

**MINUTES
PEQUOT LAKES PLANNING COMMISSION
REGULAR MEETING
MAY 18, 2006**

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

CITY COUNCIL LIAISON: Mary Pfeiffer.

CITY PLANNER: Charles Marohn, PE.

ZONING ADMINISTRATOR: Dawn Bittner.

The meeting was called to order by Mark Hallan, who had been elected temporary Chairman at the February 16, 2006 meeting.

KEVIN NELSON – Fence: Mr. Nelson was not present. This matter had been placed first on the Agenda to accommodate Mr. Nelson. It was moved to Open Forum.

ENVIRONMENTAL ASSESSMENT WORKSHEET for RV Resort Village – Commence Public Comment Period.

Mr. Marohn explained the Staff Report. Tim Moore, WSN, Project Manager for this project, was present to answer questions. He stated that changes have been made to the EAW, but not the title pages. The May 11 comments have been included. Dan Helbling was also in attendance.

Traffic was discussed. The traffic counts are down from 2,700 to 942.

JOHN DERKSEN ARRIVED AT 6:46.

Three different entities need to be contacted regarding traffic – MnDOT, Crow Wing County and the City. Improvements will be needed to Hurtig Road. MnDOT has stated there will be no access from RV Park to Highway 371. Public comments will be made to question 28 – impacts on infrastructure.

Mr. Marohn stated that this is not a public hearing and the Planning Commission is not obligated to take public comment.

Public Comment:

Charles Peterson, Hurtig Road – The proposed frontage road goes through his property. The City will need to purchase right-of-way. The cul-de-sac access would provide access to that part of the campground. Hurtig Road would need to be improved.

Ed Freiermuth, Pequot Lakes – Commented on spring road restrictions and a signal at the intersection of Highway 371 and County Road 168.

The Planning Commission stated that the applicant needs to address traffic issues. When the Planning Commission questioned the weight of the RV's, Mr. Helbling stated less than 40,000 pounds, similar to a school bus.

A motion was made by Dean Williams, seconded by John Derksen, to not approve the Environmental Assessment Worksheet as application is not complete in reference to questions 21 and 28 and would like to see applicant address turn lanes, stop lights, frontage and backage roads and weight limits before we send it out for public comment.

Roll Call Vote: Mr. Habein, Nay; Mr. Varilek, Nay; Mr. Williams, Aye; Mr. Hallan, Nay; Mr. Pederson, Nay; Mr. Derksen, Aye. Motion fails 2 - 4.

A motion was made by Bill Habein, seconded by Roger Varilek, to approve the Environmental Assessment Worksheet, with amendments, to be released for public opinion for 30 days.

Roll Call Vote: Mr. Habein, Aye; Mr. Varilek, Aye, Mr. Williams, Nay; Mr. Hallan, Aye; Mr. Pederson, Aye; Mr. Derksen, Nay. Motion carried 4 – 2.

APPLICANT: Dan Helbling.

Applicant requests a Conditional Use Permit for the RV Resort Village at the Preserve (continuation).

Applicant was present. Mr. Marohn explained the Staff Report. Under the Staff Recommendation, page 2-9, he stated that he has received numbers 1, 2 & 3 and preliminary information on numbers 4 & 5. The following findings of fact were discussed.

10. Fire pits – Campground Standards require a fire pit for each campsite.
12. Grading Plan – need to discuss further with applicant.
13. Storm Shelters – received verbal information, no documentation.
14. At least 3 units are required for a PUD.
15. Vegetative Screening Plan – has been submitted, some additional information is needed.
16. Open Space – new information has been provided.
41. Lighting – No issues have been raised. It is a CUP requirement. Have not yet seen plan.

45. Meeting the Overlay criteria.

A motion was made by Bill Habein, seconded by John Derksen, to table this matter until the Environmental Assessment Worksheet comments are received. All members voted “aye”. Motion carried.

APPLICANT: Dan Helbling.

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

A motion was made by Dean Williams, seconded by Scott Pederson, to table this matter. Discussion: Gated accesses – both entrances from Hurtig Road are gated. No eastern access from Park.

All members voted “aye”. Motion carried.

APPLICANT: Rob Van Valkenburg.

Applicant requests a Conditional Use Permit for the Crafter Outlet Mall.

