PUBLIC HEARING – CONDITIONAL USE PERMIT

**Application:** **Amendment to Conditional Use Permit to Expand Existing Beach Area and Relocate a Boat Ramp**

**Applicant:** **Wilderness Point Resort, LLC**

**Agenda Item:** **3 (b)**

**Background Information:** The applicant is requesting an amendment to their conditional use permit approved in 2010 and 2014 to expand the existing beach area and to relocate the boat ramp. Both of these items were included in the 2014 approval but became void when the owner did not act upon the approval within 12 months.

The subject property is located at 6316 Wilderness Road and is zoned "Shoreline Commercial" and "Open Space". The subject property is adjacent to Middle Cullen Lake which is classified by the DNR as a "General Development" lake. The proposed improvements will not increase the overall density of the resort.

Beach Area:
The applicant is proposing to increase the width of the existing beach, located on the southwest side of the property, by approximately 56 feet. In 2014, the applicant indicated the width of the existing beach was 100 feet.

Relocation of Boat Ramp:
The applicant is proposing to relocate the existing boat ramp to the north side of the beach. Relocation of the ramp requires removal of aquatic vegetation which was previously approved by the DNR. Applicant will apply to the DNR for the

necessary permits to expand the beach, relocate the boat ramp, and remove the aquatic vegetation.

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## Applicable Regulations:

**Section 17-5.2** **OPEN SPACE (OS)**

1. Purpose and Intent: To provide a zoning classification for preservation of sensitive areas, unique resources and designated non-developable property. Areas such as wetlands, bluffs, threatened and endangered species habitat, historic sites and lands set-aside as part the development process should be zoned as Open Space.

2. Compatibility: Open Space zone is compatible with every other zoning classification and any property that meets the purpose and intent of this zoning classification may be zoned Open Space.

3. Lot, Use and Density Requirements.

   A. There is no minimum lot size associated with the Open Space zoning classification. Setbacks established for the adjacent zoning district shall apply.

4. Mixed Zone Lots.

   A. For a lot crossing an Open Space zoning boundary into another zoning classification, the minimum buildable lot area shall be the same as the non-open space zoning classification with no area credit given for areas zoned Open Space.

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

   A. Vegetation Removal, Intensive. The submittal requirements and procedures contained in Section 5.4 "Forest Management (FM)", Subparts 4b and 4c shall be met and followed.

**Section 17-5.11** **SHORELINE COMMERCIAL (SC)**

1. Intent and Purpose: To establish and maintain a land use district for existing commercial, recreationally orientated uses within the shoreland area comprised of campgrounds, resorts, bars restaurants, marinas and similar water oriented uses with independent sanitary facilities and that are compatible with the natural resources of lakes and streams.

2. Compatibility: The Shoreline Commercial zone must be riparian and

should be established adjacent to existing Shoreline Commercial zones. The zone may not be established in an area where it is completely surrounded by residential zones.

3. Lot, Use and Density Requirements.

| | GD Lake | RD Lake | ND Lake |
|---|---|---|---|
| Lot width at OHW– feet, minimum | 300 | 500 | 750 |
| Buildable lot area - acres, minimum | 2.5 | 5 | 10 |
| Setback, right of way, City road- feet, minimum | 30 | 30 | 30 |
| Setback, right of way, County or State road, feet, minimum | 50 | 50 | 50 |
| Setback, side yard – feet, minimum | 10 | 10 | 10 |
| Setback, parking from lot lines– feet, minimum | 10 | 10 | 10 |
| Setback, between buildings – feet, minimum | 10 | 10 | 10 |
| Setback, corner side – feet, minimum | 30 | 30 | 30 |
| Setback, un-platted cemetery or archeological site – feet, minimum | 50 | 50 | 50 |
| Setback, sign from road– feet, minimum | 1 | 1 | 1 |
| Setback, OHW of lake – feet, minimum | 75 | 150 | 200 |
| Setback, ISTS from OHW - feet, minimum | 75 | 75 | 100 |
| Setback, wetland – feet, minimum | 30 | 30 | 30 |
| Impervious coverage - percent maximum | 25% | 20% | 20% |
| Building height, dwelling – feet, maximum | 25 | 25 | 25 |
| Building height, accessory structure – feet, maximum | 13 | 13 | 13 |
| Building above highest groundwater level – feet, minimum | 3 | 3 | 3 |

4. Performance Standards (SC):

A. Screening. Screening consisting of native trees and shrubs covering a minimum of 75 percent of the area (leaf on conditions) is required in the 50 foot lake, river, stream, wetland, and bluff buffers in order to retain the scenic beauty and rural character as viewed from roads. To obtain a construction permit in this district, a revegetation plan shall be required for existing properties that do not meet this standard.

B. Buildings. Four unit or larger buildings or buildings open to the public shall be designed by a registered architect and shall meet the provisions of the State Building Code.

C. Centralization of Mooring Facilities. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.

D. Stairways, Lifts and Landings. Stairways and lifts are the only accepted method for achieving access up and down bluffs and steep slopes to shore areas. Topographic alteration to obtain access is not allowed. Stairways, lifts and landings must meet the following design requirements:

(1) Stairways and lifts must not exceed 4 feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments.

(2) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area.

(3) Canopies or roofs are not allowed on stairways, lifts or landings.

(4) Stairways, lifts and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.

(5) Stairways, lifts and landing must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.

(6) Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (1) to (5) are complied with.

E. Fertilizer and Pesticides. Use of fertilizer and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation or both.

F. Impervious Surface Replacement. Parcels that exceed the maximum allowed impervious surface may construct additional impervious surfaces if the overall impervious coverage is reduced on a 2:1 removal/construction ratio.

G. Fences. Fences not exceeding 72 inches in height may be constructed except within the OHW setback area. Fences not exceeding 36 inches may be constructed within the OHW setback

area so long as the fencing is transparent. 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.

**Section 17-11.6 CONDITIONAL USE PERMITS**

1. Conditional Use Permits shall be issued to the property for structures or other specified uses after a public hearing and approval by the Planning Commission. All applications for a Conditional Use Permit shall be submitted to the Zoning Administrator **30** days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of 350 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days ahead of the public hearing. The Zoning Administrator shall send the same notice 10 days in advance of this hearing to the DNR if the proposed is in shoreland. At the applicant's option, the applicant may request a sketch plan review with no action by the Planning Commission and omit by giving 14 days notice thereof to the Zoning Administrator, meeting time permitted.

