

**CITY OF PEQUOT LAKES
AGENDA
PLANNING AND ZONING COMMISSION**

March 17, 2005 at 6:30 PM

1. Call to Order
2. Roll Call
3. Public Hearings

Variance to Erect a Sign Exceeding the Maximum Square Footage Allowed
Lakes State Bank
Application 05-10

Conditional Use Permit for a Planned Unit Development
Wilderness Resort Villas, LLC
Application 05-07
(continued)

Preliminary Plat of Wilderness Resort
Wilderness Resort Villas, LLC
Application 05-08
(continued)

4. Additions or Deletions to the Agenda
5. Open Forum
6. New Business
 - a. Richard Bunker, Metes and Bounds Subdivision
 - b. Little Pine Plaza – Comprehensive Sign Plan
 - c. Planning Commission Vacancy
7. Old Business
 - a. Sibley Acres Turn Around Area
8. Approval of Minutes
 - a. February Minutes
9. P&Z Administrator's Report
 - a. Permits
 - b. Correspondence
 - c. Potential Violations/Enforcement Actions

10. Adjournment

STAFF REPORT

Application: Variance to Erect a Sign Exceeding the Maximum Square Footage Allowed

Applicant: Lakes State Bank

Background Information: The Lakes State Bank is located on the corner of Butler and 2nd Street. The parcel is zoned Exempt Commercial and currently has an existing commercial building. Lakes State Bank proposes to erect a freestanding sign with a full color electronic message center. In total, the sign will have an area of 126 square feet and a height of 16 feet above grade.

Applicable Statutes: In order to approve or deny a variance, the Planning Commission must make findings of fact. Variances may be granted in instances where extraordinary and unnecessary hardships may result from strict compliance with the Ordinance and allowing a variation will not have the effect of nullifying the intent and purpose of the Ordinance. Variances shall be considered because of circumstances relating to lot size, shape, topography, or other characteristics of the property not created by the landowner.

Specifically, the Planning Commission must show that the following have been met:

1. The variance shall not create a land use not permitted in the zone.
2. The variance will not alter the essential character of the locality.
3. The variance is not for economic reasons alone, but reasonable use of the property does not exist under this Ordinance.

Staff Findings: Based on the application and information provided, the Staff provides the following findings:

1. The property is properly zoned for Exempt Commercial use, and signs are permitted in this zone.
2. The property currently does not have a freestanding sign.
3. The proposed sign exceeds the permitted area of 64 square feet, having 126 square feet of area. Section 80.070 lists signs in excess of 100 total square feet as being prohibited.
4. The proposed sign exceeds the height limitation of 12 feet above grade by 4 feet.
5. The proposed sign meets the setbacks since the Exempt Commercial zone does not have any setbacks.
6. The Ordinance, strictly applied, does not present an undue burden on the property owner.

Planning Commission Direction: The Planning Commission can develop findings to recommend approval of the metes and bounds subdivision, it can develop findings to recommend denial of the metes and bounds subdivision, or it can table the subdivision request to gather additional information or provide the applicant time to modify the proposal.

Staff Recommendation: In this case, extraordinary or unnecessary hardships do not result from strict compliance with the Ordinance. Reasonable use of the property exists

with compliance to the sign provisions, since a smaller sized sign could be placed on the property without need for a variance. Based on the findings of fact in this report, the Staff cannot recommend that the variance be approved.

STAFF REPORT

Application: Conditional Use Permit for a commercial Planned Unit Development in the Waterfront Commercial zone.

Applicant: Wilderness Point Resort, LLC

Background: Since our last meeting, your staff has had some considerable discussions with the development team on their concepts. Their concerns after the meeting were based largely on maintaining the type of development they want to market while being restricted on the number of boat lifts and garages and having to present an unknown financial obligation as part of the sale if a system of fines were enacted.

The Wilderness Point development team presented two concepts to us for consideration. The first would be to continue on with the current resort development but with some modifications to the docking and garages. The hope with this concept was that there might be some movement by the Planning Commission on what they could accept. The second concept was to rezone the property for residential use and construct a residential PUD.

As Staff, we were not eager to recommend either approach. The Planning Commission had made itself fairly clear with respect to the first approach, and a rezoning request would be completely contrary to the City's Comprehensive Plan, which singles out Wilderness Point Resort as an important component of our economic well-being.

