

**MINUTES
PEQUOT LAKES PLANNING COMMISSION
REGULAR MONTHLY MEETING
APRIL 19, 2007**

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

CITY PLANNER: Charles Marohn, PE.

ZONING ADMINISTRATOR: Dawn Bittner.

CITY COUNCIL LIAISON: Craig Nagel and Dave Sjoblad.

The meeting was called to order by Tom Woog, Planning Commission Chair, at 7:30 p.m.

APPLICANT: Dan Helbling

Applicant requests Final Plat of RV Resort at the Preserve.

Mr. Helbling was not in attendance. Tim Moore, WSN, represented Mr. Helbling. Mr. Marohn explained the Staff Report. He modified Finding of Fact No. 3 to read: The City Attorney has approved the title information. He also modified Finding of Fact No. 4 to read: The City Attorney has prepared and finalized the Developer's Agreement. Mr. Marohn recommended the Final Plat be approved.

The Planning Commission discussed the following to be included in the Developer's Agreement and added as conditions:

1. Park Dedication be included in the amount of \$17,740.80.
2. Completion of road improvements to County Road 168 be completed by November 1, 2007.
3. The Developer's Agreement be modified per City Engineer's comments in the April 19, 2007, 3:40 p.m. email.

Mr. Moore had no comments.

Lonny Thomas, Attorney for Dan Helbling, was also in attendance. He stated that he did not address Condition No. 2 of Preliminary Plat approval in the Declaration, which refers to the entrance of Lot One. He will revise the Declaration. He checked his emails, and had received an email from our City Attorney at 5:10 this afternoon referring to the Lot One entrance.

A motion was made by Tom Adams, seconded by Mark Hallan, to approve the Final Plat, based on the following, modified Findings of Fact:

1. The applicant has complied with the conditions of the preliminary plat approval. Specifically,
 - a. The resort has developed an internal process for tracking and reporting on impervious coverage. This process is detailed in Section 7.12 of the Declarations.
2. The layout represented in the final plat is what was presented and approved in the preliminary plat.
3. The City Attorney has approved the title information.
4. The City Attorney has prepared and finalized the Developer's agreement.
5. An independent land surveyor has concurred that the final document meets the statutory requirements.
6. No financial security has been provided. The amount of financial security will be identified within the development agreement, when prepared.

and the following conditions:

1. Park dedication fee;
2. City Attorney has approved various documents;
3. Road improvement must be completed by November 1, 2007;
4. City Attorney agrees with City Engineer comments;
5. Include wording on access to private road; and
6. Change of Declarant name.

Public Comment: None.

Financial Security for road improvements and the individual sewage treatment system were discussed. These improvements are private. Tim Houle, City Engineer, stated that the roads are not being built to any City standards. Tim Moore stated that Mr. Helbling cannot receive the license from the Health Department without the MPCA Certificate of Compliance for the wastewater.

Park Dedication and the means to establish the \$17,740.80 was discussed. Ten percent of the land value would have been \$22,800.00.

Mr. Hallan requested that the words "and others" be added on page 3, first paragraph, after Widseth Smith Nolting.

ROLL CALL VOTE: All "ayes". Motion carried.

Mr. Williams requested to add a footnote that he is disappointed and perplexed sitting here on a Final Plat with so many loose ends and that it somehow needs to be tighter before it comes to the Planning Commission. Part of why he was perplexed is he doesn't know how you would tie the developer up, such as knowing the park dedication formula used, we have a Common Interest Community without the language we wanted in it, last minute emails by the City Attorney, City Engineer and how a condition of Preliminary Plat was missed. Also asked why the City Attorney drafted the Developer's Agreement and not the applicant's attorney.

Mr. Marohn stated that the direction the Planning Commission gave us in the past was not to accept incomplete applications. Staff was not pressured to accept this one, but felt like there was some momentum to get this moving and things will be done. He suggested that the Planning Commission either make a motion or give absolute direction not to accept Final Plat applications until we have all the information.

A motion was made by Dean Williams, seconded by Bill Habein, to seek concurrence by the City Council and the Mayor that Final Plats will not be placed or allowed on agendas until Staff has received final comments from the City Attorney and City Engineer.

ROLL CALL VOTE: Mr. Habein: Aye; Mr. Adams: Nay; Mr. Varilek: Aye; Mr. Williams: Aye; Mr. Hallan: Nay; Mr. Pederson: Nay. 3 Aye – 3 Nay. Tie Vote. Mr. Woog: Nay. Motion Fails.