2. Submissions for Conditional Use Permit. The applicant shall complete the Conditional Use Permit application approved by the City Council. The application shall contain submittal requirements, criteria for approval, procedure for consideration and City contact information. The City shall not accept applications where the applicant has past due fees or charges due to the City until the account is made current.

3. In permitting a new Conditional Use or alteration of an existing Conditional Use, the Planning Commission may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission considers necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to the following:

A. Increasing the required lot size or yard dimension.

B. Limiting the height, size or location of buildings.

C. Controlling the location and number of vehicle access points.

D. Increasing the street width.

E. Increasing or decreasing the number of required off-street parking spaces.

F. Limiting the number, size, location or lighting of signs.

G. Requiring berming, fencing screening, landscaping or other facilities to protect adjacent or nearby property.

H. Designating sites for open space.

I. Stormwater runoff management.

J. Reducing impervious surfaces.

K. Increasing setbacks.

L. Restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

4. The Planning and Zoning Commission shall decide the issue with consideration to the following:

A. The following must be met:

(1) The use or development is an appropriate conditional use in the land use zone.

(2) The use or development, with conditions, conforms to the comprehensive land use plan.

(3) The use with conditions is compatible with the existing neighborhood.

(4) The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.

(5) For Conventional Subdivisions, the property contains physical constraints which make it unable to be developed by the Conservation Subdivision method.

B. The following must be considered:

(1) The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for

the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.

(2) The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

(3) The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

(4) The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.

(5) Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.

(6) Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.

(7) The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.

(8) The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

5. When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to retain in reviewing permits.

6. Conditional Use Permits may be transferable where requested by an applicant and approved by the Planning Commission.

7. Violations of the conditions of a Conditional Use Permit shall automatically suspend the permit. A review of the violation shall be conducted by the Planning Commission. The Planning Commission shall determine conditions

for reinstating the permit or revocation, if applicable.

8. Failure by the owner to act on a Conditional Use Permit within 12 months, or failure to complete the work under a Conditional Use Permit within 2 years, unless extended by the Planning Commission, shall void the permit. A second extension shall require a new public hearing. This provision shall apply to any Conditional Use Permit outstanding at the time of the Ordinance adoption.

9. Appeals from the action of the City shall be filed with District Court within 30 days after City Council action.

10. The Conditional Use Permit shall be filed with the County Recorder within 45 days of approval.

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

1. The conditional use permit request is to expand the existing beach to a width of 156 feet and to relocate the existing boat ramp to the north side of the beach.
2. The subject property is a conforming parcel. It is approximately 30 acres in size and is zoned Shoreline Commercial and Open Space. The Shoreline Commercial District allows commercial planned unit developments.
3. There is no reason to believe that expansion of the beach area or relocating the boat ramp at Wilderness Resort, with conditions, would harm the health, safety, or welfare of the community.
4. Access to the resort is off of public right-of-way.
5. The planned unit development will continue to act as a resort. Although there will be some intensification of use, there will be no change in land use. The use will remain compatible with the adjacent properties.
6. A Commercial PUD is a permitted conditional use within the Shoreline Commercial District.
7. The Comprehensive Plan states *"Make the area's natural, scenic, and recreational amenities the Pequot Lakes brand. The primary reason that people choose to live, work, and visit the Pequot Lakes area is the natural, scenic beauty and the many recreational opportunities."* This proposal, with vigorous conditions to safeguard the environment and water quality, is consistent with the objectives of the Comprehensive Plan.
8. Onsite stormwater retention ponds will reduce sedimentation and nutrient loading of public waterways.
9. The site is largely covered by wooded areas and wetlands. The proposal will not significantly reduce the amount of wooded areas and will not impact the wetlands.
10. The subject property contains an adequate number of off-street parking spaces.

11. The adjacent property to the north is zoned Recreation, while the property to the south is zoned Shoreline Residential and to the west is zoned Recreation. The subject property is adjacent to Middle Cullen Lake on the south and east. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
12. The proposed use is compatible with the existing neighborhood.
13. The proposed use, with conditions, will not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
14. The conditional use, with conditions, will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject property.
15. The subject property is accessed via Wilderness Road. There will not be a significant increase in traffic due to the proposed use. The public cost for facilities and services for the proposed development will not be detrimental to the economic welfare of the community.
16. The proposed use, with conditions, will not generate any offensive odor, fumes, dust, noise or vibrations that will be a nuisance to neighboring properties.
17. The proposed use will not destroy any natural or scenic features. There are no known historical features of major significance on the subject property.
18. The proposed use, with conditions, will not impact ground and surface waters.

Beach Area:

19. The existing beach area is located on the west side of the point and is approximately 100 feet wide. The applicant is proposing to extend the width of the existing beach area to 156' wide.
20. Removal of aquatic vegetation is necessary for the creation/expansion of the beach areas. The City does not have jurisdiction on any work performed below the OHW.
21. The City Code does not allow grading in excess of 50 cubic yards in the Shore Impact Zone.
22. Centralization of the beach area will reduce adverse impacts (unfiltered runoff, erosion, etc.) to the shoreline and the lake.
23. The distance between the location of the proposed boat ramp and the existing boathouse is approximately 165'.

Relocation of the Boat Ramp:

24. The applicant is proposing to relocate the existing boat ramp to the north side of the existing beach and swimming area.
25. oRelocation of the ramp will require removal of approximately 10 – 20 feet of aquatic vegetation on the north side of the beach to allow for installation of the boat launch.

26. Relocation of the existing boat ramp may require a permit from the Minnesota Department of Natural Resources.

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**Planning Commission Direction:** The Planning Commission can approve the Conditional Use Permit, deny the application, or table the request if additional information is needed. If the motion is for approval or denial, Findings of Fact should be cited.

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**Staff Recommendation:** We recommend the conditions of approval for the previous CUP applications remain part of the permit. We also recommend consideration of the following for the CUP amendment:

Beach Area:

1. The applicant shall demonstrate with professional grading and drainage plan how untreated runoff will be prevented for entering the lake via the proposed beach area.
2. In order to minimize negative impacts on Middle Cullen Lake, one centralized beach area shall be allowed on the subject property. The existing beach may be expanded to 156' in width.
3. Grading in the vicinity of the beach area shall include the use of berms, swales and natural vegetation near the beach area.
4. Necessary permits shall be obtained from the DNR for the removal of any aquatic vegetation for the expansion of the beach area.
5. In order to maintain the "up north" character referenced in the Comprehensive Plan and to protect the shoreline and Middle Cullen Lake, the resort may have one centralized beach area.
6. The existing beach area may be expanded to the length of the shoreline between the proposed boat ramp location and the west corner of the existing boat house.
7. The centralized beach area may not exceed existing width (landward).
8. The proper permits shall be obtained from DNR before the boat ramp may be relocated.
9. Stormwater shall be diverted away from the lake. Surface runoff at turnaround area and landward shall be diverted to stormwater features and not allowed to run directly down into the lake.

