

## STAFF REPORT

**Application:** Rezoning from Shoreline Residential to Rural Residential

**Applicants:** Brent Anderson, on behalf of Brent Ryappy

**Agenda Item:** 3 (a)

**Background Information:** The applicant is proposing to rezone a 2.49 acre tract of land from Shoreline Residential to Rural Residential. The subject property is vacant and is accessed via S. Sluetter Road.



The subject property is adjacent to property zoned Rural Residential to the south, Shoreline Residential to the east, and Rural Residential across County Road 168 to the north. The property to the west is in Cass County.

The subject property was part of a metes and bounds subdivision in 2004 where it was subdivided from the Shoreline Residential parcel to the east. The deed creating the split was not recorded until 2008. This parcel does not meet the requirements for a riparian lot.

**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 Rural Residential (RR) Zone:

1. Purpose and Intent: To provide a zoning classification that allows for low-density residential development. Development in this zone is without municipal utility service and with only limited demand for accessibility. Rural Residential zoning should be used to preserve rural character.

2. Compatibility: The Rural Residential zone is compatible with and can be established adjacent to Forest Management and Agriculture zones, but may not be completely surrounded by those zones. The Rural Residential zone must be adjacent to land zoned Rural Residential, Transition Residential, Light Industrial or Commercial. The Rural Residential zone may be established next to the Shoreline Residential zone or the Water Resource zone.

3. Lot, Use and Density Requirements.

Lot Width - feet, minimum .....	200
Buildable Lot Area - acres, minimum.....	5
Setback, right-of-way, local streets - feet, minimum.....	50
Setback, right-of-way, collector and arterial streets - feet, minimum.....	50
Setback, side - feet, minimum.....	25
Setback, corner side - feet, minimum .....	40
Setback, sign - feet, minimum .....	1
Setback, wetland - feet, minimum .....	50
Maximum impervious coverage .....	15%
Maximum Building Height - feet.....	25
Accessory Structure Size – square feet, max, cumulative .....	
.....	2,000 for first 2.5 acres
.....	1,000 for each additional 2.5 acres
Maximum animal unit per acre .....	0.5

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

1. The applicant is proposing to rezone 2.49 acres from “Shoreline Residential” to “Rural Residential.”
2. The subject property is privately owned. The property owner has not indicated any plans for future development.
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 has approximately 482 feet of frontage adjacent to South Sluetter Road. Pursuant to a condition of lot split approved October 21, 2004, access to subject property shall only be from South Sluetter Road with said access to be located a minimum of 100 feet south of the centerline of County Road 168.
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 “Rural Residential” and “Shoreline Residential”. 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 “Rural Residential.” Rezoning the subject property to “Rural Residential” is compatible with that classification.

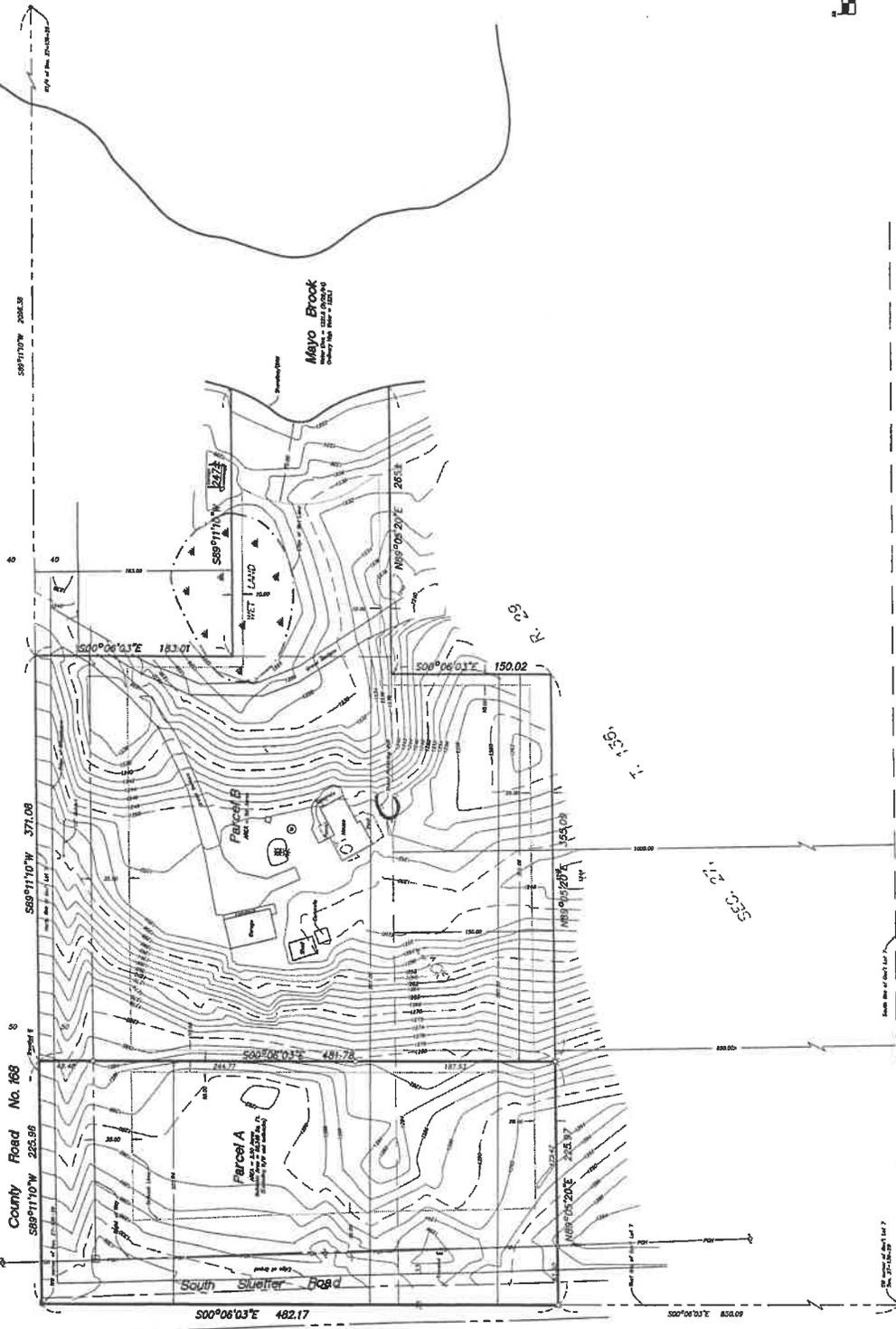
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**Planning Commission Direction:** The Planning Commission can recommend that the City Council approve, deny, or table this rezoning. Findings of fact should be cited if the recommendation is for approval or denial.