Applicant was present. Mr. Marohn explained the Staff Report. Use as a storage facility is a longer use. Manufacturing and sales are included in the Bank Summary. Applicant stated they are not in existence now, possibly in the future. The Planning Commission stated that the original application was for a crafter mall and storage. There are now 2 new businesses, winterization and detailing. The number of parking spots almost equals the crafter spots.

Traffic issues – needs to go back to MnDOT and the County. We need additional information on traffic counts.

Add as condition – only winterized boats can be stored.

The arbors are sitting on the drainfield. They will need to be moved to another location. Access to the backage road was discussed. Lighting was discussed. Screening is addressed in the Ordinance. The Sign Concept Plan needs to conform to the Ordinance and is a separate Sign Permit. Off-site signs are not allowed.

Public Comment:

Charles Peterson, Hurtig Road – questioned the zoning. He was told it is Commercial. He was told that Commercial Warehousing is only allowed in the Ag zone.

Tom Johnson – stated that there are bad intersections all along highway.

A motion was made by Bill Habein, seconded by Scott Pederson, to recommend approval of the Conditional Use Permit, based on the following findings of fact:

1. The proposed use is an appropriate conditional use in the Commercial District. The Land Use Matrix indicates the unclassified commercial uses are considered conditional uses in the Commercial zone.
2. The proposed use conforms to the Comprehensive Land Use Plan, which indicates that transient merchants augment the local community and can benefit the local community. The proposed use would provide a regulated and set space in which these merchants can operate.
3. The proposed use, with conditions, would be compatible with the existing neighborhood. Adjoining properties to the east and south are largely undeveloped with some commercial development to the north and some residential development on the west side of State Highway 371.
4. The proposed use would not be injurious to the public health, safety, or welfare as it would provide space for the operation of transient merchant operations.
5. The proposed use is unlikely to be injurious to the use and enjoyment of other properties in the immediate vicinity. Operations would be housed indoors and be primarily during the peak season months. Use during the off-season would be substantially diminished.
6. The proposed use should not impede the normal and orderly development and improvement of surrounding vacant properties. The subject property is bounded by State Highway 371 and the Paul Bunyan Trail, limiting its effects on the development and improvement on properties on either side of these routes. The development of the vacant property to the southwest would not be impeded by the proposed use. Access to the southwest property is not limited by the proposed development.
7. There are no additional public services or facilities required for the development of this property.
8. The applicant proposes to access this property from County Road 107 to the south, with the access road running parallel to the eastern property boundary. The proposed access point is slightly off-set from the point at which the property to the south (Evergreen) accesses County Road 107, but should not create traffic congestion or interference with traffic on the surrounding streets.
9. The applicant proposes to provide a total of 315 parking spaces for the proposed use, with 173 being permanent parking spaces, and the remaining 142 spaces being overflow parking spaces. It is Staff's opinion that the proposed use does not qualify as a typical retail establishment, which would require 480 parking spaces, and that the number of spaces provided would be adequate to serve the proposed use.
10. The proposed use is unlikely to produce noise, dust, or odors at a level that would constitute a nuisance outside of the normal activities related to the construction of the buildings on this site. The applicant has not indicated the location or type of lighting that will be used on the site, so it is unclear whether any nuisance would result from lighting.

11. The proposed use is contained in the northern part of the property, which is largely open and vegetated with grasses. The proposed use will not result in the destruction or removal or any scenic or historic sites of major significance.
12. The proposed use includes plans to maintain stormwater resulting from a 10-year, 24-hour storm event. The plan includes three stormwater ponds that would contain the volume of stormwater resulting from such an event.
13. The total impervious coverage for the proposed use is 39.7%, should a backage road be constructed as proposed by Mn/DOT. This number falls under the 50% that is allowed as the applicant has provided the requisite stormwater retention plan along with landscaping plans for the property.
14. The applicant has not indicated any plans for screening of the property. The site plan indicates that the existing vegetation along State Highway 371 would remain, but does not show any vegetation along any of the other property lines.
15. The applicant has submitted landscaping plans showing landscaping in the immediate vicinity of the proposed buildings and parking areas. In addition, the applicant has noted the locations for additional planting and trees for other portions of the property surrounding the main project area.
16. The applicant has submitted a color rendering of the proposed building, gazebo, arbors, and sign. The rendering shows the building with a tan siding and red roofing, with the gazebo, arbor, and fencing to be white.
17. The submitted rendering shows the concept for the proposed sign, but does not indicate total size of the structure. The proposed sign should not exceed 96 square feet in size (counting both sides), and 15 feet in height (Sec. 7.1, Subd. 5A (4b)).
18. The applicant has indicated the locations for the proposed exterior lights, with the majority of the lights located along the western sides of the proposed buildings.

