

MINUTES
PEQUOT LAKES PLANNING AND ZONING COMMISSION
REGULAR MEETING
MAY 20, 2004

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

COUNCIL LIAISONS: Mary Pfeiffer and Dave Sjoblad.

CITY PLANNER: Charles Marohn, PE.

ZONING ADMINISTRATOR: Dawn Bittner

The meeting was called to order by Chairperson Woog at 6:35 p.m.

APPLICANT: John Hunter.

Applicant requests to rezone from Forestry to Rural Residential.

Mr. Marohn explained his Staff Report. Mr. Woog asked for comments from the audience:

Debbie Wesp, Evensen Road, Pequot Lakes: She and her husband John own a 40 acre hobby farm north of Mr. Hunters property. Her husband had spoken with Mr. Hunter at the time he purchased the property and at that time had no intention to develop it. Another developer had attempted to rezone the property into very small tracts and it was denied. She still opposes rezoning. They have horses and cattle and enjoy hunting on their property. The new (draft) Comprehensive Plan maintains this property as Forestry. Mrs. Wesp requested denial of the rezone request.

Dorothy Marchwick: Her family owns property east of this 40 acre parcel. There are Rural Residential parcels in the area, but it is family living near family. She objects to the purchase of Ag or Forestry parcels for development. They also raise cattle and enjoy hunting. Another concern was the steep hill. She would like to see how they plan to subdivide.

Mike Peterson: He lives on Evensen Road and hunts with both a bow and a rifle. He would hate to see a shooting ordinance such as Breezy Point has adopted.

Josh Runksmeier: He lives west of the property and moved there 3 years ago. He enjoys the privacy and country setting and would like it to stay the way it is.

Dorothy Marchwick: Before the Commission makes a decision, learn how Mr. Hunter plans to develop the parcel.

John Hunter: Mr. Hunter stated that he is not a developer and has been a lifelong resident of the lakes area. Four Seasons Realty had tried for a R-1 rezoning. His initial intention was not to develop the parcel, but as he sat in his deer stand, he realized he could hear traffic on Highway 371 and Akerson Road and noise from the gravel pit. He realized this property was no longer in the country. He intends to divide the parcel into 5 or 6 lots, all wooded with restrictive covenants. He doesn't understand zoning a parcel Forest Preservation when it is one-half mile from a gravel pit. The DNR has recommended harvesting many of the trees as the whole stand is deteriorating.

Audience: Karen Bowman, Evensen Road: Her family moved there to be living in the country and has noticed no noise from Highway 371 or Akerson Road. She would like to keep the surrounding land as land, trees and rocks, otherwise you would lose the small town atmosphere. If she had wanted to live in a residential neighborhood, she would have moved to Baxter. She lives on a 5 acre parcel. She stated that putting in more homes and taking down trees would create noise.

Commission Discussion: The most significant concern is along the east side for ingress and egress safely. There is no development proposal before the commission, so it would be inappropriate to approve or deny on a potential development plan. Comments from the neighbors were to keep as it is. If we intend to follow our Comprehensive Plan, the Plan calls for this parcel to remain Forest. If we do not approve rezoning requests, we could potentially keep people from wanting to move here onto less than 10 acre parcels. Spot zoning was also mentioned.

A motion was made by Karl Moon, seconded by John Derksen, to recommend denial of the rezone request as there is no evidence it is zoned incorrectly.

Roll Call Vote: Mr. Williams: Aye; Mr. Habein: Aye; Mr. Nelson: Aye; Mr. Moon: Aye; Mr. Hallan: Aye; Mr. Derksen: Aye; Mr. Adams: Aye. All ayes. Motion carried.

ADDITIONS OR DELETIONS TO AGENDA:

New Business:

6. a. Sign Concept.
6. b. PLADO Comments.
6. c. City Council Comments.

OPEN FORUM:

Tom Johnson, Johnson Marketplace Inc., had requested to be on the Agenda to discuss the current Transient Merchant Ordinance. He has attempted to sell food at events over the past seven years, such as Fourth of July and Bean Hole Days, and has been denied permits. Out-of-state vendors have been issued permits and he doesn't understand why local merchants cannot operate off premises for profit. He does have a Food Handler's license.

