

**PUBLIC HEARING – PRELIMINARY PLAT**

**Application:** Preliminary Plat of Heart of the Good Life Development

**Applicant:** City of Pequot Lakes

**Agenda Item:** 3.3

**Background Information:** The applicant is proposing to subdivide property south of Derksen Road into 2 commercial lots and 1 outlot. The property is currently zoned “Public” and “Agriculture”, although applicant proposes to rezone the subject property to the “Patriot Development” zoning classification.

The subject property contains the Pequot Lakes Public Works Facility. The property is adjacent to public sewer and water. The adjacent properties located to the north of subject property are zoned Commercial and Light Industrial. The subject property is bounded on the east and south by State Highway 371 and on the west by the Paul Bunyan Trail.



Proposed “Lot 1” is 5.6 acres and contains the City of Pequot Lakes Public Works Facility. The lot has 66.06 feet of frontage on Derksen Road.

Proposed “Lot 2” is 5.4 acres and is vacant. The lot has 423.40 feet of frontage on Derksen Road and 555.29 feet of frontage on Larsen Parkway.

Proposed “Outlot A” is 76.3 acres and is vacant. The outlot is accessed by Derksen Road and Larsen Parkway. Proposed “Outlot A” will be further subdivided as businesses chose to be located in this development.

Directly west of proposed “Lot 2” is a proposed 66.06 foot City street, Larsen Parkway.

**Applicable Regulations:**

Section 17-5.16 of the Ordinance contains the requirements for the Patriot Development (PD) Zone:

	<b>PD</b>
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

**Section 17-9.4 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 Commission and 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 required. Land subject to flooding, land below the ordinary high water mark, wetlands, areas with high water table, bluffs, lands with slopes exceeding 25% 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, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sights, 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. All non-conforming structures and uses shall be brought into conformity during the subdivision process, except as specifically waived by motion of the Planning Commission.

3. Each lot shall be adjacent to public sewer or shall have a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment sewage systems.

4. Provisions for water based recreation where near shore aquatic conditions are unsuitable for direct access.

5. Lot areas and dimensions shall conform to the requirements of the Zoning Chapter, without variance.

6. Lot layouts shall be compatible with the existing layout of adjoining properties and/or shall not constrain the future development of adjacent properties if those properties were to be developed as per the Pequot Lakes Land Use and Subdivision Ordinance.

7. Side lot lines shall be substantially at right angles to straight road lines or radial to curved road lines, radial to lake or stream shores, and shall not contain bends or jogs unless topographic conditions necessitate a different arrangement. Existing structures shall not be construed to be a topographic condition.

8. Each lot shall have a minimum of 33 feet of 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 feet of frontage on a public right of way.

9. Proposed streets shall conform to the adopted road plan of the City of Pequot Lakes, County and State highway plans and existing boundary conditions.

A. Streets shall be related to the topography so as to produce useable lots and reasonable gradients not in excess of 10% for collector roads and 12% for minor roads.

B. Public access shall be given to adjacent properties unless the topography clearly indicated future connection is not feasible.

- C. When parcels abutting arterial or collector roads are subdivided, no new access points shall be created unless an equal number of access points are removed, unless access points are created not less than 500 feet apart in which case there shall be no limit on the number of accesses allowed.
- D. Half streets or connections of half streets to partial streets without providing for the full required right-of-way will not be permitted.
- E. Streets will be designed as collectors or local streets in accordance with the City of Pequot Lakes Road Plan.
- F. The number of streets that terminate without a through connection shall be minimized and the street connected to a cul-de-sac (turnaround) shall not exceed 1,200 feet in length.
- G. Access shall be given to all adjacent properties when required by the Planning 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. Landlocked areas shall not be created.
- H. Right of Way shall be dedicated to the public:

Cul-de-sac (turnaround).....	68' radius
Arterials.....	100' or as determined by Crow Wing Co
Collectors .....	66'
Local Streets.....	66'

Additional Right of Way may be required to promote public safety and convenience if special conditions require such as intersections, sight lines on corners or excessive cut or fill sections.

