

STAFF REPORT

Application: Rezoning from Open Space and Shoreline Commercial to Open Space and Shoreline Commercial (New Configuration)

Applicant: Wilderness Resort Villas, LLC

Agenda Item: 3(b)

Background Information: Wilderness Resort Villas was approved for a Conditional Use Permit and Preliminary Plat in May of 2008. As a condition of the Conditional Use Permit, the applicant is required to submit a rezoning request for common space to be rezoned to provide the continued operation of the resort and the maintenance of open space.



The current zoning for the resort is mainly all Commercial Shoreline with four small areas designated as Open Space. This new configuration will require the areas included in lots 1-46 and the location of the storage units to be zoned as Shoreline Commercial. All other areas will be rezoned to Open Space.

Applicable Regulations: Section 17-5.1, Subdivision 7 outlines the criteria that should be considered when amending the official zoning map or establishing a zoning classification:

- A. Preservation of natural sensitive areas.
- B. Present ownership and development.
- C. Shoreland soil types and their engineering capabilities.
- D. Topographic characteristics.
- E. Vegetative cover.

- F. In-water physical characteristics.
- G. Recreational use of surface water.
- H. Road and service center accessibility.
- I. Socio-economic development needs of the public.
- J. Availability of public sewer and water utilities.
- K. The necessity to reserve and restore certain areas having significant historical or ecological value.
- L. Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties.
- M. Alternatives available for desired land use.
- N. Prevention of spot zoning.
- O. Conformance to the City of Pequot Lakes Comprehensive Plan.
- P. Conformance to the City of Pequot Lakes Future Land Use Map and any other official maps of the City.

Section 17-5.2 of the Ordinance contains the requirements for the Open Space (OS) zone:

1. **Purpose and Intent:** To provide a zoning classification for preservation of sensitive areas, unique resources and designated non-developable property. Areas such as wetlands, bluffs, threatened and endangered species habitat, historic sites and lands set-aside as part the development process should be zoned as Open Space.
2. **Compatibility:** Open Space zone is compatible with every other zoning classification and any property that meets the purpose and intent of this zoning classification may be zoned Open Space.
3. **Lot, Use and Density Requirements.**
 - A. There is no minimum lot size associated with the Open Space zoning classification. Setbacks established for the adjacent zoning district shall apply.
4. **Mixed Zone Lots.**
 - A. For a lot crossing an Open Space zoning boundary into another zoning classification, the minimum buildable lot area shall be the same as the non-open space zoning classification with no area credit given for areas zoned Open Space.

Section 17-5.11 of the Ordinance contains the requirements for the Shoreline Commercial (SC) zone:

1. **Intent and Purpose:** To establish and maintain a land use district for existing commercial, recreationally orientated uses within the shoreland area comprised of campgrounds, resorts, bars restaurants, marinas and similar water oriented uses with independent sanitary facilities and that are compatible with the natural resources of lakes and streams.
2. **Compatibility:** The Shoreline Commercial zone must be riparian and should be established adjacent to existing Shoreline Commercial zones. The zone may not be established in an area where it is completely surrounded by residential zones.
3. **Lot, Use and Density Requirements.**

GD Lake

Lot width at OHW– feet, minimum	300
Buildable lot area - acres, minimum	2.5

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

1. The rezoning to Shoreline Commercial and Open Space is consistent with the City's Comprehensive Plan as 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).
2. The rezoning to Shoreline Commercial and Open Space is not entirely consistent with the City's Future Land Use Map, which designates this property as Forest Preservation for the majority of the area, Shoreline Commercial strictly along Middle Cullen Lake, and patches of Open Space throughout the property.
3. Reconfiguring the Open Space areas is keeping with the purpose and intent of the Ordinance as it will be preserving sensitive areas, unique resources and designated non-developable property.
4. Reconfiguring the Shoreline Commercial areas is keeping with the purpose and intent of the Ordinance as it will be maintaining a land use district for existing commercial, recreational oriented uses within the shoreland area.
5. The Open Space zone is compatible with the zoning of the surrounding parcels, as Open Space is compatible with every other zoning classification.
6. The Shoreline Commercial zone meets the compatibility requirements of being riparian and adjacent to existing Shoreline Commercial zones. It is not completely surrounded by residential zones.
7. The reconfiguring of Shoreline Commercial meets the lot, use, and density requirements as there are approximately 35.5 acres of useable area and 2,653 feet of shoreline.
8. The reconfiguring of Open Space meets lot, use, and density requirements as there is no minimum lot size associated with Open Space.

Planning Commission Direction: The Planning Commission can recommend that the City Council approve, deny, or table this rezoning.

Staff Recommendation: Due to the fact that the final plat is unable to be approved at this time, we recommend that this application be tabled as well pending final resolution of the plat.

Once the final plat is resolved, based on the findings of fact presented, Staff recommends this property be rezoned from Shoreline Commercial and Open Space to Shoreline Commercial and Open Space, new configuration. Reconfiguring the zoning districts will meet the condition of preliminary plat approval for the continued operation of the resort and the maintenance of Open Space.