If the Planning Commission approves the Conditional Use application, the Planning Commission should adopt the attached Resolution by motion also.

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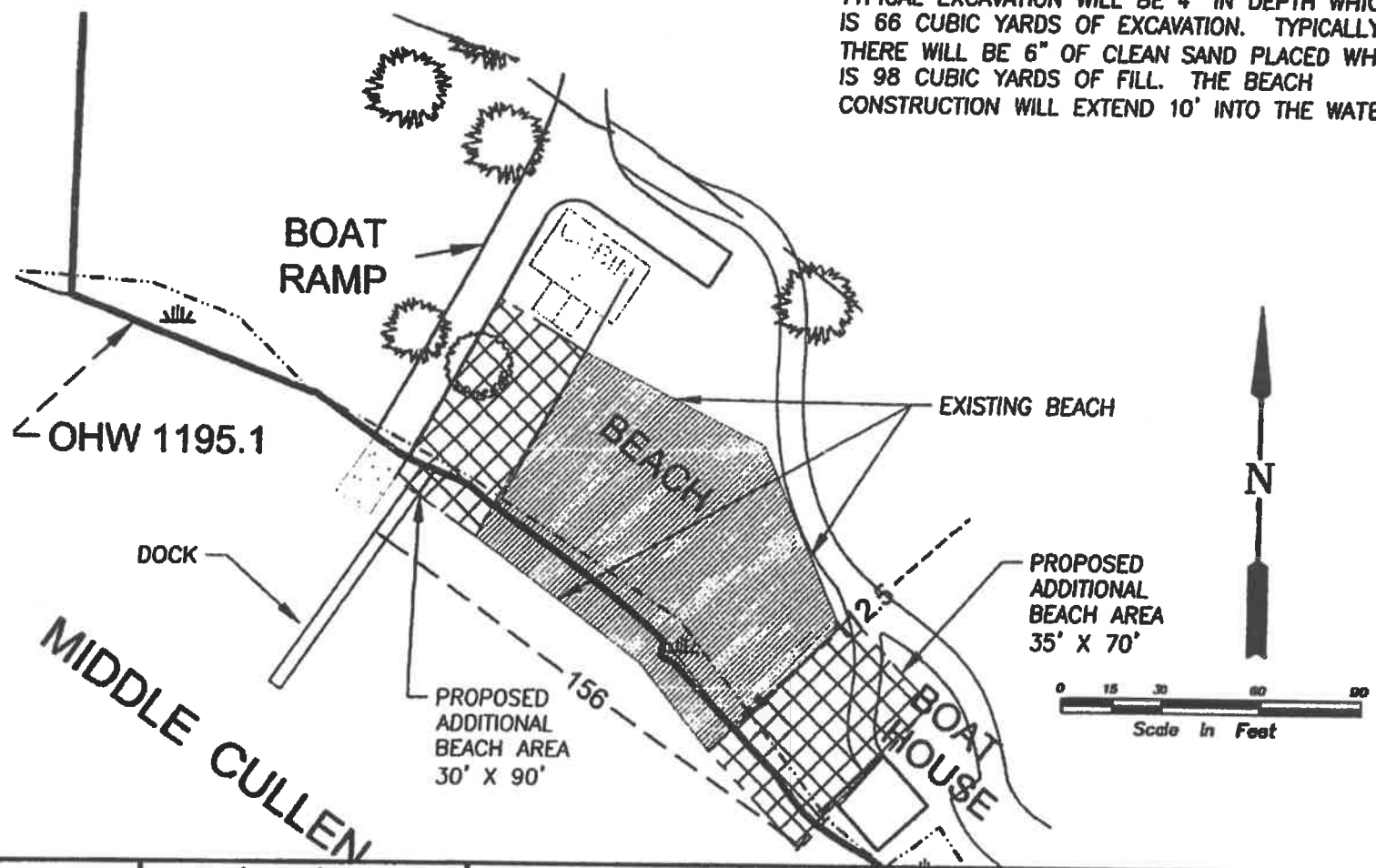
TYPICAL EXCAVATION WILL BE 4" IN DEPTH WHICH IS 66 CUBIC YARDS OF EXCAVATION. TYPICALLY THERE WILL BE 6" OF CLEAN SAND PLACED WHICH IS 98 CUBIC YARDS OF FILL. THE BEACH CONSTRUCTION WILL EXTEND 10' INTO THE WATER.




I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Registered Engineer under the laws