Mr. Woog stated that the Planning Commission is unhappy with the way this went down. Staff was directed not to accept applications as complete without all submittals. The Planning Commission wants to receive comments from the City Attorney and City Engineer in their packets.

APPLICANT: Jay Kline

Applicant requests a Conditional Use Permit for a Funeral Home.

Mr. Marohn explained the Staff Report. Mr. Kline was present. Mr. Marohn recommends approval based on Findings of Fact 1 – 18, with the three conditions.

Parking was discussed. Mr. Kline is required to have a minimum of 27 spaces, but 27 spaces are not sufficient. He has many elderly guests and prefers to have parking close to the building. Adding parking on the east removes the buffer next to the highway. An entrance to the building on the east side is not suitable. The parking spaces will be used approximately 6 hours per week.

Pat Trottier, Landecker and Associates, passed out a new site plan, etc. He has made the ponds a little larger and deeper to contain a 10-year, 24-hour storm event. The trees along Lilac Drive are predominantly Red Pine. Shrubs could be added between the street and the parking area.

The Department of Health regulates Funeral Homes. The embalming fluid, etc. must drain to a municipal sewer system or into a holding tank. Embalming waste cannot go into a septic system. The holding tank is not shown on the site plan.

Mr. Kline was directed to provide a copy of the certification that they are properly handling the blood and embalming fluid per Department of Health standards.

A motion was made by Mark Hallan, seconded by Tom Adams, to approve the Conditional Use Permit, based on the following Findings of Fact:

1. The proposed use is an appropriate conditional use in the Commercial District as a funeral home is classified as a commercial use, being that it provides services to the community.
2. The proposed use does not conflict with the Comprehensive Land Use Plan. The Plan discusses the role of the professional and service sectors within the community, but does not contain any specific policy statements regarding this type of use. One identified action within the Plan (p. 41) directs the City to encourage businesses in the professional/service sector to locate on the perimeter of the downtown in order to facilitate more space for retail directly in downtown. The proposed service business is located just south of the core downtown area.
3. The proposed use, with conditions, would be compatible with the existing neighborhood as most of the surrounding properties are undeveloped, with a landscape nursery to the northwest and a car wash to the north of Pillsbury Street.
4. The proposed use would not be injurious to the public health, safety, or welfare as funeral homes typically do not carry out activities that are detrimental to the public.
5. The proposed use is unlikely to be injurious to the use and enjoyment of other properties in the immediate vicinity, as the services provided by the proposed use would be held within the confines of the building and the proposed use is located within a commercial district.
6. The proposed use should not impede the normal and orderly development and improvement of surrounding vacant properties. There are no additional public services or facilities required for the development of this property.
7. The applicant proposes to access this property from Lilac Drive. On days when funerals are held, there will be impacts on local traffic as funeral attendees travel to and from the funeral home and cemetery. These local traffic impacts will be occasional, and not contribute to the overall daily traffic load on Lilac Drive, Pillsbury Street, and State Highway 371.
8. The applicant proposes to construct 42 parking spaces on the property to serve the staff and patrons. The Ordinance requires one space for every four seats of capacity in the funeral home. With 42 proposed parking spaces, the funeral home could have a maximum capacity of 168 occupants, while the applicant proposes 110 seats in the chapel area of the business.
9. The proposed parking stalls meet the minimum dimension requirements, being ten feet wide and 20 feet in length.
10. The applicant has placed the majority of the parking spaces to the side of the building, with seven spaces in front of the building. The Ordinance requires that all parking be placed to the side or the rear of the building.
11. The applicant has proposed to maintain existing vegetation along the perimeter of the property, supplementing the northern boundary with additional trees for screening. Trees and vegetation along the eastern portion of the property are also proposed to be maintained. The proposed use of vegetation should provided the required 50% screening required from the road or any non-residential parcel in the area.

