

**MINUTES
PEQUOT LAKES PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 15, 2007**

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

CITY PLANNER: Charles Marohn, PE.

ZONING ADMINISTRATOR: Dawn Bittner.

COUNCIL LIAISON: Jim Oraskovich.

The meeting was called to order by Vice-Chairman Adams at 6:30 p.m.

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

Mr. Marohn explained the Staff Report. The Fire Chief, Tom Nelson, had been contacted after the Staff Report was prepared. Mr. Nelson informed Staff that their ladders are only 35 feet tall and that a height over 30 feet is really pushing the envelope. He would prefer a height limit of 25 feet to 30 feet. Mr. Marohn stated he recommends a maximum building height of 30 feet.

JOHN DERKSEN ARRIVED at 6:24 p.m.

Accessory structures vs. primary structures were discussed. There may need to be two numbers. Limiting the square footage of accessory structures was also discussed.

A motion was made by Bill Habein, seconded by Scott Pederson, to recommend amending Section 5.13 of the Land Use Ordinance to read as follows:

Subdivision 3. Lot, Use, and Density Requirements:

- Building height, primary structure – feet, maximum 30
- Building height, non-occupied accessory structure – feet, maximum 45

Motion carried. 4 Ayes, 1 Nay (Dean Williams).

(The Averys had informed Staff that they are in route and would be a little late. Vice-Chair Adams moved on to next Agenda item.)

APPLICANT: City of Pequot Lakes
Applicant requests an Ordinance Amendment to Modify Onsite Signs

Mr. Marohn explained the Staff Report. He stated that although the Sign Ordinance has been in affect for quite some time, the City has received numerous complaints regarding the continued use and abuse of banners as a means of advertising. The real estate signs that were in violation were addressed earlier and have all become compliant. Mr. Marohn also recommended re-writing the recommendation included in the Staff Report to read as follows:

Each parcel shall be allowed, for up to 14 days during any 90 day period, temporary signs, including banners, streamers and portable signs for special events, such as grand openings and promotions, provided they meet the following:

- i. The total cumulative area of all temporary signs shall not exceed one half of the area allowed for a permanent sign in said zoning district, as provided for in Section 7.1, Subdivision 5.
- ii. No more than four (4) temporary signs shall be on display at a given time for each parcel, provided that the total area of the signs conforms to the provisions of subpart (i) contained herein.

Enforcement will be complaint driven. Mr. Pederson suggested that 14 days may be too restrictive and thought 26 days may be better. Mr. Adams reminded the Planning Commission that last month Chairman Woog stated that the business community had discussed this issue a year ago and thought the 14 days in a 90-day period was adequate. Signs have been discussed at several meetings. The old Ordinance prohibited banners.

A motion was made by Bill Habein, seconded by John Derksen, to recommend amending the Ordinance to read as follows:

In Section 7.1, Subdivision 3B, amend the Ordinance as follows:

- B. Each parcel shall be allowed, for up to 14 days during any 90 day period, temporary signs, including banners, streamers and portable signs for special events, such as grand openings and promotions, provided they meet the following:
 - i. The total cumulative area of all temporary signs shall not exceed one half of the area allowed for a permanent sign in said zoning district, as provided for in Section 7.1, Subdivision 5.
 - ii. No more than four (4) temporary signs shall be on display at a given time for each parcel, provided that the total area of the signs conforms to the provisions of subpart (i) contained herein.

Non-conforming banners are still temporary. Portable signs would have some grandfathering rights.

Motion carried. 4 Ayes and 1 Nay (Mr. Pederson).

APPLICANT: Joe and Tina Avery
Applicants request a Conditional Use Permit for Grading More than 50 Cubic Yards within the Lake Setback

Mr. Marohn explained the Staff Report and recommended approval based on the 14 Findings of Fact with the 3 conditions. A letter from the Cullen Lakes Association has been received recommending approval of the Conditional Use Permit with 2 suggested conditions for placement of rain gardens and landscaping.

Mr. Avery stated that they plan to keep the landscaping as natural as possible. They do not wish to disturb any vegetation, they want to preserve the lake, stop the current erosion, but gain access to the lake. Mr. Avery passed out pictures of the proposed boulder steps. Mr. Avery also stated that the structure sits at the 75-foot setback. The existing boulder walls fall slightly over that mark.

The Planning Commission stated that they appreciate the suggestions from the Cullen Lakes Association. Matting in the erosion locations would allow natural vegetation to grow through.

Mr. Avery stated that they do not plan to have a lawn and acknowledged that the natural vegetation is better for the lake. They plan to work with the contractor to minimize damage to tree roots. They do plan to remove the dead limbs on the trees.

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

1. The proposed grading is an appropriate use in the Shoreline Residential district as grading of more than 50 cubic yards in lake setback outside of the shore impact zone is listed as a conditional use. The proposed use would involve additional grading beyond the 50 cubic yards of grading which had been performed by the previous property owner.
2. The proposed use does not directly conflict with the Comprehensive Plan, but the Comprehensive Plan does emphasize the importance of shoreline management and environmental protection.
3. The proposed use, with appropriate conditions, would be compatible with the existing neighborhood. The grading associated with the proposed landscaping would not have adverse impacts on the surrounding neighborhood, nor direct drainage onto neighboring properties.
4. The placement of landscaping boulders and steps leading down the slope is unlikely to be injurious to the public health, safety, or welfare of the City.

