

**MINUTES
PEQUOT LAKES PLANNING AND ZONING COMMISSION
NOVEMBER 20, 2003**

PRESENT: Bill Habein, Joe Dotty, Karl Moon, Mark Hillan, John Derksen.
ABSENT: Marty Nelson, Tom Woog, and Cheri Seils.

PLANNING AND ZONING ADMINISTRATOR: Charles Marohn.

The meeting was called to order at 6:30 p.m. by Karl Moon, Vice-Chair.

APPLICANT: Little Pine Properties.

Applicant requests to rezone from Medium Density Residential to Exempt Commercial.

Applicant was present: Ron Schaefer, 6014 North Sluetter Road, Pequot Lakes.

Mr. Marohn explained his Staff Report. (Staff Report should read: Request to rezone from Medium Density Residential, not Multi-Family.)

A motion was made by Bill Habein to approve the rezone to Exempt Commercial.

John Derksen objected to another residential property being rezoned to a commercial use. By doing this, the City is losing residential homes in town and there are not enough residential homes now.

Mr. Marohn explained that the proposed Downtown Mixed Use would include a large portion of the residential district. The residential lots would redevelop to a higher level of use, such as converting to a walkable commercial or a higher density residential. It would allow both uses.

Mr. Habein stated that the Commission needed to be consistent or lose credibility as the lot on the other end of the block had recently been rezoned to Exempt Commercial.

The President from Our Savior's Lutheran Church was in attendance. He asked what type of commercial use was planned for the old church, since Our Savior's was right across the street. Mr. Schaefer explained that his original plan to remodel into apartments would not cash flow, that possibly a photography studio or a day care would be the best use.

Joe Dotty seconded the motion.

Mark Hallan called the question.

Roll Call Vote: J. Derksen: Nay; M. Hallan: Aye; J. Dotty: Aye; B. Habein: Aye.
Motion carried.

APPLICANT: Brian Evenson.

Applicant requests to rezone from Agriculture to Rural Residential.

Applicant was present: Brian Evenson, 32890 Evenson Road, Pequot Lakes.

Mr. Evenson explained that they didn't realize there were steps to follow to sell their home. The realtor and surveyor didn't inform them that they needed a lot split. It wasn't until they applied for a Building Permit for their new home that they were informed of any problems. They just want to sell 10 acres to get ahead. His grandfather purchased the land in 1890. He is on the Fire Department and could give 100 reasons for wanting to stay on the remaining 8 acres.

Approximately 2 years ago, a developer has requested permission to build 15 houses on 40 acres. The neighbors didn't want that many, possibly 4 or 5. The neighbors have signed a petition in support of his lot split.

Mr. Marohn explained his Staff Report. There was a lot split recorded in 2001 that created two non-conforming lots, one 15 acres and the other 18 acres. The proposed land use map indicates this area remain agricultural. The Long Range Planning Commission recognized the intent in the Sibley Plan, to keep low density and preserve agriculture.

Someone asked if there could be a stipulation attached to not be allowed to split the 10-acre parcel and Mr. Marohn advised that they could not do so in a rezone. The 10-acre parcel could be split again. There also was a suggestion to move the line separating the two, making one lot 9.9 acres and the other 8.8.

Crow Wing County metes and bounds splits allowed the creation of small lots. Mr. Marohn asked the Commission to give direction to the Long Range Planning Commission. Should the areas along the roads be rural residential?

Would this be a spot zone? No, not Agriculture to Rural Residential. Agriculture to Commercial, Industrial or Residential would be.

A motion was made by Bill Habein, seconded by John Derksen, to approve the rezone from Agriculture to Rural Residential.

Roll Call Vote: J. Derksen: Aye; M. Hallan: Nay; J. Dotty: Nay; B. Habein: Aye. 2 Aye, 2 Nay. K. Moon: Aye. Motion carried 3 – 2.

ADDITIONS OR DELETIONS TO THE AGENDA:

7. C. Cheri Seils Letter.

OPEN FORUM: None.

OLD BUSINESS:

6. A. Review of Conditions of Wilderness Point Resort.

Applicant was present: Dan Volk, 6316 Wilderness Point Road, Pequot Lakes.

Mr. Marohn explained that the City Council had sent this Conditional Use Permit back to the Planning Commission to add more conditions. The Commission has recommended approval with only one condition. Without direction from the Council as to what possible conditions should be added, there was discussion about extending the sanitary sewer, a stormwater plan, vegetation and the visual impact in the winter.

