

**PUBLIC HEARING – CONDITIONAL USE PERMIT**

**Application:**        **Conditional Use Permit to Operate a Seasonal Outdoor Farmers Market**

**Applicant:**         **Sharon Thorson**

**Agenda Item:**      **3 (a)**



**Background Information:** The applicant is requesting a Conditional Use Permit to operate a seasonal outdoor Farmers Market in the Downtown Mixed Use zoning classification. A Farmers Market would be considered a “Commercial Use, Other” in the Land Use Matrix, requiring a Conditional Use Permit.

The subject property is located at 31078 Government Drive and is approximately .21 acres in size. There are currently a 988 square foot retail store with 2 decks and a 77 square foot gazebo on the parcel. The subject property is served by municipal water and wastewater.

The subject property is adjacent to Government Drive to the west, Oriole Street to the south, and other Downtown Mixed Use parcels to the north and east. The north and east property lines are fenced with a 6-foot tall privacy fence. A short, decorative fence is along the west property line.

Applicant proposes to operate a farmers market one day per week from late May to early October that would offer locally farmed, grown, harvested, and produced goods for the community. The food products would include jams, honey, wild rice, etc., but no crafter items. Applicant proposes to lease 10 to 20 spaces to local vendors to sell their products; each vendor space is proposed to be 8’ X 8’ or

10' X 10' in size. Hours of operation are proposed to be 8:00 AM to 1:00 PM, but could be altered an hour earlier or later dependent upon vendors schedules.

Applicant also proposes to remove the short, decorative fence along the west property line to allow easy access onto the site from Government Drive.

The parking requirements of Section 17-7.10 do not apply. Sufficient parking spaces are available along Government Drive and Oriole Street. Customers for farmers markets are transient in nature and shouldn't occupy parking spaces for a long period of time.

All signage will need to meet the ordinance and be permitted under a separate Land Use Permit.

**Applicable Regulations:**

**Section 17-5.12 DOWNTOWN MIXED USE (DMU)**

1. Purpose and Intent: To provide a zoning classification for a mix of high-density residential and commercial uses. Development in this zone relies less on automobile traffic and more on walking, biking and other similar modes of transportation. Infrastructure must be in place to provide on-street parking and walkways as well as connection to municipal water and sanitary sewer utilities. Downtown Mixed-Use zones should be clustered to provide the maximum amount of interaction and accessibility between the different establishments.
  
2. Compatibility: The Downtown Mixed-Use zone is most compatible with and should be established next to the Urban Residential zone, but it also may be adjacent to the Transition Residential, Commercial and Light Industrial Zones.
  
3. Lot and Use Requirements (DMU).

Lot width– feet, minimum	25
Buildable lot area – square feet, minimum	2,250
Maximum Density (units per acre)	20
Setback, right of way, City road- feet, minimum	1
Setback, right of way, County or State road, feet, minimum	10
Setback, side yard – feet, minimum	0
Setback, rear – feet, minimum	10
Setback, sign – feet, minimum	1
Setback, parking from building or lot line – feet, minimum	0
Setback, wetland – feet, minimum	30
Impervious Coverage with storm sewer available	90%
Impervious Coverage without storm sewer available	50%
Building height – feet, maximum	25

Flag Pole height – feet, maximum	30
Building above highest groundwater level – feet, minimum	3

