

**PUBLIC HEARING – CONDITIONAL USE PERMIT**

**Application:**        **Conditional Use Permit to Operate Boat Sales, Service, Retail Pro Shop, Boat Storage, and Outdoor Display Area**

**Applicant:**         **Babinski Foundation**

**Agenda Item:**      **3 (a)**



**Background Information:** The applicant is requesting a Conditional Use Permit to conduct boat sales, service retail pro shop, boat storage, and outdoor display area in the Commercial zoning classification. Boat sales, service, etc. would be considered a “Commercial Use, Other” in the Land Use Matrix, requiring a Conditional Use Permit.

The applicant is also seeking to display more signs than what are allowed in the Ordinance through a Sign Concept Plan. The applicant plans to lease the subject property to a boat dealership.

The subject property is located at 29240 Patriot Avenue and is approximately 7 acres in size. There are currently two 24,000 square foot buildings and a 4,160

square foot garage on the parcel. The subject property is served by a deep well and a compliant subsurface sewage treatment system.

The subject property is adjacent to Commercial property to the north and west, the State Highway 371/Patriot Avenue interchange to the south and the Paul Bunyan Trail to the east.

The applicant plans to use the south building as the sales floor. This building would be used for indoor display of boat inventory and retail pro shop/equipment. Customer parking would be next to the building along the south side. Applicant anticipates as many as 200 boats could be displayed south of this building.

The applicant plans to use the second large building for the service department. The front of this building would be used as a customer reception area, service desk, and parts department. The middle of the building will be the service shop area where boats will be repaired. The back portion of the building will be used for storage of boats that need additional service. The existing asphalt north of this building will be used to stage boats for service in the service department and to unload inventory boats. Applicant anticipates as many as 100 boats could be parked in this area.

The applicant plans to use the garage for new boat preparation, wet sanding, buffing, and fiberglass repair. All work would take place inside the building. Parking north of this building would be for customers to drop off boats after hours.

The narrative prepared by MN Inboard indicates plans to install a fence and gate, although the location is not indicated on the photos.

Applicant proposes to create an elevated display area to park 3 to 4 new boats on concrete slabs in the southeast corner of the subject property. The size of this area is anticipated to be 15' X 150' in size. Applicant plans to include a freestanding sign and a flagpole in this area.

Applicant proposes to install 12 new light poles around the perimeter of subject property. The proposed light poles would be 20 feet high or less and be downward directional. An example of what they may look like is included in this packet.

Applicant proposes to increase the asphalt on the south end of subject property. Applicant has applied for a Variance to increase the impervious coverage.

The building façade of each of the large buildings is 2,100 square feet. Each building is more than 100 feet from the west property line which would allow 15% of the building façade for signage, or 315 square feet. Applicant plans to construct a new entrance door on the south side of the south building. Applicant

proposes to place a 20' X 30' (600 sf) illuminated logo sign over the new entrance.

Applicant plans to place a sign on the awning of the second large building. The awning is approximately 4' X 16' (64 sf) and the word SERVICE would be affixed to the awning.

The subject property is allowed one freestanding sign, 96 sf in size, and not to exceed 15 feet in height. The applicant proposes one 2-sided, freestanding sign, 120 sf in size, and 20 feet in height in the southeast corner of subject property. The applicant also proposes one 2-sided, freestanding sign along Patriot Avenue, 4' X 6' (24 sf) in size, less than 15' in height.

The applicant proposes two directional signs along the driveway. The signs would be 2' X 3' in size, on 4" X 4" posts approximately 5 feet in height. The signs would indicate sales and service.

All signage will need to be permitted under a separate Land Use Permit approved by the Planning Commission.

The parking requirements of Section 17-7.10 do apply. One parking space per 250 sf of floor area is required, or 96 parking spaces. There are approximately 25 to 28 spaces available along the south side of the south building. The customer service area in the north large building is 2,000 sf in size requiring 8 parking spaces. The remainder of this building is the parts room and the service bays.

Waste generated onsite, such as oil and antifreeze, will be captured into holding tanks and pumped by licensed recycling companies.