subject to the following conditions:

1. The applicant shall maintain existing vegetation along the properties boundaries. Pursuant to Section 5.10, Subdivision 4D, the applicant shall replace or supplement vegetation along the eastern property line (adjacent to the Paul Bunyan Trail) so as to provide at least 50% screening of the property. Screening improvements shall be made prior to the opening of the business.
2. All winterization operations shall be performed within the confines of one of the structures. No winterization activities shall be performed outdoors.
3. To avoid adverse impacts resulting from winterization activities, the applicant shall obtain permits for the disposal of oils, antifreeze, and any other classified toxic wastes related to winterization from the MPCA and EPA prior to the commencement of winterization operations. Copies of these permits shall be forwarded to City Hall, and all accompanying conditions shall be followed.

4. All items to be winterized, detailed or serviced shall not be stored outdoors for more than seven (7) consecutive days.
5. Only watercraft or recreational vehicles winterized, detailed or serviced on site shall be allowed to be stored within the facility.
6. The applicant shall submit additional information regarding the projected traffic. This information shall be forwarded to Mn/DOT and the Crow Wing County Highway Department for review and comment. Any recommendations from Mn/DOT or Crow Wing County shall be fully addressed to the satisfaction of those agencies and the Planning Commission. This shall be completed prior to commencement of construction.
7. Within twelve months of the construction of a backage road on the east side of the Paul Bunyan Trail, the property owner shall abandon the existing driveway access to County Road 107 and shall construct a new access to the frontage road. This shall be done at the property owner's expense and shall be done to the satisfaction of the City Engineer.
8. Lighting shall be hooded and downward directional so as not to illuminate or create glare beyond the property boundaries.
9. The applicant shall submit a sewage treatment design to the City for review by the Planning Commission.
10. Signage must meet the requirements of the Ordinance, as stated in Section 7.1.
11. The structure shall have the coloring scheme as indicated in the applicant's submitted rendering.
12. There shall be no additional construction on the property in the 24 months following the opening of the business to ensure that area for parking is adequate.

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

APPLICANT: Kermit Sutton.

Applicant requests a Conditional Use Permit for Additional Signage.

Mr. Marohn explained the Staff Report. Chad Rushin, Nor-son, Inc., was present representing the applicant.

A motion was made by John Derksen, seconded by Roger Varilek, to recommend approval of the Conditional Use Permit, based on the following findings of fact:

1. The proposed use is an appropriate conditional use in the Downtown Mixed Use District, as Section 7.1, Subd. 6 indicates that conditional use permits are required for the proposed request.
2. The proposed use conforms to the Comprehensive Land Use Plan, which indicates that the City should encourage the clustering of businesses to

enhance walkability in downtown and promote businesses that add to the City's distinct character.

3. The proposed use, with conditions, is unlikely to detract from the surrounding neighborhood as nearby properties are developed as retail businesses and also containing various methods of signage.
4. The proposed use would not be injurious to the public health, safety, or welfare as it would serve to direct traffic around the corner of the property. The proposed sign locations would not obstruct the view of traffic or impeded pedestrian corridors.
5. The proposed use is unlikely to be injurious to the use and enjoyment of other properties in the immediate vicinity as many neighboring properties are developed commercially. The additional directional sign would be placed near existing trees and landscaping.
6. The proposed use will not impeded the normal and orderly development of adjacent properties and the properties are already platted and mostly developed with retail/service businesses.
7. There are no additional public services or facilities required for the development of this property.
8. There are no additional vehicular approaches that are required for the proposed use besides what already exists on the property.
9. The proposed use does not require any additional parking. The applicant has provided parking sufficient to serve the existing business.
10. The proposed use will not produce noise, dust, or odors at a level that would constitute a nuisance outside of the normal activities related to the placement of the signs.
11. The proposed use will not result in the destruction or removal or any natural, scenic, or historic sites of major significance as this property has already been developed.
12. The proposed use does not require any additional stormwater management measures.
13. The two 'Type A' signs are allowed and meet the provisions set forth in Section 7.1, Subd. 5A (4).
14. The proposed additional sign (Type B) would have a total sign area of 16 square feet and be 4 feet high.
15. As the large concentration of businesses along Government Drive is to the south of Jay Street, it may be difficult to attract customers to north side of the subject property.
16. Alternatives to additional signage include no additional directory sign or notation indicating the location of businesses around the corner on the Type A signs.
17. The proposed additional sign would not be in conflict with signage in the area.
18. The proposed additional sign is unlikely to have negative aesthetic impacts because of its relative small size and surrounding landscaping.

