

MINUTES
PEQUOT LAKES PLANNING COMMISSION
REGULAR MONTHLY MEETING
JULY 17, 2014

PRESENT: Deb Brown, Todd Engels, Bill Habein, Mark Hallan and Cheri Seils.
ABSENT: James Oraskovich and Wesley Wilson

CITY PLANNER: Justin Burslie, Community Growth Institute

ZONING ADMINISTRATOR: Dawn Bittner

COUNCIL LIAISONS: Jerry Akerson and Nancy Adams

DOWNTOWN PLAN UPDATE:

The Planning Commission, several Park Board Members and four Council Members met at Trailside Park to discuss the vegetation enhancements and public art opportunities within the park as they relate to the Downtown Plan update.

The discussion items are numbered from the Staff Report, not in the order of discussion at the Park:

1. North Parking Lot near East Sibley Street – Remove parking area and plant with grass, add curb along the street leaving an area for displays to enter (Cherry Car Show, Bands in the Park, etc.).
2. North end of Park, along Government Drive – Trees already planted; allow to mature.
3. Area between walking path and Trail – The area north of the spruce trees is fairly level and may be suitable for a future playground as it is close to the picnic shelter. The area immediately west of the walking path may also be suitable for a future playground.
4. The Park Commission has discussed the need for bathrooms in the Park and the area south of Dru’s Garden is the location they have identified as there is an existing wastewater manhole.
5. Dru’s Garden – Signage could be added identifying area for visitors who may not be familiar with the garden. Dru’s Mother should be contacted to pursue signage. A mulch path from the Trail was discussed but the DNR has right-of-way and they would not allow it.
6. Spruce trees north of Dru’s Garden – This area was discussed in #3 above.
7. Veteran’s Memorial – It was determined to leave this area as is as the American Legion has plans to add to the Memorial.

8. Corner of State Highway 371 and County Road 11 – This area could be enhanced with shrubs, but flower beds should not be added as they have not been maintained properly in the past.
9. Band Shell Area – After discussion it was agreed to not create a boundary as participants in the Music in the Park utilize the entire area to Dru’s Garden. The benches could be reoriented, but placing pavers or bricks to create a boundary is very expensive.
10. Crosswalk at County Road 11 – A visual bump out could be painted to narrow the distance and the crosswalk could be enhanced with paint. A sidewalk should be added along the south side of County Road 11 from the Trail to the stop light as a “desire path” currently exists in the dirt.
11. North end of southern half of Park – This is the event area for Bean Hole Days, Fourth of July festivities, etc. The grass in this area could be improved. The area where the pots are buried for Bean Hole Days should be improved: signage or an information kiosk should be added, install a nice fence, and add potted plants were suggested. An outdoor skating rink is very costly to maintain and should not be considered as part of the Park improvements.
12. Fishing related exhibit – Such an exhibit would be expensive and time consuming to maintain.
13. Parking Lot – The DNR will not allow removal of the parking lot unless alternative parking area is provided. There should be a low buffer planted between the Trail and the parking lot.

Staff noted that the grass on the north half of the Park is “park quality”; the Maintenance Department is doing an excellent job.

Chair Seils called the meeting to order at 7:00p.m.

Chair Seils opened the Public Hearings.

PUBLIC HEARINGS

APPLICANT: North Star Well Drilling, Mark Prueher

Applicant requests a Conditional Use Permit to Operate a Water Well Drilling Business

Applicant was present. Mr. Burslie explained the Staff Report. Photos were presented of the trucks, drill rigs and materials that will be stored outside at night, but will be used off-site during the day.

The applicant stated he has contacted the firm that performed the Compliance Inspection on the septic system to verify the septic system is sized large enough for their number of employees.

Public Comment Opened.

Brandon Andersen, Lonesome Cottage Furniture – Stated he owns the property across the highway and is glad to see this property is being purchased.

Public Comment Closed.

Planning Commission Member Habein asked if Mr. Prueher would need to do any excavation to level out the holes and topography. Mr. Prueher stated that he will not need to do any excavation. He plans to scale back the fenced area. He needs space outside to park equipment and place materials. He further stated the photos indicate what materials will be stored outside. The pipe will be on racks. There is adequate flat surface to provide what he needs to house equipment – 3 drill rigs, 3 water trucks, 3 pump hoists and 4 to 5 service vehicles. When asked if he stores an inventory of pipe, Mr. Prueher stated he purchases products in bulk and would like to build a lean-to in the future to store materials out of the elements. The pipe is very heavy and with a fenced yard he is not concerned about safety.