As outlined below in Section 17-5.10, 50% screening from the road is required. The Certificate of Survey indicates there is existing vegetation along Patriot Avenue. There is no screening along the highway right-of-way or the Paul Bunyan Trail.

In the narrative provided by MN Inboard they included a paragraph regarding a separate sign they were interested in cooping with the City to promote activities and to advertise local businesses. This type of sign is not allowed and is not included in this Staff Report for approval. The applicant and MN Inboard have been informed of this.

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### **Applicable Regulations:**

#### **Section 17-5.10 COMMERCIAL (C)**

1. **Purpose and Intent:** To provide a zoning classification for commercial uses oriented around the automobile. Parcels are larger than in the Downtown Mixed-Use zone in order to provide on-site parking, on-site stormwater facilities

as well as on-site water supply and sewage treatment where municipal utilities are not immediately available.

2. **Compatibility:** The Commercial zone should be established as a transition zone between the Downtown Mixed-Use zone or the Light Industrial Zone and the surrounding residential zones. The zone may not be established in an area where it is completely surrounded by residential zones.

3. **Lot, Use and Density Requirements.**

Lot width– feet, minimum	50
Buildable lot area (sewered) – square feet, minimum	10,000
Buildable lot area (unsewered) – square feet, minimum	20,000
Setback, right of way, City road- feet, minimum	30
Setback, right of way, County or State road, feet, minimum	30
Setback, between buildings – feet, minimum	10
Setback, side next to residential district – feet, minimum	30
Setback, side yard – feet, minimum	10
Setback, rear – feet, minimum	10
Setback, parking from lot line – feet, minimum	10
Setback, sign – feet, minimum	1
Setback, wetland – feet, minimum	30
Setback, unplatted cemetery or archeological site	50
Impervious surface – percent, maximum	25%
Building height – feet, maximum	25
Building above highest groundwater level – feet, minimum	3

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

A. **Impervious Coverage.** Impervious coverage may be increased by up to 25%, not to exceed 50% of the property, through a conditional use permit if the following is provided and approved by the City:

- (1) A storm water retention plan showing containment of the 10-year, 24-hour storm event on the parcel.
- (2) Direct runoff of stormwater to adjacent properties and wetlands shall be eliminated through the use of berms, infiltration ponds, swales, filtration strips or other permanent means.

- B. **Compatibility of Use.** Use shall be compatible with the surrounding neighborhood. Uses shall not present noise, odor, light nuisances or any other nuisances.
- C. **Parking.** Off-street parking shall be provided as per Section 7.10. On-street parking is not allowed under any circumstances. To reduce the visual impacts and amount of surface parking, shared parking and surface parking shall be located behind or to the side of a building. Additionally, suitable trees and shrubs shall be planted between parking lots and all adjacent sidewalks, roads, lots and buildings.
- D. **Screening.** All sites shall be heavily landscaped to provide 100% screening to adjacent residential parcels and over 50% screening from the road or any non-residential parcel. Percentages shall be determined by amount of structure that can be seen during leaf-on conditions. A landscaping and screening plan must be submitted and approved by the Planning Commission with each conditional use permit.
- E. **Lighting.** Lighting shall be minimal. Lighting shall be downward directional and shall be compatible with the surrounding development. Lights approved with signs must be turned off at the close of business each day.
- F. **Fire Lanes.** Fire lanes shall remain unobstructed at all times.
- G. **Fences.** Fences not exceeding 84 inches in height may be constructed. 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.

**Section 17-7.10 PARKING**

1. **General.** Onsite parking or garage space shall be provided in all Districts, except as specifically exempted. There shall be adequate drive access to prevent the need to back onto collector streets or County Highways. Onsite parking spaces shall not be used for storage.
2. **Dimensions.** Parking sites shall be a minimum of 20 feet long and 10 feet wide.

3. Parking Ratios. Adequate parking shall be required, with the following standards to be guidelines subject to site specific review by the Planning Commission:
  - B. Office/Retail. One (1) space per 250 square feet of floor area in the Commercial Zone and One (1) space per 400 square feet of floor area for Structures greater than 3,000 square feet in the Downtown Mixed Use Zone.

