

## STAFF REPORT

**Application:** Rezone from Rural Residential to Commercial

**Applicants:** Kent and Pamela Johnson

**Agenda Item:** 3.2

**Background Information:** The applicants are requesting a rezone from Rural Residential to Commercial for part of the property located at 4316 County Road 168. The applicants also have a metes and bounds subdivision request further on the agenda. The rezone would be for the newly created Tract B should the metes and bounds application be approved.



The applicant is proposing “Tract B” and “Tract C”, with “Tract B” as the property being requested for the rezone. The subject property was subdivided in 2009 but the subdivision was never recorded and became void.

The subject property is adjacent to property zoned Shoreline Residential to the north and west, and Commercial to the east. The subject property is bounded on the south by County Road 168.

The property is designated on the Future Land Use Map as Rural Residential.

**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 17-5.10 of the Ordinance contains the requirements for the Commercial (C) Zone:

**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.

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

1. The applicants are proposing to rezone 5 acres from “Rural Residential” to “Commercial.”
2. Rezoning to Commercial is keeping with the purpose and intent of the Ordinance as it will allow a non-shoreland property to be zoned consistent with adjacent properties. The future Land Use Map identifies this property as Rural Residential.
3. The subject property is 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 is accessed via County Road 168 which is a public street.
7. The proposed rezoning does not increase the socio-economic development needs of the public.
8. The public sewer and water utilities are not available in the vicinity of the subject property. There are no 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 “Shoreline Residential” and “Commercial”. The proposed reclassification is not considered “spot zoning.”
11. The proposed rezoning is in conformance with the following policy contained in the Comprehensive Plan:
  - Further attract and diversify businesses by new strategic commercial development. (pg. 17)

12. The future land use map identifies the subject property as “Rural Residential” however the property is adjacent to a highly traveled county highway and other property zoned (Commercial). It is also in the vicinity of other commercial property along the Patriot Avenue corridor.

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**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.

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**Staff Recommendation:** Rezoning of the property to “Commercial” is in conformance with the surrounding neighborhood. Other properties in the vicinity of the subject property are identified as that classification. The future land use map identifies the subject property as “Rural Residential”. Since the request is not considered “spot zoning” we recommend the application be approved without any conditions.

APP # RR-18  
 SF # \_\_\_\_\_  
 Date 4-21-22  
 DWSMA NO

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

Name of Applicant Kent + Pamela Johnson Phone 218-316-1822  
 Mailing Address 3830 Wildlife Trl Email kcjd7@hotmail.com  
 City, State, Zip Pequot Lakes MN 56472

Applicant is:  
 Legal Owner   
 Contract Buyer   
 Option Holder   
 Agent   
 Other \_\_\_\_\_

Title Holder of Property:  
Keith + Kathryn Niederhaus  
 (Name)  
4325 Beige Bluff #108  
 (Address) N. Las Vegas, NV 89081

Signature of Owner, authorizing application: Keith Niederhaus  
 (By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): Pamela Johnson  
 (By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Location of property involved in this request:  
4316 County Road 168, Pequot Lakes, MN 56472  
TRACT B 290224304D 00889

Parcel ID No. 29220500 Zoning District RR

- Nature of request (select only one):
- Preliminary Plat
  - Final Plat
  - Metes and Bounds
  - Rezoning  RR-Comm.

\*\*\* 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  
RURAL RESIDENTIAL ZONING CLASSIFICATION TO THE  
COMMERCIAL CLASSIFICATION  
MAY 19, 2022  
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 May 19, 2022, beginning at 6:00 p.m.

**Hearing:** Rezone.

**Applicants:** Kent and Pamela Johnson.

**Property Description:** Property is located 4316 County Road 168. Parcel ID is: 29220500.

**Purpose:** Application is to rezone a 5.00 acre tract from the Rural Residential zoning classification to the Commercial 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](http://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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May 12, 2022

Kent and Pamela Johnson  
3830 Wildlife Trail  
Pequot Lakes, MN 56472

**RE: Public Hearing for Property Rezoning**  
**PIN: 29220500 / 290224304D00889**

Dear Mr. and Mrs. Johnson:

This letter is to inform you that the public hearing for the rezoning of your property listed above, located at 4316 County Road 168, will be held at the regularly scheduled Planning Commission meeting on Thursday, May 19, 2022. The Public Hearings begin at 6:00 p.m.

You have requested to rezone your property from Rural Residential to Commercial, as described in the City Code. The purpose and intent of the Commercial Zone is 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 onsite parking, onsite stormwater facilities, as well as onsite water supply and sewage treatment where municipal utilities are not immediately available.

For a rezoning, the Commission holds a hearing to review your rezoning and then make a recommendation to the City Council. The City Council then makes the final decision. The City Staff prepares a Staff Report each month for all of the hearings. If you would like a copy of the report for your hearing, there will be one available at City Hall for you to review one week prior to the meeting or you can read it online at [www.pequotlakes-mn.gov](http://www.pequotlakes-mn.gov).



If you have any questions or concerns, please do not hesitate to contact me at 218-568-6699 or at [dbittner@pequotlakes-mn.gov](mailto:dbittner@pequotlakes-mn.gov).

Sincerely,

Dawn Bittner  
Zoning Specialist

C: Planning Commission