

STAFF REPORT

Application: Rezoning from Public and Agriculture to Patriot Development

Applicants: City of Pequot Lakes

Agenda Item: 3.2

Background Information: The applicant is proposing to rezone an 87.3 acre tract of land from Public and Agriculture to Patriot Development. The subject property contains the Pequot Lakes Public Works Facility and is accessed via Derksen Road.



The subject property is adjacent to property zoned Commercial and Light Industrial to the north. The subject property is bounded on the east and south by State Highway 371 and on the west by the Paul Bunyan State Trail.

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 17-5.6 of the Ordinance contains the requirements for the Patriot Development (PD) Zone:

1. Purpose and Intent: To support and facilitate public or private development of this area by creating recreational, commercial and industrial opportunities to enhance the value and quality of life within our community.
2. Compatibility: The Patriot Development zone is established on an 85 acre parcel located in the City of Pequot Lakes adjacent to four-lane Highway 371 and the Paul Bunyan State Trail.
3. Lot, Use and Density Requirements:

	PD
Lot width– feet, minimum	50
Buildable lot area – square feet, minimum	10,000
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 yard – feet, minimum	10
Setback, rear – feet, minimum	10
Setback, sign – feet, minimum	1
Setback, parking from building or lot line – feet, minimum	10
Impervious Coverage – percent, maximum	75
Building height – feet, maximum, principal structure – feet, maximum	35
Building height, non-occupied accessory structure – 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. Compatibility of Use. Use shall be compatible with the surrounding

neighborhood. Uses shall not present noise, odor, light nuisances or any other nuisances.

B. 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.

C. Screening. Undesirable visual impacts, which include, but are not limited to, truck loading areas, materials storage, ground level mechanical equipment, and trash enclosures or trash handling equipment shall be stored within the principal structure, within an attached structure accessible within the principal structure, or totally screened from eye level view from public streets and adjacent properties.

D. Lighting.

(1) All lighting shall be installed in accordance with the following provisions:

- a) The luminaire shall contain a full cut off fixture which directs and cuts off light at an angle of ninety (90) degrees or less.
- b) Any light or combination of lights used for exterior illumination that cast light on a public street or adjacent property shall not exceed one (1) foot-candle (meter reading) as measured from the centerline of said street or at the property line.
- c) Architectural/historical lights that include fixtures that are not shielded or lighting of entire facades or architectural features of a building are permitted. In no case shall the light affect adjacent property in excess of one (1) foot-candle (meter reading) as measured from the centerline of said street or at the property line.
- d) The maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirty (30) feet. A light source mounted on a building shall not exceed the height of the building. In no case shall the height of a light source mounted on a pole or on a building exceed the height limits of this zone.

(2) Location:

- a) The light source of an outdoor light fixture shall be set back a minimum of three (3) feet from a street right-of-way and three (3) feet from any other property line.
- b) No light source shall be located on the roof unless said light enhances the architectural features of the building and is approved by the Architectural Review Committee or Planning Commission.

- (3) Direct or reflected light from high temperature processes such as combustion or welding shall not be visible from any adjoining property.
- (4) Outdoor Recreation. Outdoor commercial or public recreational uses such as, but not limited to, baseball fields, football fields, hockey rinks, and tennis courts have special requirements for night time lighting. In such cases, a lighting plan shall be submitted and shall include the following:
 - a) No outdoor recreation facility shall be illuminated after 12:00 a.m. except for security lighting. Exceptions may be granted by the City Administrator for special events.

E. Fire Lanes. Fire lanes shall remain unobstructed at all times.

F. 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 or wood. Barbed or electrified wire is prohibited, except where specific approval has been given by the Planning Commission through Conditional Use Permit.

G. Rooftop Equipment.

(1) Screening. Rooftop equipment, including rooftop structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood materials shall not be utilized for this purpose. Screening of rooftop equipment shall not be considered part of the building height.

(2) Solar Energy. Equipment for the capture and transfer of solar energy shall be exempted from (1) of this section, provided that the equipment is designed and located to blend with the overall design of the structure.

H. Outdoor Recreation (Athletic Facility):

(1) Site plan submittal shall include the following:

- a) Access to a major collector road;
- b) Proposed play fields;
- c) Proposed accessory structures, concession buildings and bleachers;
- d) Municipal water/wastewater availability or Subsurface Sewage Treatment System Design and water well;
- e) Refuse containment and collection plan.

I. Landscaping.

(1) A landscaping plan shall be submitted at the time of site plan and shall include the following requirements:

- a) Detailed natural land analysis, including vegetation, soil types and slopes.
- b) Man-made features.
- c) Details of all proposed vegetative landscaping materials, including placement, Latin name, common name, caliper/height, and quantity.
- d) Details of all proposed non-vegetative land landscaping and screening materials, including lighting.
- e) Where landscape or man-made materials are used to provide required screening from adjacent and neighboring properties, a cross-section shall be provided at a legible scale illustrating the prospective of the site from the neighboring property and property line elevation.