**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

<u>USE</u>	<u>DMU</u>
<u>Commercial Use (Other, Not Classified)</u>	<u>C</u>

**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 boat sales, service, retail pro shop, boat storage, and outdoor display and additional signage in the Commercial zone.
2. The subject property is a conforming parcel. The property contains two 24,000 sf buildings and a 4,160 sf garage.
3. The property is served by a deep well and a compliant subsurface sewage treatment system.
4. The subject property contains an adequate number of off-street parking spaces.
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. The use or development is an appropriate conditional use in the land use zone.
7. The proposed use, with conditions, conforms to the Comprehensive Plan.
8. The adjacent property to the north and west is zoned Commercial, while the property to the south is the State Highway 371/Patriot Avenue interchange and to the east by the Paul Bunyan Trail. 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.
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 Patriot Avenue. There will not be a significant increase in traffic due to the proposed use. 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 trees and vegetation shall remain along the west property line to provide screening.
3. Existing trees and vegetation along Patriot Avenue shall remain.
4. All hazardous waste from the service area shall be stored and disposed in accordance with Minnesota Pollution Control Agency standards.
5. Signage shall be permitted by separate application.
6. All work on boats shall be conducted within an enclosed structure.
7. A floor drain/sediment trap shall be installed in the repair area in accordance with Minnesota Department of Health's best management practices. The floor drain shall be connected to a holding tank and pumped regularly. The holding tank system shall be designed by a licensed plumber. A copy of a maintenance/pumping contract shall be submitted to the city.
8. All exterior lighting shall be projected downward.

The planning commission may also consider imposing conditions regarding:

- Number and location of boats for sale to be displayed outside.

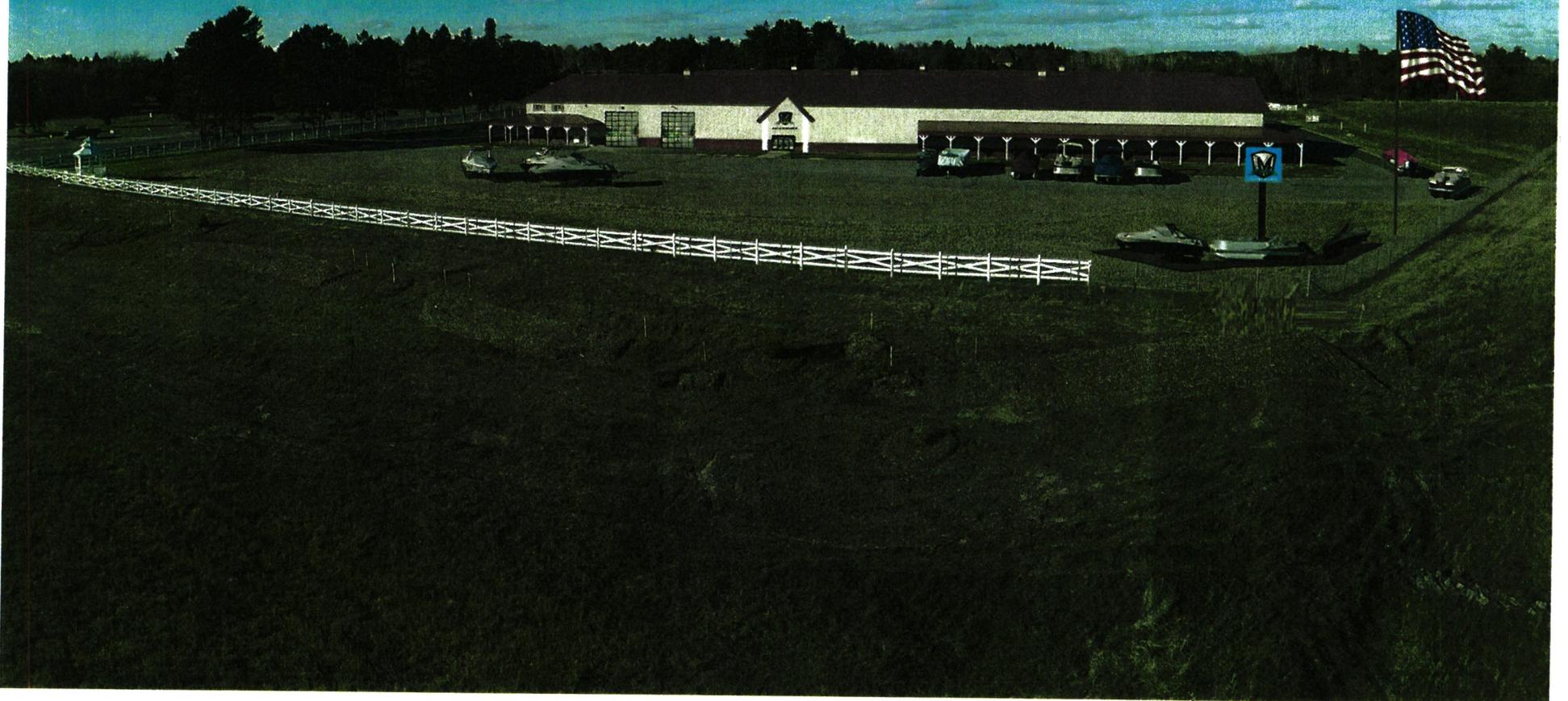
- Number and location of boats awaiting repairs to be stored outside.