19. The additional sign on the corner would aid in bringing potential customers to Jay Street for this business, and potentially other nearby businesses.

subject to the following conditions:

1. The proposed additional sign shall not exceed a total sign area of sixteen (16) square feet (eight square on each side) and a height of four (4) feet.
2. The area in the immediate vicinity of the proposed additional sign shall be maintained with the current landscaping, as proposed on the site plan, or better.

All members voted "aye". Motion carried.

APPLICANT: City of Pequot Lakes.

Applicant requests to Rezone from Forestry to Agriculture. Arlen and Mary Sergent, property owners. Parcel ID No.: 290271402A00009.

Mr. Marohn explained the Staff Report. Applicant was present.

A motion was made by Dean Williams, seconded by Bill Habein, to recommend rezoning this parcel to Agriculture, based on the following findings of fact:

1. The rezoning to Agriculture is consistent with the City's Comprehensive Plan and Future Land Use Map, which designates this area as an agricultural area. The property is designated as Agriculture because it is a large, undeveloped tract of land, it is not served by municipal utilities and less than 50% of the property is wooded.
2. The parcel is bordered to the north and south by property that the City has proposed to rezone to Forest Management.
3. The rezoning to Forest Management does not conform to the Future Land Use Map. Rezoning to Forest Management technically does not conflict with the Land Use Ordinance as it abuts other properties that are proposed to be rezoned to Forest Management to the south and is generally compatible with the surrounding zones.
4. The parcel is bordered to the north by property proposed to be rezoned Rural Residential.
5. The subject property also surrounds a property proposed to be rezoned to Rural Residential.
6. The property is bordered to the west by property zoned Shoreline Residential
7. Rezoning the property to Agriculture would not constitute spot zoning as the Agriculture zoning classification is compatible with the surrounding properties and the property is approximately 50 acres in size.
8. The Agricultural zone is compatible with the uses on the surrounding properties.

9. The area of the property, 50 acres, meets the minimum lot area for the Agriculture and Forest Management zones.
10. Rezoning from the old Agricultural district to the new Agriculture zone would increase the minimum required lot size from 10 acres to 20 acres.

All members voted “aye”. Motion carried.

APPLICANT: City of Pequot Lakes.

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

Mr. Marohn explained the Staff Report and recommended this matter be tabled to determine the proper zoning classification.

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

APPLICANT: City of Pequot Lakes.

Applicant requests to Rezone from Rural Residential to Rural Residential. Bonnie Watt, property owner. Parcel ID No.: 290031101A00009.

Mr. Marohn explained the Staff Report. Lonny Thomas, attorney representing Ms. Watt, was present. Mr. Thomas stated that it makes no sense to rezone the property now when the property owner plans to bring a rezone application in shortly.

Mr. Marohn stated that the property owner is not making this request. The City is making the request and this hearing is to zone the properties included on the opt-out list. The City will not accept applications where there are outstanding violations.

A motion was made by Bill Habein, seconded by Dean Williams, to recommend to the City Council to rezone this parcel to Rural Residential, based on the following findings of fact:

1. The rezoning to Rural Residential is consistent with the City’s Comprehensive Plan and Future Land Use Map, which designates this property as a Rural Residential.
2. The present land use tax classification of the parcel is for seasonal residential.
3. The landowner’s stated desire to zone the parcel to Commercial would be inconsistent with the City’s Comprehensive Plan and Future Land Use Map, which designates this area as a Rural Residential area. The partial commercial zoning would also be considered to be spot zoning, granting this property owner special privileges unafforded to those neighboring properties within the City boundaries.