(2) Landscaping shall comply with the following requirements:

- a) Plantings shall be installed around a minimum of fifty percent (50%) of the exterior footprint of all buildings.
- b) Landscaping shall improve the appearance of the structure and break up large unadorned building elevations.
- c) At least thirty percent (30%) of the land area shall be sodded and landscaped with approved ground cover, shrubbery and trees.
- d) At least eight percent (8%) of the internal parking area shall be landscaped with grass, shrubbery, trees and/or other approved ground cover. This area is counted as part of the overall required "landscape area".

(3) Minimum size of plantings:

- a) Over story deciduous – 2 ½ inch caliper.
- b) Coniferous – 6 feet in height.
- b) Shrubs – 24-inch pot.
- c) Ornamental trees – 2 inch caliper.

Trees shall be of varying species and shall be in accordance with the minimum size of plantings.

(4) Species:

- a) All trees and plantings used in site developments shall be indigenous to the appropriate hardiness zone and physical characteristics of the site. Invasive plants shall not be allowed.
- b) All deciduous trees proposed to satisfy the minimum requirements of this policy shall be long-lived hardwood species.

- c) The complement of trees fulfilling the requirements of this section shall be not less than twenty-five percent (25%) deciduous and not less than twenty-five percent (25%) coniferous.

(5) Method of Installation:

All deciduous and coniferous trees shall be ball and burlap and staked and guyed per

National Nurseryman's Standards. Shrubs may be potted or ball and burlap.

(6) Sodding and Ground Cover:

All open areas of any site not occupied by buildings, parking, or storage, shall be

sodded or seeded over four (4) inches of topsoil. Exceptions are as follows:

- a) Seeding over four (4) inches of topsoil of future expansion areas (areas to be built upon within eighteen (18) months) as shown on approved plans.
- b) Areas designated as open space for future expansion area shall be properly planted and maintained with prairie grasses, wildflowers, or grass.

(7) Slopes and Berms:

- a) Final slope grade steeper than the ratio of 3:1 will not be permitted without special approval of treatment, such as terracing or retaining walls.
- b) Berming used to provide required screening of parking lots and other open areas shall not have a slope to exceed 3:1.

(8) Use of Landscaping for Screening:

Where natural materials, such as trees or hedges are approved in lieu of required screening by means of walls or fences, density and species of planting shall be such to achieve ninety percent (90%) opaqueness year round.

(9) Statuary: There shall be no statuary allowed as part of the landscape plan.

(10) Maintenance Policy:

- a) All landscaping shall be properly maintained so as to preserve planting in a live state and shall be kept free of noxious weeds and debris.
- b) Turf grass and lawns shall not grow to a height to allow such grasses to go to seed.
- c) All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained so as to be free of cracking, crumbling, dilapidation or deterioration.

- d) Rotten, deteriorated or damaged landscape elements shall be repaired, replaced, or removed.

(11) Erosion Control:

All open disturbed areas of any site shall be seeded as an erosion control measure.

(12) In the event a site plan layout does not have adequate open space to accommodate

plant quantities as required by this section, such quantities per species can be combined into less quantities per species, provided total regulated height or caliper is maintained.

J. Architectural Standards.

(1) Exterior Building Finishes:

All exterior wall finishes on any principal building shall be one of, or a combination of, the following:

- a) Face brick;
- b) Natural or cut stone, wood, or log;
- c) Architectural metal panels
- d) Specially designed, precast concrete units if the surfaces have been integrally treated with an applied decorative material or texture, excluding raw concrete block, painted or unpainted;
- e) Glass, fiberglass, or similar non-metal materials;
- f) Stucco and other cementation coating applied in a manner so as to create a harmonious design in conjunction with the materials;
- g) Other materials of a quality equal to or better than the materials listed in this section as may be approved by the Planning Commission as part of the architectural review process established in this section.
- h) All principal structures shall be compatible with neighboring structures in mass, color, and exterior materials

(2) Construction Type:

Post/pole frame constructed buildings shall not be allowed.

(3) Accessory Structures:

All accessory structures shall have an exterior finish and color that matches the finishing materials and color on the principal structure.

(4) Color:

Colors shall be earth tone, harmonious and shall consist of muted colors with low reflectance. Bright or brilliant colors and sharply contrasting colors may be used only for accent purposes and shall be limited to a maximum of ten percent (10%) of any single building façade.

(5) Façade Size and Articulation:

- a) **Façade Size:** The building façade size (height and mass) shall be in direct proportion to the surrounding structures. All building components, such as windows, doors, eaves, soffits, and parapets, shall be proportional to the building façade.
- b) **Articulation:** Articulation is required for building facades that are more than sixty feet (60') in width and faces, or is parallel to, a public or private street as follows: To avoid long unbroken expanses, building facades shall be divided into distinct modules not to exceed fifty feet (50') in length that incorporate visible changes in the façade through the use of wall plane projections, piers, columns, colonnades, arcades or similar architectural features.

