

**MINUTES  
PEQUOT LAKES PLANNING AND ZONING COMMISSION  
SEPTEMBER 18, 2003**

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

PLANNING AND ZONING ADMINISTRATOR: Beth Elliott, Community Growth Institute. Charles Marohn was on vacation.

The meeting was called to order by Vice-Chair Karl Moon at 6:34 p.m.

APPLICANT: Marian Beck

Applicant requests a metes and bounds subdivision in the Urban Residential District.

Applicant was present – Marian Beck, 15893 Winterwood Trail, Brainerd, MN.

Ms. Elliott explained the Staff Report. The Staff Report included a possible condition regarding the gravel driveway on the east lot be removed and replaced with sod or grass seed. Mrs. Beck stated that it really wasn't a gravel driveway, but just a dirt area where people had driven and would potentially be excavated when a new home were constructed on the lot.

A motion was made by Bill Habein, seconded by Joe Dotty, to approve the metes and bounds subdivision. All members voted "aye". Motion carried.

APPLICANT: Pequot Lakes Baptist Church

Applicant request rezoning in the Industrial District to some type of residential or commercial zoning for the expansion of the church.

Applicant was present – Speaker for the church was Wayne Anderson, 2665 – 36<sup>th</sup> Avenue S. W., Pine River, MN.

Ms. Elliott explained the Staff Report and the different zoning classifications.

Mr. Anderson offered background information. The church purchased the original 5 acre parcel for \$1.00 in January, 1982. The new church was completed in 1990 and is presently zoned R-1. In August, 1996, the City of Pequot Lakes created the Industrial Park. The 5 acres belonging to the church was marked on the plat of the Park as "Not In Plat". The Industrial Park was

placed next to the church creating this problem. The church did not create the problem. The City Council Minutes from December 22, 1998 indicate that the church had offered \$40,000.00 to purchase Lots 1 – 4. The City agreed to a sale price of \$47,000.00. The deed was recorded January 27, 1999. The City was aware of the intentions for the land. The relocation of Highway 371 could also impact the Industrial Park, Morehouse Drive and Derksen Road.

Mr. Anderson's comments regarding the Staff Findings:

1. The church does not sit on property designated in the Industrial Park. The Park was created after the church.
2. Crow Wing County Tax Statements indicate a zoning of residential non-homestead for the 9.12 acres. The church is requesting a zoning class allowing expansion.
3. The parcels are incorrectly zoned because when they were sold to the church, they were no longer part of the Park.
4. The proposed future land use map indicates the Light Industrial zone will expand south.
5. Safety concerns with the roads – 1 blacktop, 2 dirt and 1 doesn't exist. The only heavy machinery are the Cemstone cement trucks. The traffic on Derksen Road is occasional farm equipment and City trucks on weekdays and during the day. How did a cement business be allowed in a Light Industrial zone?
6. The church is pleased that the Industrial Park is growing, but don't discount a church as an asset for a City. The church is growing and will continue to grow with tremendous increases to the community, such as lodging, home sales and restaurants. 250 people come to Pequot Lakes from area communities each Sunday.
7. The church requests rezoning to allow for expansion, but also requests the Planning Commission to consider two concerns:
  - a. Enable the church to proceed with the expansion; do not select a zone requiring a 2- month delay.
  - b. If you choose a zone requiring a conditional use permit, that you waive the conditional use permit.

First choice would be Forestry. The total 14.12 acres meets the qualifications. Their second choice would be Residential with 30% impervious coverage,, but the impervious coverage limit could affect future expansion.

There were no comments from the audience.

Commission member comments: The City was aware of the churches desires at the time of the sale. They were aware that the church had plans to expand. The 4 parcels are zoned incorrectly, there is no infrastructure. The City should have rezoned the parcels at the time of the sale. A Conditional Use Permit puts construction off 2 months and the church would like to proceed. Can the Commission waive a Conditional Use Permit?

A motion was made by Bill Habein, seconded by John Derksen, to rezone the 4 parcels to Forestry. Roll Call Vote: B. Habein: Aye; M. Nelson: Nay; C. Seils: Aye; J. Dotty: Nay; J. Derksen: Aye. Ayes: 3; Nays: 2. Motion Carried.

APPLICANT: Linda Richards and Dan Volk

Applicant requests a Conditional Use Permit to amend the PUD for Wilderness Point Resort.

Applicant was present: Linda Richards, 6316 Wilderness Road, Pequot Lakes, MN.

Ms. Elliott explained the Staff Report.

Ms. Richards explained that they didn't intentionally violate their conditional use permit from the County. They had gone to the County to request RV's on tent sites. Tent sites mean no sewer or water. The campers have been down next to the lake for 9 years or more. They have requested public comments and had a petition signed. They have been told that there is less noise and traffic with the seasonal sites than with the tent sites.

Comments from the Audience:

Everett Utter, 5804 N. Linden Road, Nisswa, MN. He has been a resident of the lake for 38 years. The area of the tent sites was developed by a previous owner by cutting into the hill and pushing the dirt in the lake. Renters at the resort sunk his row boat 3 times 2 years ago. He had been told there were no guidelines for the renters. The area is saturated. New pontoon and lift along shore and how many docks allowed in the PUD.

Ms. Richards stated that they do have guidelines but cannot patrol the water. They have more control over renters they know, rather than tent campers that change every weekend.

