

**MINUTES  
PEQUOT LAKES PLANNING COMMISSION  
REGULAR MEETING  
OCTOBER 18, 2007**

PRESENT: Bill Habein, Dean Williams, Tom Adams, Tom Woog, Mark Hallan, Scott Pederson, John Derksen and Mary Peterson. ABSENT: None.

CITY PLANNER: Tim Schmidt, Community Growth Institute.

ZONING ADMINISTRATOR: Dawn Bittner.

COUNCIL LIAISONS: Craig Nagel and Dave Sjoblad.

The meeting was called to order by Chairman Woog at 6:32 p.m. Mr. Woog welcomed new member Mary Peterson.

**APPLICANT: City of Pequot Lakes  
Applicant requests an Ordinance Amendment to Modify Height Limits in the Light Industrial District**

Mr. Schmidt explained the Staff Report. There was no public comment. Mr. Habein stated that maybe Building Height should be raised to 35 feet and leave out Accessory Equipment Structure Height. Mr. Williams agreed, but suggested the definition be included in Section 3, Definitions, not Section 5.13, and Structure Height could be increased to 35 feet. If additional height is needed, a Conditional Use Permit could be applied for, not a Variance as there would be no hardship. The Planning Commission wondered where the 25 foot height limit originated. The Planning Commission was reminded that this public hearing is not to change the building height, only accessory structure height.

The following needs to be considered: fire safety, visual impacts, adding floors (utility concerns), and accessory structure being an open air facility. Performance standards could be added through a CUP. Staff was directed to consider the 35-foot height limit and answer the items to be considered.

A motion was made by Tom Adams, seconded by Bill Habein, to table this matter. All members voted "aye". Motion carried.

**ADDITIONS OR DELETIONS TO THE AGENDA:**

New Business:

6. d. Industrial Park Proposal – Driveway discussion.

**OPEN FORUM:** None.

**NEW BUSINESS:**

**Lakes Area Crafters Market, Rob Van Valkenburg: Servicing vs. Repair:**

Mr. Schmidt explained the Staff Report and stated that there is very little distinction between servicing and repair. The Conditional Use Permit was issued to conduct boat and RV winterization, detailing and servicing.

Mr. Van Valkenburg was in attendance. He didn't realize there was a difference between repair and servicing and inadvertently used "repair" on his sign. He is only servicing the motors. He doesn't want to do any heavy breakdown of motors. When asked whether or not he had obtained the MPCA permits required as a condition of the CUP, he stated that the MPCA told him he didn't need any permits for the type of work he was doing. The oil is put in a plastic container and a company picks it up and recycles it. Winterizing is happening, not repair. Mr. Pederson stated that he visited the facility and saw no repair equipment, such as riveting tools.

The use of a banner sign was discussed. The use had continued more than 14 days. The Planning Commission was reminded that the Staff Report refers only to repair and servicing, not to sign issues.

Boats being serviced and not stored on site were discussed. This was not specified in the CUP.

It was the consensus of the Planning Commission that repair and service are synonymous.

**Metes and Bounds Subdivision, Donald O'Brien:**

Mr. Schmidt explained the Staff Report. Kevin McCormick, SEH, attended representing Mr. O'Brien. Mr. McCormick stated that they moved the lot line so the driveway was contained entirely on one tract. Lots 3A and 4 were consolidated so there was no longer a 50-foot remnant lot.

Finding of Fact No. 12 should be re-written to read: No new lots are being created with the proposed subdivision. Rather, the subdivision will eliminate the non-conforming parcel 3A by combining it with Lot 4 into Tract A.

Section 9.4 applies to all subdivisions, not just plats, PUD's, etc.

A motion was made by Tom Adams, seconded by Dean Williams, to approve the metes and bounds subdivision, based on the following Findings of Fact:

1. The land is properly zoned Shoreland Residential and is suitable in its natural state for residential uses as permitted in the SR zone, as the property has been used for residential.
2. While there is a bluff on the north end of the properties, the proposed Tracts are large enough in size to accommodate normally permitted structures while meeting all required bluff, yard, and OHW setbacks.
3. All of the existing structures are non-conforming, except for the existing garage, due their locations in regards to lake and bluff setbacks. The proposed Tract B contains an existing shed that is currently located near the western property line. The applicant proposes to relocate this shed. Other than that shed, the proposed lot line adjustment does not make any of the existing buildings non-conforming.
4. Each of the dwellings has a separate on-site sewage treatment system.
5. The applicant is not proposing any additional provisions for water-based recreation as these properties are existing uses.
6. Both proposed lots meet the minimum buildable lot size of 20,000 square feet in the SR zone, with Tract A being 3.5 acres and Tract B being 2.8 acres.
7. All lots meet the minimum lot width of 100 feet, with Tract A being approximately 180 feet wide and Tract B being approximately 150 feet wide.
8. All the lots meet the impervious coverage limit of 20% for the Shoreline Residential zone, with Tract A having approximately 1% coverage and Tract B currently having about 3% coverage.
9. The proposed lot layouts are compatible with the existing layout of adjoining properties and the proposed lot lines are parallel and perpendicular to existing lot lines. Future development will not be constrained by the proposed lot layouts.
10. The proposed side lot line is not at right angles with the road due to the curve in the road at this location.
11. Both lots meet the minimum frontage on public right-of-way requirement of 33 feet, having more than 100 feet each.
12. No new lots are being created with the proposed subdivision. Rather, the subdivision will eliminate the non-conforming parcel 3A by combining it with Lot 4 into Tract A.

subject to the following condition:

1. The shed located on Tract B on the shoreline and within the western side yard setback shall be removed or relocated to an entirely conforming location on the property within six months of approval of this application.