A motion was made by Mark Hallan, to recommend approval of the Conditional Use Permit, subject to the following:

1. The resort owners shall maintain the existing vegetation buffer at the shoreline in order to reduce visibility from the lake as well as mitigate any negative impacts from runoff due to the vehicles.
2. The RV units shall be removed from the site each year no later than October 1 and shall not be placed on the site prior to May 1 each year. The units from this area may be stored on the resort property over the winter so long as they are placed outside of the setback and are not visible from adjacent parcels or the water body.
3. Improvements to the road accessing the shoreline RV units shall be improved to stabilize the road and provide a surface that can accommodate annual placement and removal of the units.

There was discussion as to the dates in Condition 2. A motion was made by Bill Habein, seconded by Joe Dotty, to change the dates from October 1 to November 1 and May 1 to April 1. All Ayes, motion carried.

Condition 2 will now read: The RV units shall be removed from the site each year no later than November 1 and shall not be placed on the site prior to April 1 each year. The units from this area may be stored on the resort property over the winter so long as they are placed outside of the setback and are not visible from adjacent parcels or the water body.

John Derksen seconded Mr. Hallan's motion.

Roll Call Vote: J. Derksen: Aye; M. Hallan: Aye; J. Dotty: Aye; B. Habein: Aye.
All Ayes, motion carried.

NEW BUSINESS:

7. A. Evenson Metes and Bounds Subdivision:

Applicant was present. Brian Evenson, 32890 Evenson Road, Pequot Lakes.

The Commission was concerned that the North Tract contained 10 acres and could be subdivided in the future. It was suggested that the right-of-way of Evenson Road be created as a third parcel, Outlot A, and be dedicated to the City, which would reduce the size of both the North Tract and the South Tract.

A motion was made by John Derksen, seconded by Bill Habein, to approve the metes and bounds subdivision, to include Outlot A, subject to the successful rezoning.

Roll Call Vote: J. Derksen: Aye; M. Hallan: Aye; J. Dotty: Aye; B. Habein: Aye.
All members voted "aye". Motion carried.

7. B. Crow Wing County Direct Sale:

Mr. Marohn explained that the County has contacted the City for approval to remove the lot from conservation and make a direct sale to an adjacent property owner.

A motion was made by John Derksen, seconded by Joe Dotty, to recommend approval of the direct sale.

Roll Call Vote: J. Derksen: Aye; M. Hallan: Aye; J. Dotty: Aye; B. Habein: Aye.
All members voted "aye". Motion carried.

7. C. Cheri Seils Letter.

Members had been given copies of a letter from Ms. Seils submitting her resignation from the Planning and Zoning Commission. Staff was advised to send her a letter thanking her for her service on the Commission and accepting her resignation with regret.

APPROVAL OF THE MINUTES:

A motion was made by Mark Hallan, seconded by Joe Dotty, to accept the Minutes of the October meeting as read. All members voted "aye". Motion carried.

PLANNING AND ZONING ADMINISTRATOR'S REPORT:

Mr. Marohn explained the Permits that were issued in October and the correspondence sent out.

Potential Violations/Enforcement Actions:

David Swenson: We have made some progress with the vehicle removal. Mr. Swenson will be invited to attend the next meeting and explain his timeframe for removal of the rest.

Cathi McBryde: Staff has met with Ms. McBryde onsite and explained what needed to be removed. She was to write us a letter the following week outlining her plans and said letter has not been received. This has been an on-going situation. A motion was made by John Derksen, seconded by Bill Habein, to send this matter to the City Council. All members voted "aye". Motion carried.

David Watt: Mr. Watt has not installed his alarm. Mr. Hallan will talk with him personally.

Don Babinski: The ordinance does not address barbed wire. The barbed wire portion of the fence exceeds the 6-foot height limit, making it non-compliant.

Roger Rudbeck: Mr. Rudbeck was in attendance. He had a receipt for renewing his permit. He was advised that financial issues are a City Council matter.

Larry Fyle: Mr. Fyle was in attendance, as well as Jack and Roger Rudbeck. Mr. Fyle acknowledged that Tim Wimperis has his permission to repair RV's at his property. Crow Wing County was aware of the operation, as well as the former Sibley Township Planning and Zoning Administrator, Dennis Slayton. It was determined that this is a legally operating non-conforming use. It was agreed that there would be no more than 3 RV's at one time, no outside collection of debris or parts, and if this is not followed, the use would be looked at as a commercial use and would not be allowed. A letter of understanding will be sent to Mr. Fyle.

Von Ro: The original application was for service, not sales. Mr. Hardy needs to apply for a Conditional Use Permit for sales.

Mr. Dotty suggested that meeting procedures needed to be defined. He suggested that the applicant speak, ask for public input, then close comments so

the Commission can discuss the matter. It was agreed that the meetings need to be more formal and the Commission needs to pursue the matter.

A motion was made by Joe Dotty, seconded by Bill Habein, to adjourn the meeting. All members voted "aye". The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Dawn Bittner
Planning and Zoning Staff