

**MINUTES  
PEQUOT LAKES PLANNING COMMISSION  
REGULAR MEETING  
JULY 21, 2011**

PRESENT: Tom Adams, Deb Brown, John Derksen, Bill Habein, Mark Hallan and Scott Pederson. ABSENT: Cheri Seils.

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 7:00 p.m.

**Downtown Master Plan and Park Plan Discussion:**

The Planning Commission met on West Lake Street at 6:00 p.m. to discuss street design.

**Chairman Pederson opened the Public Hearings.**

**PUBLIC HEARINGS:**

**APPLICANT: Ed Marsolek, Heritage House of Pequot Lakes  
Applicant requests a Conditional Use Permit for a Lighted Sign**

Mr. Marohn explained the Staff Report. Lighting will be external and needs to be downward directional. Mr. Marsolek was present.

Public comment: None.

Public Comment closed.

Mr. Marsolek would like to place the new sign 35 – 40 feet closer to the driveway than the existing sign, approximately 100 feet north of the driveway. The lit sign will not be intrusive to the neighbors.

The posts are not counted as part of the sign area. 32 square feet is allowed; they are requesting 37 square feet. The existing sign is almost 38 square feet. Chairman Pederson explained to the applicant that the Planning Commission needs to follow the Ordinance and the request is outside those parameters.

Mr. Marsolek stated they are planning a 4' X 8' sign; Mr. Marohn explained that if the sign is perpendicular to the road, both sides of the sign will need to be counted. If the sign is parallel, only one side would be counted.

With respect to the size of the parcel, the larger sign is not intrusive.

The existing sign is non-conforming, but could be refaced, in present location.

Mr. Marohn explained the following options: the applicant could keep existing sign, reface it, and light it, or move it and adapt to the new code. The third option would be to place the sign parallel to the road. Mr. Marsolek stated he felt the owners of Heritage House would like to consider the options. Any one of those 3 options would be an over-the-counter permit. The sign would have to meet the code with lighting approval tonight; no special permitting would be needed.

A motion was made by John Derksen, seconded by Tom Adams, to approve a lighted sign, based on the following Findings of Fact:

1. The request for a conditional use permit is for an area identification sign in the Rural Residential Zone.
2. The proposed sign meets the one foot setback requirement.
3. The existing signage (located approximately 300 feet north of the driveway) will be removed upon construction of the proposed sign (located approximately 100 feet north of the driveway).
4. The proposed sign measures 8' x 3' with a 1' bump-out on top and will read, "Minnesota Heritage House of Pequot Lakes".
5. The request is to allow approximately 50 sq. ft. (25 sq. ft./side) of signage to be placed in the Rural Residential zone while typically 32 sq. ft. of total signage is allowed.
6. The proposed sign is approximately 6.5' in height while signs in the Rural Residential District may not exceed 8' feet in height.
7. The proposed sign would be located at the entrance to the development which is near the top of a hill and surrounded by trees.
8. The existing sign would be removed upon construction of the proposed sign. The proposed sign would be the only sign for the development.
9. The lighting of the proposed sign would be external, downward directional and hooded.
10. The subject property is in the Rural Residential Zone and is adjacent to County Highway 107.
11. The signage will be used to identify the Heritage House of Pequot Lakes. There will not be any negative aesthetic impacts from the proposed signage.
12. The proposed sign, with conditions, is appropriate within the Rural Residential Zone. The area is heavily wooded and hilly, ensuring that the sign will not affect neighboring properties.
13. The Comprehensive Plan does not specifically address this request.
14. The use of the signs, with conditions, would be compatible with the existing neighborhood.
15. The proposed use will not impair values nor substantially diminish properties in the immediate vicinity.
16. The proposed sign will not impede the normal and orderly development and improvement of surrounding vacant properties.

17. The proposed signage will not create a cost for additional public facilities or services.
18. The subject property is already established with a vehicular approach to the property. The proposed sign will be two-sided and will face traffic heading north bound and south bound on County Highway 107.
19. There is no need for additional parking with the request of a sign.
20. 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.
21. The proposed use will not cause any pollution to ground or surface waters.

