

**MINUTES  
PEQUOT LAKES PLANNING COMMISSION  
REGULAR MEETING  
FEBRUARY 16, 2012**

PRESENT: Tom Adams, Deb Brown, Bill Habein, J. J. Levenske, Cheri Seils and Scott Snyder. ABSENT: Scott Pederson.

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

ZONING ADMINISTRATOR: Dawn Bittner

COUNCIL LIAISON: Jerry Akerson

The meeting was called to order by Vice-Chairman Adams at 6:00 p.m.

**PLANNING DISCUSSION:**

Mr. Marohn explained the Planning Commission had previously been asked to comment on the CSAH 11 improvements. The County provided questions for the City to answer for the County to include in their Study. Mr. Marohn provided information answering these questions.

**Vice-Chairman Adams opened the Public Hearings.**

**PUBLIC HEARINGS:**

**APPLICANT: Pamela Benson and Wayne Fjerstad**

**Applicant requests a Variance to Encroach SSTS within Sideyard Setback**

Mr. Marohn explained the applicant has requested this public hearing be tabled until the March meeting so the applicant can attend.

A motion was made by Cheri Seils, seconded by Bill Habein, to table this public hearing until the March meeting. All members voted "aye". Motion carried.

Vice-Chairman Adams encouraged the Planning Commission members to do an onsite visit of this property prior to the March meeting.

**APPLICANT: Todd Tolifson, Rose City Sign**

**Applicant requests an Ordinance Amendment to Allow Static Gas Price Display**

Mr. Marohn explained the Staff Report. Applicant was represented by Craig Holland, owner of the Super America. Mr. Holland stated that an electronic gas price sign can be controlled from inside the store. A competitor has that type of price sign; it's a fairness issue. Most gas stations have them.

When asked if the electronic sign would be for the gas price only, Mr. Holland stated there would be no scrolling. No specific sign design had been submitted.

Oasis gas station has only one price sign. If this is approved it should be for one price posting. The two gas station pricing should be consistent.

Mr. Holland stated he would like two fuel price signs, one for unleaded and one for diesel. He is not asking for additional square footage, just LED price signs.

**Public Comment:**

Chris Quisberg, SuperValu – Mr. Quisberg stated the attendant at their Holiday store in Crosslake was recently injured when the suction for changing the numbers came off. Also, gas sales at SuperValu have increased since the sign was added to the canopy. SuperValu would also like an LED sign replacing their sign on the canopy.

Ms. Brown stated that the subject of LED lights was thoroughly discussed with the Dairy Queen application. If LED lights are allowed for gas stations, others will make requests for LED lights. This will open the door for LED and flashing lights eventually.

Vice-Chair Adams pointed out the current sign at Super American is nonconforming; it is too large for our standards. Would the Planning Commission be willing to approve if the sign was brought into size and height conformance? We could allow 5 numbers on the sign for when gas goes over \$10 per gallon. Only numbers, not letters. Coffee prices would not be allowed.

LED lights come in different colors and lumens; some are brighter than others.

When asked if the sign could be brought into conformance, Mr. Holland stated the store was built in 1995; their desire is to not change the pole and structure because of the cost. They just would like to take out the existing panels and put new ones in.

Mr. Holland asked how much out of conformance the sign was. City records indicate the existing sign is approximately 18 feet tall with a sign area of approximately 80 square feet per side. Mr. Marohn explained the Sign Ordinance which would allow 10 feet in height and 64 square feet total, 32 square feet per side.

Council Member Akerson suggested that with all of the sign questions, maybe the Planning Commission should take a look at the Sign Ordinance again. He stated he would like to fast tract Super America if possible so they can get their sign completed before summer. Vice-Chair Adams stated the Sign Ordinance can be put on the agenda next month.

Mr. Snyder asked how soon the new sign could be in place. Council Member Akerson stated the Ordinance Amendment would need to be approved by the Council and the lawyer resulting in approximately 90 days.

