

PUBLIC HEARING – CONDITIONAL USE PERMIT

Application: Conditional Use Permit for a Sign Concept Plan
Applicant: City of Pequot Lakes
Agenda Item: 3 (d)



Background Information: The applicant is requesting a Conditional Use Permit for a Sign Concept Plan to seek allowances for signage outside of what is allowed in Section 17-7.1 SIGNS. Applicant proposes to place six, two-sided, feather shaped flags, not to exceed fifteen feet in height, along the eastern border of subject property.

The subject property is the former City Spray Irrigation Field located south of Derksen Road and the triangle shaped parcel turned back to the City by MN/DOT. The subject property is vacant and is being used for agricultural purposes as a corn field.

The subject property is owned by the City of Pequot Lakes and is being developed as the Heart of the Good Life Development (HOTGL). The subject property is 80+ acres in size. The Pequot Lakes Economic Development Commission is

marketing the subject property for sale and plan to use the feather shaped flags as an advertising tool.

The subject property is adjacent to municipal water and wastewater at the intersection of Derksen Road and Morehouse Drive.

The subject property is zoned Public, while the property to the north is zoned Commercial and Public, and is bounded on the east and south by State Highway 371 and the Paul Bunyan Trail on the west.

Applicable Regulations:

Section 17-5.15 PUBLIC (P)

1. Purpose and Intent: To establish and maintain a land use district for existing public use of land or for land properly suited for public facilities, parks and open spaces and other locations for public or semipublic use.
2. Compatibility: Public zones are compatible with and can be established adjacent to every other zoning classification, and any property that meets the purpose and intent of this zoning classification may be zoned Public.
3. Lot, Use, and Density Requirements:

Lot width– feet, minimum	25
Buildable lot area – square feet, minimum	2,250
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
Building above highest groundwater level – feet, minimum	3

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

- A. General. All proposed development in the Public zone shall be reviewed by the Planning Commission, which will make recommendations to the City Council.
- B. Compatibility of Use. Use shall be compatible with the surrounding neighborhood. Uses shall not present noise, odor, light, or any other nuisances.
- C. Parking. To reduce the visual impacts and amount of surface parking, parking structure, shared parking, surface parking located behind or to the side of a building shall be encouraged whenever possible. 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 landscaped to provide 50% screening of structures to adjacent residential parcels and 10% screening from the road or any non-residential parcel, to be established within 3 years. Percentages shall be determined by the amount of structure that can be seen during leaf-on conditions.
- E. Lighting. Lighting shall be downward directional and shall be compatible with the surrounding development. Signs approved with lights must be turned off at the close of business each day.
- F. Fences. Fences not exceeding 96 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.
- G. Vegetation Removal, Intensive. The submittal requirements and procedures contained in Section 5.4 "Forest Management (FM), Subparts 4b and 4c shall be met and followed.

Section 17-7.1 SIGNS

- (6) Property owners seeking to display more signs than what are allowed in this section or seeking allowances outside of what is allowed in this section may obtain permission to do so with the approval of a sign concept plan. The sign concept plan shall include all existing and proposed signage for the entire parcel. The Planning Commission shall review the sign concept plan and base its decision on the

following:

- (a) Necessity of the additional signage,
- (b) Alternatives to additional signage,
- (c) Continuity with signage on adjacent parcels,
- (d) Aesthetic impacts, and
- (e) Perceived effectiveness of proposed signage

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.