Subject to the following Conditions:

1. The surface area of the sign shall conform to the Ordinance.
2. The lighting of the sign shall be downward directional and hooded.
3. The existing sign shall be removed upon completion of construction of the new sign.

All members voted “aye”. Motion carried.

**APPLICANT: City of Pequot Lakes**

**Applicant requests an Ordinance Amendment for Industrial Park Subdivision Overlay District**

Mr. Marohn explained the Staff Report. This amendment would reduce costs and streamline the process, providing an easier process for subdivision.

Public Comment: None.

Public Comment Closed.

When asked, Mr. Marohn stated the Baptist Church would also be contacted to see if they had interest in subdividing their lots.

Overlay zones keep the code clean, with fewer rules. Anything to make it easier to do business is a good thing. We’ve been told there are too many barriers in place making that difficult. This is simplifying the process, costing less; this is a win-win situation for everyone.

There was an issue previously with Overlay Zones from the Council. Rather than writing a separate ordinance, duplicating things, this keeps the ordinance from becoming massive. This strikes out what is not required in that Industrial Park area.

Council Member Akerson stated that this creates another level of bureaucracy, another set of rules and more confusion. When Chairman Pederson asked how there could be more confusion, Mr. Hallan emphasized that we are removing layers with this Overlay Zone. Chairman Pederson explained that we are making it less complicated.

Mr. Marohn explained that the amendment supersedes the standards of 9.2, with only a page and a paragraph remaining. Chapter 9.2 is approximately 8 pages.

Council Member Akerson stated that the state has rules, the county has rules and this is another layer. Mr. Marohn stated the State has a code that we have to be at least as restrictive as; our Code is written to be in conformance with theirs. Council Member Akerson asked how the County rules play into this. Mr. Marohn stated that the County rules have no impact on us. We do not need to follow the County code.

By making these changes, we are reducing the costs to the property owner to subdivide their property from possibly \$6,000 to a \$500 undertaking. A Surveyor would need to provide a legal description of the subdivision and stake it.

There are approximately 30 points listed in Chapter 9.2 to be addressed; with the Overlay Zone 21 of the points have been eliminated. That is simplifying the submittal process. When asked if this made sense, Council Member Akerson stated that there is nothing in this room that makes sense to him as a property owner. He buys the property, pays the taxes on it and the Planning Commission can tell him what he can do on it? That makes no sense to him.

Mr. Adams asked him if it made sense to take 30 requirements to use a piece of property and change it to 8 requirements and you can do it in 2 hours rather than 60 days. Council Member Akerson stated that that made sense. Mr. Adams then asked if that was something that as a City Councilperson felt he could agree to. Council Member Akerson stated he could not. He stated he has his opinions and the Planning Commission has theirs. He is in agreement with taking those points out; we are just at an impasse.

A motion was made by Mark Hallan, seconded by Bill Habein, that the Planning Commission recommends to the City Council the implementation of the Business/Industrial Park Overlay Zone amendment to allow for the considerable reduction and time improvements for property owners to modify their property boundaries.

All members voted "aye". Motion carried.

Mr. Marohn will verify that this can be done by metes and bounds.

**Chairman Pederson closed the public hearings.**

**ADDITIONS OR DELETIONS TO AGENDA:**

Add: 7. d. Request from Gloria Dei Church

**OPEN FORUM:**

MINUTES  
Pequot Lakes Planning Commission  
July 21, 2011

Nathan Wahlberg was present to address the Planning Commission. He had contacted Staff at City Hall and was told his plan to open a used automobile dealership would require a Conditional Use Permit. He had gone through our zoning rules and wanted to bring a couple things to the Planning Commission's attention.

The location he would be leasing is 29317 State Highway 371. The property is zoned Commercial and is just north of Crow Wing Auto Body, the barn structure. He contends that the sale of used cars would be a Retail Use provision. Retail Use is described as *"The principal use of land or buildings for the sale of goods to consumers. The goods are normally not for resale, and usually sold in small quantities."* Mr. Wahlberg felt that this definition applies to the sale of used cars.

Mr. Wahlberg then read the definition of Commercial Use: *"The principle use of land or buildings for the sale, lease, rental, trade of products, goods or services."* He felt that the sale of used cars falls under that also.