Date 4/5/19 Registration No. 18783

Issued

| | |
|---|---|
| DNR BOAT RAMP APPLICATION | 4/5/19 |

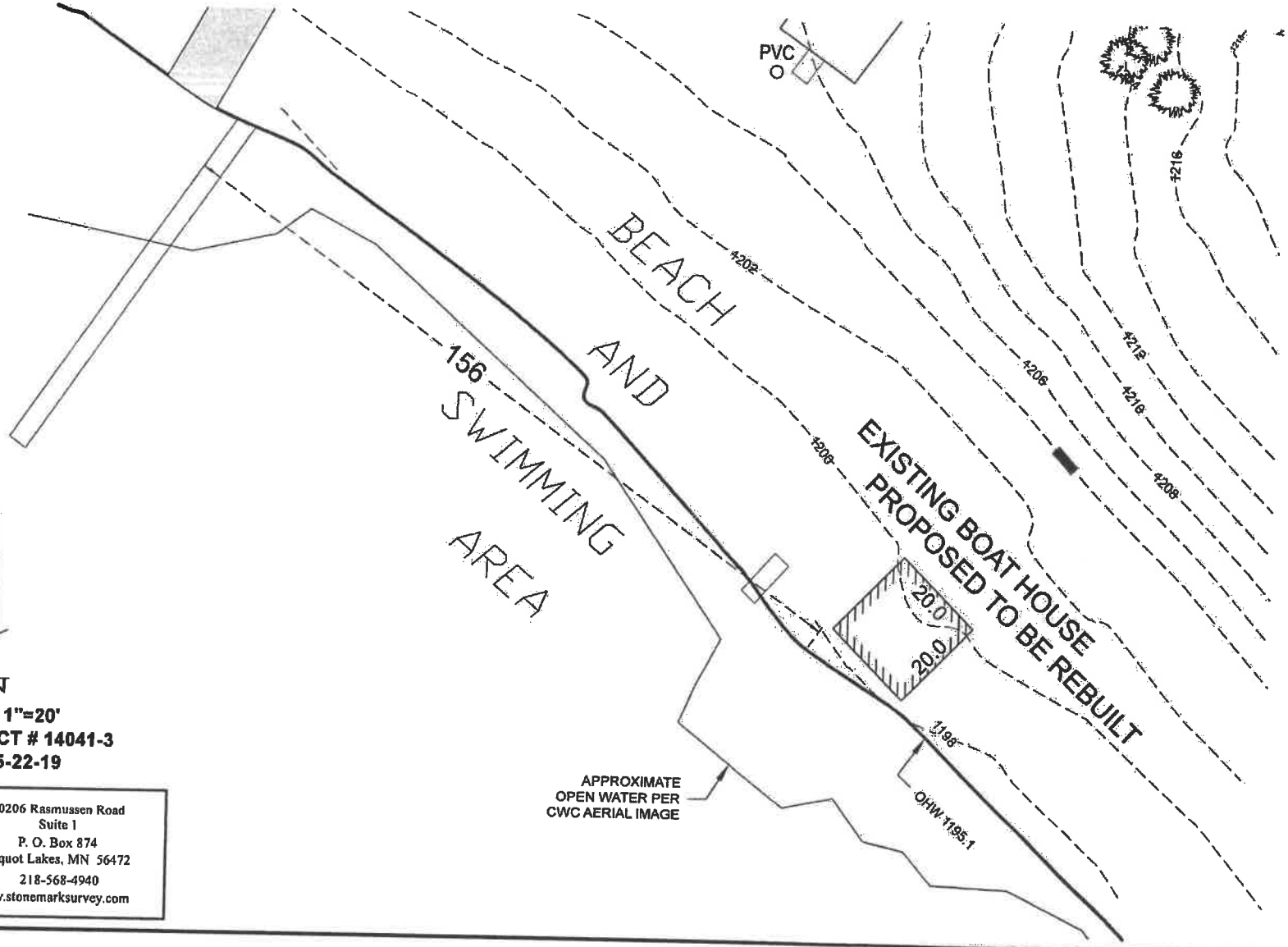
**Halling Engineering, Inc.**
CIVIL ENGINEERS
3727 East 255TH Street • Webster, Minnesota 55088
Phone 952.440.1680 • Fax 952.461.3306

PROJECT NO.: 198.03 DRAWING FILE: BASEBOATRAMP.DWG

BEACH/SAND BLANKET PLAN
WILDERNESS POINT RESORT
PEQUOT LAKES, MN

SHEET 1

# EXHIBIT




**SCALE 1"=20'**
**PROJECT # 14041-3**
**DATE: 5-22-19**


STONEMARK LAND SURVEYING, INC.
30206 Rasmussen Road
Suite 1
P. O. Box 874
Pequot Lakes, MN 56472
218-568-4940
www.stonemarksurvey.com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## Dawn Bittner

**From:** Barb Steers <barb@lakeshoreproperties.com>
**Sent:** Tuesday, May 21, 2019 1:48 PM
**To:** Dawn Bittner
**Cc:** Thomas Steffens
**Subject:** Wilderness Resort - Applications
**Attachments:** SKM_C36819021912430.pdf; mpars_application_23568.zip; 2019_05_21_13_16_50.pdf; CUP Application - Beach Expansion.pdf

Dawn:

Attached is the CUP Application for expansion of the beach.

We are also attaching correspondence from Kevin Martini, DNR supervisor, who inspected the property with Wayne Mueller, you and other city representatives and indicated that a permit would be issued. Also attached is correspondence recapping your participation along with other city representatives and the minutes approving the issuance of the permit which has expired and this is the reason why a new application is required.

We ae also attaching our new application to the DNR however, we need the city's approval before moving forward with the DNR. The 2019 application is identical to our first application except we include the requisite drawings.

Tom Steffens

## Dawn Bittner

**From:** Martini, Kevin J (DNR) <kevin.martini@state.mn.us>
**Sent:** Thursday, August 28, 2014 12:42 PM
**To:** Dawn Bittner
**Cc:** Mueller, Wayne N (DNR); Mix, Joe R (DNR); Barb Wigness
**Subject:** Follow up to our WRV site meeting
**Attachments:** 11August2014WRVmeeting summary.docx; Brastrup_001.pdf

This email is a follow up to our onsite meeting on August 11 at Wilderness Resort Villas (please see attached).

On August 28, we received the surveyor's drawing of the boat ramp and beach area. I believe this satisfies our request, and an APM permit will be issued to remove approximately 30 feet of cattail along the shore on the NW edge of the swimming beach.

The dock system on the SE side of the point where the second APM permit was applied for still has a restoration order in place. From our site visit it appears that no further bulrush was removed this year, and that it is starting to grow back. It is still to be determined if further action will be needed to comply with the restoration order. The verbal agreement reached to dock over the bulrush is still the preferred method and no APM permit will be issued to remove any more bulrush.