5. The proposed use is unlikely to be injurious to the use and enjoyment of properties in the immediate vicinity. The proposed landscaping would be limited to the area near the lakeside of the home and leading down to the lake, while remaining outside of the shore impact zone.
6. The proposed landscaping will not impede the normal and orderly development of the surrounding properties. Properties in the immediate vicinity have been split in the past, with many of them being developed for residential purposes.
7. The proposed landscaping does not require any additional public facilities or services.
8. The proposed use does not require any additional approaches for vehicular traffic to the property other than the driveway that currently exists. The landscaping will not induce increased traffic in the vicinity nor create congestion on the transportation infrastructure in the area.
9. The proposed landscaping does not require additional parking. Adequate space exists on the property to serve the residential purposes currently present.
10. The proposed landscaping will not result in any on-going production of noise, dust, fumes, or odors that would constitute a nuisance to neighboring properties, outside of that normally associated with general landscaping practices.
11. The proposed landscaping will not result in the loss or destruction of a natural or historic resource of major significance. The proposed landscaping involves the placement of boulders in an area that had previously been graded, with the steps being placed on the ground.
12. The property owner has placed silt fencing on the property for erosion control purposes.
13. The previous property owner had performed grading on the property that involved approximately 50 cubic yards. The proposed landscaping would involve the movement of additional soil to place the landscaping boulders and steps down to the lake.
14. The proposed steps to the lake would be placed within the lake setback but outside of the shore impact zone.

Subject to the following conditions:

1. All landscaping work performed shall conform to the conditions contained in Section 7.13 and Section 5.8, Subdivision D of the City's Land Use Ordinance.
2. The existing silt fencing shall be maintained in working order throughout the duration of landscaping operations and shall remain in place until such time that ground cover has been established in the working area. Any failure of the fencing shall be remedied as soon as possible to ensure erosion control on the property.
3. All landscaping and grading work shall be performed outside of the shore impact zone.
4. Once the landscaping has been completed, deep-rooted vegetation shall be planted on the remaining slope to help anchor the soils.

All members voted "aye". Motion carried.

APPLICANT: City of Pequot Lakes
Applicant requests an Ordinance Amendment to Modify Side Yard Setbacks in the Light Industrial District

Mr. Marohn explained the Staff Report and stated the side yard setbacks must have been an oversight. The City does not want to restrict development in the Light Industrial zone.

A motion was made by John Derksen, seconded by Bill Habein, to recommend amending the Ordinance to read as follows:

Section 5.13, Subdivision 3 on Lot, Use, and Density Requirements for the Light Industrial district:

| Setback, parking and driveways from lot line – feet, minimum.....10

All members voted “aye”. Motion carried.

APPLICANT: City of Pequot Lakes
Applicant requests an Ordinance Amendment Establishing Fence Standards in the Shoreline Residential District

Mr. Marohn explained the Staff Report. He also stated that it might not be a good idea to allow fences in the shoreland setback. He recommended removing the second sentence of the proposed amendment. The definition of “structure” includes fences. The 10-foot setback from a road was discussed. Non-platted lots do not include dedicated right-of-way. Most undedicated roads do not have ditches.

Placing fences up to the Shore Impact Zone for privacy was discussed. This could restrict the view from neighboring parcels. The only rule is that fences cannot be placed within the setback from the OHW. They could be 20 feet tall as long as they are not a safety hazard. In Section 7.3, “human contact” should be changed to “public contact”.

A motion was made by Mark Hallan, seconded by John Derksen, to recommend amending the Ordinance to create a new Subdivision 4K to read as follows:

Fences. Fences not exceeding 60 inches in height may be constructed up to the OHW setback area. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is prohibited.

All members voted “aye”. Motion carried.

ADDITIONS OR DELETIONS TO AGENDA: None.

OPEN FORUM: None.

NEW BUSINESS: None.

OLD BUSINESS: None.

APPROVAL OF MINUTES:

Page 4, paragraph 4, last sentence, “per Mr. Nemitz” should be added.

A motion was made by John Derksen, seconded by Bill Habein, to approved the Minutes as corrected. All members voted “aye”. Motion carried.

P & Z ADMINISTRATOR’S REPORT:

Staff explained the 6 permits issued and the 28 letters. Mr. Marohn explained that he has begun work on the Year End Report. Staff stated that a Councilman has directed that there be a comparison between commercial and residential permits issued in the Year End Report. Staff has begun work on that.

The following Potential Violations/Enforcement Actions:

1. Johnathan Acosta: Staff informed the Planning Commission that Mr. Acosta had passed away. His Mother has completed the siding on the exterior of his home. Staff will notify her that this violation has been resolved.
2. Corky Smith: Staff answered questions regarding his punch list.
3. Dan Helbling: Mr. Helbling has not submitted the Development Agreement as requested by the City Attorney. The Final Plat has not been filed. The road improvements were not completed by the required date. The Final Plat must be filed within 12 months of approval or it expires. Staff was directed to contact Mr. Helbling to notify him that he is in violation of his CUP and to remind him that the Final Plat will expire.
4. Randon Johnson: Staff explained the suggestions made by the City Engineer to maintain storm water.

Mr. Hallan notified Staff that James Byrne had actually torn the existing cabin down to the floor and rebuilt the structure, rather than just constructing an addition and changing the roof. Staff will follow up.

ADJOURNMENT:

A motion was made by Bill Habein, seconded by Mark Hallan, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 8:14 p.m.

After the meeting was adjourned, Staff and Mr. Pederson remembered they needed to confer with the Planning Commission on the Stacey Simons potential violation. They had met with Mr. and Mrs. Simons on November 14. Mr. Simons had requested to be allowed to construct a 6-foot fence to screen his exterior storage, rather than the 60-inch fence allowed in the Rural Residential district. Due to the distance from the County Road and the amount of acreage, the Planning Commission agreed to allow a 72-inch fence. In addition, Staff requested a recommendation to waive the \$75.00 permit fee. The Planning Commission agreed to make this recommendation.

Respectfully submitted:

Dawn Bittner
Zoning Administrator