Mr. Johnson pointed out that the Chamber of Commerce hosts events to raise funds. Local businesses could be a part of their event, but would provide and donate food and split the profit between the Chamber and a charity. There was no profit to the business owner.

Mark Jurken, insurance agent for the City, was in attendance and from an insurance standpoint, recommended the City set a stringent application program and require insurance coverage. The City could be found responsible and had many suggestions for the future. The Food Handler's license is issued by the Dept. of Health and the Chamber should require proof of insurance and proof of license.

It was agreed that the Transient Merchant Ordinance is bad and needs to be fixed. It needs to be defined and applied equally. Mr. Sjoblad suggested the Commission give the City Council a recommendation to clarify the process and to run out of the Clerk's office.

A motion was made by Karl Moon, seconded by John Derksen, to recommend the City Council clarify the process, make changes and have the Clerk's office handle applications and permits.

Discussion: The Clerk's office will come up with a plan. It is in the DRAFT Comprehensive Plan and should be removed. The Clerk should get a model ordinance from the League of Cities or from other communities.

Roll Call Vote: Mr. Williams: Nay; Mr. Habein: Aye; Mr. Nelson: Aye; Mr. Moon: Aye; Mr. Hallan: Aye; Mr. Derksen: Aye; Mr. Adams: Aye. Six ayes. One nay. Motion carried.

NEW BUSINESS:

Sign Concept:

Lynette Wood had made application for a replacement sign at 4444 Main Street. Application was for a 7' X 2' sign in the same location as previous sign above door. A motion was made by Karl Moon, seconded by Bill Habein, to approve the sign concept. All members voted "aye". Motion carried.

PLADO Comments:

Mark Jurken was in attendance to present comments PLADO had regarding the DRAFT Comprehensive Plan. He thanked the Commission and the Long Range Planning Committee for their time and hard work and apologized for not attending other meetings. He presented a list their comments, a copy is attached hereto and made a part hereof. The consensus was that this is a good document, but PLADO had concerns about negative comments toward development. The Plan is also a marketing tool and should not send a negative tone to development and developers. He suggested rewording the negative remarks in a positive manner. Mr. Marohn will be at the next PLADO meeting, Wednesday, May 26 at 7:30 a.m. to answer any further questions.

CITY COUNCIL COMMENTS:

Chairman Woog had requested comments on the DRAFT Comprehensive Plan from the Mayor and City Council members following their vote not to adopt the Plan. Copies of their comments are attached and made a part hereof.

Mary Pfeiffer and Dave Sjoblad had given their oral comments to the City Clerk, Sandy. Cathy Malecha and Joanne Johnson had each submitted written comments. Tom Ryan and Jerry Akerson submitted joint comments. Justin Bolz-Andolshek had not submitted any, but at the meeting he said he had seen Tom Ryan's and they echoed his thoughts and would like to add his name to Ryan's & Akerson's. He would also like to have the revised draft proofed by a professional.

Mr. Ryan felt his comments had not been heard in the past and he would like to address each of his points. After some discussion, it was agreed that Mr. Ryan would go through his list, point by point. There was very little discussion during this time. When Mr. Ryan finished, the Commission and Council agreed to form a sub-committee to discuss each of Mr. Ryan's issues. The sub-committee would include Mr. Akerson, Mr. Ryan, Mr. Bolz-Andolshek, Mr. Moon, Mr. Adams, Mr. Marohn and Craig Nagel. The rest of the Commission will be notified of meeting date. Staff will contact the sub-committee on Friday regarding availability next week.

It was also suggested that a link be set up from the City web page to Mr. Marohn's page.

APPROVAL OF MINUTES:

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

P & Z ADMINISTRATOR'S REPORT:

Ms. Bittner quickly pointed out the permits that had been issued in April and the correspondence contained in the Staff Report. She asked if anyone had any questions regarding the Potential Violations/Enforcement Actions and there were none.

A motion was made by Karl Moon, seconded by John Derksen, to adjourn the meeting. All members voted "aye". Motion carried. The meeting was adjourned at 10:18 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Administrator