He further pointed out the definition of the Commercial Zone as *"To provide a zoning classification for commercial uses oriented around the automobile."*

Mr. Wahlberg stated that the County regulations do not have a Conditional Use for used car lots; they would be a permitted use. A CUP makes it more difficult to begin doing business, more red tape. For auto dealers, the State has a lot of rules and regulations. He hoped to get around the Conditional Use Permit. Requiring a CUP for this could lead to unlicensed dealers. There already may be a couple. That becomes a disadvantage to the consumers.

The State requires the zoning authority to sign off on their application.

Mr. Marohn explained the Planning Commission could make the decision whether this proposed use would be either Retail Use or Commercial Use, Other. No ordinance is perfect.

Mr. Wahlberg explained that he is proposing a small scale operation. Mr. Marohn explained that the CUP fee is \$450 plus recording fees. There is one month of time involved. Issues to be looked at would include: impervious coverage, screening, neighbor concerns, signage and number of cars on display. The City has restrictions on signage. We would need a site plan and a sewer inspection even if it is over-the-counter. The reason for the fee is for the public hearing, notifications and published notices. No Business Plan is required.

Mr. Wahlberg explained that he will be using an existing building and plans to display 5 cars. It is an incubating business.

It was the consensus of the Planning Commission that Mr. Wahlberg's proposal for a used car dealership would be a Retail Use and would be allowed up to 15 cars. A

Conditional Use Permit would be required if he wishes to expand over 15 cars. The use matches the neighborhood.

A site plan would be required, as well as his plans for signage. A Compliance Inspection will also need to be submitted if the existing one has expired. Staff was directed to sign the auto license application.

**NEW BUSINESS:**

**a. Future Sale of Tax Forfeited Lands, Discussion:**

Mr. Marohn explained the Staff Report. The County is required to ask the municipalities if they object to classifying tax forfeit lots as non-conservation and being sold at public auction. These two lots do not have any value as City property.

A motion was made by Mark Hallan, seconded by Deb Brown, to recommend the City Council approve the classification as “Non-Conservation” and the lots be offered for future sale. All members voted “aye”. Motion carried.

**c. Lawn Maintenance Standards:**

Staff explained the City had received pictures of various properties throughout the City as property maintenance complaints from a property owner who had received a Potential Violation letter regarding his lawn in the Downtown Mixed Use Zone. A few of them were legitimate complaints, but several of them were for right-of-ways or commercial properties that were not within the core City. It was the consensus of the Planning Commission that the Downtown Mixed Use Zone and the Residential Zones near the core City would be the enforcement areas.

If Staff is having difficulty with a property owner, the City Planner or a Planning Commission Member should accompany her to discuss violations that are not being resolved.

**d. Request from Gloria Dei**

Staff explained Gloria Dei Lutheran Church is requesting someone from the Planning Commission to attend their upcoming meeting on August 1 to offer suggestions to stop the turning traffic in their parking lot from SuperValu patrons that missed the turn for SuperValu. There also is traffic from the apartment buildings west of the Church using the rear driveway to access Highway 371.

The rear driveway is a one-way dirt road that is not well graded. The traffic coming from the apartments is going the wrong way. The Planning Commission suggested signage, speed bumps or putting up a gate.

The traffic turning around from Highway 371 drive too fast and go through the carport. The Planning Commission suggested speed bumps to slow traffic or to close the access from the Highway and improve the rear access.

Chairman Pederson and Mr. Marohn can tentatively attend the meeting August 1.  
Chairman Pederson may also call Earl Hemmerich.

**OLD BUSINESS:** None.

**APPROVAL OF MINUTES:**

A motion was made by Deb Brown, seconded by Bill Habein, to approve the May 19, 2011 Minutes as corrected. All members voted “aye”. Motion carried.

A motion was made by Bill Habein, seconded by Tom Adams, to approve the June 16, 2011 Minutes as corrected. All members voted “aye”. Motion carried.