Planning Commission Member Hallan asked if a large, bituminous parking lot was planned. Mr. Prueher stated he only plans to add a small concrete area and the lean-to.

Mr. Burslie stated the Staff Report was written that the entire property be screened. He suggested adding a third Condition: All drill rigs and materials shall be stored behind the fence.

Council Member Akerson inquired about the fence height. Mr. Prueher stated he only needs an 8-foot fence. Mr. Burslie stated this would be taken care of with the Land Use Permit.

A motion was made by Planning Commission Member Habein, seconded by Planning Commission Member Brown, to approve the Conditional Use Permit to operate a water well drilling business, based on the following Findings of Fact:

1. The subject property is located at 29621 State Highway 371 and is zoned “Commercial.”
2. The subject property is a conforming parcel. The property contains one structure which is also conforming.
3. The property is served by a private water well and a conforming private sewer system.
4. The conditional use permit is to operate a water well drilling business on the subject property.
5. The proposed “use” is considered “Commercial Use (Other, Not Classified)” and

- requires a conditional use permit.
6. The proposed use, with conditions, conforms to the comprehensive plan.
 7. The adjacent property is zoned “Commercial” and “Transitional Residential.” The proposed use is compatible with the existing neighborhood.
 8. The proposed use, with conditions, will not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
 9. Most of the work associated with the proposed business will be performed off-site. The conditional use, with conditions, will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject property.
 10. The proposed use will not impede the normal and orderly development and improvement of surrounding vacant properties.
 11. The subject property is not adjacent to a city street or served by the city sewer or water systems. There will be no additional costs to the city with the proposed use.
 12. The subject property is accessed via State Highway 371. Mn/DOT has stated, “It is our understanding that truck traffic generated by a well drilling business at this location would not have a significant impact on traffic traveling Minnesota State Highway 371 requiring roadway alterations at this time.”
 13. There is adequate off-street parking and loading space on the subject property for the proposed use.
 14. Adequate measures have or will be taken to prevent nuisances.
 15. There are no known natural, scenic or historical features of major significance on the subject property.
 16. The proposed business will draw approximately 40,000 gallons of water per month from a private water well. The DNR has been made aware of the proposed water usage and has not raised any concerns.

And subject to the following Conditions:

1. Drill rigs and other equipment shall be stored in manner so that they are not visible from adjacent residential property.
2. The property owner shall submit documentation from a licensed SSTS designer indicating the private sewer system on subject property is sized adequately for the number of employees that will be working on the subject property.
3. All drill rigs and materials shall be stored behind the fence.

All members voted “aye”. Motion carried.

APPLICANT: City of Pequot Lakes
Applicant Requests an Ordinance Amendment regarding Vegetation Removal

Mr. Burslie explained the Staff Report. When asked, Mr. Burslie stated there is no minimum lot size and after discussion, it was agreed to remove “up to 40 acres” from the definition.

Mayor Adams questioned the 10-foot height listed in the definition as it seemed confusing. Planning Commission Member Hallan explained that trees under that height are not considered trees and could be removed.

Council Member Akerson asked about the 0% to 50% not included in the definition. Mr. Burslie explained that can be cut without a permit or Forest Management Plan. Council Member Sjoblad asked to verify that up to 50% can be cut. Mr. Burslie stated that was correct.

Public Comment: None.

A motion was made by Planning Commission Member Hallan, seconded by Planning Commission Member Habein, to recommend the City Council approve the Ordinance amendment with respect to vegetation removal within the City of Pequot Lakes, based on the following Findings of Fact:

1. The amendment allows for more flexibility for property owners that wish to responsibly harvest timber from their land.
2. The amendment is in conformance with the comprehensive plan as there is a thorough review process for “vegetation removal, intensive,” that will ensure the “up north” character of the City is maintained.

All members voted “aye”. Motion carried.

Chair Seils closed the Public Hearings.

ADDITIONS OR DELETIONS TO AGENDA: None.

OPEN FORUM: None.

NEW BUSINESS: None.