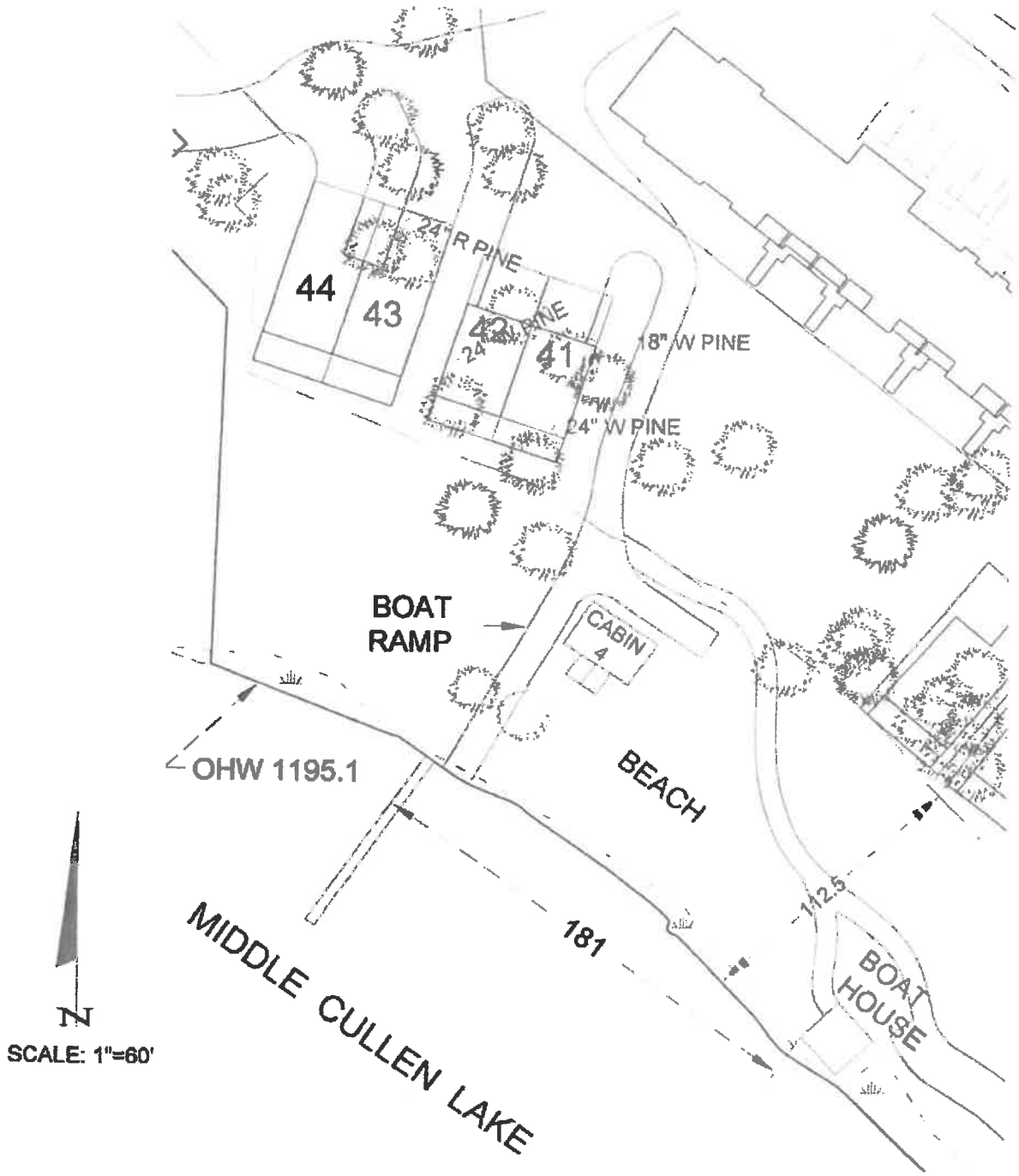
Either Wayne Mueller or myself will be attending the zoning meeting on September 18 if you have any further questions.

Sincerely,

Kevin J. Martini
Aquatic Habitat Specialist
1601 Minnesota Dr.
Brainerd, MN 56401
218-833-8615
><{{{('>

Roger Forcelle 8/21/2014 11:44 AM - F:\Drawings\2014\14041 Steffens\dwg\PL14041Rev.dwg

# BOAT RAMP EXHIBIT




Wilderness Resort Villas Assoc., Inc.
Project Number: 14041
Date: 8-21-14


STONEMARK LAND SURVEYING, INC.
30176 Old Highway #371
Suite 2
P. O. Box 874
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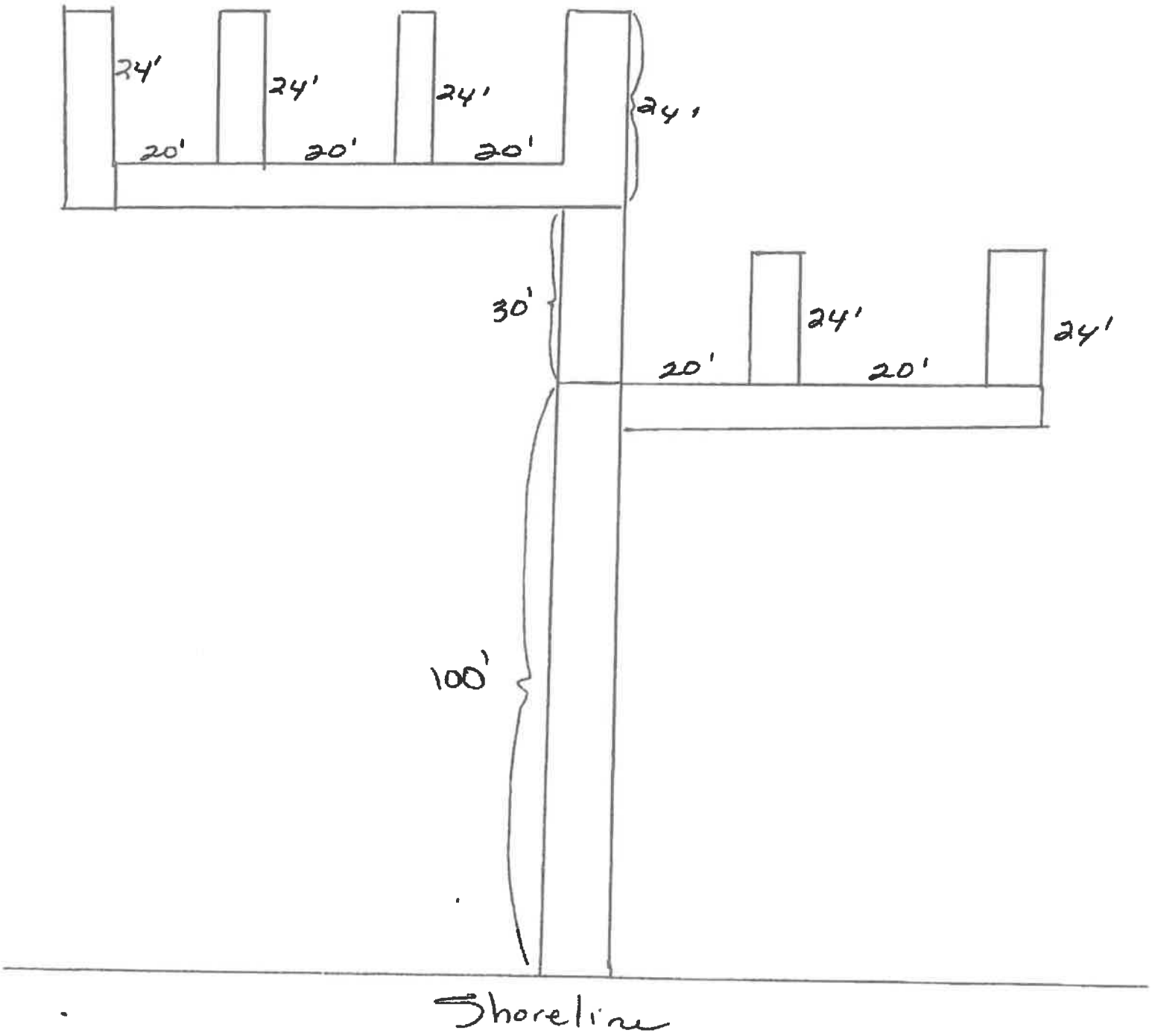
Phone: 1-218-568-4940
www.stonemarksurvey.com

