

**MINUTES  
PEQUOT LAKES PLANNING COMMISSION  
REGULAR MEETING  
FEBRUARY 17, 2011**

PRESENT: Tom Adams, Deb Brown, John Derksen, Bill Habein, Mark Hallan, Scott Pederson, and Cheri Seils. ABSENT: None.

CITY PLANNER: Charles L. Marohn, Jr., PE, AICP

ZONING ADMINISTRATOR: Dawn Bittner

COUNCIL LIAISON: Jerry Akerson

The meeting was called to order by Chairman Pederson at 5:30 p.m.

**COMPREHENSIVE PLAN DISCUSSION:**

**a. Draft of Comprehensive Plan –**

**b. Discussion on Strategies –**

Mr. Marohn passed out the strategies he had created and the members went through them, editing them as well as the comments made online. The Grow Zone area was discussed as it may be too far south.

Chairman Pederson opened the public hearings.

**PUBLIC HEARINGS:**

**APPLICANT: Donald Babinski**

**Applicant Requests a Conditional Use Permit for an Animal Shelter, Office Space and Assembly and Packaging Facility**

Mr. Marohn explained the Staff Report. Applicant was present. The rescue shelter may be expanded to the building to the south if necessary. Staff is recommending approval, based on the eleven Findings of Fact listed in the Staff Report, along with three suggested conditions that the uses be limited to those included in the application, the data requested by Crow Wing County be submitted, although this use is vastly less intense than the Crafters Mall, and that licensing be obtained from the Board of Animal Health.

The question was raised whether or not there should be a limit on the number of animals housed at the shelter. Mr. Marohn stated there is a website that represents itself as an information site for people wishing to create a rescue shelter. The site stated they would need 100 sq. ft. per dog, or 240 dogs per building. Mr. Marohn further stated he has no concept of what the demand would be. If the number is an issue, the Planning Commission could set some parameters. They are huge buildings.

Mr. Babinski asked about the number of cats allowed. This will be a dog and cat facility. Mr. Marohn stated there were no ratios listed for cats.

**PUBLIC COMMENT:**

Tom Larson, along with his brothers Bob and John – They now own Ed Larson's property directly across the highway. They are concerned about noise. If there isn't going to be any noise, they are not concerned. It is still a residential area.

Mr. Adams stated that he and Mr. Habein had gone to Crosslake to a dog boarding facility. When they walked up to the outside wall they could hear nothing from inside where 20 to 30 dogs were boarded. The buildings are soundproofed and he didn't think there would be any noise.

Mr. Larson asked how many dogs would be outside at a time and would they be left out all day. Mr. Hallan stated there could be a limit to the number of dogs outside at one time and that they are supervised when outside. There should be some type of condition for this. The intent is to rehabilitate the animals.

Mr. Derksen suggested applying the same conditions as the Dog Boarding Facility and Chairman Pederson reminded him that this is not a boarding facility.

When asked, Mr. Babinski stated that this will be a rescue facility, no-kill. The dogs would not just be left there; there would be a fulltime vet and someone there. Someone would be with the dogs outside at all times.

Ms. Brown asked Mr. Babinski if he knew how many animals he would be taking in. Mr. Babinski stated he had no idea; how many does HART put to sleep?

Ms. Brown stated the shelter is a great thing and asked if there is a planned business model. It is necessary to have enough space for them to live comfortably until adopted out. Mr. Babinski stated he can't answer that. If it gets too big, he will buy 100 acres out in the boonies.

Mr. Marohn asked what would happen if the shelter costs a lot of money and Mr. Babinski stated he will put the necessary money up.

Mr. Marohn stated there will be a lot of animals coming through the facility and a big part of the underlying question is what is the model to sustain it? This seems to be a philanthropic undertaking. Mr. Babinski stated that the shelter will be owned by the Foundation; there will be no money made off of it. Mr. Marohn stated the facility is going to be sustained.

Mr. Babinski stated that the Foundation owns all of the buildings and that he plans to use one now and maybe two for the shelter. He is trying to give dogs a home, give them the

shots they need and take care of them until they find good homes. This is something his son and daughter wanted to do and he is doing it for them.

Chairman Pederson stated Mr. Babinski plans to hire a Veterinarian and have a manager for the facility. Mr. Babinski is not a professional shelter manager but he is hiring those people. The question now seems to be barking of the dogs. The buildings are insulated and there are ordinances for noise. Enforcement is included in the City Code.

Ms. Brown asked Mr. Babinski if the shelter would also be an impound facility for animals. Mayor Adams stated it could save the City money if it were an impound facility.

Mr. Hallan asked for clarification of ownership; the application states the Foundation is the owner although the applicant mentioned the bank owns it. Mr. Marohn stated the application should have stated the applicant is the option holder. Mr. Babinski stated everything for the sale is complete except for the soil report.