In our discussions, a hybrid approach was developed. This is what is being presented with this staff report. The approach develops the property at residential density while maintaining the commercial zoning, meeting the commercial performance standards and providing for ongoing commercial use. The philosophy behind this approach is as follows:

Residential PUDs are allowed increased density over a standard development because there is an offset in green/open space as well as some other design considerations (clustered sewer, stormwater management, etc...) that mitigate for the increased density. Commercial PUDs are allowed even higher density because they provide an added economic development benefit to the community. The offset is that the commercial design standards are even higher than the residential standards.

For this development, they are proposing to develop at residential density. This would reduce the number of units proposed from 54 to 45. All of the units would be new and would meet all of the increased setbacks as well as all of the commercial design criteria. They intend to operate the property as a resort and will market them as units with a rental option, but there will be no obligation to rent. In a worse case scenario, if none of the units are rented, the expectation of a residential density will still be met. If all of the units are rented, the commercial design standards will be met and the economic benefits of commercial development will be met, despite the density being at a residential standard.

Applicable Statutes: The applicable ordinances were quoted at length in the February staff report and are not included here.

Findings of Fact: The following findings of fact are provided for your discussion in relation to this conditional use permit request.

On the zoning & setbacks

1. The underlying zone is Waterfront Commercial.
2. The Waterfront Commercial district allows commercial PUD's with a conditional use permit.
3. The Commercial PUD is subject to all of the setback requirements of the underlying zone, in this case Waterfront Commercial.
4. All of the units are outside of the 75 foot shoreline setback.
5. All units meet the 30 foot bluff setback.
6. There is no defined minimum parcel size for Waterfront Commercial in the Ordinance.

On the conditional use permit

1. There is no reason to believe that expansion on the Wilderness Resort, with vigorous conditions, would harm the health, safety, or welfare of the community.
2. Access to the resort is off of public right-of-way.
3. The PUD would continue to act as a resort. Although there will be some intensification of use, there will be no change in land use. The use will remaining compatible with the adjacent properties.
4. A Commercial PUD is a permitted conditional use within the Waterfront Commercial District.
5. The Comprehensive Plan specifically identifies Wilderness Resort as a recreational amenity of the City (page 64). One of the goals of the Comprehensive Plan is to "*Maintain private resorts and facilities for public recreational use*" (page 65). This proposal, with vigorous conditions to safeguard the environment and the water quality, is consistent with the objectives of the Comprehensive Plan.
6. On-site stormwater retention ponds will reduce sedimentation and nutrient loading of public waterways.
7. The site is largely covered by wooded areas and wetlands. The proposal will not significantly reduce the amount of wooded areas and will not impact the wetlands.
8. There are two bluff areas that have an existing road crossing them. Conditions to the development will deal with this situation.
9. There is increased erosion potential with the new construction, especially in areas near the top of the bluff.
10. The proposed improvements are needed to maintain the viability of Wilderness Resort. This has been the testimony of the applicant, which is not disputed. The proposed use is needed in the shoreland because it expands the existing facility, which is already located in the shoreland.
11. The amount of liquid waste generated has not been calculated, except to acknowledge that the treatment facility will exceed 10,000 gallons per day and therefore will need to be designed by a licensed engineer. There is adequate room available on the property for the construction of such a facility.

12. The most structures that are currently most visible from the lake, including a cabin on the bottom of the bluff directly on the point and the six primitive camping sites (RV sites) directly on the water, will be removed. New construction will occur in areas that are elevated and mostly screened from view from the lake, during leaf on conditions. There will be no vegetation removal within the bluff.
13. There is no standard set forth for determining the safe level of watercraft on the lake.
 - a. The existing Wilderness Point Resort is permitted for 16 docks encompassing 40 mooring spaces.
 - b. The applicants are proposing 40 mooring slips.
 - c. The Ordinance provides for a number of docks not to exceed first tier dwelling units. There are 34 dwelling units allowed in the first tier.
 - d. There have been no formal or substantiated complaints that boating activity on the lake has been unsafe. The City is aware of no complaints, formal, substantiated or otherwise.
 - e. There have been no accidents caused by the level of boating activity reported on Middle Cullen Lake.
 - f. The current level of dockage has not been demonstrated to create an unsafe condition. It is unclear whether or not an increase of 8 mooring slips would create an unsafe situation.