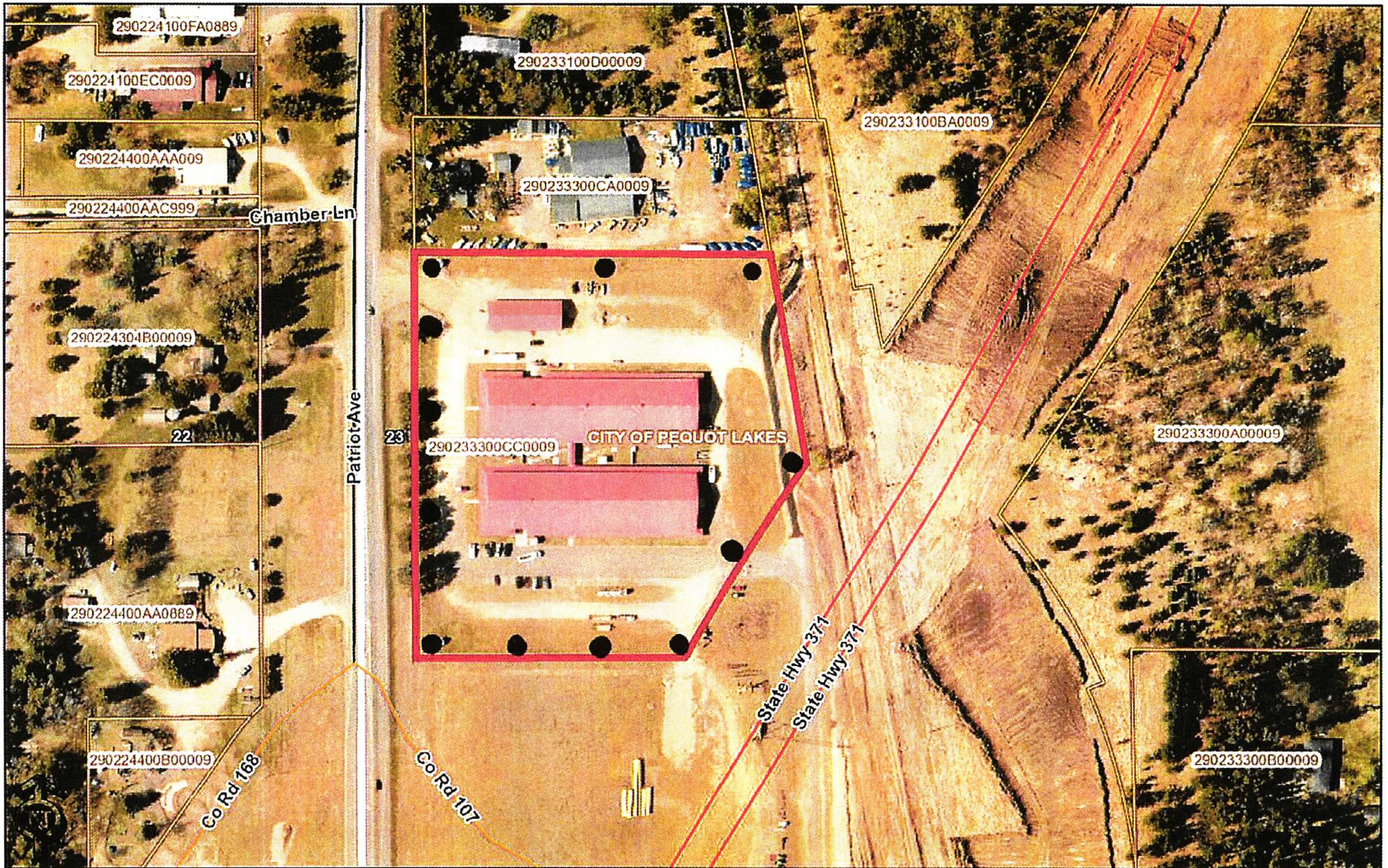
If the Planning Commission approves the Conditional Use application, the Planning Commission should adopt the attached Resolution by motion also.

