-up:
Staff reviewed the follow-up report. There was no action necessary.

MINUTES:

Mr. Williams stated that “findings of fact” is the incorrect terminology to use when a matter is tabled. It should state “in consideration of the following items”. A motion was made by Bill Habein, seconded by Roger Varilek, to approve the April Minutes, as corrected. All members voted “aye”. Motion carried.

ZONING ADMINISTRATOR’S REPORT:

Staff stated there were 14 permits issued in April and 5 letters sent. Mr. Woog pointed out that the Donald Babinski permit was not on the list. Staff stated it was an oversight and should have been included. Staff stated that Mr. Babinski had met all of the criteria needed and was issued the permit for his manufacturing business.

Potential Violations/Enforcement Actions:

1. MacGibbon: Staff was directed to check current ownership to establish responsible party for the ISTS compliance.
2. Kroells: Staff was directed to send him a certified letter regarding his expired permit. Councilman Bolz-Andolshek volunteered to speak to him in person.
3. Lake: Staff was directed to verify he has planted the additional trees.

Councilman Bolz-Andolshek asked if the Planning Commission had any questions for the Council:

1. Downtown Plan: He stated that the “downtown” is not defined, needs to be zoned first and the road is an issue.
2. Blue E-911 numbers on houses – needs to be budgeted.

A motion was made by Bill Habein, seconded by Mark Hallan, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 9:23 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Administrator