K. Architectural Review Submittal:

The following is the minimum information required to be submitted to the City for review by the Planning Commission:

- (1) A completed and signed Land Use Permit application form;
- (2) A written narrative describing the proposal;
- (3) Ten (10) reduced (11 X 17) color sets and an electronic (PDF) format of the following documents:
 - a) **Survey:** Certified survey of the property by a registered surveyor;
 - b) **Architectural Plans:** Preliminary scaled architectural plans and colored elevations for the proposed building or buildings with notation of exterior finish materials;
 - c) **Site Plan:** Scaled site plan including landscaping, lighting, site amenities and mechanical equipment locations.
- (4) Samples of exterior finish materials.
- (5) Such other information as reasonably determined necessary by the Zoning Specialist.

L. Administration:

(1) Land Use Permit Approval:

No new construction, alteration of existing buildings and other developments regulated by this section may be initiated or issued a Land Use Permit without

approval of the Site Plan, Landscaping Plan, and Architectural Review Submittal, as applicable, by the Planning Commission, which approval shall be granted upon determination that the application complies with this Section.

(2) Expiration:

Unless the Planning Commission specifically approves a different time period, the approval of an architectural review submittal shall expire one year from the date it was approved. Any deviation from the approved plans will require additional review.

(3) Appeal:

Any appeal of a decision shall be subject to the process described in Section 17-11.6 of the City Code.

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

1. The applicant is proposing to rezone 87.3 acres from “Public” and “Agriculture” to “Patriot Development.”
2. The subject property is publically owned and is the Heart of the Good Life Development.
3. The subject property is not within the Shoreland Area and no Shoreland soil types have been identified.
4. The vegetative cover of the subject property consists of trees and grasses.
5. The subject property is not adjacent to a public water body. “In-water physical characteristics” and recreational use of surface water do not apply.
6. The subject property has approximately 896.04 feet of frontage adjacent to Derksen Road.
7. Rezoning the subject property will not have an adverse impact on the socio-economic development needs of the public
8. The public sewer and water utilities are available in the vicinity of the subject property. There are plans to extend the public utilities to the area of the subject property.
9. The subject property does not contain any known significant historical or ecological value.
10. The subject property is adjacent to property zoned “Commercial” and “Light Industrial”. The proposed reclassification is not considered “spot zoning.”
11. The proposed rezoning is in conformance with the City of Pequot Lakes Comprehensive Plan.
12. The future land use map identifies the subject property as “Light Industrial” and “State property”. Rezoning the subject property to “Patriot Development” is compatible with that classification.

Planning Commission Direction: The Planning Commission can recommend that the City Council approve, deny, or table this rezoning. Findings of fact should be cited if the recommendation is for approval or denial.

Staff Recommendation: Staff recommends approval of the rezoning request based on the findings of fact contained in this report.

APP # 20-48
 SF # _____
 Date 6-3-2020
 DWSMA NO

**CITY OF PEQUOT LAKES
 SUBDIVISION/REZONING APPLICATION**

Name of Applicant CITY OF PEQUOT LAKES Phone _____
 Mailing Address 4038 MAN ST. Email _____
 City, State, Zip PL

Applicant is:		Title Holder of Property:
Legal Owner	<input checked="" type="checkbox"/>	<u>SAME</u>
Contract Buyer	<input type="checkbox"/>	(Name)
Option Holder	<input type="checkbox"/>	_____
Agent	<input type="checkbox"/>	(Address)
Other	_____	

Signature of Owner, authorizing application: Nancy Malecha x
 (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
DERKSEN ROAD

Parcel ID No 29230520 + 29230528 Zoning District P
+ 29230514

Nature of request (select only one):

- Preliminary Plat
- Final Plat
- Metes and Bounds
- Rezoning PUBLIC TO PATRIOT DEV.
+ AG

*** Please see the attached Checklist on Page 4.

CITY OF PEQUOT LAKES
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING FOR A REZONING IN THE
PUBLIC AND AGRICULTURE ZONING CLASSIFICATIONS TO THE
PATRIOT DEVELOPMENT CLASSIFICATION
JULY 16, 2020
6:00 P.M.
AT
CITY HALL
4638 MAIN STREET

TO WHOM IT MAY CONCERN:

The following will be the subject of a public hearing on July 16, 2020, beginning at 6:00 p.m.

Hearing: Rezone.

Applicants: City of Pequot Lakes.

Property Description: Property is located south of Derksen Road. Parcel ID are: 29230520, 29230528, and 29230514.

Purpose: Application is to rezone an 87.3 acre tract from the Public and Agriculture zoning classifications to the Patriot Development zoning classification. All interested persons are invited to attend this hearing and be heard or send written comments to City Hall. Copies of the application, 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

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