On the application process for a PUD

1. The survey submitted by the applicant indicates all of the information required by Section 150.030 Subd. A of the Land Use Ordinance. The information shown includes: property boundaries, surface water features, existing and proposed structures, land alterations, sewage treatment systems and water supply systems, and topographic contours at two feet intervals.
2. The applicant has not submitted a property owner's association agreement.
3. The applicant has not submitted any documents pertaining to deed restrictions, covenants, or easements.

On the site suitability and density analysis

1. There are 45 proposed units.
2. The total area of the site is approximately 32.3 acres.
3. There is approximately 26.5 usable acres.
4. The proposed PUD meets residential PUD density requirements.
5. The existing lodge is to be kept.
6. A boat house along the southwestern shore is shown to remain.

On PUD maintenance and design criteria

1. Deed restrictions and covenants have been submitted to preserve and maintain open space or utility access.
2. Although this is a commercial PUD, a resort/homeowners association is required. The applicant has attested to how this will be done and has submitted information to the City Attorney.
3. More than 50 percent of the proposed PUD is open space, which does not include dwellings, roads, parking spaces, or any other developed areas.

4. More than 50 percent of the shore impact zone is preserved. Deed or other type of restrictions will be required to prove continued protection.
5. An erosion control plan has not been submitted.
6. A stormwater management plan has not been submitted. The applicant is required to be prepared for a 100-year, 24 hour storm event with no ponding or flooding of structures. The survey does indicate that two stormwater retention ponds will be included in the development, but volumes and conveyance mechanisms have not been calculated.
7. Commercial PUDs allow up to 35 percent impervious surface with a stormwater management plan and up to 25 percent impervious coverage without a stormwater management plan. The development does not exceed 22 percent impervious coverage in any tier or overall.
8. The PUD will use a centralized ISTS system for all of the resort units. The drainfield at the tip of the peninsula is to be removed, and the drainfield at the northeastern edge of the property will remain. An additional drainfield will be added on the northeastern side of the development.
9. The units are clustered on the southeastern portion of the property. The northern portion of the property is primarily wetland. No development is proposed in the wetland.
10. A beach and picnic area is located on the southern part of the eastern edge of the property. These areas have been consolidated into one area to reduce their overall impact.
11. The PUD is allowed up to 34 mooring sites; one site for each unit available in the first tier. The PUD is also allowed one day dock for loading and unloading for units beyond the first tier. The PUD exceeds the allowed number of mooring sites with a proposed 40 mooring sites. The existing CUP for the resort provides for 40 mooring sites.
12. The mooring sites are proposed in three sections on both sides of the peninsula. The slips are outside of the emergent vegetation identified on the site.
13. The survey does not indicate what existing vegetation would be removed or what kind of screening would be kept or planted.

Other

1. Middle Cullen Lake has 29, 416 feet of shoreline, as per GIS data provided by Crow Wing County. Wilderness Resort has a total of 2,653 feet of shoreline. The resort comprises 9.0% of the total shoreline on the lake.
2. Each unit is required to have 1.5 parking spaces. This information is not indicated on the survey.
3. The survey does not indicate where any signage will be placed.
4. The existing resort contains a large number of RV site, which will be removed. This will reduce the amount of vehicle traffic to and from the resort.

Planning Commission Direction: The Commission can recommend approval of the conditional use permit, recommend denial, or table the request if additional information is needed. If the recommendation is for approval or denial, findings of fact should be cited.

Staff Recommendation: We feel that this plan is an intelligent compromise over what has been proposed and presents a unique way to handle the issue of commercial/residential development. Based on that, and the findings of fact, your Staff recommends that the Conditional Use Permit for a Planned Unit Development be approved subject to the following conditions:

Conditions:

1. Prior to submission of a final plat application, the following shall occur:
 - a. The applicant shall submit a stormwater management/erosion control plan that handles the 100-year, 24-hour storm event in perpetuity.
 - b. The stormwater management/erosion control plan shall be reviewed by the Planning Commission. The plan will be revised as directed by the Planning Commission.
 - c. Following review and revision as directed by the Planning Commission, the stormwater management/erosion control plan shall be accepted by the Planning Commission and then become a controlling document for the development.
2. A site inspection by the City Staff of all erosion control devices shall occur prior to any construction on the site. The City shall be given seven days notice of when the inspection is requested.
3. Prior to submission of a final plat application, the following shall occur:
 - a. The applicant shall submit the rental contract and association contracts to the City Attorney for review and approval. The documents shall address the following, at a minimum:
 - i. Mechanism for maintenance of common areas.
 - ii. Mechanism for maintenance of open space areas.
 - iii. Mechanism for maintenance of shore impact zone preservation areas and bluff zones.
 - iv. The continued operation of Wilderness Resort as a commercial resort.
 - b. Revisions shall be made to the documents to the satisfaction of the City Attorney.
 - c. Once acceptable to the City Attorney, the documents shall be reviewed by the Planning Commission. Revisions shall be made to address Planning Commission concerns.
 - d. Once Planning Commission member's concerns have been addressed, the Planning Commission shall approve the documents and they shall become controlling documents for the development.
4. Prior to submission of a final plat application, the following shall occur:
 - a. The applicant shall submit information showing sewage treatment design, including capacity, treatment capability and conveyance mechanism.
 - b. The sewage treatment design shall be reviewed by the City Engineer. Revisions to the plans shall be made to the satisfaction of the City Engineer.
 - c. Once acceptable to the City Engineer, the design shall be reviewed by the Planning Commission. Revisions shall be made to address Planning Commission concerns.

- d. Once Planning Commission member's concerns have been addressed, the Planning Commission shall approve the design and it shall become a controlling document for the development.
5. A bond, or other financial mechanism acceptable to the Planning Commission, for 125% of the cost of construction of the sewage conveyance and treatment system shall be posted with the City to ensure its construction.
6. The developer shall notify the City at least seven days prior to the construction of the sewage treatment system. The City shall inspect the system as it is installed to ensure that it conforms to the approved design.
7. Prior to submission of a final plat application, the following shall occur:
 - a. The developer shall submit a vegetation enhancement plan. The plan shall detail preservation areas (natural areas) and the mechanism for preservation. At a minimum, the plan shall:
 - i. Restore and preserve all areas within the shore impact zone outside of the beach and picnic area, except for 8-foot walkways to the docking areas.
 - ii. Restore and preserve all areas within a designated bluff.
 - iii. Preserve all wetlands and all areas within 50 feet of a delineated wetland.

The plan must designate specie type and density. The plan must also specify an implementation schedule.
 - b. The vegetation enhancement plan shall be reviewed by the Planning Commission. The plan will be revised as directed by the Planning Commission.
 - c. Following review and revision as directed by the Planning Commission, the vegetation enhancement plan shall be accepted by the Planning Commission and then become a controlling document for the development.
8. All structures shall conform to the City's minimum building standards for a PUD and to the state building code.
9. Any changes to the Association shall be submitted to the City for approval and must be acceptable to the City.
10. The applicant shall apply for a stormwater prevention permit. The City will be copied with this application.
11. The applicant shall be allowed to continue the 40 moorings allowed under the existing permit. There shall be no increase beyond 40 slips.
12. The road in the bluff and shoreline setback shall be removed and re-vegetated. An 8-foot wide walking trail may replace the road; however, all automobile traffic shall be banned.
13. All buildings scheduled for removal shall be removed within twelve months of this approval.
14. The applicant shall be responsible for all expenses that the City incurs in administering these provisions. The applicant will be billed for the charges of the City Attorney, City Engineer, City Planner and any other staff member or special consultant whose expertise is needed to administer these provisions. Invoices shall be paid within 30 days of receipt. Charges may be disputed by appealing in writing to the City Council within 20 days of receipt.
15. The existing Conditional Use Permit is null and void.

STAFF REPORT

Application: Preliminary Plat for a planned unit development in the Waterfront Commercial zone.

Applicant: Wilderness Point Resort, LLC

Background: Wilderness Point Resort is proposing to build a rent-back resort, on the northern shore of Middle Cullen Lake in the Waterfront Commercial Zoning District. The application is in three parts. This report reviews the preliminary plat application. The other staff reports review the conditional use permit for a planned unit development and a rezoning application. This application is contingent upon approval of the accompanying conditional use permit for a planned unit development and the rezoning application. This application creates the subdivision designed in the planned unit development.

A planned unit development (PUD) must meet all setback requirements of the underlying zone; however, a PUD is more flexible in where structures are allowed and the concentration of structures. The preliminary plat proposes to create 45 units on 32.3 acres.