- I. Intersections
  - (1) Street centerlines shall intersect at not less than 75 degrees.
  - (2) Street jogs shall be no less than 200' from centerline to centerline.
  - (3) Gradients at intersections and for 50' approaching on each side of an intersection shall not exceed 2%. The approach shall contain no grades greater than 7% for 200' on each side of the intersection.

- J. Roads, driveways and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zones.
  - K. Street names shall conform to the pattern of the City and continue an existing name on the same alignment, where determined applicable by the Planning Commission. Street names shall be coordinated with the Crow Wing County Surveyor’s Office.
10. Easements shall be provided for public utilities or drainage where required by the Planning Commission and shall be following widths, minimum:

Watermain.....	20 feet
Sanitary Sewer .....	40 feet
Storm Sewer.....	20 feet
Electrical, telephone or cable television .....	10 feet
Drainageway .....	10 feet

11. Lots requiring variances to allow their use for the intended purposes or requiring holding tanks for sewage shall not be allowed.

**Section 17-11.9 SUBDIVISIONS**

6. Preliminary Plat or Preliminary Condominium Plat Approval

- F. The Planning Commission shall recommend the approval, where applicable, of the Preliminary Plat or Preliminary Condominium Plat to the Council within the required timeframe, and the findings shall be sent to the subdivider. The Planning Commission shall consider the following in it’s decision:
  - (1) Is the property properly zoned?
  - (2) Does the proposal conform to the requirements of this Chapter?
  - (3) Does the proposal conform to the requirements of the Subdivision Chapter?
  - (4) Have the concerns of the affected agencies been addressed?

**Section 17-9.10 DEDICATION TO THE PUBLIC – STANDARDS**

- 1. In accordance with the provisions of Section 462.358 of the Minnesota Statutes, or amendments thereto, the subdivider shall dedicate, to the public, lands for highway rights-of-way, street rights-of-way, utility easements, wetland easements, and similar lands required for perpetual and public improvements.
- 2. The City of Pequot Lakes finds it in the public interest and necessary to provide future parks, trails and other public open and recreational spaces for the citizens of Pequot Lakes. As such, for every new subdivision of land involving three or more lots which are to be developed for residential purposes, the City Council, with the recommendation of the Planning Commission, shall require a

payment or dedication to the City of any one of the following, to be reviewed on an annual basis at the beginning of each calendar year:

- A. A reasonable portion of a land dedication for conservation purposes or for public use as parks, recreational facilities, playgrounds, trails, wetlands, or open space, up to 0.016 acres per resident expected in the proposed development, using the most recent average household size as determined by the Minnesota State Demographer's Office and the U.S. Census Bureau.
- B. A payment of up to \$416 per expected resident in the proposed subdivision, using the most recent average household size as determined by the Minnesota State Demographer's Office and the U.S. Census Bureau.
- C. A combination of land dedication and cash payment to the City for parks and open space purposes that reflects the values contained herein and in the City's Comprehensive Land Use Plan.

3. The amount of land and/or payment shall be set by the City Council, from the recommendation of the Planning Commission, after taking into consideration the open space, park, recreational, or common areas facilities which the applicant proposes to reserve for public use within the subdivision. The City shall grant preference to payment in lieu of land dedication unless an area within the land to be platted has been identified by the City for park acquisition. The following factors shall be taken into consideration when reviewing potential lands for park dedication:

- A. The suitability of the land for its intended purpose.
- B. The future needs of the community regarding parks, trails, and open spaces.
- C. The amount of any fees imposed, consistent with the requirements and limitations contained in this Section.
- D. Whether the land is adjacent to or near other public recreation lands.
- E. Whether there is an opportunity to extend an existing or proposed trail or to enlarge an existing or proposed park or recreational facility.
- F. Whether the land dedication would protect environmentally or historically significant or sensitive sites.