Charlie Boudrye: He has been up here 25 years and wonders what the distinction is between soft-side campers and tents. The impact on the environment is a wash. The resort tried tents for 2 years, and it caused them to go to seasonal use. The noise problems were greater with the tenters.

Tom Beaver, 26834 Pine Acres Road, Nisswa, MN: He attended the Crow Wing County Planning Commission meeting in 1998 when the PUD/CUP was approved. The Commission Chair, Bob Albrecht, noted the lack of tent sites remaining in the county and felt they should remain. The Commission concurred. He stated that he is not representing the 2003 Cullen Lakes Board, but rather a carryover of the 1998 Board. The Minutes of the Crow Wing County meeting

indicate tent sites. Increased impervious surface cover creates more runoff to the lake. He also had some statistic from the Army Corps of Engineers that indicated that there are a few more problems with tent campers versus hard-side campers – mostly noise. A change in the language could make a new use in the Shore Impact Zone. He also stated that contacting people 350 feet from the subject property is not very many people.

Duane Fowler, 27461 Cullen Cove Road, Pequot Lakes: He stated that maybe some of the people objecting actually had a second agenda. In 1998 when the resort was updating their septic system, people objected to the improvements. Their objection wasn't to the improved septic system, it was dust. Dan and Linda run a good business. They make improvements each year. They are very strict. The tenters were partiers.

Kevin Larson, 9683 Ranchview Lane, Maple Grove, MN: He leases a seasonal site. The 6 sites are not adjacent to a road, it is a driveway to get to the sites. It is an affordable alternative to enjoy the north woods. He treats the site as his own property. There are rules. If you dump waste, you are evicted. I treat my site as my own property, my lake. There are 5 sites that are not detected from the lake.

Brian Jones, 6789 Cullen Cove Road, Pequot Lakes: Tent sites are for young people. It is the people that create the problem. This is the Shore Impact Zone. A trailer on a primitive site with no sewer and water. They need generators and holding tanks. Where do they get their water? There is no need to change the language. They need to hold a new hearing and do the whole process. There is no need to change the use.

Dick (could not get last name from tape), 2833 Meadow Lane, St. Cloud, MN: He leases a site and has for about 8 years. The new pontoon and lift are his. He replaced an old one. He takes pride in his site. He has always used a camper at the site, never a tent.

Comments from Commission: This is our only resort. (There are two other small resorts) There are no public accesses to lakes. Resorts are a positive. There is little difference in impact on lake between tents and campers. Neighboring parties are in favor of the seasonal, primitive sites or feel it is an improvement. We are not in danger of running into this situation again as it is unlikely new resorts will be built. There is a potential for leakage from sewage tanks, oil or gas.

There is a 3- foot to 6 -foot ice ridge with scrub brush. There is no evidence of problems in the water. If the resort were to sell, would the next owner be as diligent? If the resort were to sell, it would most likely be to a developer and be subdivided.

A motion was made by John Derksen, seconded by Joe Dotty, to recommend approval of the Conditional Use Permit, subject to the following condition:

1. Maintain existing vegetative buffer.

All members voted "aye". Motion carried.

#### ADDITIONS OR DELETIONS TO AGENDA:

- Additions:
8. A. Individual Sewage Treatment System;
  9. B. Exemption from Home Inspection;
  9. C. Next Meeting Date;
  9. D. Special Meeting.

#### APPROVAL OF MINUTES:

A motion was made by Joe Dotty, seconded by Bill Habein, to accept the Minutes as read. All members voted "aye". Motion carried.

#### P & Z ADMINISTRATOR'S REPORT:

Ms. Elliott explained the permits, correspondence and violations. M. Nelson questioned why Chris Greer was still listed as a violation. Staff will check with Mr. Marohn when he returns.

#### OPEN FORUM:

J. Dotty reported that he had spoken with Grant Walker, Walker Junk Yard. Mr. Walker had recently removed 300 tons of steel, which equals approximately 250 cars! Ms. Elliott stated that Community Growth recommends Mr. Walker to other cities having junk car problems. He is providing a service for the community.

#### OLD BUSINESS: Individual Sewage Treatment System Application

Staff had included this in the agenda as it was discussed at the August meeting. In that discussion, it was stated that it would be revisited in September. Staff reported that she had had a conversation with an installer's wife and felt it was not going to continue to be a difficult issue. It is more an education process.

#### NEW BUSINESS:

Nelson Property Inquiry: Len Nelson had requested to be allowed to add a bathroom to a pole building. Staff had concern that it may be a home occupation. After discussion with the Commission, it was determined that it was not a home occupation and not an issue.

Exemption from Home Inspection: Someone had asked whether or not a newer home, 3 years old, being moved into the City, would require a home inspection.

After discussion, it was determined that all used homes being moved into the City would require an inspection.

Next Meeting Date: October 16 is the next meeting date and also MEA. That date did not prove to be a problem for anyone. That meeting date will remain.

Special Meeting: Staff explained that it may be necessary to hold a special meeting. It was agreed that October 2, 2003, would be an acceptable date, prior to the Long Range Planning Commission meeting.

A motion was made by Cheri Seils, seconded by Marty Nelson, to adjourn the meeting. All members voted "aye". Motion carried. The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Dawn Bittner  
Planning and Zoning Staff