Applicable Statutes: Ordinances applicable to this application are listed below, drawn directly from the Pequot Lakes Land Use Ordinance.

Section 130.020: Dedication to the Public – Standards

The developer of a subdivision and/or Planned Unit Development shall dedicate ten percent (10%) of his usable land to the public for park purposes, or at the option of the City Council, shall pay the City an amount equal to ten percent (10%) of the current estimated market value of the land prior to development with a minimum fee of \$500 and a maximum fee of \$5,000 per lot or unit. For the purposes of this Section, “estimated market value” is defined by the Crow Wing County Assessor, as of the date the subdivision/planned unit development is granted final approval by the City Council.

Please refer to Section 130.020 in the Land Use Ordinance for full park dedication regulations. Park dedication fees are not due until the final plat is filed.

Section 140.020: Standards

A. Preliminary Plat. A Preliminary Plat shall contain the following data: (except as waived by the Planning & Zoning Commission) along with other reasonable information required by the Planning and Zoning Commission needed to make a property evaluation of the proposal.

1. Existing Conditions

- a. Boundary lines with lengths and bearings drawn to exact scale of no less than 1” = 100’ taken from a boundary survey by a registered Land Surveyor with the legal description of the property, total acreage, name of the fee owner, developer and surveyor. North arrow and scale.

- b. Topography consisting of two foot contour intervals, or at the discretion of the Planning & Zoning Commission during the sketch plan review, ten (10) foot contour intervals taken from the U.S.G.S. mapping with additional field determined spot elevations added to define drainageways, wetlands, slopes and the Ordinary High Water Mark.
- c. Tree cover limits, specimen tree locations
- d. Soils as determined by hand borings on a random basis, to determine depth to ground water at lower elevations and suitability for sewage treatment systems.
- e. Location of adjoining streets, wetlands, structures and property lines within two hundred feet (200') of subject parcel, including acreage of any property owned by the developer not included in the preliminary plat.
- f. Significant historical sites.
- g. Date of boundary survey, topography and proposed plat.
- h. Location of Primary and Secondary Conservation Areas (for Planned Unit Developments)

2. Proposed Design

- a. Layout of proposed streets, walkways, blocks, lots, buildings if known, drawn to the same scale as existing data.
- b. Dimensions scaled to nearest five feet (5') of all lot lines, street widths, easement widths and lakeshore lengths.
- c. Areas of proposed lots.
- d. Structure setback lines from streets, lot lines and Ordinary High Water Mark.
- e. Proposed Green Space with area shown.
- f. Proposed public dedication areas other than streets or walkways with area shown.
- g. Potential locations and estimated depth to water table for all proposed onsite sewage disposal systems, two per lot.
- h. Information regarding adequacy of domestic water supply.
- i. Proposed storm drainage system and erosion control, both during and after construction activities.
- j. Proposed street standards and profiles.
- k. Potential principal structure and accessory structure locations and elevations.
 - l. Extent of anticipated vegetation and topographic alterations.
- m. Proposed covenants
- n. Name of subdivision and proposed street names
- o. Stages of development proposed.
- p. Evidence of Authority to subdivide the parcel consisting of fee ownership or written concurrence of fee owners.

B. Design Layout Standards – Minimum. The following design standards shall be considered minimum acceptable requirements in the review of the proposed subdivision by the Zoning Administrator, City Attorney, City Engineer, Planning and Zoning Commission and City Council, except as waived by variance approved by the Board of Adjustment.