4. Performance Standards. The following performance standards apply to all development in this zone:

- A. Parking. Commercial developments within the DMU District are exempt from the parking standards of Section 7.10. Residential development within the DMU District is not exempt. Developments shall minimize the appearance of parking areas.
  - (1) Location. Parking and vehicle drives shall be located away from building entrances and street corners, and not between a building entrance and the street. Surface parking shall be oriented behind or to the side of a building when possible.
  - (2) Landscape Buffering. Suitable trees and shrubs shall be planted between parking lots and all adjacent sidewalks and buildings.
  - (3) Maximum Parking Ratio. Surface parking shall not exceed 125% of the minimum parking requirement for the subject land use(s).
- B. Pedestrian Amenities. Proposed developments shall provide for safe and comfortable sidewalks, paths, and resting areas for pedestrians. Sidewalks and paths shall connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.
- C. Lighting. All building entrances, pathways and other pedestrian areas shall be lit to two-foot candles with pedestrian-scale lighting including wall mounted, sidewalk lamps, bollards, or landscape up-lighting.
- D. Fences. Fences not exceeding 48 inches may be constructed between the dwelling façade and the front property line. Dwelling façade shall not include decks, entry ways, porches, and other building projections from the principal face of the dwelling. Fences not exceeding 72 inches in height may be constructed from the dwelling façade to the side yard and to the rear yard of a property. Fencing shall only be constructed closer than 10 feet from the surface of a public road with the permission of the Planning Commission 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 allowed only with the permission of the Planning Commission.

**Section 17-5.15 LAND USE MATRIX**

A- allowed w/o a permit, P - permitted, C- conditional use, I - interim use, AC - accessory use, E - excluded

**USE**  
**Commercial Use (Other,**  
**Not Classified)**

**DMU**  
**C**

**Section 17-11.6 CONDITIONAL USE PERMITS**

1. Conditional Use Permits shall be issued to the property for structures or other specified uses after a public hearing and approval by the Planning Commission. All applications for a Conditional Use Permit shall be submitted to the Zoning Administrator **30** days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days ahead of the public hearing. The Zoning Administrator shall send the same notice 10 days in advance of this hearing to the DNR if the proposed is in shoreland. At the applicant's option, the applicant may request a sketch plan review with no action by the Planning Commission and omit by giving 14 days notice thereof to the Zoning Administrator, meeting time permitted.

2. Submissions for Conditional Use Permit. The applicant shall complete the Conditional Use Permit application approved by the City Council. The application shall contain submittal requirements, criteria for approval, procedure for consideration and City contact information. The City shall not accept applications where the applicant has past due fees or charges due to the City until the account is made current.

3. In permitting a new Conditional Use or alteration of an existing Conditional Use, the Planning Commission may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission considers necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to the following:

- A. Increasing the required lot size or yard dimension.
- B. Limiting the height, size or location of buildings.

- C. Controlling the location and number of vehicle access points.
  - D. Increasing the street width.
  - E. Increasing or decreasing the number of required off-street parking spaces.
  - F. Limiting the number, size, location or lighting of signs.
  - G. Requiring berming, fencing screening, landscaping or other facilities to protect adjacent or nearby property.
  - H. Designating sites for open space.
  - I. Stormwater runoff management.
  - J. Reducing impervious surfaces.
  - K. Increasing setbacks.
  - L. Restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
4. The Planning and Zoning Commission shall decide the issue with consideration to the following:
- A. The following must be met:
    - (1) The use or development is an appropriate conditional use in the land use zone.
    - (2) The use or development, with conditions, conforms to the comprehensive land use plan.
    - (3) The use with conditions is compatible with the existing neighborhood.
    - (4) The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
    - (5) For Conventional Subdivisions, the property contains physical constraints which make it unable to be developed by the Conservation Subdivision method.

B. The following must be considered:

- (1) The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.
- (2) The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
- (3) The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (4) The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.
- (5) Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
- (6) Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.
- (7) The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
- (8) The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

5. When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to retain in reviewing permits.

6. Conditional Use Permits may be transferable where requested by an applicant and approved by the Planning Commission.

7. Violations of the conditions of a Conditional Use Permit shall automatically suspend the permit. A review of the violation shall be conducted by the Planning Commission. The Planning Commission shall determine conditions for reinstating the permit or revocation, if applicable.

8. Failure by the owner to act on a Conditional Use Permit within 12 months, or failure to complete the work under a Conditional Use Permit within 2 years, unless extended by the Planning Commission, shall void the permit. A second extension shall require a new public hearing. This provision shall apply to any Conditional Use Permit outstanding at the time of the Ordinance adoption.