- G. Whether the land dedication provides a unique public benefit or contains unique natural features.

4. Where private open space for park or recreation purposes is provided in a Conventional Subdivision and such space is to be privately owned and maintained by the future residents of the subdivision or owners of the development, the Planning Commission may consider granting a credit for park dedication. A credit of up to 2.5% of the buildable area of the proposed open space may be given provided that the following conditions are met:

- A. The land area designated as open space and used in the calculation of the 2.5%-credit shall not include any area that is otherwise considered unbuildable, including, but not limited to, wetlands, steep slopes exceeding 12%, and the area within setbacks from property lines, required buffer zones, bluffs, and the ordinary high water mark, among others.
- B. The land area designated as open space within the development is not occupied by non-recreational buildings, such as maintenance or caretaking buildings, and is available for use to all residents of the proposed subdivision.
- C. The use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the development and which cannot be defeated or eliminated without the consent of the City of Pequot Lakes.
- D. The area required to obtain increased densities shall not be included in the computation of such private open space.

5. For Conservation Subdivisions where the conservation parcel is publicly dedicated, there shall be no further dedication required. For Conservation Subdivisions where the conservation parcel is not publicly dedicated, the fee calculated in this section shall be reduced by 50% due to the permanent preservation of open space.

6. Funds received by the City, in lieu of land dedication, shall be placed in a special fund in accordance with Minn. Stat. §462.358 Subdivision 2b, as amended.

7. All land dedication pursuant to this Ordinance shall be conveyed to the City through a Warranty Deed drafted by the City Attorney.

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

1. The applicant is proposing to subdivide property located along Derksen Road into two commercial lots and one outlet.
2. The property is currently zoned "Public" and "Agriculture", although applicant proposes to rezone the subject property to the "Patriot Development" zoning classification.
3. The land is properly zoned in its natural state for the intended commercial purposes.
4. The subject property contains the Pequot Lakes Public Works Facility.
5. The subject property is adjacent to public sewer and water.
6. Proposed "Lots 1 & 2" conform to the minimum requirements of the "Patriot Development" zone. "Outlot A" will be further subdivided as businesses chose to be located in this development.
7. Lot layouts are compatible with the existing layout of adjoining properties. The proposed layouts will not constrain the future development of adjacent properties.
8. The proposed side lot lines for each of the lots are at right angles to straight road lines or radial to lake shores.
9. Proposed "Lots 1 & 2" and "Outlot A" have adequate frontage on Derksen Road.
10. The proposed development contains Larsen Parkway, a 66.06' wide public street.
11. The subject property contains utility easements.
12. Each of the lots will not require a Variance to allow their intended purposes.
13. The Minnesota DNR has been notified of this request. They have not raised any concerns.
14. The subject property is owned by the City of Pequot Lakes and a portion of it will remain in public ownership for public use in the future. A park dedication fee is not required for the proposed development.

