

PUBLIC HEARING – CONDITIONAL USE PERMIT - AMENDMENT REQUEST

**Application:** Conditional Use Permit Amendment to Remove Condition #4

**Applicant:** Nathan Walberg

**Agenda Item:** 4 (a)



**Background Information:** The Planning Commission approved the Conditional Use Permit January 17, 2019. Mr. Walberg has provided information from the Minnesota Pollution Control Agency (MPCA) that confirms Condition Number 4 requiring a floor drain/sediment trap is irrelevant. The City Attorney has advised Staff that a Public Hearing is required to remove that Condition.

The property owner has submitted a CUP amendment request to remove condition number four from the permit. Other portions of the permit/conditions may not be amended unless the property owner further amends his application.

The correspondence from Joe Saba, Environmental Specialist with the MPCA dated August 30, 2019, the letter of explanation from Mr. Walberg dated

November 8, 2019, and the email from Alison Cameron, Small Business Environmental Specialist with the MPCA dated November 8, 2019 are included in this packet.

**Applicable Regulations:**

**Section 17-5.16 LAND USE MATRIX**

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

<b>USE</b>	<b>C</b>
Auto Repair	P
Commercial Use, Other (Not Classified)	C

**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	50
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
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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 17-11.6 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 amend the existing conditional use permit to allow expansion of the parking area for the used motor vehicle lot, add maintenance and repair of customer owned vehicles, provide towing services, tire sales and onsite sales and display of sawmills in the Commercial zone.
2. The subject property is located at 29349 Patriot Avenue and is zoned Commercial and Shoreline Residential.
3. The subject property is conforming. The parcel contains a dwelling, an office, a pole building, and a log building.
4. The subject property is served by private water wells and 2 private sewer systems.
5. The proposed “use” is considered “Commercial Use (Other, Not Classified)” and requires a conditional use permit.
6. The proposed use, with conditions, conforms to the comprehensive plan.
7. The adjacent property is zoned “Shoreline Residential”, “Commercial”, and “Recreation”.
8. The proposed use is compatible with the existing neighborhood.
9. Signage will be applied for under separate Land Use Permit meeting Section 17-7.1 of the City Code.
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 properties are accessed via Patriot Avenue. There will not be a significant increase in traffic on either street 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 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 promote the prevention and control of ground and surface waters. No tire sales, exterior display saw mills, or repair/maintenance work on customer owned vehicles may be allowed on the subject property until the conditions of this permit are fulfilled.

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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. No tire sales, exterior display of sawmills, or repair/maintenance work on customer owned vehicles may be allowed on the subject property until the conditions of this permit are fulfilled.
2. There shall be no exterior storage of tires.
3. Fifty percent screening shall be maintained along Patriot Avenue.
- ~~4. A floor drain/sediment trap shall be installed in the auto repair area in accordance with MDH'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 SSTS designer or licensed plumber. A copy of a maintenance/pumping contract shall be submitted to the city. The floor drain/holding tank system shall be installed by August 30, 2019.~~
5. All garbage, used oil and related waste shall be disposed of in accordance with MPCA regulations.
6. No more than fifteen (15) inoperable units (vehicles and sawmills) shall be present on the property at any given time.
7. All mechanic work on vehicles shall be conducted within an enclosed structure.
8. Signage shall be permitted by separate application.
9. There shall be no more than a total of one hundred fifty (150) vehicles and sawmills allowed on the subject property. The maximum number allowed is a combination of vehicles and sawmills.

10. Parking areas shall be set back a distance of 10' or greater from side property lines in areas that are not screened by a fence.
  11. A 6'-7' high wooden privacy fence shall be constructed along the south property line. The fence shall commence at the rear of the front building and run west to the front of the rear building. The fence shall be a minimum of 3 feet from the south property line. The fence shall be installed by August 30, 2019.
  12. The property owner shall improve and maintain the access to the property so as to comply with Section 503 of the 2015 Minnesota State Fire Code, as reasonably determined by the City's Fire Chief.
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**CITY OF PEQUOT LAKES  
PLANNING COMMISSION RESOLUTION 20-\_\_\_**

**A RESOLUTION APPROVING THE REQUEST FOR A CONDITIONAL USE  
PERMIT AMENDMENT TO REMOVE CONDITION #4**

**WHEREAS**, the applicant, Nathan Walberg, seeks a Conditional Use Permit Amendment under City Code Section 17-11.6 to remove Condition #4 at 29349 Patriot Avenue, legally described on the attached Exhibit A (the “Property”), which is zoned Commercial; and,

**WHEREAS**, the Planning Commission conducted a public hearing on January 16, 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 January 16, 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 proposed “use” is considered “Commercial Use (Other, Not Classified)” and requires a conditional use permit.

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 is zoned “Shoreline Residential”, “Commercial”, and “Recreation”.

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 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 properties are accessed via Patriot Avenue. There will not be a significant increase in traffic on either street 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 conditional use, with conditions, will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject property.