9. Appeals from the action of the City shall be filed with District Court within 30 days after City Council action.

10. The Conditional Use Permit shall be filed with the County Recorder within 45 days of approval.

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**Staff Findings:** Staff provides the following Findings of Fact for consideration by the Planning Commission:

1. The conditional use permit request is to allow a seasonal outdoor farmers market in the Downtown Mixed Use zone. The use or development is an appropriate conditional use in the land use zone.
2. The subject property is a conforming parcel. The property contains 988 square foot retail store with 2 decks and a 77 square foot gazebo.
3. The property is served by municipal water and wastewater.
4. The parking requirements of Section 17-7.10 do not apply. Adequate parking spaces are available along Government Drive and Oriole Street.
5. The proposed "use" is considered "Commercial Use (Other, Not Classified)" and requires a conditional use permit.
6. Signage will be applied for under separate Land Use Permit meeting Section 17-7.1 of the City Code.
7. The proposed use, with conditions, conforms to the Comprehensive Plan, which promotes establishment of Community Supported Agriculture operations.
8. The adjacent property to the north and east are also zoned Downtown Mixed Use. The subject property is adjacent to Government Drive on the west and Oriole Street on the south. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
9. The proposed use is compatible with the existing neighborhood, which is a mix of retail, commercial and service uses. The proposed use as a farmers market will only benefit and enhance the character of the neighborhood by offering locally farmed, grown, harvested and produced goods for our community.

10. 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.
11. 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.
12. The subject property is accessed via Government Drive and Oriole Street. There will not be a significant increase in traffic due to the proposed use, as customers for farmers markets are transient in nature and shouldn't occupy parking spaces for a long period of time. The public cost for facilities and services for the proposed development will not be detrimental to the economic welfare of the community.
13. The proposed use, with conditions, will not generate any offensive odor, fumes, dust, noise or vibrations that will be a nuisance to neighboring properties.
14. The proposed use will not destroy any natural or scenic features. There are no known historical features of major significance on the subject property.
15. The proposed use, with conditions, will not impact ground and surface waters.

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**Planning Commission Direction:** The Planning Commission can approve the Conditional Use Permit, deny the application, or table the request if additional information is needed. If the motion is for approval or denial, Findings of Fact should be cited.

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**Staff Recommendation:** The subject property is suited well for the proposed use. We recommend the application be approved with the following conditions:

1. The property shall maintain a neat and orderly appearance.
2. The farmers market may operate one day per week from May 1 to October 31 and hours of operation shall be no earlier than 7:00 AM and no later than 2:00 PM.
3. Vendors shall not park on Government Drive; vendor parking shall be on a side street.
4. Signage shall be permitted by separate application.
5. All tents shall be disassembled and stored out of sight from the public right-of-way and adjacent properties after each event is held.
6. Tables, chairs and other temporary items associated with the farmers market shall be stored out of sight from the public right-of-way and adjacent properties after each event is held.

If the Planning Commission approves the Conditional Use application, the Planning Commission should adopt the attached Resolution by motion also.

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**CITY OF PEQUOT LAKES  
PLANNING COMMISSION RESOLUTION 20-\_\_**

**A RESOLUTION APPROVING THE REQUEST FOR A CONDITIONAL USE  
PERMIT TO OPERATE A SEASONAL OUTDOOR FARMERS MARKET**

**WHEREAS**, the applicant, Sharon Thorson, seeks a Conditional Use Permit under City Code Section 17-11.6 to allow a seasonal outdoor farmers market at 31078 Government Drive, legally described on the attached Exhibit A (the “Property”), which is zoned Downtown Mixed Use; and,

**WHEREAS**, the Planning Commission conducted a public hearing on March 19, 2020, and received public testimony regarding the proposed Conditional Use Permit; and

**WHEREAS**, all required notices regarding the public hearing were properly made; and

**WHEREAS**, the Planning Commission, having reviewed and considered the application, staff analysis and public testimony regarding the proposed Conditional Use Permit at its meeting of March 19, 2020, does hereby resolve the Conditional Use Permit application as set forth below.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF PEQUOT LAKES, MINNESOTA**, that it adopts the following findings of fact related to the requested Conditional Use Permit.