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

1. The request is for a Conditional Use Permit for a Sign Concept Plan to seek allowances for signage outside of what is allowed in Section 17-7.1 SIGNS. Section 17-7.1 (5) (A) (6) allows for a Conditional Use Permit and Sign Concept Plan for anything that is not allowed in the sign section.
2. The proposed signs meet the one foot setback requirement.
3. The proposal is to place six, two-sided, feather shaped flags, not to exceed fifteen feet in height, along the eastern border of subject property.
4. The applicant is requesting a Conditional Use Permit for signage that is specifically not allowed in Section 17-7.1 (5) (A). The applicant has submitted a Sign Concept Plan.
5. The request is to allow signage to be placed along the eastern border of subject property to highlight the development opportunity for the Heart of the Good Life Development.
6. There have not been any alternatives to the sign request submitted.
7. The subject property is zoned Public and is adjacent to State Highway 371. There are "For Sale" signs throughout the highway corridor.
8. The signage will be used to highlight the development opportunity to passing motorists. There will not be any negative aesthetic impacts from the proposed signage.
9. The proposed signage is appropriate within the Public district. A Conditional Use Permit is required since the applicant is requesting signage not specifically allowed by the Code as an advertising tool.
10. The Comprehensive Plan does not specifically address this request but allows for the use of commercial development within the City.
11. The use of the signs would be compatible with the existing neighborhood in that there are "For Sale" signs along State Highway 371.
12. The proposed use will not impair values nor substantially diminish properties in the immediate vicinity.

13. The proposed signs will not impede the normal and orderly development and improvement of surrounding vacant properties.
14. The proposed signage will not impede the normal and orderly development and improvement of surrounding vacant properties.
15. The proposed signage will not create a cost for additional public facilities or services.
16. The subject property is vacant and being used for agricultural purposes as a corn field. The placement of the signs will not create traffic congestion or an indifference with traffic on surrounding public thoroughfares.
17. There is no need for parking with the request of a sign.
18. The requested signage will not create any odor, fumes, dust, noise or vibration. The signs will not be lit and will not create a disturbance to neighboring properties.
19. The requested signage will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
20. The proposed use of signs as an advertising tool will not cause any pollution to ground or surface waters.

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.

Staff Recommendation: The approval of a Sign Concept Plan is at the discretion of the Planning Commission. If the Planning Commission approves the concept plan, we recommend consideration to the following conditions:

1. There shall be no more than six, two-sided feather shaped flags, not to exceed fifteen feet in height, along the eastern border of subject property.
2. The flags shall meet the one-foot setback from State Highway 371 for a sign.
3. Any flags that become frayed, ripped or torn shall be immediately replaced or removed.

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

SIGN CONCEPT PLAN



- Key:
- Parcel Location
 - Proposed Flag Locations

SOUTH MOVING NORTH



NORTH MOVING SOUTH



CITY OF PEQUOT
218-568-5222

COMMERCIAL
PROPERTY

SHOVEL
READY

BUSINESS
HERE

YOUR

PLANT

**CITY OF PEQUOT LAKES
PLANNING COMMISSION RESOLUTION 19-__**

**A RESOLUTION APPROVING THE REQUEST FOR A CONDITIONAL USE
PERMIT TO ALLOW FOR A SIGN CONCEPT PLAN
IN THE PUBLIC DISTRICT**

WHEREAS, the applicant, City of Pequot Lakes, seeks a Conditional Use Permit under City Code Section 17-11.6 to allow a Sign Concept Plan at the 80+ acres south of Derksen Road, legally described on the attached Exhibit A (the “Property”), which is zoned Public; and,

WHEREAS, the Planning Commission conducted a public hearing on June 20, 2019, 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 June 20, 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 proposed signage is appropriate within the Public district. A Conditional Use Permit is required since the applicant is requesting signage not specifically allowed by the Code as an advertising tool.

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

Finding #A2: The Comprehensive Plan does not specifically address this request but allows for the use of commercial development within the City.

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

Finding #A3: The use of the signs would be compatible with the existing neighborhood in that there are “For Sale” signs along State Highway 371.

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 will not impair values nor substantially diminish properties in the immediate vicinity.

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 proposed signage will not impede the normal and orderly development and improvement of surrounding vacant properties.

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 proposed signs will not impede the normal and orderly development and improvement of surrounding vacant properties.

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 proposed signage will not create a cost for additional public facilities or services.