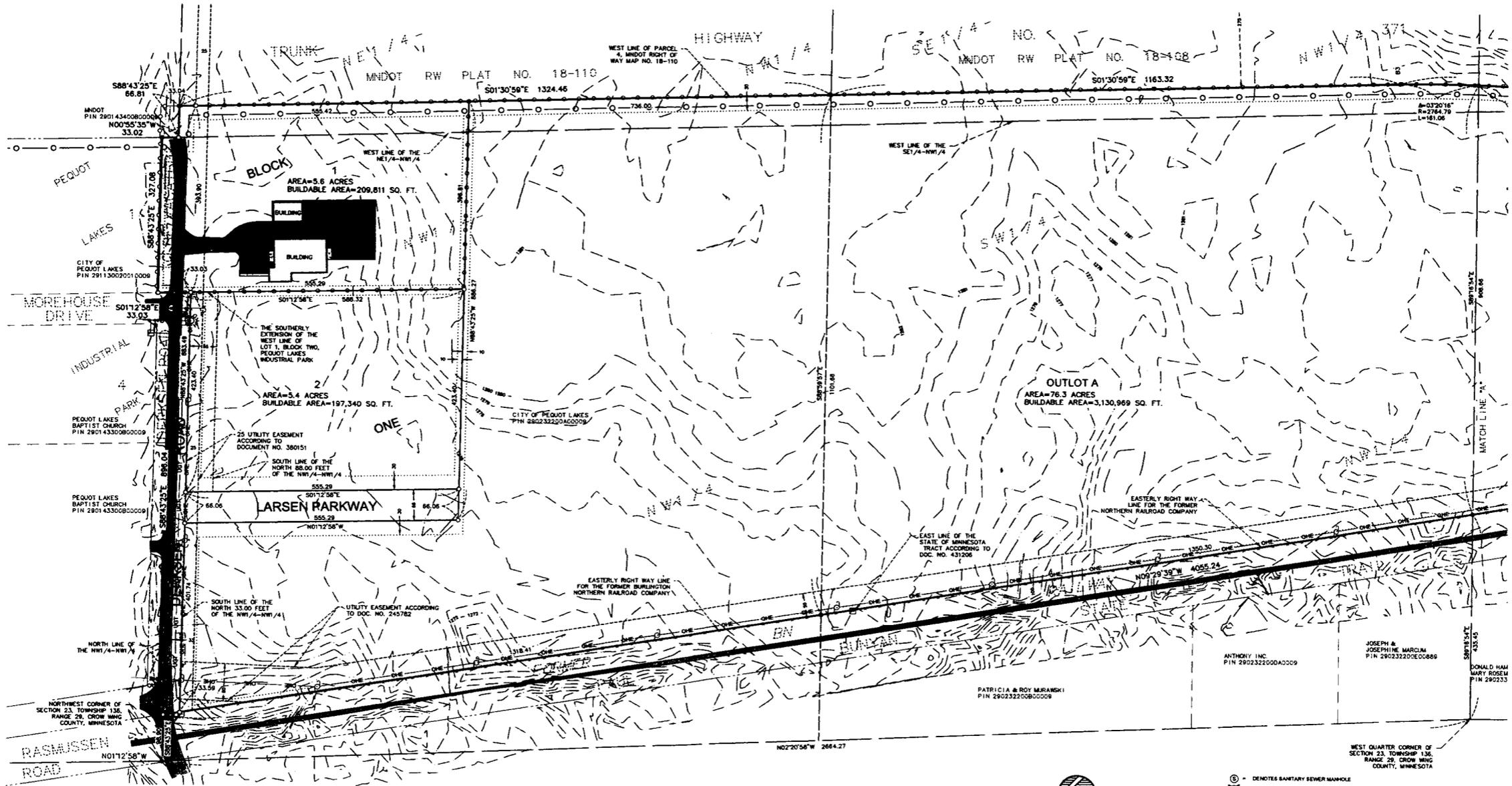
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**Planning Commission Direction:** The Planning Commission can recommend the City Council approve, deny, or table the Preliminary Plat application.

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**Staff Recommendation:** Staff recommends the application be approved without conditions of approval.

# PRELIMINARY PLAT HEART OF THE GOOD LIFE



**WIDSETH**  
ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS

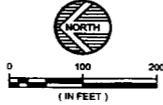
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DRAINAGE AND UTILITY EASEMENTS ARE AS SHOWN BELOW

LOT LINE  
10' 5' 10'

ROAD LINE  
10' 5' 10'

BEING 5 FEET IN WIDTH AND ADJOINING ALL INTERIOR SIDE LOT LINES AND 10 FEET IN WIDTH AND ADJOINING ALL ROAD LINES UNLESS OTHERWISE SHOWN