1. The land shall be properly zoned and suitable in its natural state for the intended purpose with minimal alteration. Land subject to flooding, land below the ordinary high water mark, wetlands, and areas with high water table, bluffs or land containing other significant constraint(s) upon future intended usage, shall not be considered in the minimum size of a lot. The suitability analysis for each lot shall also consider soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, nearshore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
2. Each lot shall have a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment sewage systems. New lots requiring mound systems or holding tanks shall not be allowed.
3. Provisions for water based recreation where near shore aquatic conditions are unsuitable for direct access.
4. Lot areas and dimensions shall conform to the requirements of the Zoning Ordinance, without a variance.
5. Lot layouts shall be compatible with the existing layout of adjoining properties.
6. Each lot shall have a minimum of thirty-three feet (33') frontage on a designated right of way. Commonly owned property or Green Space used for access in a Planned Unit Development shall have a minimum of 33' of frontage on a public right of way.
 - a. Proposed streets shall conform to the Comprehensive Plan of the City, County and State Highway plans and existing boundary conditions.
 - b. Streets shall be related to the topography so as to produce usable lots and reasonable gradients not in excess of ten percent (10%) for collector roads and fifteen percent (15%) for minor roads.
 - c. Public access shall be given to adjacent properties unless the topography clearly indicates future connection is not feasible and another possible route exists.
 - d. Access points to County and State highways shall be: approved by the respective authorities; kept to a minimum through the use of backage roads; and located in accordance with intersection design standards.
 - e. Minor streets shall be designed to discourage through traffic. Collector streets shall be designed to be direct, with a connection to a County highway where possible.
 - f. Streets or connections to half streets or partial streets without providing for the required right of way will not be permitted.
 - g. Dead-end streets shall be prohibited except as stubs to permit future road extension into adjoining tracts, or when designated as a cul-de-sac and the street connected to a cul-de-sac (turnaround) and shall not exceed eight-hundred feet (800') in length.

- h. Access shall be given to all adjacent properties when required by the Planning & Zoning Commission. All streets intended to be extended to adjoining property, shall be provided with a temporary cul-de-sac with the sides on a temporary easement, which will revert to the adjoining lot owner when released by the City.
- i. Right of Way shall be dedicated to the public. Please refer to the Ordinance for complete specifications.
- j. Intersections. Please refer to Section 140.020 for full specifications.
- k. In shoreland, roads, driveways and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zones, when any other reasonable and feasible placement alternatives exist.
- l. Street names shall conform to the pattern of the City, continue an existing name on the same alignment and generally promote order and direction in the community.
- m. Easements shall be provided for public utilities, cluster systems or drainage where required by the Planning & Zoning Commission and shall be the following minimum widths:
 - a. Waterlines 10'
 - b. Sewer lines 15'
 - c. Storm Sewer 10'
 - d. Drainageway 10'
 - e. Utilities (electrical, telephone, Cable television, natural gas, etc.) 10'
- 7. No more than twenty-five percent (25%) of the shoreline of a lake can be subdivided for duplexes.
- 8. New lots requiring variances to allow their use for the intended purposes or requiring mounds or holding tanks for sewage shall not be allowed.

C. Survey Standards.

Please refer to Section 140.020 Subd. E for complete specifications.

D. Street Improvement Standards.

Please refer to Section 140.020 Subd. F for complete specifications.

E. Sanitary Provision Standards. No land shall be subdivided for building purposes unless two adequate sites are available on the newly created lot for a conforming onsite sewage treatment system, or the subdivider constructs a cluster system serving the lots to be owned and maintained by a property owners association.

- 1. Onsite systems or cluster onsite systems shall conform to Minnesota Pollution Control Agency Standards, "Individual Sewage Treatment Systems Standards", Chapter 7080, and the Crow Wing County septic standards in the Crow Wing County Zoning Ordinance, and provide to two treatment sites for drainfields.

F. Water Supply Standards. The subdivider shall be responsible to provide the proposed subdivision with adequate spacing between building sites, onsite sewage disposal sites, and potential well locations to allow the well installations in conformance with the Zoning and Subdivision Ordinance requirements or the subdivider shall provide the lot with a cluster water supply system to be owned and operated by a property owners association.

1. Onsite wells or cluster water systems shall conform to the Minnesota Department of Health Rules and Regulations MHD 210-230 "Water Well Construction Code", and the cluster system shall receive the approval of the City Engineer.

G. Drainage/Grading Standards.

Please refer to Section 140.020 Subd. I for complete specifications.

Findings of Fact: The following findings of fact are provided for your discussion in relation to this conditional use permit request.

