

**MINUTES
PEQUOT LAKES PLANNING COMMISSION
REGULAR MEETING
APRIL 28, 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

CITY COUNCIL LIAISONS: Jerry Akerson and Cathy Malecha

GOVERNMENT DRIVE PROJECT DISCUSSION:

Tim Houle, City Engineer, presented an overview of proposed improvements to Government Drive. This presentation was the same given to the public and adjacent property owners on April 19. He asked the Planning Commission Members to complete the survey and offer their comments. The results will be presented to the City Council and the Focus Group. The City Council will ultimately make the decision to move ahead or not with this project.

DOWNTOWN MASTER PLAN DISCUSSION:

Chairman Pederson stated that the Government Drive Improvement Project and the County Road 11 plans, it may be time to look at the Downtown Master Plan for revisions. In the Government Drive discussion, parking on adjacent streets is part of the Downtown Plan.

Mr. Marohn stated the Planning Commission has been asked to look at a Park Plan and these two discussions could be done together. We are looking more closely at the neighborhoods around the core downtown and how it connects to the surrounding community.

It was the consensus of the Planning Commission to meet over the next few months to discuss both the Downtown Plan and the Park Plan beginning at 6:00 p.m. The regular meetings will begin at 7:00 p.m.

The meeting was called to order by Chairman Pederson at 7:00 p.m.

PUBLIC HEARINGS:

APPLICANT: Steve Quisberg, SuperValu

Applicant requests Conditional Use Permit for Additional Signage

MINUTES

Pequot Lakes Planning Commission

April 28, 2011

Mr. Marohn explained the Staff Report. Applicant was represented by Chris Quisberg.

Mr. Hallan stated that this discussion parallels the Dairy Queen discussions. We are not setting a new precedence; this is what the concept plan is for.

Mr. Derksen asked if we hadn't talked about this before. Mr. Marohn stated that the Planning Commission had a fairly lengthy discussion on their earlier signs, approving a certain sign configuration. That was an over-the-counter permit, no issues. That does not preclude SuperValu from coming back asking for more. There was no variance or special provisions with their earlier approval.

When Mr. Adams asked if it would be lit, Mr. Quisberg stated they would need to look at it again; it may need to be a spotlight from above, but will not be digital.

Mr. Adams stated he was comfortable with the signage but the square footage is a problem. He felt the 33.5 square feet recommended by Staff would be appropriate. When he asked if anything more than just the price sign was necessary, Mr. Quisberg stated he had no problem with just the price readers.

Mr. Hallan stated that the grocery store was allowed 10% of the façade for signage. He asked what percentage the storefront is at. Mr. Marohn stated that they are well under 10% for the building itself. Mr. Hallan stated he would like to see the entire plan now, not more later. Mr. Quisberg stated they have no more requests for signage, other than for the vacant space indicated on the building sign plan.

A motion was made by Tom Adams, seconded by Cheri Seils, to approve the request for signage on the canopy up to the allowed 33.75 sq. ft. of signage on each side, the east side and the west side, based on the following Findings of Fact:

1. The request for a conditional use permit is for signage on an accessory structure, which is not allowed by the Ordinance. Section 17-7.1(5)(A)(6) allows for a conditional use permit and sign concept plan for anything that is not allowed in the sign section.
2. All signs, existing and proposed, meet the one foot setback requirement.
3. The existing signage is in conformance with the sign concept plan, approved by the Planning Commission April 15, 2010.
4. The proposal is for four signs. Two of the signs will measure 3' x 15' (45 sq. ft.) and will read, "Pequot Lakes Fuel Center". The other signs are manual changeable track system signs and measure 5' x 2.8' (14 sq. ft.). They will be used to display the price of gasoline. An identification sign and a gas price sign is being proposed to be placed on both the east and west sides of the canopy.
5. The applicant is requesting a CUP for a signage that is specifically not allowed in Section 17-7.1(A)(5). The applicant has submitted a sign concept plan.
6. The request for is to allow signage to be placed on an accessory structure (gas canopy).
7. There have not been any alternatives to the sign request submitted.

8. The subject property is in the Commercial District and is adjacent to Highway 371. There is similar signage throughout the highway corridor.
9. The signage will be used to identify the gas station as well as the price of gasoline. There will not be any negative aesthetic impacts from the proposed signage.
10. The additional signage is appropriate within the Commercial District. A conditional use permit is required since the applicant is requesting signage on an accessory structure, which is not allowed by the Code.
11. The Comprehensive Plan does not specifically address this request but allows for the use of commercial development within the City.
12. The use of the signs would be compatible with the existing neighborhood in that there are other similar signs within the same district.
13. The proposed use will not impair values nor substantially diminish properties in the immediate vicinity.
14. The proposed signs will not impede the normal and orderly development and improvement of surrounding vacant properties.
15. The proposed signage will not create a cost for additional public facilities or services.
16. The subject property is already established with vehicular approaches to the property. The proposed signs will face both the highway and the existing supermarket.
17. There is no need for additional parking with the request of a sign.
18. The requested signage will not create any odor, fumes, dust, noise or vibration. The signs will be internally lit, however it is unknown whether or not they will be turned off after business hours.
19. The proposed use will not cause any pollution to ground or surface waters.