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# Building 1 371 Side





These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

● = LIGHT LOCATIONS

Date: 3/27/2019 Time: 11:03:20 AM









Welcome To  
Minnesota  
Inboard  
Water Sports

Building 2- Service-Patriot Side

Service



APP # 19-10  
 SF # \_\_\_\_\_  
 Date 3-20-19  
 (for office use only)

**CITY OF PEQUOT LAKES  
 CONDITIONAL USE APPLICATION**

Name of Applicant BABENSKIE FOUNDATION Phone 218-568-2100  
 Mailing Address 30633 PATRIOT AVE Email bob@bobinskiproperties.com  
 City, State, Zip PEQUOT LAKES MN 56472

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

Title Holder of Property:  
BABENSKIE FOUNDATION  
 (Name)  
2520 W B<sup>TH</sup> ST  
 (Address)  
BROOK FALLS SD 57104  
 (City, State, Zip)

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

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

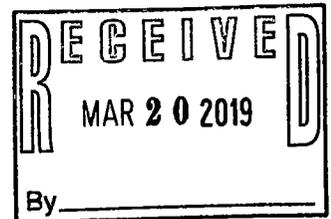
Location of property involved in this request:  
29240 PATRIOT AVE  
PEQUOT LAKES MN 56472

Parcel ID No. 2902.3 3300 CC 0009 Zoning District C

Legal Description (if metes and bounds, attach sheet): \_\_\_\_\_

State nature of request in detail: (What are you proposing for the property?)  
BOAT SALES, WATER SPORTS PRO-SHOP, BOAT SERVICE  
BOAT STORAGE

What changes (if any) are you proposing to make to this site?  
 Building: ADD 2 GLASS GARAGE DOORS, (SOUTH) FENCE-GATE-PL LIGHTS, NEW SOUTH ENTRY, 3 GARAGE DOORS ADDD  
 Landscaping: 80 FLAG POLE 30X40 FLAG, CONCRETE SLABS (4)  
 Parking/Signs: 2 SIGNS (371-PATRIOT) "SERVICE" ABOVE BLDG "2"



**Minnesota Inboard Water Sports, Inc.  
Conditional Use Permit Application for 29240 Patriot Ave,  
Pequot Lakes**

**Minnesota Inboard Water Sports is a 27 year old family-owned and operated business with locations in Excelsior, New Germany, and Baxter. We sell high-end wake surf and pontoon boats, primarily to families. We would like to move our Baxter dealership location to this property in Pequot Lakes to accommodate our growing northern lakes business. Our plan would be to run boat sales, retail pro shop sales, boat service, and some boat storage from this property.**

**The South Building (Building 1) visible from 371 will be our main Sales building where we would sell boats and pro shop equipment – this is where most of our customer traffic would be. Due to the significant increase of space over our Baxter facility we expect that we will be able to house much of our new inventory inside, while also displaying new inventory outside on the southernmost part of the property. We would expect to have as many as 200 boats during peak seasons in the front lot at any given time. We will be adding 3 glass overhead garage doors for natural light and for visibility into our showroom. We will be also be creating a new main entrance on the south side of the building, and intend to have our company logo over the door on the building and have it illuminated. We will have customer parking on the south side of this building, closest to the building where the existing parking spaces are now.**

