

**MINUTES**  
**PEQUOT LAKES PLANNING COMMISSION**  
**REGULAR MONTHLY MEEETING**  
**MAY 17, 2012**

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

CITY PLANNER: Charles L. Marohn, Jr., PE; AICP and Justin Burslie, Community Growth Institute

ZONING ADMNINISTRATOR: Dawn Bittner

COUNCIL LIAISONS: Jerry Akerson and Tom Ryan

**PLANNING COMMITTEE MEETINGS**

**a. Sign Ordinance Committee**

More signage in residential areas was determined last month to be necessary. Mr. Burslie explained the changes discussed last month. Business Identification Signs are what the changes covered.

Parallel vs. perpendicular placement was discussed. Should same square footage be used for either one or two sided signs? Perpendicular may be safer. Not all residential zones are 55 mph speed zones.

Limiting size to the small size is not practical. Limiting temporary signs such as real estate signs or home occupation signs to a smaller size seems reasonable, but businesses should be able to have a larger sign. A 4' X 4' sign may work for home businesses in speed zones less than 55 mph.

Mr. Marohn reminded the Planning Commission that the content of a sign cannot be regulated; it violates First Amendment Rights. The League of Minnesota Cities has no problem with our ordinance but it could be illegal. The City can only regulate land use, not the content of a sign. We can tie signage to home based businesses.

There were two participants in the audience: Carol Painter of Fishy Gifts and Jeff Garland from Stay and Play Pet Resort.

Ms. Painter stated that a commercial business in a rural area, such as Stay and Play, a 4' X 8', 2-sided sign seems fair, it's readable. Mr. Garland stated that trees block his sign. He prefers a perpendicular sign rather than a parallel sign; it's a safety issue. He also has signage on his building, but that signage is not there to be seen from the road.

Ms. Painter's home occupation is located on County Road 107. She stated a 4' X 8' sign would be too large for her location; she would need to remove trees to do so. A 4' X 4' perpendicular sign would be adequate.

It was suggested throwing out the sign ordinance and see what happens or try having an ordinance in certain areas. Businesses may want some degree of restriction; it alleviates sign wars. Billboards would be allowed.

Council Member Ryan stated that businesses make choices for their best interests. It is unrealistic to have no sign ordinance; we need to have a basic framework. The Crow Wing County Sign Ordinance is very easy to understand; we need to be consistent with our basic neighbors. Staff was directed to include that ordinance in next month's packet.

Council Member Akerson stated that the School and Chamber will be coming again for digital billboards.

The following were suggestions:

- Don't count the second side;
- The Chamber, School and any other public entity (community events) could be exempt from sign requirements;
- Phones will be the communication used for the School, not digital signs;
- Size is the one element that continues to be a concern;
- Regulate size and lighting;
- Be flexible.

Council Member Akerson stated that off-site signs are also an issue.

The decisions being made are making Pequot Lakes more competitive in the marketplace. Signage at the gateway may be helpful. How do we contribute to the businesses in Pequot Lakes? The City Council is the Board of Directors for the City; what can they do for the shareholders who are the businesses and residents of the City.

#### **b. CSAH 11 Review Committee**

This committee will meet at the next meeting; members will join the sign committee discussion.

Chairman Pederson called the meeting to order at 7:13 p.m.

Chairman Pederson opened the Public Hearing.

#### **PUBLIC HEARING:**

**Applicant: City of Pequot Lakes**

**Applicant requests an Ordinance Amendment regarding Height of Fences**

Mr. Burslie explained the Staff Report. The proposed amendment increases the maximum height in the rear yard; the side yard and front yard would continue to have a

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5-foot maximum height. The proposed amendment has a word missing; the first sentence in red should read: “*Fences not exceeding 60 inches in height may be constructed in the side yard or the front yard of a property.*”

Council Member Akerson asked if an 8-foot fence would be appropriate in the back yard. A back yard is not public realm. If there are pools, higher fences might keep children out.

Mr. Marohn explained that with small, urban lots high fences block out light and circulation of air. Homeowners can make the choice of height.

A motion was made by J. J. Levenske, seconded by Scott Snyder, to amend the proposed amendment to state “*Fences not exceeding 96 inches may be constructed in rear yard of a property.*” All members voted “aye”. Motion carried.

A motion was made by J. J. Levenske, seconded by Scott Snyder, to recommend the City Council amend Section 17-5.9 Urban Residential, as follows:

**Amendment:** Chapter 17, Article 5 shall be amended as follows:

**Section 17-5.9 URBAN RESIDENTIAL (UR)**

4. Performance Standards.

- C. Fences. Fences not exceeding 60 inches in height may be constructed except within the OHW setback area. Fences not exceeding 36 inches in height may be constructed within the OHW setback area so long as the fencing is transparent. Fences not exceeding 60 inches in height may be constructed in the side yard or the front yard of a property. Fences not exceeding 96 inches may be constructed in rear yard of a property. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. 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, except where specific approval has been given by the Planning Commission.

All members voted “aye”. Motion carried.

**ADDITIONS OR DELETIONS TO AGENDA:** None.

**OPEN FORUM:** None.

**NEW BUSINESS:** None.

**OLD BUSINESS:** None.

**APPROVAL OF MINUTES:**

A motion was made by Scott Snyder, seconded by Cheri Seils, to approve the April 19, 2012 Minutes as read. All members voted “aye”. Motion carried.

**ZONING ADMINISTRATOR’S REPORT:**

Bittner pointed out the 4 permits issued and the four letters sent. The following Potential Violations/Enforcement Actions were discussed:

1. Virgil Dahl – We need to address.
2. Mike Pestello – Mr. Pestello has acknowledged the exterior storage and will remove it.
3. David Kennedy – Parcel in question is a rental property; tenant must keep yard orderly.
4. David Anderson – Bittner explained the lot line encroachment.

**ADJOURNMENT:**

A motion was made by Scott Snyder, seconded by Cheri Seils, to adjourn the meeting. All members voted “aye”. Motion carried. The meeting was adjourned at 7:31 p.m.

Respectfully submitted;

Dawn Bittner  
Zoning Administrator