Mr. Hallan stated the lighting will need to be downward directional, no glare and turned off after business hours.

All members voted "aye". Motion carried.

CONSIDERATION OF COMPREHENSIVE PLAN:

Mr. Marohn explained by moving our meeting date back a week we will not be able to have any recommendations included on the May City Council Agenda. We can approve the Comprehensive Plan, but it won't go to Council until June. He recommends tabling this to the May meeting and taking discussion and comments tonight, as well as sending the draft version to the City Council advising them of the public hearing in May. It was the consensus of the Planning Commission to leave this open for more public comment.

A motion was made by Mark Hallan, seconded by Deb Brown, to table this matter to the May Planning Commission meeting. All members voted "aye". Motion carried.

The Planning Commission was asked to bring back their April packet for the May meeting so the Comprehensive Plan won't need to be printed again.

ADDITIONS OR DELETIONS TO AGENDA:

Add under New Business:

8. d. American National Bank Sign;

8. e. Update by John Derksen.

OPEN FORUM

None

NEW BUSINESS:

a. Grow Zone Expansion Area

At the end of the Comprehensive Plan process, one strategy was expanding the Grow Zone approach to the surrounding neighborhoods making it a pattern based code rather than a use code, focusing on making this a higher return and private sector investment. This will take a number of months and the proposed area can be changed as discussion allows.

This can be paralleled with the Walkability Study. We will need volunteers to actually collect the data. The volunteers will be trained and will keep costs down while continuing to move forward. Some of the information is available through aerial photos, but visual data is also needed. This falls into planning mandate as a Planning Commission and does not need a directive from the City Council.

Approximately 16 volunteers will be needed, spending about 1 ½ hours each with teams of 2. It was suggested to have one female per team to stay focused. Volunteers: Tom, Scott, Cheri and Mark.

b. Walkability Study

(Discussed above)

c. Capital Obligations Inventory

This is another strategy from the Comprehensive Plan. We can update information that the Roads and Streets Department maintains. We will analyze it and hope to present an update next month. We may ultimately come back and need volunteers again. This is a high priority item that can be used for budgeting.

d. American National Bank Sign

Chairman Pederson explained that the existing time and temperature portion of their sign is broken and they can no longer get parts to repair. The sign to replace is somewhat smaller – 21 sq. ft. vs. 10 sq. ft. Only the digital part is being replaced.

Mr. Marohn clarified that State Statutes state existing non-conforming uses have the right to maintain it and replace it indefinitely. We do have an obligation to allow them to do something with this. If the Planning Commission wants to approve the smaller size, the Planning Commission has the authority to direct Staff to issue a permit with no

MINUTES

Pequot Lakes Planning Commission

April 28, 2011

4

Conditional Use Permit required. If the Planning Commission has concerns about it not being equivalent in size, Staff can work with the property owner to replace it with something the same size. Staff will need a list of concerns.

It was the consensus of the Planning Commission that only the time and temperature portion of the sign is being replaced, not a message board. It is not the exact same size, it is smaller and because of that Staff could not issue a permit. The nonconformity is getting smaller. In addition, the Planning Commission stated that if this sign breaks, a replacement cannot go back to the larger size.

A motion was made by John Derksen, seconded by Mark Hallan, to direct Staff to issue a sign permit for a sign that is a legal replacement under Section 4.4 for a sign that is outdated and simply displays time and temperature.

All members voted "aye". Motion carried.

Staff was directed to notify the bank and remind them in a letter that they are grandfathered to 10 sq. ft.

It was also brought to the Planning Commission's attention that the digital sign for the insurance company does not conform because you can see it from the streets. Mr. Marohn advised the Planning Commission that Staff will take pictures from the two streets and return next month with the pictures and the Conditional Use Permit approval.

e. Update by John Derksen

Mr. Derksen stated that last Wednesday, April 20th, he met with Chris Quisberg regarding the construction of the new road to Olson Street. With Northern Food King down pedestrians need a way to get to the store. He stated Mr. Quisberg agreed and would have the road constructed after road restrictions are removed. Mr. Derksen will send him a thank you on City stationery and maybe a press release to notify people that the road will be constructed.

There will be no permit required for the road. Mr. Derksen was able to get them to move the construction of the road up one year; they had a two-year window to do so.

OLD BUSINESS:

a. Wilderness Resort Submittals, Jeff Miller

Tom Steffens was present. He stated the Declaration and amended plat has been unanimously approved in concept by all of the existing owners at the homeowners' association meeting.