**The middle building (Building 2) will be used for our Service Department. We will have the word ‘SERVICE’ (on the face of the building), Patriot Ave side. The front of the building will house a customer reception area, service desk, and parts department. The middle of the building will be the service shop area where boats will be worked on. We will be adding 3 additional garage overhead doors. The back portion of the inside of building will be used for storage of boats that need additional service. Outside of Building 2, on the existing north parking lot area, is where we will stage boats for service in our Service Department. This area will also be used to unload our**

inventory boats. Customer pickups and drop-offs will likely also be in this area of the property. At any given time, this area could have roughly 100 boats in this back parking lot.

The smaller North West Building (Building 3) will be used for new boat prep, wet sanding, buffing, and fiberglass repair. All this work is done inside.

On the SE corner of the property we intend to create an elevated display area to park 3-4 new boats on concrete slabs, install an 80' flag pole and fly a 20' x 30' American Flag, as well as install a pylon sign with our logo. We will illuminate this flag at night and follow all proper flag flying etiquette. We are a company that is proud of America, we sell American made products. We think an American flag of this size and height is a great tribute to Pequot Lakes and their renaming of old 371 to Patriot Ave. The flag will be tall enough and large enough to see from 371 whether traveling northbound or southbound, again helping anchor Patriot Ave and the town of Pequot with a landmark.

In addition to the pylon sign, it is important to have a Minnesota Inboard Water Sports sign at the entrance to the property on Patriot Ave. The sign will have an aesthetic in keeping with the area with a size of approximately 4' x 6'. By having 2 signs on the property we can attract customers off of 371 and Patriot Ave.

This property's unique location, nestled between 371 and Patriot Ave as the gateway to Pequot Lakes deserves to have exceptional signage to welcome people to Pequot and get them onto Patriot Ave.

We would also be very interested in cooping a separate sign with the city, welcoming people to Pequot Lakes. This sign could incorporate an LED sign informing people of local Pequot events, like Patriot athletic events, Bean Hole Days, Antique Snowmobile Rendezvous, 4<sup>th</sup> of July Parade, and more, while again, helping anchor and reinforce Patriot Ave and the City of Pequot. This sign would give your other local businesses an opportunity to advertise for their special events, or could scroll all local businesses on a loop. We attract a large volume of families to our dealerships, for everything from boat shopping, to picking up lifejackets or a new tube or toy for the water. It would be a missed opportunity for the business district if the city didn't add some additional signage to highlight the local businesses for our customers.

See attached photos showing proposed signs, elevated display for boats, flag pole, building modifications.

Directional signs will be placed on the property to ensure safe and efficient traffic flow to direct our customers where to go on the property (sales or service).

We will install a fence and gate to prohibit people from driving around the buildings and protect our inventory and especially our customer boats that are in for service. See attached photo

Additional lighting to the buildings and the parking lot will be necessary.

Expansion of the asphalt on the south side of building 1 will enhance the properties appearance especially from 371.

Below are the responses to the questions on page 3 of the application:

1. As the property's location is the gateway to Pequot Lakes, Minnesota Inboard Water Sports has the ability to attract visitors to Pequot Lakes, not only as they pass by, but as a destination. We can showcase our Malibu Boats, Axis and Avalon Luxury Pontoon Boats. With the visibility from 371 & Patriot Ave we believe our inventory of new and used boats will be a positive attraction for Pequot Lakes. We don't anticipate any impact on our neighbor's ability to use or enjoy their property. The property is large enough for us to handle the expected customer traffic with no adverse impact on our neighbors. We hope that our presence will bring more traffic to local Pequot businesses, by getting customers off 371 and turning onto Patriot Ave, they can continue on into town for dining, groceries, gas, auto services, shopping and more.....
2. The neighboring business are commercial in nature and seem compatible with our business. Again with our business being a destination, we will draw customers to the area and our neighboring businesses will be discovered by our customers.