1. The property is zoned waterfront commercial.
2. The plat creates 45 commercial units plus the one remnant lot.
3. As a PUD, lot size dimensions are not factored in. Instead, overall density and density by tier is considered. This proposal meets the required density, which was considered under the PUD application.
4. No lots will require a variance for development based on the conditions of the PUD approval.
5. The land is suitable for development without significant alteration.
6. The proposed subdivision includes several private roads. These roads would be maintained by the Resort Association.
7. The properties will be served by a clustered sewage treatment system. The treatment site is shown on the survey. The existing drainfield at the northeastern corner of the property will be maintained. The drainfield at the tip of the peninsula will be removed.
8. The lot lines are at standard angles and contain no unwarranted jogs or bends.
9. There are no significant historical sites indicated on the survey.
10. There is no indication that this development, with vigorous conditions instituted as part of the PUD process, will harm the health, safety, or welfare of the community.
11. The property is zoned waterfront commercial.
12. Access to the property is off of adjacent public roadway.
13. The internal streets are privately owned and maintained.
14. No easements for utilities is required.
15. Stormwater retention ponds are indicated on the survey. A complete stormwater management plan is to be reviewed as part of the Planned Unit Development process.
16. An erosion control plan is to be reviewed as part of the Planned Unit Development process.

17. The proposal includes no increase in City road maintenance costs, yet will increase city tax revenue. A cost-benefit analysis indicates no long-term cost for the Pequot Lakes taxpayer from this development. In fact, this development will produce more taxes than the existing development.

Planning Commission Direction: The Commission can recommend approval of the conditional use permit, recommend denial, or table the request if additional information is needed. If the recommendation is for approval or denial, findings of fact should be cited.

Staff Recommendation: Based on the findings of fact, your Staff finds that the application meets the requirements of the Ordinance and we thereby recommend approval of the preliminary plat. There are no recommended conditions beyond what is called for in the CUP for the PUD.

STAFF REPORT

Application: Metes and Bounds Subdivision

Applicant: Richard E. Bunker

Background Information: Mr. Bunker owns a property located on the northeast corner of the intersection of North Sluetter Road and County Road 168. The parcel is zoned Residential and currently has an existing residential building on the western half of the parcel. The Bunker property is approximately 217,344 square feet or 5 acres in size, and the proposed metes and bounds subdivision would split the property into two parcels. The western parcel, with an existing structure, would be about 2 acres, or 86,657 square feet. The eastern parcel would be 3 acres, or 130,687 square feet.

Applicable Statutes: The process and requirements for subdivisions are currently described under Article IV, Section 140 of the Ordinance. Section 140.020D describes the minimum subdivision design standards as follows:

1. The land shall be properly zoned and suitable in its natural state for the intended purpose with minimum alteration. Land subject to flooding, land below the ordinary high water mark, wetlands, areas with high water table, bluffs or land containing other significant constraint(s) upon future intended usage, shall not be considered in the minimum size of a lot. The suitability analysis for each lot shall also consider soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, nearshore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
2. Each lot shall have a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment sewage systems. New lots requiring mound systems or holding tanks shall not be allowed.
3. Provisions for water-based recreation where near shore aquatic conditions are unsuitable for direct access.
4. Lot areas and dimensions shall conform to the requirements of the Zoning Ordinance, without a variance.
5. Lot layouts shall be compatible with the existing layout of adjoining properties.
6. Each lot shall have a minimum of thirty-three feet frontage on a designated right of way. Commonly owned property or Green Space used for access in a Planned Unit Development shall have a minimum of 33' of frontage on a public right of way.

The rest of Section 140.020D describes minimum design standards for blocks, easements for public utilities, and lakeshore development. Section 140.020 parts E through I describe survey standards, street improvement standards, sanitary provision standards, water supply standards and drainage/grading standards respectively. Those provisions are not listed here but can be found in the Ordinance. Section 140.030 describes provisions for improvements in subdivisions.

Staff Findings: Based on the application and information provided, the Staff provides the following findings:

7. The property is properly zoned for Residential use.
8. The land is suitable without significant alteration for development.
9. Neither lot has physical constraints that would limit their ability to be developed. The West Tract is already developed as it contains an existing residential building.
10. Both lots conform to the minimum lot width of 125 feet and minimum lot size of 30,000 square feet.
11. Both lots conform to the required front, rear, and side yard setbacks within the Residential zone.
12. Each lot has more than the required 33 feet of frontage on a public right of way.
13. The lot layouts are compatible with the existing layout of adjoining properties.

Planning Commission Direction: The Planning Commission can develop findings to recommend approval of the metes and bounds subdivision, it can develop findings to recommend denial of the metes and bounds subdivision, or it can table the subdivision request to gather additional information or provide the applicant time to modify the proposal.

Staff Recommendation: Based on the findings of fact in this report, the Staff recommends that the metes and bounds subdivision be approved.