**DOCK SYSTEM #2**
**(East Side of Point)**



Wilderness Resort Villas Onsite Meeting
August 11, 2014
9:00 AM

PRESENT:
Wayne Mueller, DNR Aquatic Specialist
Kevin Martini, DNR
Lowell Bonnema, WRV Property Owner
Rob Haberman, DNR CO
Mark Best, WRV Maintenance Employee
Tom Steffens, WRV
Dawn Bittner, Pequot Lakes Zoning Administrator

- To expand existing beach from boat house the existing gas tank needs to be moved. CO Haberman stated it is too close to the lake and would need to be located further back, with a DNR permit. Steffens stated it could be moved to Dock #3 or by the relocated ramp. CO Haberman stated it would need a permit from the State.
- There was much discussion as to extended beach, plus ramp and dock. Existing beach is 157 feet to edge of vegetation. Steffens pointed out wanting ramp access to be between two trees so no trees would need to be removed. He pointed out where an old dock had been located, further west. Mueller determined he would be comfortable with 176 feet: beach, ramp and dock. Steffens stated more than 10 CY of fill would need to be added in the SIZ for the ramp. The existing cabins would be moved and the location of new homes unknown. Steffens to have new cabin locations staked by surveyor or have design overlaid on an aerial map. At that time discussion can continue on ramp location.
- Dock #1 – Bonnema asked if some of the bulrush could be removed so kayaks could launch from the dock. Mueller & Martini explained necessity for the bulrush and stated no vegetation could be removed.
- Bittner photographed "No Automobiles Beyond This Point" sign; there was nothing blocking traffic from the walking path.
- Dock #2 – The bulrush that had been cut or removed have not grown back sufficiently. Dock placement was discussed. The main dock out into the lake should be lengthened to keep mooring spaces out of bulrush. Reconfiguring dock further south where there are fewer bulrush next season may be a solution. No permit will be issued to remove bulrush; restoration order stands. Bulrush will need to be planted.

Approved by Wayne Mueller, DNR, September 4, 2014

On August 11, 2014, a site visit was conducted at Wilderness Resort Villas (WRV) on Middle Cullen Lake. The purpose of the meeting was to clarify proposed changes to a plat, as well as the relocation of a boat ramp, expansion of a swimming beach area, and DNR Aquatic Plant Management vegetation removal permit applications.

In attendance were:

Tom Steffens, WRV (as well as an employee named Mark);

The president of the WRV Homeowner's Association;

Dawn Bittner, Pequot Lakes Zoning Administrator;

Wayne Mueller, DNR Aquatic Habitat Specialist;

Kevin Martini, DNR Aquatic Plant Specialist;

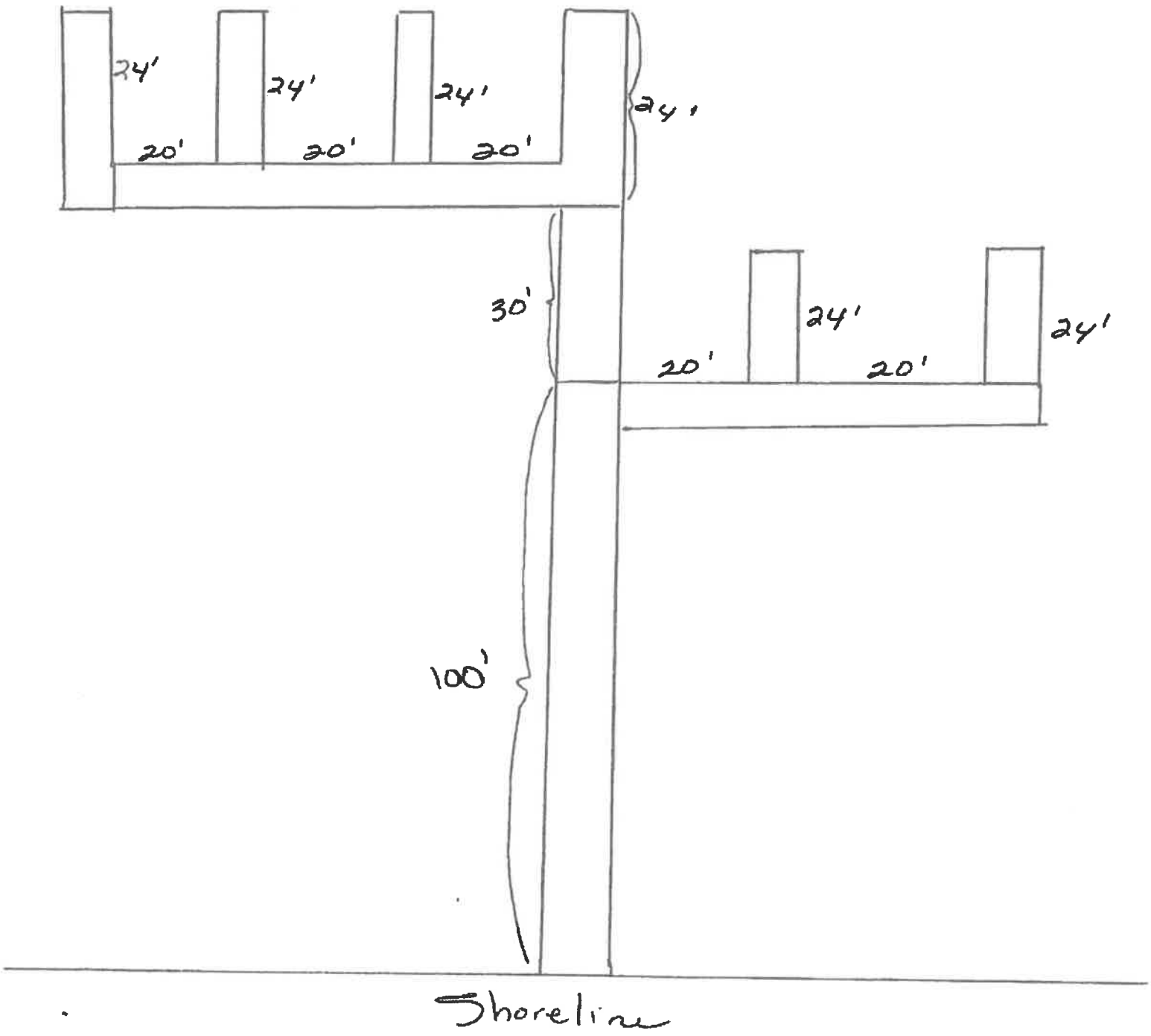
Officer Rob Haberman, DNR Water Resource Enforcement Officer.