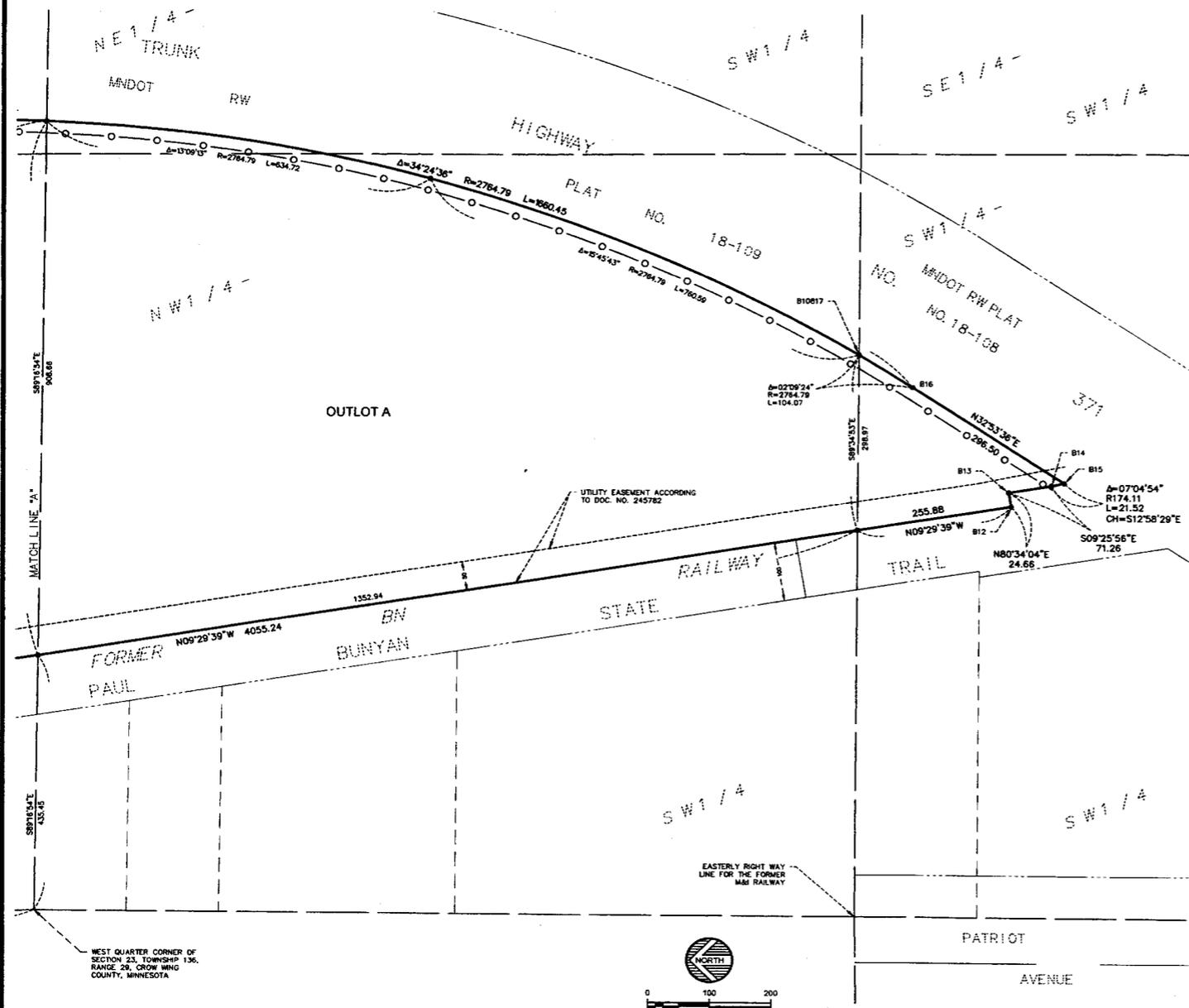


ORIENTATION OF THE BEARING SYSTEM IS BASED ON CROW WING COUNTY COORDINATE DATUM 1983

- DENOTES FOUND IRON MONUMENT
- DENOTES 12 INCH IRON PIPE MONUMENT SET AND MARKED PLS # 41643
- DENOTES SET SURVEY NAIL

- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊕ DENOTES HYDRANT
- ⊕ DENOTES WATER SHUT OFF VALVE
- ⊕ DENOTES POWER POLE
- OHE — DENOTES OVERHEAD ELECTRIC LINE
- UGT — DENOTES UNDERGROUND TELEPHONE LINE
- GAS — DENOTES UNDERGROUND GAS LINE
- CHAIN LINK FENCE — DENOTES CHAIN LINK FENCE
- DENOTES RIGHT OF CONTROLLED ACCESS TO THE STATE OF MINNESOTA
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE

# HEART OF THE GOOD LIFE



KNOW ALL PERSONS BY THESE PRESENTS: The City of Pequot Lakes, a Minnesota Municipal Corporation is the owner of the following described property situated in Crow Wing County, Minnesota:

Tract A:  
That part of the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4), Section Twenty-three (23), Township One Hundred Thirty-six (136), Range Twenty-nine (29), Crow Wing County, Minnesota, lying Easterly of the former Burlington Northern Railroad Company Right-of-Way, as divided to the State of Minnesota according to Document No. 431206, AND that part of the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4), said Section Twenty-three (23), lying Westerly of Parcel 4, Minnesota Department of Transportation Right-of-Way Plat No. 18-110, on file in the Crow Wing County Recorder's Office.

Tract B:  
That part of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4), Section Twenty-three (23), Township One Hundred Thirty-six (136), Range Twenty-nine (29), Crow Wing County, Minnesota, lying Easterly of the former Burlington Northern Railroad Company Right-of-Way, as divided to the State of Minnesota according to Document No. 431206, AND that part of the Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4), said Section Twenty-three (23), lying Westerly of Parcel 4, Minnesota Department of Transportation Right-of-Way Plat No. 18-110, on file in the Crow Wing County Recorder's Office.

AND  
Tract C:  