OLD BUSINESS:

a. Byrne Accessory Structure Update –

Zoning Administrator Bittner stated this matter has not been sent to the City Attorney. She will finalize the timeline and forward copies of correspondence, etc. as soon as possible.

b. Dynamic Display Ordinance Amendment –

Mr. Burslie showed a power point presentation originally presented to the Planning Commission 2 years ago that showed various signs in Pequot Lakes that met the Ordinance, as well as signs from other areas digital, flashing, scrolling, etc.

Mr. Burslie explained the Staff Report. Last month the Planning Commission sent a recommendation to the City Council that the amendment not be approved. After discussing the issue, the City Council sent the amendment back to the Planning Commission, directing the Planning Commission to modify, research and figure out a way to allow dynamic displays while meeting the guidelines from the Comprehensive Plan. The City Council gave the Planning Commission 2 months to review.

Mr. Burslie further stated the amendment included in the Staff Report includes language changed from last month. Staff is not recommending it be approved as it is not in the best interest of the City following its' Comprehensive Plan and the discussion regarding that.

Chair Seils noted the letter received from Ann Hutchings voicing her opposition to digital signage in Pequot Lakes.

Planning Commission Member Habein stated he is disappointed in the representation from the public at these meetings. People need to participate for the Planning Commission and City Council to collect more ideas.

Planning Commission Member Hallan stated that if the sign is for vehicles to see, it would need to be big. A kiosk size would work for our main streets. This is a different application than the Power Lodge or a bank. He further questioned whether allowing smaller signs will lead to businesses going to the large digital signs. When asked, Bittner stated there are 99 businesses in the Downtown Mixed Use zone; that information was obtained from the Business Inventory.

Planning Commission Member Hallan further stated that the amendment is to allow digital signs in the Downtown Mixed Use zone. North Star Drilling, the applicant in the CUP earlier, would be excluded. Our Downtown Mixed Use zone includes businesses along State Highway 371. The other businesses in the Commercial zone along the highway would be excluded.

Mr. Burslie stated the City could create an interim ordinance, allowing digital displays for a certain amount of time. That would not be ideal for the business owner to spend a lot of money on a sign. If the City found digital signs were not working, the signs would not be allowed to continue.

Planning Commission Member Brown stated it would be challenging for the City to allow it through an interim ordinance and then take it away. There is a potential to have 99 businesses having a display, but not everyone will do that. Is that what we want Pequot Lakes to look like? She stated her concern is that it doesn't follow our small town feel, our Comprehensive Plan. If we allow a static sign, in the future people will want rotating, flashing signs. We talked about this when we discussed the digital gas signs.

Planning Commission Member Hallan stated with regard to the 6 hour time period, the Pine River School District has an off-site, scrolling sign that changes in a 3 to 5 second interval. While traveling past in the 30 MPH zone you are able to see 3 or 4 displays. That sign is also used for other businesses, not just the school. Our School should be aware the City doesn't offer off-site signs.

Council Member Akerson stated 6 hours doesn't allow enough time to change for breakfast or lunch.

Planning Commission Member Hallan stated we don't want the signs scrolling every 30 seconds; a 1 hour period serves a purpose, the displays would not be flipping.

Planning Commission Member Brown asked if other cities have strict ordinances. Mr. Burslie stated he looked at more than 20 ordinances and this proposed amendment is on the strict side.

Council Member Sjoblad asked how far off this proposed amendment is from what the Legion asked for. Mr. Burslie stated the Legion said they could have as many or few colors, scrolling or not, but they would do whatever the City writes.

Council Member Pederson stated the request for digital displays is more of a convenience than an image; people don't want to change the letters. A city can regulate the size of signs, but not content. Cities have been sued. We might want to check with our attorney.

Mr. Burslie stated the City can't regulate content because of freedom of speech, but the City can regulate the look, feel, size of letters, coloring, how often the display changes, etc.

Council Member Pederson stated he read lawsuits where the businesses wanted certain colors and the city told them they couldn't have them. Some LED lights are brighter than others. Mr. Burslie stated the City can limit the number of colors, but not what colors are allowed.

Council Member Pederson stated the Legion is out of compliance now with their signage.