Outcomes

At this meeting, it was agreed upon between the DNR and Mr. Steffens that the boat ramp/beach placement needed more specific information. Mr. Steffens indicated he would have his architect draw and supply a plat drawing that will include existing buildings and trees, proposed new buildings, proposed boat ramp and beach locations. Survey stakes will also be placed indicating the proposed ramp and beach locations. This is essential prior to the issuance of any necessary permits relating to the proposed changes.

Further, Mr. Steffens and Mark agreed that in 2015, they will: (1.) move the secondary dock system (located on the east side of the point) approximately 50 feet S-SW into an existing opening in the bulrushes; and (2.) increase the dock main stem total length adequately to reach beyond bulrush stands. This new dock placement will lessen the impact on the bulrushes and will be consistent with the original understanding between WRV and DNR dated December 16, 2008. (See attached.)

**DOCK SYSTEM #2**
**(East Side of Point)**



Minnesota Department of Natural Resources

Division of Ecological & Water Resources

MNDNR PERMITTING AND REPORTING SYSTEM

MPARS
MNDNR PERMITTING AND REPORTING SYSTEM
www.mndnr.gov/mpars

REVISION 04132015 APP ID 23568

# Public Waters Work Permit Application

**Reference Number: 2019-0603**

| | |
|---|---|
| **Date Submitted to DNR:** March 13, 2019 at 1:01 PM | **Application Reference Name:** WPR Boat Launch |
| **DNR Lead Hydrologist:** **Heidi Lindgren**<br>**Area:** Brainerd<br>**Email:** heidi.lindgren@state.mn.us<br>**Phone:** (218) 203-4368 | **DNR Region:** Northeast Region 2<br>**Address:** Minnesota Department of Natural Resources<br>1601 Minnesota Drive<br>Brainerd, MN 56401 |

## Parties *(Individuals and Organizations associated with the permit application)*

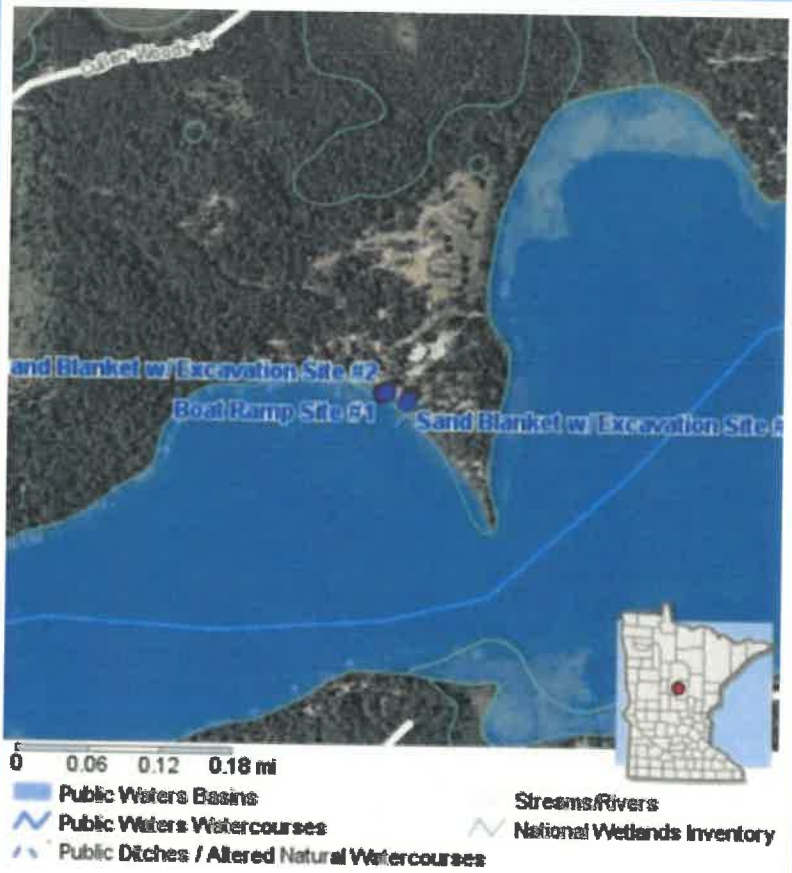
| | |
|---|---|
| **Wilderness Point Resort LLC** - Landowner or Government Unit | **Address:** 207 N Chestnut St, Ste 138, Chaska, MN 55318<br>**Phone:** 612-991-2279 |
| **Thomas Steffens** - Contact (*representing Wilderness Point Resort LLC*)<br>(*submitted application*) | **Address:** 207 N Chestnut St, Ste 138, Chaska, MN 55318<br>**Phone:** 952-922-1912<br>**Email:** barb@lakeshoreproperties.com |

## Proposed Activities (2)

Sand Blanket w/ Excavation; Boat Ramp

**NOTICE: THIS IS NOT A PERMIT.** All information provided on this application form is considered to be public information in accordance with the Minnesota Data Practices Act (Minnesota Statutes, Chapter 13).

## Location and Water Resources *(within 50 meters)*




**Site Name:** Boat Ramp Site #1
(Boat Ramp)
**Counties:** Crow Wing
**Watersheds:** Crow Wing River
**PLS:** T136N-R29W-S36 Meandered water body, T136N-R29W-S36 SWNE, T136N-R29W-S36 SENE
**UTM:** X:402517 Y:5156183
**Water Resources:** Lake: Middle Cullen (18037700) - Public Waters Basin, Lake: Middle Cullen (18037700), Wetlands: National Wetland Inventory (quantity = 1)

**Site Name:** Sand Blanket w/ Excavation Site #1
(Sand Blanket w/ Excavation)
**Counties:** Crow Wing
**Watersheds:** Crow Wing River
**PLS:** T136N-R29W-S36 Meandered water body, T136N-R29W-S36 SWNE, T136N-R29W-S36 SENE
**UTM:** X:402551 Y:5156171
**Water Resources:** Lake: Middle Cullen (18037700) - Public Waters Basin, Lake: Middle Cullen (18037700), Wetlands: National Wetland Inventory (quantity = 1)