That part of the South Half of the Southwest Quarter (S1/2 SW1/4), of Section Twenty-three (23), Township One Hundred Thirty-six (136), Range Twenty-nine (29), Crow Wing County, Minnesota, lying East of the M & I Railway Right of Way (now the Paul Bunyan State Trail), except that part described as follows: Beginning at a point on the centerline of C.A.R. #7 which point is 1500 feet west of the Southeast corner of said Section; thence North for 33 rods, parallel with the East line of said Southwest Quarter; thence East for 28 rods, parallel with the South line of said Southwest Quarter; thence South for 33 rods to the centerline of C.A.R. #7; thence West on said centerline to the point of beginning; and Tract D:  
The North Half of the Southwest Quarter (N1/2 SW1/4) of Section 23, Township 136 North, Range 29 West, Crow Wing County, Minnesota, lying east of the Northern Pacific Railway Right of Way (now the Paul Bunyan State Trail), which lies Northerly and Westerly of Line 1 described below.

Line 1: Beginning at Right of Way Boundary Corner B12 as shown on Minnesota Department of Transportation Right of Way Plat No. 18-108 as the same is on file and of record in the office of the County Recorder in and for said County; thence Easterly on an azimuth of 80 degrees 34 minutes 05 seconds along the boundary of said plat for 24.65 feet to Right of Way Boundary Corner B13; thence on an azimuth of 170 degrees 34 minutes 05 seconds along the boundary of said plat for 71.26 feet to Right of Way Boundary Corner B14; thence deflected to the left on a tangential curve, having a radius of 174.11 feet and a delta angle of 07 degrees 04 minutes 54 seconds for 21.52 feet along the boundary of said plat to Right of Way Boundary Corner B15; thence on an azimuth of 32 degrees 53 minutes 37 seconds along the boundary of said plat for 298.50 feet to Right of Way Boundary Corner B16; thence Northeasterly for 104.07 feet along a curve concave to the Northwest, having a radius of 2784.79 feet, a delta angle of 02 degrees 09 minutes 24 seconds and a chord azimuth of 31 degrees 48 minutes 55 seconds along the boundary of said plat to Right of Way Boundary Corner B10B17 as shown on said Plat No. 18-108 and on Minnesota Department of Transportation Right of Way Plat No. 18-108 as the same is on file and of record in the office of the County Recorder in and for said County; thence continuing on the last described curve along the boundary of said Plat No. 18-108 for 1556.36 feet to Right of Way Boundary Corner B3 and there terminating.