Mr. Hallan asked if the Planning Commission should put a reasonable limit on the number of dogs. If this becomes successful they could come back and ask for it to be expanded. Mr. Marohn stated the City should be respectful of the fact that the applicant doesn't want to keep coming back to tweak things; we could set a reasonable threshold such as having an onsite visit rather than coming back for a Conditional Use Permit again. It could be set at 100 or 200 dogs.

Mr. Hallan asked if there will be manufacturing in the south building as part of the assembling of balconies. Mr. Babinski stated there would not.

Ms. Brown stated she has numerous questions. There are guidelines available for Mr. Babinski to use. If this is going to be an impound facility, it will need to be licensed. If not, they don't need a license from the State. As a City, we want this to be successful. Mr. Babinski stated that if the animals are sick, they will be euthanized. Ms. Brown further stated this would not be defined as a no-kill shelter then.

Ms. Brown then asked what his plans were for body disposal. There are many things that need to be defined before we go down the road to do this. The application states the shelter will have a Vet on duty to care for the animals and emergency services. Mr. Babinski stated the Vet is only for the animals picked up, not emergency. The local Vets don't have to worry.

Ms. Brown displayed a copy of the *Guidelines for Standards of Care in Animal Shelters*, as prepared by the Association of Shelter Veterinarians. Mr. Babinski stated he had tried to obtain that type of information and was not able. Ms. Brown suggested that he follow the guidelines spelled out in that document. She would like to see more of a business model. This is not just a kennel; animals are going to be living there and she wants to be sure the animals are being taken care of. Mr. Babinski stated the animals are going to be taken care of.

Mr. Hallan asked if the perimeter of the property will be fenced. Staff explained the applicant had initially planned to fence the entire property but now only plans to fence the exercise area.

A motion was made by Mark Hallan, seconded by Cheri Seils, to approve the request for the Conditional Use Permit for a combined animal shelter and assembly facility at the former Outlet Crafter Mall, based on the following Findings of Fact:

1. The proposed uses are not separately classified in the land use matrix, but would fall under the "Other Commercial" category. As such, the proposed uses, with conditions, are appropriate within the Commercial Zone.
2. The property is adjacent to Agricultural, Rural Residential as well as other Commercial property. The proposed uses, with conditions, are compatible with the existing neighborhood.
3. The proposed uses, with conditions, would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
4. The subject property is approximately 12.73 acres and the proposed uses, aside from the fenced "exercise area," are centrally located on that acreage. The proposed uses, with conditions, should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.
5. The conditional uses, with conditions, will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
6. There are no public improvements or use of public facilities proposed. The proposed use will not be detrimental to the economic welfare of the community.
7. The subject property is currently accessed from County Road 107. That access is sufficient and is not proposed to be changed.
8. There is an abundance of on-site parking spaces on the subject property. No off-street parking spaces will be required.
9. The applicant indicated that the northern building (proposed animal shelter) is insulated so that no animals will be able to be heard outside. The southern building should not produce any atypical noise. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.
10. There are not any known historical features of major significance on the subject property.
11. The subject property currently has three stormwater retention ponds and a private sewer system for which there are no proposed changes. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

subject to the following conditions:

1. The uses shall be limited to those presented in the application.
2. The applicant shall prepare the data requested by the Crow Wing County Highway Department and shall fulfill all subsequent requirements of that department.
3. Proper licensing shall be obtained from Minnesota Board of Animal Health.
4. There shall be no more than 150 animals, dogs and cats. Once the animal units reach 150, the applicant shall notify the City and the City will make an onsite visit, review conditions and determine there are no problems with the neighbors. If satisfactory, the maximum number of animals shall be 250.
5. The facility shall be operated in accordance with *Guidelines for Standards of Care in Animal Shelters*, as prepared by the Association of Shelter Veterinarians, most current edition.

Ms. Brown stated she would like to know more of the business model, what they are actually going to do. The guidelines go through how much space the animals need, but there are noise level concerns for the employees and animals inside. Mr. Marohn stated the Guidelines presented are reasonable guidelines, reasonable standards.

Mr. Hallan stated the maximum number of animals be 250. If the applicant wishes to make changes, he can modify the Conditional Use Permit later.

Mr. Marohn explained that Mr. Babinski would like to be able to utilize both buildings for the shelter. He suggested 150 animals be the threshold that requires Staff review and more than 250 animals needs to come back to the Planning Commission for approval.

Mr. Adams would like to add the following condition: Solid waste shall be collected on a regular basis throughout the day, picked up on a weekly basis and removed from the site.

Mr. Hallan clarified Condition Number 4 as follows: 150 animals is the threshold for Staff review. The limit for the north building is 250, not the whole site, without coming back for Planning Commission review. More than 250 animals will need to come back to modify the Conditional Use Permit for additional animal units. He also added Mr. Adams condition. Cheri Seils seconded the amendment and additional condition.

All members voted "aye". Motion carried.

Chairman Pederson thanked Mr. Babinski for his project.