4. Rezoning to Commercial would be inconsistent with the immediate surrounding land use pattern. This is particularly the case, given the Future Land Use Map designation and the present zoning of existing adjacent properties.
5. The subject property is adjacent to properties that have been rezoned to Rural Residential to the south and east across County Highway 112, and Forest Management adjacent to the west.
6. The property immediately adjacent to the south reflects an established development pattern of rural residential housing. The larger property to the north is out of the city limits, but also reflects a present land use pattern for residential uses.
7. The principal frontage of this property is along County Highway 16 and all future land use designations of parcels along this northern boundary thoroughfare of City of Pequot Lakes are guided as Future Land Uses for Rural Residential, Agriculture, or Forestry Management. This reflects a major land use pattern of both current and future use for this area of the City. Any change from pattern would constitute a major departure from the City's current policy for land use in this area and would require an extensive re-examination of its Comprehensive Plan and a subsequent amendment thereto. Without such an initiative, this would in fact be considered spot zoning.
8. The Rural Residential zone is compatible with the Agriculture, Forest Management, Transitional Residential, and Recreation Zones.
9. The Rural Residential Zone is compatible with Forest Management, Recreation, Agriculture, and Transition Residential zones, although cannot be surrounded by Forestry and Agriculture.
10. The property was zoned Rural Residential under the previous ordinance and had a minimum lot size of 5 acres, and the new Rural Residential lot minimum size is the same. Therefore the proposed rezoning would be an equal lot size minimum requirement from the previous zoning classification and will not result in a downzoning.
11. The property meets the minimum lot size for the Rural Residential zone, being roughly 10 acres in size. The property meets the minimum lot width for both street frontages in the Rural Residential zone, being over 200 feet wide on both sides.

Roll Call Vote: All members voted "aye". Motion carried.

****Mr. Marohn requested to move to the Potential Violation portion of the Agenda due to Mr. Thomas being present.*

Mr. Marohn stated that Staff had sent her a letter as requested and had not received a response by the date requested. Mr. Thomas stated that they have a plan prepared but are receiving conflicting information from the DNR. Mr. Marohn suggested scheduling a meeting with the DNR, Staff, Mr. Thomas and a Planning Commission member. Mr. Habein will attend. Staff will present results at the next meeting.

APPLICANT: City of Pequot Lakes.

Applicant requests to Rezone from Agriculture to Forest Management and Rural Residential. Steve and Kathrun Saxvold, property owners. Parcel ID No.: 290122200B00009, 290122200A00009, 290122100B00009 and 290122100A00009.

Mr. Marohn explained the Staff Report. Mr. and Mrs. Saxvold were present. Mr. Saxvold questioned why their property would have two different classifications. The previous zoning was Agriculture on all four parcels. The owner requests Rural Residential.

A motion was made by Dean Williams, seconded by Roger Varilek, to recommend rezoning all four parcels to Rural Residential, based on the following findings of fact:

1. The proposed rezonings to Rural Residential of the westerly two lots is consistent with the City's Comprehensive Plan and Future Land Use Map, which designates these areas as such.
2. The subject property is surrounded by properties that have been rezoned to Forest Management to the east, Rural Residential to the south, and Agricultural to the north and west.
3. The adjoining properties to the west are proposed to be rezoned to Agricultural, but have not yet been rezoned. These properties are subject of a public hearing for rezoning this month as well.
4. The Rural Residential zone is compatible with the surrounding Forest Management and Agriculture zones.
5. All four of the properties were zoned Agricultural under the previous Ordinance, which required a minimum lot size of 20 acres.
6. Rezoning these properties as proposed would increase the residential development capabilities on these properties.
7. All four properties meet the minimum lot size for both the Rural Residential, each being roughly 20 acres in size.

Roll Call Vote: All members voted "aye". Motion carried.

APPLICANT: City of Pequot Lakes.

Applicant requests to Rezone from Rural Residential to Transition Residential. Alfred and Audrey Bragstad, property owners. Parcel ID No.: 290114400BA0009.

Mr. Marohn explained the Staff Report. Mr. and Mrs. Bragstad were present.

A motion was made by John Derksen, seconded by Dean Williams, to recommend rezoning this parcel to Rural Residential, based on the following findings of fact:

1. Rezoning this property to Transition Residential would not be consistent with the Land Use Ordinance as it does not fall within the projected utility service area.