Mr. Marohn questioned how the ownership was represented on the Final Plat. The Ordinance and the State Platting Statutes require that all owners be represented on the platting document. Mr. Marohn is not sure how it works with a fractional ownership

Planned Unit Development. The City Attorney will need to approve and see the Title Opinion.

Mr. Steffens met with Kathy at the Recorder's Office and sent her the Statutes. She will get back to him on what needs to take place. The mortgage holders have been notified as well as all owners. A Certificate of Resolution will be submitted indicating all ownership has voted and approved this. The title work will be delivered to Paul Sandelin, City Attorney, next week. Mr. Marohn asked to be copied with the communications with Mr. Sandelin; he will need to coordinate the rental documents and the amended Declaration.

Mr. Marohn stated that timing is important; the applicant has requested Final Plat approval at the Planning Commission meeting May 19th, a Special Council meeting May 23rd and plan to have the plat recorded shortly thereafter. This is a very complex situation and the City Attorney needs to be looking at all of this soon.

Mr. Steffens stated the Vegetative Enhancement Plan is unchanged from what had been received. Mr. Marohn stated the City Engineer does not need to look at the Utilities Plan. They are not public utilities; the City is not taking them over. The MPCA approves the plans. One of the Conditions does state that the plans need to be reviewed by the City Engineer.

The Grading and other Plans were not prepared by WSN.

Mr. Hallan asked when the applicant will need to obtain the NPDES Permit and at what point we want them to submit MPCA approval of the wastewater treatment system, the SDS permit. Mr. Marohn stated it would be part of the building permit process, the land use process. When applications for the construction of units come in, the larger approval would need to be submitted prior to the permits being issued. Not Final Plat approval. Mr. Hallan further asked when the old system would not be adequate and when does the new system need to be built. Mr. Marohn stated a Compliance Inspection for the old, existing system would be required, compliant within 3 years.

Mr. Steffens stated the larger sewer system depends on the pace of sales. The MPCA is more receptive to do as flows, not 100% capacity. Mr. Marohn asked if the flows were being monitored. Mr. Steffens stated that they are being monitored and are being reported to the MPCA. Mr. Marohn stated he was comfortable with working with the regulatory agency that oversees it.

Mr. Adams asked if the amenities buildings are being constructed. Mr. Steffens stated that construction will not begin until June; the cabins have been removed.

Regarding the review of the wastewater plans by the City Engineer, Mr. Hallan stated the City Engineer is not going to do anything that the MPCA is not going to do. He is more curious about the grading plans.

A motion was made by John Derksen, seconded by Mark Hallan, to waive Conditions 5.b and 5.c since the review is being done by the MPCA. All members voted "aye". Motion carried.

Mr. Steffens will meet with City Attorney Sandelin at his expense.

The Planning Commission was directed to bring their entire packet with them next month so the submittals do not need to be printed again.

Staff was directed to have the Fire Department look at the roads on the Final Plat.

APPROVAL OF MINUTES:

A motion was made by Tom Adams, seconded by Cheri Seils, to approve the March 17, 2011 Minutes, as read. All members voted "aye". Motion carried.

Staff pointed out that the Mayor has suggested the Planning Commission work with the Park Commission to establish a Master Park Plan.

ZONING ADMINISTRATOR'S REPORT:

Bittner pointed out the three permits issued in March and the thirteen letters written or received.

Mr. Marohn stated he was not at the Planning Commission meeting last month but will answer any questions the Commission has regarding his Memo on the proposed Bus Garage. The Memo states technically there is no place in Pequot Lakes to get an over-the-counter permit to build a Bus Garage. Floor drains in a garage become a Class V Injection Well when not on City sewer. Mr. Marohn stated the response was to answer the single question asked of the Planning Commission: If not in the Industrial Park, then where? Mr. Marohn stated he would be happy to meet with Mr. Linnell to discuss options and to offer our help.

The following Potential Violations/Enforcement Actions were discussed:

1. Lloyd Wass, follow-up on both permits.

UPDATE ON DIRECTIONAL SIGNS:

Bittner stated that Kimberly Ziesemer has been working with Rob Hall, County Highway Engineer's Office, regarding placement of the signs. Mr. Hall is willing to work with them to establish the sign placement and would like to be a part of the permitting process to ensure proper height, etc. Mrs. Ziesemer and Jessie Jane Signs will present their final sign designs and placement at the May meeting.

Mr. Marohn stated that the kiosk in Tim Houle's presentation earlier was for pedestrian traffic. He is concerned with the dimensions of the signs. The Planning Commission

would like them to bring life-size samples, including height of entire sign, to the meeting in May.

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 8:38 p.m.

Respectfully submitted,

Dawn Bittner
Zoning Administrator