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 vacant and being used for agricultural purposes as a corn field. The placement of the signs will not 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.

Finding #B5: There is no need for parking with the request of a sign.

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 requested signage will not create any odor, fumes, dust, noise or vibration. The signs will not be lit and will not create a disturbance 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 requested signage 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.

Finding #B8. The proposed use of signs as an advertising tool will not cause any pollution to ground or surface waters.

BE IT FURTHER RESOLVED that, in accordance with the Planning Commission's findings of fact above, the Conditional Use Permit to allow a Sign Concept Plan at the Property is hereby approved with the following conditions:

1. There shall be no more than six, two-sided feather shaped flags, not to exceed fifteen feet in height, along the eastern border of subject property.
2. The flags shall meet the one-foot setback from State Highway 371 for a sign.
3. Any flags that become frayed, ripped or torn shall be immediately replaced or removed.

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 20th day of June, 2019.

Mark Hallan
Chair

ATTEST:

Dawn Bittner
Zoning Specialist

CITY OF PEQUOT LAKES
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING
FOR A CONDITIONAL USE PERMIT FOR A
SIGN CONCEPT PLAN
WITHIN THE PUBLIC
ZONING CLASSIFICATION
JUNE 20, 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 June 20, 2019, beginning at 6:00 PM.

Hearing: Conditional Use Permit.

Applicant: City of Pequot Lakes.

Property Description: Property is located south of Derksen Road. Parcel ID are: 29230520 and 29230528.

Purpose: Application is for a Conditional Use Permit for a Sign Concept Plan in the Public zoning classification. Applicant proposes to place six, two-sided, feather shaped flags, 15 feet in height along the eastern border of subject property for advertising purposes. 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.

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

"This institution is an equal opportunity provider and employer"

APP # _____
 SF # _____
 Date _____
 (for office use only)

**CITY OF PEQUOT LAKES
 CONDITIONAL USE APPLICATION**

Name of Applicant City of Pequot Lakes Phone 218-568-5222

Mailing Address 4638 Main St. Email nmalecha@pequotlakes-mn.gov

City, State, Zip Pequot Lakes, MN 56472

Applicant is:
 Legal Owner
 Contract Buyer
 Option Holder
 Agent
 Other _____

Title Holder of Property:

 (Name)

 (Address)

 (City, State, Zip)

Signature of Owner, authorizing application (required): Nancy Malecha
 (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:
Heart of the Good Life Development property, south of Derksen Road and the Pequot Lakes Business Park, 80+ acres.

Parcel ID No. 290232200@A00009 Zoning District Public

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

State nature of request in detail: (What are you proposing for the property?)
The placement of six feather shaped flags in the Heart of the Good Life Development property to highlight this dev. opportunity to passing motorists. See attached map for flags placement and attached flag design. The flags will be double-sided.

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

Building: _____

Landscaping: _____

Parking/Signs: Placement of 6 feather shaped flags not to exceed 15 ft. in height per flag.

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.

No impact as the property is 80+ acres in size, owned by the City, and is a corn field. City's public works facility is the nearest structure.

(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?

Current character is agricultural; however, the City is marketing this development for recreational, commercial, and industrial opportunities and this request is consistent with this plan.

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

Not applicable.

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

No impact.

(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?

Not applicable.

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

None.



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

June 10, 2019

City of Pequot Lakes
Attn: Nancy Malecha
4638 Main Street
Pequot Lakes, MN 56472

RE: Conditional Use Permit for a Sign Concept Plan in the Public District

Dear Ms. Malecha:

The City of Pequot Lakes has received your request to for a Conditional Use Permit for a Sign Concept Plan in the Public zoning district. We have determined that your application is complete. We have scheduled a public hearing for 6:00 P. M. June 20, 2019 at City Hall. You are the fourth 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.

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

Sincerely,

Dawn Bittner
Specialist

CC: Planning Commission