2. The subject property is adjacent to properties that have been rezoned to Rural Residential to the east, Agriculture to the north, Recreation to the west, and Forest Management to the south. This property also surrounds a property zoned Rural Residential on three sides.
3. The property immediately adjacent to the east has been rezoned to Rural Residential reflecting an existing rural residence. The larger property to the north has been rezoned to Agricultural to reflect its present land use. The street frontage to this property is from County Highway 11 affording an access orientation relative to the primary urban core, and supports the transitional character & purpose of the proposed Transitional Residential zone.
4. The existing development pattern further to the east lends support to a consistency pattern for future low density residential development on both the subject property, on the agricultural land to the north over time, and on the adjacent property to the east. Careful integration and attention to rural residential development patterns consistent with potential future re-subdivision if utilities become available, will be essential given existing patterns in the immediate area.
5. The Rural Residential Zone is compatible with Forest Management, Recreation, Agriculture, and Transition Residential zones, although cannot be entirely surrounded by Forestry and Agriculture.
6. The property was zoned Rural Residential under the previous ordinance and had a minimum lot size of 5 acres, and the Rural Residential District lot minimum size is the same. Therefore proposed rezoning would be an equal lot size minimum requirement from the previous zoning classification and will not result in a downzoning.
7. Rezoning to Rural Residential would be consistent with the development opportunities available to the property owners under the previous Ordinance.
8. The property meets the minimum lot size for the Rural Residential zone, being roughly 18 acres in size.
9. The property meets the minimum lot width for the Rural Residential zone, which appears to be over 200 feet wide on the street frontage for both portions of the lot where there are County Highway 11 Street frontages.

All members voted “aye”. Motion carried.

APPLICANT: City of Pequot Lakes.

Applicant requests to Rezone from Rural Residential to Transition Residential. Thomas and Lois Johnson, property owners. Parcel ID No.: 290114400AB0009.

Mr. Marohn explained the Staff Report. Mr. Johnson was present.

A motion was made by Dean Williams, seconded by Roger Varilek, to recommend rezoning this parcel to Rural Residential, based on the following findings of fact:

1. Rezoning this property to Transition Residential would not be consistent with the Land Use Ordinance as it does not fall within the projected utility service area.
2. The subject property is adjacent to properties that have been rezoned to Rural Residential to the east, Agriculture to the north, Recreation to the west, and Forest Management to the south. This property also surrounds a property zoned Rural Residential on three sides.
3. The Rural Residential Zone is compatible with Forest Management, Recreation, Agriculture, and Transition Residential zones, although cannot be entirely surrounded by Forestry and Agriculture.
4. The property was zoned Rural Residential under the previous ordinance and had a minimum lot size of 5 acres, and the Rural Residential District lot minimum size is the same. Therefore proposed rezoning would be an equal lot size minimum requirement from the previous zoning classification and will not result in a downzoning.
5. Rezoning to Rural Residential would be consistent with the development opportunities available to the property owners under the previous Ordinance.
6. The property meets the minimum lot width for the Rural Residential zone, being over 200 feet wide on both street frontages.
7. The property meets the minimum lot size for the Rural Residential zone, which requires a minimum of five buildable acres.
8. The property immediately adjacent to the east is has been rezoned to Rural Residential and properly reflects an established development pattern of large lot rural residential housing. The larger property to the north has been rezoned to Agricultural to reflect its present land use. The street pattern in the development adjacent to the east, however, would potentially support a similar extension of this existing street pattern to the west and therefore lends further support to a consistency pattern for future low density residential development on both the subject property and on the agricultural land to the north.
9. The Commercial zone is not compatible with the surrounding land uses, as Section 5.10 of the Ordinance states that the zone may not be established in area that is entirely surrounded by residential zones. The Ordinance also states that the Commercial zone should serve as a transition between the Downtown Mixed Use zone or the Light Industrial zone and the surrounding residential zones, neither of which are located adjacent to the subject property.

All members voted "aye". Motion carried.

APPLICANT: City of Pequot Lakes.

Applicant requests to Rezone from Forestry to Agriculture. Northwest Paper Company, Potlatch Corporation, property owner. Parcel ID No.: 290111100A00009 and 290111400000009. AND Minnesota Power and Light, property owner. Parcel ID No.: 290111100B00009.

Mr. Marohn explained the Staff Report.