All members voted "aye". Motion carried.

#### **Banners – Discussion:**

Mr. Schmidt explained the Staff Report. Staff has recommended that Temporary Signs require a permit, 30-day limit per calendar year with a size limit of one-half of allowed area for a permanent sign. The number and size, cumulative or not, was discussed.

Thirty days may be too restrictive. A fee may be unnecessary. The City wants to limit blight, but not hurt business owners.

Major companies give reductions to businesses who display their signs. Could we limit the number and length of time they are in place? Mrs. Peterson stated that the banners are free. Some salesmen hand them. The business owner initiates the banner and instructed the salesmen what to say on banner.

Bill Nemitz, Timberjack, stated that banners are a way to advertise without spending money. Limiting the number is fair. Old signs should be replaced. Specials last longer than 30 days.

It was suggested that the advertising be placed on their allowable sign. That would be too far away to read and signage cannot be placed within right-of-way, per Mr. Nemitz.

Mr. Nemitz stated that banners are a perk. Four or five banners would be reasonable. One or two is not enough. When asked if he could plan advertising over the course of a year, he stated that advertising is very spontaneous.

Mr. Woog stated that the Ordinance as written was approved by the business community, as long as it was enforced fairly. Mr. Nemitz stated that the business community didn't agree with the ordinance, they compromised.

Mr. Nemitz stated that businesses need to communicate with the traffic driving by. Banners are utilized in high traffic areas.

Banners are constructed out of temporary materials for a permanent sign. Worn out banners need to be replaced.

A sign concept plan addresses additional signage through a CUP. No signs are allowed in the right-of-way. There needs to be a maximum total size. We could eliminate the clutter by reducing the size and limit the number.

Free banners are advantageous to business owners. "Welcome Hunters" signs are iconic to "up north". "Taco Night" is not "up north".

Add the following to the proposed Ordinance Amendment: Total number on display of all temporary signs shall not exceed 4, provided they are not in place longer than 14 days in any 90 day period.

A motion was made by Dean Williams, seconded by mark Hallan, to hold a public hearing on this Ordinance Amendment at the November meeting. Motion carried. 6-aye; 1-nay (John Derksen).

**Industrial Park Proposal – Driveway Discussion:**

Staff explained that a proposed business in the Industrial Park had encountered difficulty meeting the required 30-foot side yard setbacks with their driveways. The side yard setback for parking is 10 feet. The original intent may have been to have the side yard setback at 10 feet. A buffer should remain between the lots.

Staff was directed to initiate an Ordinance Amendment as an oversight. “Driveway” could be added to the parking setback. Staff was directed to publish this as an Ordinance Amendment at the November meeting.

**OLD BUSINESS:**

**Fence Performance Standards:**

Mr. Schmidt explained the Staff Report. Mr. Adams suggested 36 inch height all the way back in the Shoreline Residential zone. Swimming pools need 42 or 48 inch fences. A survey for a fence could range anywhere from \$700 to \$1,500. Staff was directed to see if there are any other zones along the lakes beside Shoreline Residential and Shoreline Commercial, such as Urban Residential or Transition Residential.

Staff was directed to schedule this for a public hearing at the November meeting. Additions are to be made to Shoreline Residential only.

\*\*\*Mr. Woog stated he would like to make public acknowledgement that the 2007 Lake-Friendly Development Award has been awarded to Scott Pederson of Nordenstua on Sibley, a Pequot Lakes development.

Mr. Adams suggested placing a moratorium on development along the alternate route. Mr. Schmidt explained how a moratorium worked. Mr. Woog suggested asking the Subcommittee at their next meeting.

**APPROVAL OF MINUTES:**

Page 7, change bypass to alternate route. Page 3, add “He said” to the second sentence in the last paragraph. A motion was made by Tom Adams, seconded by John Derksen, to approve the Minutes, as corrected. All members voted “aye”. Motion carried.

**ZONING ADMINISTRATOR’S REPORT:**

Staff pointed out the 12 permits that were issued and the 17 letters sent. The following Potential Violations/Enforcement actions were discussed:

1. Stacey Simons: Staff requested a Commission Member volunteer to meet with Mr. Simons. Scott Pederson agreed to attend. The Planning Commission suggested that Chief Braam also attend.

**ADJOURNMENT:**

A motion was made by Tom Adams, seconded by Scott Pederson, to adjourn the meeting. All members voted “aye”. Motion carried.

Respectfully submitted,

Dawn Bittner  
Zoning Administrator

\*\*\* Mr. Adams reminded everyone of the Library Basket Auction on Saturday at Deacon’s Lodge.

\*\*\*Mr. Woog reminded everyone of the public information meeting on the Highway 371 expansion on Thursday, October 25 at the High School cafeteria from 6:30 to 8:00 p.m.