A. Mandatory Criteria:

1. Criteria #1: The use or development is an appropriate conditional use in the land use zone.

Finding #A1: The conditional use permit request is to allow a seasonal outdoor farmers market in the Downtown Mixed Use zone. The use or development is an appropriate conditional use in the land use zone.

2. Criteria #2: The use or development, with conditions, conforms to the comprehensive land use plan.

Finding #A2: The proposed use, with conditions, conforms to the Comprehensive Plan, which promotes establishment of Community Supported Agriculture operations.

3. Criteria #3: The use with conditions is compatible with the existing neighborhood.

Finding #A3: The proposed use is compatible with the existing neighborhood, which is a mix of retail, commercial and service uses. The proposed use as a farmers market will only benefit and enhance the character of the neighborhood by offering locally farmed, grown, harvested and produced goods for our community.

4. Criteria #4: The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.

Finding #A4: 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.

B. Additional Criteria:

1. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.

Finding #B1: 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.

2. The conditional uses will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Finding #B2: The adjacent property to the north and east are also zoned Downtown Mixed Use. The subject property is adjacent to Government Drive on the west and Oriole Street on the south. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

3. The conditional requirements at public cost for public facilities and services will not be detrimental to the economic welfare of the community.

Finding #B3: The subject property is accessed via Government Drive and Oriole Street. There will not be a significant increase in traffic due to the proposed use, as customers for farmers markets are transient in nature and shouldn't occupy parking spaces for a long period of time. The public cost for facilities and services for the proposed development will not be detrimental to the economic welfare of the community.

4. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.

Finding #B4: The subject property is accessed via Government Drive and Oriole Street. There will not be a significant increase in traffic due to the proposed use, as customers for farmers markets are transient in nature and shouldn't occupy parking spaces for a long period of time. The public cost for facilities and services for the proposed development will not be detrimental to the economic welfare of the community.

5. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.

Finding #B5: The parking requirements of Section 17-7.10 do not apply. Adequate parking spaces are available along Government Drive and Oriole Street.

6. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.

Finding #B6: The proposed use, with conditions, will not generate any offensive odor, fumes, dust, noise or vibrations that will be a nuisance to neighboring properties.

7. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.

Finding #B7: The proposed use will not destroy any natural or scenic features. There are no known historical features of major significance on the subject property.

8. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

Finding #B8: The proposed use, with conditions, will not impact ground and surface waters.

**BE IT FURTHER RESOLVED** that, in accordance with the Planning Commission's findings of fact above, the Conditional Use Permit to operate a seasonal outdoor farmers market at the Property is hereby approved with the following conditions:

1. The property shall maintain a neat and orderly appearance.
2. The farmers market may operate one day per week from May 1 to October 31 and hours of operation shall be no earlier than 7:00 AM and no later than 2:00 PM.
3. Vendors shall not park on Government Drive; vendor parking shall be on a side street.
4. Signage shall be permitted by separate application.
5. All tents shall be disassembled and stored out of sight from the public right-of-way and adjacent properties after each event is held.
6. Tables, chairs and other temporary items associated with the farmers market shall be stored out of sight from the public right-of-way and adjacent properties after each event is held.

**BE IT FURTHER RESOLVED** that, in accordance with City Code Section 17-11.5, any person aggrieved by the Planning Commission's resolution of the Conditional Use Permit application herein may appeal such resolution to the City Council by filing written notice of intent to appeal with the City Administrator within fifteen (15) days of the date of this Resolution indicated below.

Passed by the Planning Commission of the City of Pequot Lakes, Minnesota this 19<sup>th</sup> day of March, 2020.

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Andrew Birch  
Chair

ATTEST:

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Dawn Bittner  
Zoning Specialist

## **Exhibit A**

Lots 8 and 9, Block 2, except the east 50 feet thereof, Crow Wing County, Minnesota.