**ZONING ADMINISTRATOR’S REPORT:**

Bittner pointed out the six permits issued and the 27 letters sent or received. The following Potential Violations/Enforcement Actions were discussed:

1. Dale Olson – The pavers should be removed as previously directed and the pontoon placed on the westerly dock.
2. Roy Humari Sculpture – The “Carver” sign is being turned on after hours and on weekends. Staff was directed to notify the property owner of the violation and potential enforcement action.

When asked, Staff explained to Council Member Akerson that the violation letters are complaint driven and the complainants are anonymous. Most items in the Zoning Department are public information but by State law, anyone who comes forward and reports a land use violation, their name is not part of the data practices that is divulged.

Chairman Pederson asked Council Member Akerson to clarify an earlier statement regarding the City’s Ordinances and possibly the Planning Commission as something he didn’t believe in. Council Member Akerson stated that they are ridiculous. He stated it was ridiculous that the gentleman earlier requesting a sign for his medical facility for the elderly, he could only have a 4’ X 4’ sign. The sign out at SuperValu is ridiculous; they’ve got a beautiful store set back so far you can’t see it coming from the north or south and their little puny sign you can’t read. It’s ridiculous.

Chairman Pederson asked if it is more than the sign issue, everything that Planning and Zoning does. Council Member Akerson stated pretty much. So he could understand where Council Member Akerson was at, Chairman Pederson asked what he felt his purpose as Liaison was to Planning and Zoning. Council Member Akerson stated to listen to it.

Chairman Pederson asked if Council Member Akerson believed or agreed that anything the Planning Commission did was worthwhile. Council Member Akerson stated he didn't know. He asked if the Planning Commission would rather he didn't attend. Chairman Pederson stated he was used to input from a Liaison. Council Member Akerson stated at the Council level, he will support very little that comes out of Planning and Zoning because of the way our sign ordinances are written, just because of the way a lot of our ordinances are written.

Chairman Pederson reminded Council Member Akerson that it is the Council that changes the ordinances, not the Planning Commission. Council Member Akerson stated the Planning Commission makes recommendations. Council Member Akerson further stated maybe he should recommend to pull those ordinances back out.

Chairman Pederson asked Council Member Akerson what his purpose was to be the Liaison, since he doesn't agree with anything and won't vote for anything the Planning Commission produces. Council Member Akerson stated he maybe doesn't have a purpose. Chairman Pederson asked Council Member Akerson if he could see how difficult that was for the Planning Commission. Council Member Akerson stated it didn't seem difficult for the Planning Commission at all. Chairman Pederson stated the Planning Commission puts a lot of effort into the tough decisions made here each month. Council Member Akerson stated he does not support that. He further stated that he was put into the Liaison position; he didn't ask for it. Council Member Akerson stated that the Planning Commission can request that he not be there. The Mayor assigns positions at the beginning of the year. When asked, he stated that he does not see a conflict by not supporting the Planning Commission.

Chairman Pederson explained that the Planning Commission tries to uphold the ordinances and work with people within the realm of the ordinances. Council Member Akerson stated he could not support that; he told Chairman Pederson to ask the Mayor to take him off as Planning Commission Liaison.

Mr. Marohn stated that he would like to find a way to work with Council Member Akerson more closely to understand his concerns regarding the sign ordinance and the Comprehensive Plan. Council Member Akerson further stated he will address his vision for the City in the fall.

Mr. Marohn encouraged Council Member Akerson to have his concerns discussed at an upcoming Planning Commission meeting.

**Downtown Master Plan and Park Plan Discussion:**

Mr. Marohn explained the site visit that took place along West Woodman Street and Second Street earlier this evening. This type of exercise compiling the financial data and merging our approach to engineering, money spent on project and how it relates to land use, architecture, finance and parks, he envisions proceeding with this approach block by block. This could be completed for the rest of the expanded Grow Zone. This would

create a framework that will tie in with new street standards and financial objectives, creating general guidelines.

Chairman Pederson stated he would like to see a purpose statement prior to beginning this process.

**ADJOURNMENT:**

A motion was made by Tom Adams, seconded by Deb Brown, to adjourn the meeting. All members voted "aye". Motion carried. The meeting was adjourned at 9:29 p.m.

Respectfully submitted,

Dawn Bittner  
Zoning Administrator