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 promote the prevention and control of ground and surface waters. No tire sales, exterior display of saw mills, or repair/maintenance work on customer owned vehicles may be allowed on the subject property until the conditions of this permit are fulfilled.

**BE IT FURTHER RESOLVED** that, in accordance with the Planning Commission's findings of fact above, the Conditional Use Permit Amendment to remove Condition #4 at the Property is hereby approved with the following conditions:

1. No tire sales, exterior display of sawmills, or repair/maintenance work on customer owned vehicles may be allowed on the subject property until the conditions of this permit are fulfilled.
2. There shall be no exterior storage of tires.
3. Fifty percent screening shall be maintained along Patriot Avenue.
4. All garbage, used oil and related waste shall be disposed of in accordance with MPCA regulations.
5. No more than fifteen (15) inoperable units (vehicles and sawmills) shall be present on the property at any given time.
6. All mechanic work on vehicles shall be conducted within an enclosed structure.
7. Signage shall be permitted by separate application.
8. There shall be no more than a total of one hundred fifty (150) vehicles and sawmills allowed on the subject property. The maximum number allowed is a combination of vehicles and sawmills.
9. Parking areas shall be set back a distance of 10' or greater from side property lines in areas that are not screened by a fence.

10. A 6'-7' high wooden privacy fence shall be constructed along the south property line. The fence shall commence at the rear of the front building and run west to the front of the rear building. The fence shall be a minimum of 3 feet from the south property line. The fence shall be installed by August 30, 2019.
11. The property owner shall improve and maintain the access to the property so as to comply with Section 503 of the 2015 Minnesota State Fire Code, as reasonably determined by the City's Fire Chief.

**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 16th day of January, 2020.

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Chair

ATTEST:

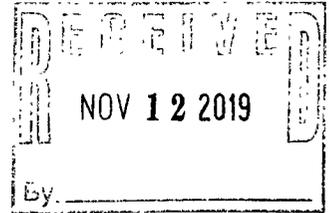
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Dawn Bittner  
Zoning Specialist

## Exhibit "A"

The North 250 feet of the South 500 feet of Government Lot 3, and the North 250 feet of the South 500 feet of the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 22, Township 136, Range 29 except the portion of the following described property which lies within said North 250 feet of the South 500 feet of Government Lot 3 and the North 250 feet of the South 500 feet of the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 22, Township 136, Range 29; beginning at the Southeast corner of North 250 feet of the South 500 feet of the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  thence on an assumed bearing of North 00 degrees 15 minutes 13 seconds East 33.00 feet along the East line of said Section 22; thence South 89 degrees 39 minutes 28 seconds West, 1769.88 feet parallel with the south line of the North 250 feet of the South 500 feet of said NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  and Government Lot 3; thence North 00 degrees 20 minutes 32 seconds West, 67.00 feet; thence South 89 degrees 39 minutes 28 seconds West, 320 feet more or less, to the water's edge of Sibley Lake; thence Southwesterly along water's edge of Sibley Lake to the South line of the North 250 feet of the South 500 feet of said Government Lot 3 and the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ; thence north 89 degrees 39 minutes 28 seconds East, 2195 feet, more or less, along the South line of the North 250 feet of the South 500 feet of said Government Lot 3 and the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  to the point of beginning.

**BUDGET AUTO  
29349 PATRIOT AVE  
PEQUOT LAKES, MN 56472  
(218) 851-1101**



November 8, 2019

City of Pequot Lakes  
City Hall  
Pequot Lakes, MN 56472

Dear Planning Commission:

This is in response to your recent letter regarding my request to waive the requirement for a floor drain.

As you are aware, I do not have any running water or a sewer in my repair shop. I have a dry shop. I also have in-floor heat in the building.

After consulting with area plumbers, I have been told that it is impossible to install a floor drain in a building with in-floor heating. Zach Abraham, plumber with Abe's Plumbing, informed me there are no requirements in the city plumbing code for a floor drain in my shop. He also consulted with Schrupp Excavating and they wondered why I would want to put a floor drain in when it isn't necessary in a dry shop.

I have contacted the Minnesota Department of Health for their best practices for auto repair shops and found that there is no requirement for an auto repair shop to have a floor drain.

I am also enclosing a letter from Joe Sabin, environmental specialist with the Minnesota Pollution Control Agency, confirming that I am handling wastes in a proper manner by using absorbent and properly disposing of it. The MPCA also told me that they have no requirements that an auto garage have a floor drain.

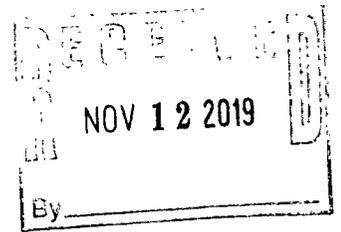
If you require any further information, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Nathan Walberg".