APP # 20-03  
 SF # \_\_\_\_\_  
 Date 2-19-2020  
 (for office use only)

**CITY OF PEQUOT LAKES  
 CONDITIONAL USE APPLICATION**

Name of Applicant Sharon Thorson Phone 218-232-4379

Mailing Address 31078 Government Dr Email itsawingdingthing@gmail.com

City, State, Zip Pequot Lakes MN 56472

Applicant is:  
 Legal Owner   
 Contract Buyer   
 Option Holder   
 Agent   
 Other \_\_\_\_\_

Title Holder of Property:  
Kevin & Sharon Thorson  
 (Name)  
Its a WING DING thing  
 (Address)  
31078 Government Dr Pequot Lakes, MN 56472  
 (City, State, Zip)

Signature of Owner, authorizing application (required): Sharon Thorson  
 (By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): \_\_\_\_\_  
 (By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Location of property involved in this request:  
31078 Government Dr Pequot Lakes, MN 56472

Parcel ID No. 29 10102 2 Zoning District Downtown Mixed Use

Legal Description (if metes and bounds, attach sheet): Lots 8 & 9 Block 2  
Exc 50' thereof Sec 10 Twsp 136 R 29

State nature of request in detail: (What are you proposing for the property?)  
Seasonal Outdoor Farmers Market -to be held one day of the week (to be determined) from approx 8am to 1pm  
Times may alter one hour later or earlier depending on vendors schedules. All to be determined upon  
vendors.

What changes (if any) are you proposing to make to this site?

Building: None

Landscaping: None

Parking/Signs: Parking already designated along Government Dr & Oriole St (exisitng parking to remain)

Pursuant to the Pequot Lakes City Ordinance, Section 170.050, the applicant should be prepared at the public hearing to discuss the following issues by explaining how the proposed Conditional Use will cause no significant adverse effects.

- (1) Describe the impact on the use and enjoyment of other property in the immediate vicinity. If there is no impact, explain why.

Adjacent properties on the north & east property lines is fenced with a 6' tall privacy fence. \*No impact

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- (2) Describe character of the area and the existing patterns and uses of development in the area. How is this proposal consistent with those patterns and uses?

We are located on downtown street that is all used for commercial use.

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- (3) Describe the impact on the capacity of existing or planned community facilities (sewer, drainage, other). Describe if additional facilities will be required.

Purposed added use of site would not require any use of additional utilities as sewer, water or in anyway effect drainage.

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- (4) Describe the impact on the character of the neighborhood in which the property is located.

We believe the purposed use of the property for a Farmers Market will only benefit and enhance the character of the

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neighborhood by offering locally farmed, grown, harvested and produced goods for our community.

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- (5) Describe the impact to traffic on roads and highways in the vicinity, and expected traffic generated by this application. Is there adequate parking available to accommodate the proposal?

The location of the purposed Farmers Market is in an existing downtown retail zone

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The existng parking will be sufficient for indicated use

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- (6) Discuss any environmental limitations of the site or area.

None

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**Sharon Thorson**

31078 Government Dr  
Pequot Lakes, MN 56472  
(218)232-4379  
itsawingdingthing@gmail.com

February 18, 2020

**City of Pequot Lakes**

Zoning Department  
4638 Main St  
Pequot Lakes, MN 56472

Dear City Zoning and Planning Board,

I have attached a completed Conditional Use Permit application for the intended purpose of offering a Public Farmers Market at my existing place of business, It's a WING DING thing. My hope is to hold this market one day a week from late May to early October,

I am asking that you consider foregoing the application fee. I am requesting this because after talking to other surrounding communities I have learned that their fees were waived because of the added benefits & enhancements it brought to their community.

After having several conversations with other members of our community, many people agree that having a Farmers Market in downtown Pequot Lakes will be a great amenity to bring to our town. This market would provide opportunities to local farmers/growers and small businesses alike by bringing more people into our town to share in our community values.

Thank you for considering my goal for our community and looking forward to this evolving,

Sincerely,

**Sharon Thorson**

Sharon Thorson, Owner  
 31078 Government Drive  
 Pequot Lakes, MN 56472  
 218-232-4379



REMOVE FENCE TO  
 ALLOW EASY ACCESS  
 INTO SITE FROM  
 GOVERNMENT DRIVE



PROPOSED  
 FARMER'S  
 MARKET  
 LOCATION



VIEW OF  
 SOUTH SITE  
 ENTRY  
 FROM  
 ORIOLE  
 STREET