Mr. Marohn stated that if the Planning Commission recommends approval tonight, the Amendment would go to the Council March 6, be published on March 13 and the permit could be issued after that.

Council Member Akerson stated that Ordinance Amendments cost the City, the tax payers, \$300 - \$500. There would be value in going over the whole ordinance.

Vice-Chair Adams directed Staff to bring the Ordinance review next month. He further stated that the City will need to go to the businesses and get there input also.

Rick Linnell, Superintendent of Schools – Mr. Linnell distributed a letter to the Planning Commission expressing the School’s desire for a digital off-site sign. He stated he would be in favor of taking a look at the Sign Ordinance. The School District would like to have a digital sign along the roadway advertising activities at the school, as well as other partners in town. Other communities advertise events the school has going on. The School will be asking for some type of digital sign, off property. The School is not ready now, but in the future the district will want to go that route. Vice-Chair Adams stated this will be included in the discussion.

Michelle Lelwica, Chamber Advisory Board – As a community it would be nice to have a wireless sign; it is difficult changing letters in the winter. The Planning Commission can determine what the sign looks like, maintaining the look they are trying to attain.

Mr. Levenske asked Mr. Linnell if the School architects had drafted a sign as part of the new construction. Mr. Linnell stated they had not. The School would like to partner with the Chamber, limiting the number of signs in town.

Public Comment Closed.

A motion was made by Scott Snyder, seconded by Cheri Seils, to allow static LED displays.

This would amend the Ordinance. If it costs the City \$300 - \$500 per amendment, maybe the whole Sign Ordinance should be looked at. Mrs. Seils stated that review of the whole Ordinance would most likely take more than a month or two. She would prefer not to delay applicant that long.

Council Member Akerson stated the Planning Commission needs to move forward as quickly as they can so Super America can be ready for summer. There are too many little pieces; we need to look at the whole Ordinance.

An amendment to the motion was made by Bill Habein, seconded by Tom Adams, that the LED sign would be one sign not to exceed 5 digital numbers.

Mr. Holland stated only the price would be LED. He currently has two lines of prices, unleaded and diesel.

The Planning Commission clarified the LED sign would be allowed for both sides of the sign.

BP only has one gas price sign, per side.

Vote on the amendment to the motion to allow 5 digital numbers: 5 Aye; 1 Nay. Motion carries.

Tom Adams amended the motion, seconded by Bill Habein, to permit LED gas price signs if the size and height are brought into conformance with current ordinance.

Mr. Habein stated we should have a new Sign Ordinance before we use this amendment being proposed? What is conforming today may not be conforming after we look at the Sign Ordinance.

Vice-Chair Adams stated that continuing a nonconformity is not following the discussions we have had. We shouldn't let a nonconformity continue with a new sign.

Council Member Akerson stated that signs are expensive. Mr. Holland stated he is at a competitive disadvantage.

Mr. Levenske stated through his profession representing customers, signs are expensive. If Mr. Holland can wait, it would be better to wait.

Mr. Holland agrees that it is not a good idea to pass something that isn't right, although it would be expensive for a new sign.

ROLL CALL VOTE on amendment: (Tom Adams amended the motion, seconded by Bill Habein, to permit LED gas price signs if the size and height are brought into conformance with current ordinance.) Deb Brown: Aye; Bill Habein: Aye; J. J. Levenske: Nay; Cheri Seils: Nay; Scott Snyder: Nay; Tom Adams: Aye. Motion Fails: 3 – 3.

ROLL CALL VOTE on original motion, as amended: (A motion was made by Scott Snyder, seconded by Cheri Seils, to allow static LED displays to advertise one gas price, up to 5 numerals.) Deb Brown: Nay; Bill Habein: Aye; J. J. Levenske: Nay; Cheri Seils: Aye; Scott Snyder: Aye; Tom Adams: Nay. Motion Fails: 3 – 3.