12. The parking standards require that more than five contiguous parking stalls be landscaped. The applicant has indicated in the submitted drawings that landscaping will be placed for screening purposes and has also indicated additional landscaping around the perimeter of the proposed building, but landscaping within the parking area itself has not been shown.
13. The proposed use is unlikely to produce noise, dust, or odors at a level that would constitute a nuisance, outside of those typically associated with the construction of the building.
14. The property is largely wooded, and the applicant proposes to remove vegetation on the western portion of the property to accommodate the proposed structure and parking, while maintaining the vegetation and trees along the eastern portion of the property. There otherwise are not any sites of historic or natural significance on this site.
15. The applicant has proposed the construction of stormwater retention ponds on the property that would retain the stormwater from a 5-year, 24-hour storm event. The Ordinance allows up to 50% impervious coverage in the Commercial district with an approved stormwater management plan for a 10-year, 24-hour storm event.
16. The applicant has significant space to accommodate an on-site sewage treatment system, proposing both a primary and alternate site.
17. The proposed building meets the maximum building height of 25 feet, measuring roughly sixteen feet as measured by Ordinance requirements.
18. The proposed structure and parking area meet all of the required setbacks, including the setback from the City right-of-way, setback from the side yard, and setback from the State right-of-way.

subject to the following conditions:

1. Seven similar coniferous trees shall be added between pond 1 and the parking lot.
2. Appropriate holding tank be shown on site plan.

All members voted “aye”. Motion carried.

ADDITIONS OR DELETIONS TO AGENDA:

ADD: Signage and Final Plat Submittals.

DELETE: ISTS – table to another meeting.

OPEN FORUM: NONE.

NEW BUSINESS:

Crafter’s Mall, Trimming of Trees and Outside Storage:

Rob Van Valkenburg was in attendance. Mr. Marohn explained that Mn/DOT had given permission to remove trees within Mn/DOT right-of-way. The Conditional Use Permit for the Crafter’s Mall required a buffer be maintained. Mr. Van Valkenburg stated he

would like to trim the pine trees 10-feet up and remove some of the cedar trees per Mn/DOT's permission. The cedar trees are the real issue. The Planning Commission agreed that Mr. Van Valkenburg could remove the cedar trees, but he would plant a spruce tree on his property for every cedar tree removed.

Mr. Van Valkenburg inquired whether or not he could shrink-wrap boats and store them outside. Staff stated that exterior storage would not be allowed as it was a condition of his CUP.

Mr. Van Valkenburg then inquired whether he could purchase some other property and store the boats there. Staff advised that outside storage is allowed as an accessory use. The principle use must be there and outside storage must be the secondary use.

Mr. Van Valkenburg then stated he had been contacted by a helicopter pilot who would like to give helicopter rides from the Crafter Mall location. Sandy Youngbloom was in attendance with Mr. Van Valkenburg. Her husband is a commercial helicopter pilot and would like to give rides a few weekends during the summer. Mr. Marohn read the definition of "Airport". An airport is an excluded use in every zone. There were noise and traffic concerns. She stated that the helicopter they use is a lot quieter than the one used at Paul Bunyan Land. It was the consensus of the City Planner and Planning Commission that they would need to apply for a Conditional Use Permit.

Third Party Plat Checks:

An independent, third party plat check was discussed, as well as a third party plat check. It was agreed to use "independent, third party plat checks" as a policy until an Ordinance Amendment takes place at the end of the year.

Property Liens:

Staff was directed to contact the City Attorney to find out how long after sending out an invoice does the City need to wait before it can place a lien, as well as the process for a lien with a judgment.

ISTS Ordinance:

Tabled to another meeting.

Interpretation on Commercial Uses:

The Planning Commission stated that the Staff interpretation was correct.

Signs:

There are numerous signs in the Downtown Mixed Use and Commercial districts that are in violation of the Ordinance. The real estate signs exceed the ordinance. Staff was

directed not to take a survey, but to bring back some recommendations to the Planning Commission.

Final Plat Submittals:

OLD BUSINESS:

Park Dedication:

This was tabled until next month. Those Planning Commission Members with notes gave them to Mr. Marohn.

APPROVAL OF MINUTES:

A motion was made by Dean Williams, seconded by Tom Adams, to approve the Minutes as read. All members voted “aye”. Motion carried.

ZONING ADMINISTRATOR’S REPORT:

Bittner pointed out the 3 permits issued and the 7 emails or letters sent out.

Potential Violations/Enforcement Actions:

1. Dale Kroells: Staff was directed to verify completion date.
2. Darrell Lake: Staff was directed to use the picture with the new building in the Lake Education brochure.

Staff was directed to include the list of park land in the packets next month.

ADJOURNMENT:

A motion was made by Bill Habein, seconded by Tom Adams, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 10:33 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Administrator