A motion was made by Scott Pederson, seconded by John Derksen, to recommend rezoning all three parcels to Forest Management, based on the following findings of fact:

1. Approximately over 90% of the 80 acre parcel is heavily wooded.
2. The proposed rezoning to Agriculture is consistent with the City's Future Land Use Map, which designates these parcels as Agricultural.
3. The proposed rezoning to Agriculture is *not* consistent with the Comprehensive Plan, which states that "inner forests are unique physical features that contribute to scenic beauty, north woods character, timber production, wildlife habitat, and recreation opportunities. Once gone, they cannot be replaced. They need to be protected from encroaching development."
4. Rezoning to the Forest Management District zone provides for greater consistency with the Comprehensive Plan, than does the Future Land Use Map designation which guides the property for Agriculture.
5. The subject property is surrounded by properties that have been rezoned to a combination of zones, yet a consistent mature tree stand surrounds land use on all 4 sides of the property, except for partial clearings for access & power lines and a slightly larger clear cut area to the east.
6. The adjoining property to the west has been rezoned to Forest Management District zone and similarly does not contain structural improvements to the property. From an aerial perspective, these two parcels are very similar in nature, with the exception of the power line easement that clipped the northeast corner of the parcel. This consistency supports the same zoning classification to Forest Management.
7. The land to the east is proposed to be rezoned to Rural Residential, yet will likely maintain significant preservation of mature tree stands on two 20 acre attached parcels, even with the clear cut swath that runs east and west through the property, due to the enhanced value of these mature tree stands for residential properties. A greater emphasis on preservation of these mature stands will serve to protect and maintain the existing and future values for surrounding properties.
8. The Forest Management Zone is compatible with the Agriculture, Rural Residential, Transition Residential, Commercial, and Light Industrial zones.
9. The property was zoned Forestry under the previous Ordinance, which required a minimum lot size of 10 acres. The Agriculture zone has a minimum lot size of 20 acres, while the Forest Management zone has a

minimum lot size of 10 acres. Therefore, the rezoning to Agriculture would be a down-zoning from the previous zoning classification. Rezoning to Forest Management would, however, maintain a consistent lot size requirement for the property, with the additional requirements for management plans for cutting.

10. The property, with the exception of the corner cut off parcels for the easements, meet the minimum lot size for both the Agriculture and Forest Management zones, being roughly 40 acres in size each.

All members voted “aye”. Motion carried.

ADDITIONS OR DELETIONS TO THE AGENDA:

8. b. Grubbing by Tasty Pizza.

OPEN FORUM:

Charles Peterson – Mr. Peterson stated that the Planning Commission could take care of his rezone now and remove him from the opt-out list. He was informed that a public hearing is required and it would need to be published.

NEW BUSINESS:

Wetland Fill Permitting.

Mr. Marohn explained the Staff Report. After discussion, the following information is needed:

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?

Grubbing by Tasty Pizza:

Charles Peterson was asked who the property belonged to south of Tasty Pizza. He stated it is owned by his brother Gary Peterson. He stated he didn't know who had pushed the trees into piles, possibly the electric company from under the power lines. Staff was directed to check it out.

OLD BUSINESS:

Extractive Use Overlay District.

Staff was directed to forward the County information to Mr. Marohn. One-half mile from residences was discussed.

APPROVAL OF MINUTES:

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

ZONING ADMINISTRATOR'S REPORT:

Bittner pointed out the 8 permits issued in April and the 39 letters sent.

Potential Violations/Enforcement Actions:

1. Acosta: Staff was directed to remove Theresa Acosta from the list as she no longer lives there.
2. Darrell Lake: Ms. Cahill's recent letter was discussed. The Planning Commission cannot waive fees. Mr. Marohn was directed to write a letter of response to Ms. Cahill for Mr. Woog to sign. Staff was also directed to recommend to the Council not to accept settlement agreement.
3. Kevin Nelson: Staff was directed to inform Mr. Nelson that the fence is not in conformance with City Ordinances and direct him to remove it. The Chief is authorized to cite him and take whatever means necessary to get the fence removed in a timeline acceptable to the Chief.

A motion was made by Scott Pederson, seconded by Roger Varilek, to adjourn the meeting. All members voted "aye". Motion carried. The meeting was adjourned at 11:30 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Administrator