3. There is no city water or sewer on the property, therefore we will have no impact on the city services. Babinski Properties (the owner of the property) to our knowledge had all the appropriate surveys, and storm water planning completed for this property and has submitted it to the commission.
  
4. Minnesota Inboard Water Sports will greatly improve the appearance and use of the property. Our inventory of new and used boats are attractive and nicely displayed. We will maintain the property and our presence will take the property from looking like a storage facility to a thriving exciting business. During the popular “cabin season” many of our current customers and future customers stop in with their families to look at what is new. Especially on inclement weather days, they come in and “make a day of it”. With this location they are so close to Pequot they can go have lunch or dinner and do some shopping along the way. This gets them off of 371 and onto Patriot Ave, enabling more traffic by the local businesses.
  
5. We don't ever expect to have a negative effect on traffic. Minnesota Inboard Water Sports' presence is positive for the local businesses by drawing attention to Pequot and getting customers off of 371 on to Patriot Ave and into Pequot.
  
6. We don't see any environmental limitations to the area. We have no wetlands, and there are 3 drainage ponds on the site. Babinski Properties has provided the required documents to comply with the Cities requirements. All of our service work will be done inside.



4638 MAIN STREET • PEQUOT LAKES, MN 56472 • (218) 568-5222 • FAX: (218) 568-5860 • [www.pequotlakes-mn.gov](http://www.pequotlakes-mn.gov)

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**April 8, 2019**

**Babinski Foundation  
Attn: Bob Erickson  
30533 Patriot Avenue  
Pequot Lakes, MN 56472**

**RE: Conditional Use Permit Application to Allow Boat Sales, Service, Retail Pro Shop, Outdoor Display Area, and Boat Storage, and a Sign Concept Plan within the Commercial District**

**Dear Mr. Erickson:**

**The City of Pequot Lakes has received your request for a Conditional Use Permit to allow boat sales, service, retail pro shop, outdoor display area, and boat storage and a sign concept plan in the Commercial zoning district. We have determined that your application is complete. We have scheduled a public hearing for 6:00 P. M. April 18, 2019 at City Hall. You are the first public hearing on the Agenda.**

**To review, a conditional use is a use that is generally allowed, with conditions applied to address or mitigate potential problems. For a conditional use permit, the Planning Commission holds a public hearing and decides whether to approve or deny the application. The Planning Commission may attach conditions on approval of the permit to ensure that the proposed use meets other provisions of the Ordinance.**

**The City prepares a staff report for the Planning Commission prior to the meeting. The report will discuss the pertinent ordinances and an evaluation and recommendations on your application. A copy of the report will be available at City Hall for you to read no later than a week before the meeting or on-line at [www.pequotlakes-mn.gov](http://www.pequotlakes-mn.gov).**

**If you have any questions or concerns prior to the meeting, do not hesitate to contact us.**

**Sincerely,**

**Dawn Bittner  
Specialist**

**CC: Planning Commission**

*"This institution is an equal opportunity provider and employer."*

CITY OF PEQUOT LAKES  
PLANNING AND ZONING COMMISSION  
NOTICE OF PUBLIC HEARING  
FOR A CONDITIONAL USE PERMIT  
TO ALLOW BOAT SALES, SERVICE, RETAIL PRO SHOP, OUTDOOR DISPLAY  
AREA, AND BOAT STORAGE, AND A SIGN CONCEPT PLAN TO ALLOW FOR  
ADDITIONAL SIGNAGE  
WITHIN THE COMMERCIAL ZONING CLASSIFICATION  
APRIL 18, 2019  
6:00 PM  
AT  
CITY HALL  
4638 MAIN STREET

**TO WHOM IT MAY CONCERN:**

The following will be the subject of a public hearing on April 18, 2019, beginning at 6:00 PM.