Mr. Marohn recommended the Planning Commission not approve changing the Ordinance until the Planning Commission has had the opportunity to review the Sign Ordinance to make a recommendation to the City Council.

Mr. Holland stated he is willing to do a new conforming sign rather than wait months. The sign is old.

A motion was made by Scott Snyder, seconded by Deb Brown, to table this for a month. All members voted "aye". Motion carried.

**Vice-Chairman Adams closed the Public Hearings.**

**ADDITIONS OR DELETIONS TO AGENDA:**

New Business:

7. b. Appoint Chairman and Vice-Chairman for 2012

Old Business:

8. c. CSAH 11 Improvements

**OPEN FORUM:** None.

**NEW BUSINESS:**

**a. Future Sale of Tax Forfeited Land, Crow Wing County**

Mr. Marohn explained the Staff Report.

A motion was made by Deb Brown, seconded by J. J. Levenske, to recommend to the City Council that this parcel be designated non-conservation, recommending the County sell the parcel directly to an adjacent property owner, since the subject property is not buildable. All members voted "aye". Motion carried.

**b. Appoint Chairman and Vice-Chairman for 2012**

A motion was made by Bill Habein, seconded by Cheri Seils, to appoint Scott Pederson as Chairman and Tom Adams as Vice-Chairman. All members voted "aye". Motion carried.

**OLD BUSINESS:**

**a. Building Code Enforcement (continuation)**

Bittner explained she contacted seven neighboring municipalities with the questionnaire and two responded. The results were passed out. If more responses are received, they will be brought to the Planning Commission.

**b. Auto Repair/Used Car Lot Discussion, Roger Langenbau (continuation)**

Sheila Holley represented Roger Langenbau, who was present in the audience. Mr. Langenbau owns a parcel that has been for sale for several years. They have someone interested in purchasing the property. The buyer has a fulltime occupation and plans to use the repair shop to restore his own vintage automobiles that he restores and would like

a place to display them for sale. He would only display his vintage autos. There may be several cars, but not a huge car lot.

Mrs. Holley pointed out that there is only one home on the property, a rental. The homestead burned down 4 years ago.

Mr. Marohn asked if the buyer has a Dealers License. If he has a Dealers License we would be dealing with a used automobile lot, more than 3 vehicles. The City would need to sign off on that. If he doesn't have a Dealers License it is an unregulated activity. Mr. Marohn stated he is not sure if it is 3 vehicles per year, but if he doesn't need a Dealers License, it is an unregulated activity.

### **c. CSAH 11 Road Improvements**

The Planning Commission discussed the handout from Mr. Marohn with the County Questions. Commercial development can only be done where there is water/wastewater. There are no properties zoned for no development.

### **APPROVAL OF MINUTES:**

A motion was made by Cheri Seils, seconded by Deb Brown, to approve the January 19, 2012 Minutes, as read. All members voted "aye". Motion carried.

### **ZONING ADMINISTRATOR'S REPORT:**

Bittner pointed out the permit issued in January, as well as the 6 letters or memos sent since the last meeting.

The following Potential Violations/Enforcement Actions were discussed:

1. Sarah Brawley – The garbage has been removed. Staff will monitor.

Mr. Marohn advised the Planning Commission he will not be at the March meeting. Justin Burslie from his office will attend. He directed Staff to pull together the information from our past discussions and to get interested parties here. That should include those who want larger signs as well as those who are happy with the smaller ones.

There needs to be sign consistency across town. It becomes a fairness issue; just because someone can afford a large sign can put a small business at a disadvantage.

The Community Character section of the Comprehensive Plan best describes the character of the City.

Mr. Marohn stated he will write and help with whatever code the Planning Commission wants. He suggested the Planning Commission look at SuperValu and Mid-Minnesota Federal Credit Union signs as they conform to the code.

**ADJOURNMENT:**

A motion was made by Bill Habein, seconded by J. J. Levenske, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 8:59 p.m.

Respectfully submitted,

Dawn Bittner  
Zoning Administrator