Have caused the same to be surveyed and platted as HEART OF THE GOOD LIFE and does hereby dedicate to the public for public use the public ways and the drainage and utility easements as created by this plat and also dedicating to the State of Minnesota the right of controlled access as shown on this plat.

IN WITNESS WHEREOF, said City of Pequot Lakes, a Minnesota Municipal Corporation, has caused these presents to be signed by its proper officers the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

City of Pequot Lakes.  
James Taylor, Mayor  
Angie Dues, City Clerk  
State of Minnesota  
County of \_\_\_\_\_  
This instrument was acknowledged before me on \_\_\_\_\_ by James Taylor, Mayor and Angie Dues, City Clerk of the City of Pequot Lakes, a Minnesota Municipal Corporation.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Notary Public  
County, \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

I, Chad M. Conner, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be, correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of the certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.  
Chad M. Conner, Licensed Land Surveyor  
Minnesota License No. 41543

State of Minnesota  
County of Crow Wing  
This instrument was acknowledged before me on \_\_\_\_\_ by Chad M. Conner.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Notary Public  
County, \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

This plat of HEART OF THE GOOD LIFE was approved and accepted by the City Council of the City of Pequot Lakes, Minnesota, at a regular meeting thereof held this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and said plat is in compliance with the provisions of the Minnesota Statutes, Section 505.03, Subd. 2.

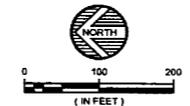
Mayor \_\_\_\_\_ City Clerk \_\_\_\_\_

Pursuant to Minnesota Statutes, Section 508.47, Subd. 4, taxes payable in the year \_\_\_\_\_ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

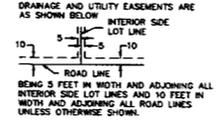
Auditor/Treasurer \_\_\_\_\_  
Crow Wing County, Minnesota

**WIDSETH**  
ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS

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ORIENTATION OF THIS BEARING SYSTEM IS BASED ON CROW WING COUNTY COORDINATE ON TRACT MONUMENTS  
● DENOTES FOUND IRON MONUMENT  
○ DENOTES 1/2 INCH IRON PIPE MONUMENT SET AND MARKED RLS # 41843  
\* DENOTES SET SURVEY MARK  
- - - - - DENOTES RIGHT OF CONTROLLED ACCESS TO THE STATE OF MINNESOTA



APP # 20-49  
 SF # \_\_\_\_\_  
 Date 6-3-2020  
 DWSMA NO

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

Name of Applicant CITY OF PEQUOT LAKES Phone 568-5222

Mailing Address 4638 MAIN 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  (X)
- Final Plat  ( )
- Metes and Bounds  ( )
- Rezoning  ( )

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

CITY OF PEQUOT LAKES  
PLANNING AND ZONING COMMISSION  
NOTICE OF PUBLIC HEARING FOR THE  
PRELIMINARY PLAT OF  
“HEART OF THE GOOD LIFE”  
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:** Preliminary Plat

**Applicant:** City of Pequot Lakes

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

**Purpose:** The applicant is proposing to create two commercial lots and an outlot in the Patriot Development District. All interested persons are invited to attend this hearing 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 these applications 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 requests is sent to all property owners within 350' of the applicant's property. Please share this information with your neighbors in the event that any property owner has been overlooked or is not contained in our records.

Dawn Bittner  
Zoning Specialist  
City of Pequot Lakes

*“This institution is an equal opportunity provider and employer”*