Brandon Andersen stated he was representing his business and that he is on the School Board and will report back to Superintendent Lindholm. He stated he attended meetings 7 years ago where there were a number of discussions about the sign ordinance, not digital. He stated he has spoken with a sign professional who stated Pequot Lakes has one of the most restrictive ordinances in the State of Minnesota. There may be a potential for 99 signs, but the Planning Commission keeps taking these things to the extreme; they take common sense out of it. Signs are expensive and a temporary ordinance is a waste. We need more business owners in this town; we need more business people to invest in our community. The City is making that more difficult. The recommendation for 8" letters is ridiculous; 5" letters are perfectly easy to read. He further stated that the City should consult an attorney as it cannot regulate content. The 6 hour requirement is laughable. The School would want the message to change more than 3 times a day; changing every 10 minutes would get away from scrolling signs. The School does not have highway frontage but would like to have the opportunity for an off premise sign. A business owner along the highway could allow the School to have an offsite sign. Off premise signs should be revisited. Not being able to advertise games is a shame for our kids.

Council Member Pederson stated there are two stumbling blocks. First, the ordinance has to fit the Comprehensive Plan or the Comprehensive Plan has to change. Second is the purpose statement in the ordinance. If an amendment goes outside the purpose, then the purpose has to change. There is a statement in the sign ordinance that talks about why there is an ordinance. Maybe Pequot Lakes should not have an ordinance at all, anything goes. He further stated he is not endorsing that though. Brandon Andersen had a good point; the City cannot regulate content. If the Legion has a sign, why can't they advertise a game at the school?

Planning Commission Member Habein stated 3 businesses made this application, with only one representative at the meeting. He would like to see more representation from the public. Planning Commission Member Brown stated she would like to hear from the residents also, not just businesses.

Planning Commission Member Hallan stated we could send out invitations as we have in the past. It was noted that the Public Hearing Notices are placed as Legal Notices in the newspaper.

Council Member Sjoblad stated he spent his career as a counselor. It seems like everybody is trying to scare us out of doing the right thing. The Legion wants a sign that simply says "Taco Tuesday" or "Live Music". They are not looking to have signs with

colors. He stated this is 2014 and wonders who it is that doesn't want this in our town. He further stated his son has a restaurant, with a conforming sign on Washington Avenue, and people say they can't find it. Thank about it.

Planning Commission Member Hallan stated that digital displays would count as part of the overall signage.

Council Member Pederson stated that Council Member Sjoblad is right. The Legion wants to display what they are selling, a simple sign. Either allow it or not.

Planning Commission Member Habein stated many people attended the Charrette, many people wanted to keep the up north, rural character.

Council Member Sjoblad asked how many businesses would have more signs than what they have now. Businesses won't add signs, they will replace existing ones with something that can be seen.

Chair Seils stated 99 businesses won't spend the money, but a few will change out.

Planning Commission Member Habein stated that Council Member Sjoblad's comments and Brandon Andersen's comments are quite valuable.

Brandon Andersen stated that several people were engaged several years ago. Over the years the business owners have become worn out with the fight. It is exhausting. He stated he almost drove past tonight as he didn't need the headache. The City government can be the captain of the ship, but unless we work together it will be captain of a sinking ship. How many times do we need to attend meetings?

A motion was made by Planning Commission Member Hallan, seconded by Planning Commission Member Habein, to table this matter to the August Planning Commission meeting. All members voted "aye". Motion carried.

Planning Commission Member Hallan stated the City has made many changes to make it easier for businesses.

Mayor Adams stated there are only 5 empty buildings in town.

Council Member Pederson stated the residents and businesses need to coexist. The City is not anti-business.

APPROVAL OF MINUTES:

A motion was made by Planning Commission Member Brown, seconded by Planning Commission Member Hallan, to approve the June 19, 2014 Minutes, as read. All members voted "aye". Motion carried.

ZONING ADMINISTRATOR'S REPORT:

Bittner pointed out the 5 permits issued by the Zoning Department in June, as well as the 15 letters sent or received since the June meeting.

The following Potential Violations/Enforcement Actions were discussed:

1. Virgil Dahl – Bittner gave Mr. Dahl an extension to July 28 to continue his cleanup.
2. Erek Hamilton – Mr. Hamilton explained his plan to improve the aesthetics of his home and yard in his letter.

Staff was asked when the Wilderness Resort Review Committee would meet. Mr. Burslie stated the Committee will meet when the Final Plat application is received.

Planning Commission Member Hallan stated the LSTS at Wilderness Resort and the RV Resort need to be completed.

ADJOURNMENT:

A motion was made by Planning Commission Member Habein, seconded by Planning Commission Member Hallan, to adjourn the meeting. All members voted "aye". Motion carried. The meeting was adjourned at 8:39 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Administrator