\* Staff interprets conditions as follows:

1. The uses shall be limited to those presented in the application.
2. The applicant shall prepare the data requested by the Crow Wing County Highway Department and shall fulfill all subsequent requirements of that department.
3. Proper licensing shall be obtained from Minnesota Board of Animal Health.

4. There shall be no more than 250 animals, dogs and cats, in the north building. Once the animals reach 150, the applicant shall notify the City and the City will make an onsite visit, review conditions and determine there are no problems with the neighbors. If found to be satisfactory, the maximum number of animals shall be 250. Should the applicant wish to expand the shelter to the south building, applicant shall first obtain permission from the Planning Commission. Should the applicant wish to increase the number of animals more than 250, applicant shall modify this Conditional Use Permit.
5. The facility shall be operated in accordance with *Guidelines for Standards of Care in Animal Shelters*, as prepared by the Association of Shelter Veterinarians, most current edition.
6. Solid waste shall be collected on a regular basis throughout the day, picked up on a weekly basis and removed from the site.

Chairman Pederson closed the public hearings.

**ADDITIONS OR DELETIONS TO AGENDA:**

Add under New Business, 7. b. Park Sign Discussion

**OPEN FORUM: NONE**

**NEW BUSINESS:**

**a. Sign Concept Plan, Jesse Jane Signs –**

Kimberly Ziesemer of Seriously Fun Marketing Group and the Chair of the Business Connect Group and Jessie Nornberg of Jesse Jane Signs were in attendance. They passed out a picture of their concept for the directional signs and a map of their preferred locations. They would like to have 6 sites for the signs but would like to start with 3 signs, locating them at the corner by Clear Water Creek Outfitters, the corner of Lime Greenery and one on the west side near Pestello's by the Highway.

They would like feedback from the Planning Commission on the design/size of the signs and the locations. They would also like to know what their next steps are and who they need to get permits from. City and County?

Jessie Nornberg will take ownership of the signs and maintain them. The signs would be a yearly lease and are changeable. She has checked with her insurance company and the signs would be covered.

Mr. Marohn asked about the size of the signs being 1' X 2'. Last month we talked about the audience being pedestrians, not automobiles. The signs could be smaller for pedestrians.

Ms. Nornberg stated most businesses will want to use their logo and there a guidelines for the size of the letters beside the logo.

Mr. Hallan stated we do not want these signs as small as those in the mall. Businesses will want people to be able to look at the sign across the street and recognize the logo. Ms. Seils also stated that the signs need to be the size presented.

Mr. Hallan stated the signs are proposed to be 8 feet tall. He asked how that request fits with our ordinance. Mr. Marohn stated that will need to be figured out prior to our next meeting. Their locations are proposed to be on public right-of-way and on private property. Mr. Marohn suggested getting a team together consisting of City Staff, a Planning Commission member, applicants and the Street Department to walk the locations. We will need to consult with the City Attorney regarding who should own them, how do we permit them, and who will be responsible for maintenance and repair.

We could have the answers by the March meeting. The businesses would like to have the signs in the ground in May.

It was the general consensus to move forward with this. It was suggested that they start with 3 signs now, getting permitted for up to 6. Once we figure out the process, it will be easy to replicate.

**b. Park Sign Discussion –**

Chairman Pederson explained he had attended the recent Park Board Meeting. They would like to hang a sign on the back of the band shelter listing the names and dates for the upcoming Music in the Park this summer. The ordinance states they can have a sign that is 10% of the building façade. The Park Board thinks that is too small. They could also have a freestanding sign, although that is not what they would like.

Mr. Marohn stated they are trying to get patrons to attend their concerts. They could use a temporary banner stating “Concert Tonight” or something similar. There is no charge for a temporary banner and would be rather inexpensive to have made. They could also have a website promoting the concerts. A sign in itself will not expose the event in the Park.

**OLD BUSINESS:** None.

**APPROVAL OF MINUTES:**

Mr. Hallan asked Staff to make a clarification to page 3, New Business, third sentence. “He” should be “Mr. Marohn”.

A motion was made by Tom Adams, seconded by Cheri Seils, to approve the Minutes as corrected. All members voted “aye”. Motion carried.

**ZONING ADMINISTRATOR’S REPORT:**

Bittner pointed out the two Land Use Permits issued in January and the seven letters that were sent.

The following Potential Violations/Enforcement Actions were discussed:

1. None.

When asked if Mr. Quisberg understands he could put a gas price on his freestanding sign, Staff advised there had been no further correspondence with him. Councilman Akerson asked if Mr. Quisberg wants the same sign as at Oasis and stated we may need to look at the whole sign ordinance. Chairman Pederson stated that this group has looked at the sign ordinance and had taken a long look at digital signs at the time of the Dairy Queen.

The Planning Commission returned to the discussion of the Strategies for the Comprehensive Plan.

**ADJOURNMENT:**

A motion was made by Mark Hallan, seconded by John Derksen, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 8:42 p.m.

Respectfully submitted;

Dawn Bittner  
Zoning Administrator