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**Staff Recommendation:** Rezoning of the property to “Rural Residential” 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.

County Road No. 163  
S89°11'10"W 233.59  
S89°11'10"W 371.08  
Parcel E



**LEGAL DESCRIPTION PARCEL A**

The West 235.04 feet of Government Lot 7, Section 27, Township 136 North, Range 29 West, Crow Wing County, Minnesota (1/2 acre) north of the South 850.00 feet, bearing S89°11'10"W, distance 233.59 feet, and the West 371.08 feet, bearing S89°11'10"W, distance 371.08 feet, to right of way for South Shelter Road and subject to easements, reservations and restrictions of record, if any.

**LEGAL DESCRIPTION PARCEL B**

The East part of Government Lot 7, Section 27, Township 136 North, Range 29 West, Crow Wing County, Minnesota (1/2 acre) west of Mayo Brook, north of the South 1000.00 feet, bearing S89°11'10"W, distance 183.01 feet, and the West 183.01 feet, bearing N18°09'20"E, distance 150.02 feet, to right of way for County Road No. 163 and subject to easements, reservations and restrictions of record, if any.

- Boundary Set Iron Monument #7253
- Boundary Found Iron Monument
- ⊙ Boundary Corner Pole
- ⊞ Boundary Telephone Pole/Post



0123566-010

**Certificate of Survey**  
Part of Gov't Lot 7  
Sec. 27, T136N, R29W  
Crow Wing Co. MN

**Brent Ryappy**  
2070 County Rd. 34  
Brainerd, Minnesota 56601

Prepared for:

Date:	2/20/04
Client:	RYAPPY
Project:	11661
Sheet Number:	1 of 1
Sheet Description:	11661-01

Westwood Professional Services, Inc.  
411 Laurel Street  
Brainerd, MN 56601  
Phone: 818-828-1101 Fax: 818-828-4788

Survey No. 27253

Date: 02/20/04



APP # 19-41  
SF # \_\_\_\_\_  
Date 5-17-19  
DWSMA \_\_\_\_\_

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

Name of Applicant Brent Anderson Phone 218-838-1399  
Mailing Address 24090 Smiley Rd Email Brentanderson@pequot.mn  
City, State, Zip Nisswa MN 56468

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

Title Holder of Property:  
Brent Ryppy  
(Name)  
19723 Rosemary Rd Brainerd MN  
(Address)

Signature of Owner, authorizing application: Brent Ryppy 5/16/19  
(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

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

Location of property involved in this request: corner of S Sletten Rd  
and City Rd 168

Parcel ID No. 290272207BCC009 Zoning District \_\_\_\_\_

Nature of request (select only one):

- Preliminary Plat
- 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 A REZONING IN THE  
SHORELINE RESIDENTIAL CLASSIFICATION TO THE  
RURAL RESIDENTIAL CLASSIFICATION  
JUNE 20, 2019  
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 June 20, 2019, beginning at 6:00 p.m.

**Hearing:** Rezone.

**Applicants:** Brent Ryappy.

**Property Description:** Property is located at the corner of County Road 168 and South Sluetter Road. Parcel ID is: 290272207BCC009.

**Purpose:** Application is to rezone a 2.49 acre tract from the Shoreline Residential zoning classification to the Rural Residential 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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June 7, 2019

Brent Ryappy  
19723 Rosemary Road  
Brainerd, MN 56401

**RE: Public Hearing for Property Rezoning**  
**PIN: 290272207BCC009**

Dear Mr. Ryappy:

This letter is to inform you that the public hearing for the rezoning of your property listed above, located at the corner of County Road 168 and South Sluetter Road, will be held at the regularly scheduled Planning Commission meeting on Thursday, June 20, 2019. The Public Hearings begin at 6:00 p.m.

You have requested to rezone your property from Shoreline Residential to Rural Residential, as described in the City Code. The purpose and intent of the Rural Residential zone is to provide a zoning classification that allows for low-density residential development.

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  
Brent Anderson