Nathan Walberg

Enclosure



520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | Use your preferred relay service | [info.pca@state.mn.us](mailto:info.pca@state.mn.us) | Equal Opportunity Employer

August 30, 2019

Nathan Walberg  
Budget Auto  
29317 State Hwy 371  
Pequot Lakes, MN 56472

RE: MPCA Hazardous Waste Compliance Evaluation Inspection

Dear Mr. Walberg:

This letter acknowledges that staff from the Minnesota Pollution Control Agency (MPCA) conducted a Compliance Evaluation Inspection (inspection) of Budget Auto (Regulated Party) on July 9, 2019. The inspection was related to a July 1, 2019 complaint that alleged the Regulated Party was storing vehicles that were leaking used oil onto the ground and also stated that the Regulated Party was changing vehicle oil in the gravel driveway.

During the inspection, the Regulated Party explained that they buy and sell the used vehicles that are parked on the lot and service them if needed before resale. However, they service the vehicles in the rear garage where they capture used oil in 5 gallon containers. The used oil is disposed of at Pequot Lakes Recycling Center. The Regulated Party stated that they had a spill kit with sawdust on site to use as an absorbent in the event of a used oil spill. MPCA staff did not observe any vehicles on the lot leaking fluids or ground staining beneath vehicles at the time of the inspection.

Please be aware, this letter does not preclude the MPCA from taking further action based on non-compliance identified as a result of the inspection.

If you have any questions about the inspection or this letter, please contact Joseph Saba at 218-846-8116, [joseph.saba@state.mn.us](mailto:joseph.saba@state.mn.us), or at the address listed above.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Joe Saba'.

*This document has been electronically signed*

Joe Saba  
Environmental Specialist  
Industrial Division

JS:se

cc: John Elling, MPCA  
Brian Gove, MPCA  
Activity ID INS20190001 @ 217822

**From:** MN\_PCA\_Smallbizhelp <[smallbizhelp.pca@state.mn.us](mailto:smallbizhelp.pca@state.mn.us)>  
**Date:** November 8, 2019 at 1:46:13 PM CST  
**To:** "ljhillier@msn.com" <[ljhillier@msn.com](mailto:ljhillier@msn.com)>  
**Cc:** "Cameron, Alison (MPCA)" <[Alison.Cameron@state.mn.us](mailto:Alison.Cameron@state.mn.us)>  
**Subject:** Floor Drain Fact Sheet - PCA

Hi Loretta,

I am finding no laws or regulations that would require an auto body shop to install a drain in the shop floor, only laws that regulate *if* you have a drain. In fact, in the EPA link below, they provide a guide to avoid spilling any fluids on the floor that is referred to as “running a dry shop.”

PCA Floor Drains, Separators and Traps, and Holding Tanks fact sheet  
<https://www.pca.state.mn.us/sites/default/files/w-hw4-18.pdf>

EPA Automotive Repair Shops Guide to Safe Drinking Water Act  
[https://www3.epa.gov/region1/ecc/drinkwater/pdfs/biz\\_source\\_protect/FINALchapter5.pdf](https://www3.epa.gov/region1/ecc/drinkwater/pdfs/biz_source_protect/FINALchapter5.pdf)

Kind regards,  
Alison

**Alison Cameron** | Small Business Environmental Specialist  
Minnesota Pollution Control Agency (MPCA)  
Resource Management and Assistance Division (RMAD)  
520 Lafayette Road | St. Paul, MN | 55155  
651-757-2195  
[alison.luedtke@state.mn.us](mailto:alison.luedtke@state.mn.us) | [www.pca.state.mn.us](http://www.pca.state.mn.us)

*Our mission is to protect and improve the environment and human health.*

APP # 19-163  
SF # \_\_\_\_\_  
Date 12-17-19  
(for office use only)

**CITY OF PEQUOT LAKES  
CONDITIONAL USE APPLICATION**

Name of Applicant NATHAN WALBERG Phone 218-851-1101

Mailing Address 29349 PATRIOT AVE. Email \_\_\_\_\_

City, State, Zip PL

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): Nathan Walberg  
(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:  
29349 PATRIOT AVE.

Parcel ID No. 29022 4100 DA0889 Zoning District C

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

State nature of request in detail: (What are you proposing for the property?)  
REMOVE CONDITION #4 REQUIRING FLOOR DRAIN /  
SEDIMENT TRAP.

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

Building: \_\_\_\_\_

Landscaping: \_\_\_\_\_

Parking/Signs: \_\_\_\_\_

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.

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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?

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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.

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

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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?

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

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CITY OF PEQUOT LAKES  
PLANNING AND ZONING COMMISSION  
NOTICE OF PUBLIC HEARING  
TO AMEND CONDITIONAL USE PERMIT TO  
REMOVE CONDITION #4 REQUIRING THE INSTALLATION OF A  
FLOOR DRAIN/SEDIMENT TRAP  
WITHIN THE COMMERCIAL  
ZONING CLASSIFICATION  
JANUARY 16, 2020  
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 January 16, 2020, beginning at 6:00 PM.

**Hearing:** Conditional Use Permit.

**Applicant:** Nathan Walberg.

**Property Description:** Property is located at 29349 Patriot Avenue. Parcel ID is: 290224100DA0889.

**Purpose:** Application is to Amend Conditional Use Permit to remove Condition #4 requiring the installation of a floor drain/sediment trap 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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