**Hearing:** Conditional Use Permit.

**Applicant:** Babinski Foundation.

**Property Description:** Property is located at 29240 Patriot Avenue. Parcel ID is: 290233300CC0009.

**Purpose:** Application is for a Conditional Use Permit to allow boat sales, service, retail pro shop, outdoor display area and boat storage, and for a Sign Concept Plan to allow for additional signage in the Commercial zoning classification. All interested persons are invited to attend these hearings and be heard or send written comments to City Hall. Copies of the permit, maps, drawings and staff report are available at City Hall at least one week prior to the hearing date. Copies of the Staff Report regarding this application are available at City Hall or on-line at [www.pequotlakes-mn.gov](http://www.pequotlakes-mn.gov).

**Property Owners Please Note:** Notice relative to the above listed request is sent to all property owners within 350' of the applicant's property. Please share this information with your neighbors in the event that any property owner has been overlooked or is not contained in our records.

Dawn Bittner  
Zoning Specialist  
City of Pequot Lakes

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**CITY OF PEQUOT LAKES  
PLANNING COMMISSION RESOLUTION 19-\_\_**

**A RESOLUTION APPROVING THE REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW BOAT SALES, SERVICE, RETAIL PROP SHOP, OUTDOOR DISPLAY AREA, AND BOAT STORAGE, AND A SIGN CONCEPT PLAN TO ALLOW FOR ADDITIONAL SIGNAGE**

**WHEREAS**, the applicant, Babinski Foundation, seeks a Conditional Use Permit under City Code Section 17-11.6 to allow boat sales, service, retail pro shop, outdoor display area, and boat storage, and a sign concept plan to allow for additional signage within the Commercial zoning classification; and,

**WHEREAS**, the Planning Commission conducted a public hearing on April 18, 2019, and received public testimony regarding the proposed Conditional Use Permit; and

**WHEREAS**, all required notices regarding the public hearing were properly make; 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 April 18, 2019, 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 boat sales, service, retail pro shop, boat storage, and outdoor display area and additional signage in the Commercial 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.

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

**Finding #A3:** The proposed use is compatible with the existing neighborhood.

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 west is zoned Commercial, while the property to the south is the State Highway 371/Patriot Avenue interchange and to the east by the Paul Bunyan Trail. 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 Patriot Avenue. There will not be a significant increase in traffic due to the proposed use. 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 Patriot Avenue. There will not be a significant increase in traffic due to the proposed use.

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

Finding #B5: The subject property contains an adequate number of off-street parking spaces.

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 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 allow boat sales, service, retail pro shop, outdoor display area, and boat storage, and a sign concept plan to allow for additional signage at the Property is hereby approved with the following conditions:

1. The property shall maintain a neat and orderly appearance.
2. The trees and vegetation shall remain along the west property line to provide screening.
3. Existing trees and vegetation along Patriot Avenue shall remain.
4. All hazardous waste from the service area shall be stored and disposed in accordance with Minnesota Pollution Control Agency standards.
5. Signage shall be permitted by separate application.
6. All work on boats shall be conducted within an enclosed structure.

7. A floor drain/sediment trap shall be installed in the repair area in accordance with Minnesota Department of Health's best management practices. The floor drain shall be connected to a holding tank and pumped regularly. The holding tank system shall be designed by a licensed plumber. A copy of a maintenance/pumping contract shall be submitted to the city.
8. All exterior lighting shall be projected downward.

**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 18<sup>th</sup> day of April, 2019.

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Mark Hallan  
Chair

ATTEST:

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Dawn Bittner  
Zoning Specialist

**EXHIBIT A**

**Legal Description:**

That part of the South One-Half of the Southwest Quarter (S1/2 SW1/4), Section Twenty-three (23), Township One Hundred Thirty-six (136) North, Range Twenty-nine (29) West lying South of the North 200.00 feet thereof and lying West of the Westerly right-of-way line of the Paul Bunyan Trail,

**EXCEPT**

The South 533.00 feet of the West 423.00 feet of said Southwest Quarter, Section Twenty-three (23), Township One Hundred Thirty-six (136) North, Range Twenty-nine (29) West.

**ALSO EXCEPT**

That part of the Southwest Quarter of the Southwest Quarter of Section 23, Township 136 North, Range 29 West, shown as Parcel 247A on Minnesota Department of Transportation Right of Way Plat Numbered 18-108 as the same is on file and of record in the office of the County Recorder in and for Crow Wing County, Minnesota.