

**NEW BUSINESS – DISCUSSION**

**Agenda Item: 5.1**



**Background Information:** Eric Johnson, Eric’s Excavating, Inc., is proposing to relocate his excavation business from its’ County Road 11 site to a 6 acre location along Patriot Avenue and Royce Street. Mr. Johnson proposes to construct a 70’ X 120’ heated shop with a 14’ lean-to for storage of equipment and to work on equipment and trucks. Mr. Johnson also proposes a 24’ X 88’ dry storage for equipment and trucks. Mr. Johnson has provided the attached paragraph detailing his plans.

**Applicable Regulations:**

**Section 17-3.2. DEFINITIONS**

- 62. **Commercial Use.** The principle use of land or buildings for the sale, lease, rental, trade of products, goods or services.
- 130. **Industrial Use.** The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.

**Section 17-5.10 COMMERCIAL (C)**

- 1. **Purpose and Intent:** To provide a zoning classification for commercial uses oriented around the automobile. Parcels are larger than in the Downtown Mixed-Use zone in order to provide on-site parking, on-site stormwater facilities as well as on-site water supply and sewage treatment where municipal utilities are not immediately available.

2. Compatibility: The Commercial zone should be established as a transition zone between the Downtown Mixed-Use zone or the Light Industrial Zone and the surrounding residential zones. The zone may not be established in an area where it is completely surrounded by residential zones.

3. Lot, Use and Density Requirements.

Lot width– feet, minimum	50
Buildable lot area (sewered) – square feet, minimum	10,000
Buildable lot area (unsewered) – square feet, minimum	20,000
Setback, right of way, City road- feet, minimum	30
Setback, right of way, County or State road, feet, minimum	30
Setback, between buildings – feet, minimum	10
Setback, side next to residential district – feet, minimum	30
Setback, side yard – feet, minimum	10
Setback, rear – feet, minimum	10
Setback, parking from lot line – feet, minimum	10
Setback, sign – feet, minimum	1
Setback, wetland – feet, minimum	30
Setback, unplatted cemetery or archeological site	50
Impervious surface – percent, maximum	25%
Building height – feet, maximum	25
Flag Pole Height – feet, maximum	60
Building above highest groundwater level – feet, minimum	3

4. Performance Standards. The following performance standards apply to all development in this zone:

A. Impervious Coverage. Impervious coverage may be increased by up to 25%, not to exceed 50% of the property, through a conditional use permit if the following is provided and approved by the City:

- (1) A storm water retention plan showing containment of the 10-year, 24-hour storm event on the parcel.
- (2) Direct runoff of stormwater to adjacent properties and wetlands shall be eliminated through the use of berms, infiltration ponds, swales, filtration strips or other permanent means.

B. Compatibility of Use. Use shall be compatible with the surrounding neighborhood. Uses shall not present noise, odor, light nuisances or any other nuisances.

- C. **Parking.** Off-street parking shall be provided as per Section 7.10. On-street parking is not allowed under any circumstances. To reduce the visual impacts and amount of surface parking, shared parking and surface parking shall be located behind or to the side of a building. Additionally, suitable trees and shrubs shall be planted between parking lots and all adjacent sidewalks, roads, lots and buildings.
- D. **Screening.** All sites shall be heavily landscaped to provide 100% screening to adjacent residential parcels and over 50% screening from the road or any non-residential parcel. Percentages shall be determined by amount of structure that can be seen during leaf-on conditions. A landscaping and screening plan must be submitted and approved by the Planning Commission with each conditional use permit.
- E. **Lighting.** Lighting shall be minimal. Lighting shall be downward directional and shall be compatible with the surrounding development. Lights approved with signs must be turned off at the close of business each day.
- F. **Fire Lanes.** Fire lanes shall remain unobstructed at all times.
- G. **Fences.** Fences not exceeding 84 inches in height may be constructed. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is prohibited, except where specific approval has been given by the Planning Commission.

**Section 17-5.17 LAND USE MATRIX**

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

<u>USE</u>	<u>OS</u>	<u>FM</u>	<u>AG</u>	<u>WR</u>	<u>SR</u>	<u>TR</u>	<u>RR</u>	<u>D</u> <u>M</u> <u>U</u>	<u>C</u>	<u>SC</u>	<u>R</u>	<u>UR</u>	<u>LI</u>	<u>P</u>	<u>PD</u>
<u>Commercial Use</u> <u>(Other, not</u> <u>classified)</u>	<u>E</u>	<u>C</u>	<u>C</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>P</u>	<u>E</u>	<u>C</u>						

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**Planning Commission Direction:** The Planning Commission should come prepared to discuss whether the proposed use is a commercial use or an industrial use. If the proposed use is determined to be an “industrial use” the property will be required to be rezoned and permitted administratively. If the proposed use is determined to be a “commercial use” it will be permitted with a conditional use permit.

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Eric's Excavating, Inc.  
25557 East Clark Lake Rd.  
Nisswa, MN 56468

August 7<sup>th</sup>, 2020

To Whom It May Concern:

Eric's Excavating, Inc., which was established in 2001, is looking at purchasing a piece of property in Pequot Lakes, MN. The property is located in the northeast corner of Lilac Dr./Royce St. and is about 5-6 acres in size. Eric's Excavating is a family owned business, operated by Eric T. Johnson and Hilary E. Johnson and looking to expand their business to this location. We would be looking at building a 70'x120' heated shop w/ 14' lean-to for storage of our equipment and also to work on equipment/trucks. In addition would be a 24'x88' dry storage for equipment and trucks also. We would like to fence in the property also for security purposes. Approximate cost of the project including land purchase would be \$675,000.00. We hope we can move forward with the City of Pequot Lakes on making this project happen.

Sincerely,

Eric T. Johnson



Date 8/7/2020

President

Hilary E. Johnson



Date 8-7-2020

Treasurer

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