**Site Name:** Sand Blanket w/ Excavation Site #2
(Sand Blanket w/ Excavation)
**Counties:** Crow Wing
**Watersheds:** Crow Wing River
**PLS:** T136N-R29W-S36 Meandered water body, T136N-R29W-S36 SWNE, T136N-R29W-S36 SENE
**UTM:** X:402524 Y:5156186
**Water Resources:** Lake: Middle Cullen (18037700) - Public Waters Basin, Lake: Middle Cullen (18037700), Wetlands: National Wetland Inventory (quantity = 1)

## Project Overview

| | | |
|---|---|---|
| 1 | Please assign a reference/project name to this application. | WPR Boat Launch |
| 2 | What is the main type of work you are proposing to do? | Work in or near a lake, wetland, or river/stream (e.g., excavate, place fill, install a structure in a waterbody, modify a dam) |
| 3 | When is the anticipated start date for the project? | 05/01/2019 |
| 4 | When is the expected completion date for the entire project? | 05/23/2019 |

**NOTICE: THIS IS NOT A PERMIT.** All information provided on this application form is considered to be public information in accordance with the Minnesota Data Practices Act (Minnesota Statutes, Chapter 13).

## Project Overview (*Continued*)

| | | |
|---|---|---|
| 5 | Briefly describe the overall project purpose and need. | To expand the existing resort beach at the Wilderness Point Resort located in Pequot Lakes MN. The existing beach is approx. 100' wide and based upon the resort's guest capacity of 300-400 guests, the Applicant secured the approval of the City of Pequot Lakes to expand the beach by approx. 65' subject to obtaining necessary permits from the DNR. The Applicant has also secured the approval of the City of Pequot Lakes for the relocation of the boat ramp at the north end of the newly added beach area. The purpose of relocating the boat ramp is to avoid having resort guests traversing the beach in areas of guest traffic in order to launch their boat. The location of the existing boat ramp will become a part of the enlarged beach area. |
| 6 | Has any portion of the proposed work in wetlands or water areas already started? | No |
| 7 | Is this a transportation project sponsored by a government unit? | No |
| 8 | Will the project require any dewatering (the deliberate removal of water through the use of a pump, ditch, etc. to lower water levels to allow work to be accomplished)? | No |
| 9 | Has an Environmental Assessment Worksheet (EAW) or Environmental Impact Statement (EIS) been completed for the project, or will it be required? | No |
| 10 | Has the project gone through a Natural Heritage (endangered species) review? | No |
| 11 | Have you developed any mitigation plans for the portion(s) of the project that will impact public waters? | No |
| 12 | Describe TWO alternatives to the proposed project that were considered that would avoid or minimize impacts to public waters. One option may be "no build" or "do nothing". | Do nothing Construct the boat ramp in a different location |
| 13 | Why did you choose to pursue the option proposed in this application over these alternatives? | The city of Pequot Lakes and the DNR directed that we proceed with the option we have selected. |
| 14 | What is the project cost for the work that will be conducted in Public Waters? (estimate if unknown) | $5,000.00 |

## Activity Details (2)

**Activity #1:** Boat Ramp

**How many different sites will have boat ramp construction (i.e., the number of individual stream/river/lake crossings or impact areas)?** 1

**Site Name:** Boat Ramp Site #1

| | | |
|---|---|---|
| 1 | Will any aquatic vegetation need to be removed to facilitate the boat ramp construction? | Yes |
| 2 | What is the width (in feet) of the proposed ramp? | 12 feet |
| 3 | How many feet does the proposed boat ramp extend waterward from the shoreline? | 20 feet |
| 4 | How many cubic yards of material are proposed to be excavated, if any? | 12 cubic yards |

## Activity Details *(Continued)*

| | | |
|---|---|---|
| 5 | What is the size of the area to be excavated? | 1,344 |
| 6 | Please choose units: | square feet |
| 7 | Is the excavation permanent or temporary? | Permanent |
| 8 | How many cubic yards of fill are proposed to provide a suitable base or maintain this ramp? | 12 cubic yards |
| 9 | What is the size of the area to be filled? | 1,344 |
| 10 | Please choose units: | square feet |
| 11 | Is the fill permanent or temporary? | Permanent |
| 12 | Are the materials proposed for a stable base made of crushed rock, gravel, clean sand, or small stone? | Yes |
| 13 | Will the proposed ramp be constructed of gravel, natural rock, concrete, steel matting, or other durable inorganic material that is not more than 7 inches thick? | Yes |
| 14 | Is this a publicly or privately owned boat ramp? | Privately owned |
| 15 | Please provide justification for the proposed boat ramp dimensions. | The new boat ramp will replace the existing boat ramp and will allow for guest usage of the boat ramp without the necessity of traversing both the existing and expanded beach. |
| 16 | What is the lake/river/stream substrate? | Sand |
| 17 | What is the average size (in feet) of watercraft that will use the ramp? | 20 feet |
| 18 | Please upload your construction plans showing the proposed conditions. | BOATRAMP-11x17_REV.pdf |
| 19 | Please upload photo(s) of the site showing existing conditions. | IMG_0434.JPG |
| 20 | Select the resource(s) below that describes the type of water bodies that could be impacted at this site. | wetland, lake |
| 21 | Counties | Crow Wing |
| 22 | Watersheds | Crow Wing River |
| 23 | PLS | T136N-R29W-S36 Meandered water body, T136N-R29W-S36 SWNE, T136N-R29W-S36 SENE |
| 24 | UTMXY | X:402517 Y:5156183 |
| 25 | Water resources | Lake: Middle Cullen (18037700) - Public Waters Basin, Lake: Middle Cullen (18037700), Wetlands: National Wetland Inventory (quantity = 1) |

**Attachment(s):** BOATRAMP-11x17_REV.pdf
IMG_0434.JPG

### Activity #2: Sand Blanket w/ Excavation

**How many different water sites will have this type of activity (i.e., the number of individual stream/river, ditch, lake, pond, pit, and/or wetland crossings or unique impact areas)?** 2

**Site #1 Name:** Sand Blanket w/ Excavation Site #1

| | | |
|---|---|---|
| 1 | Briefly describe the impact to the waterbodies at this particular site: | Removal of emergent aquatic vegetation, bulrushes in an area extending along approximately 20' of shoreline and 12' into the water. |

## Activity Details *(Continued)*

| | | |
|---|---|---|
| 2 | How many cubic yards of fill are proposed, if any? | 36 cubic yards |
| 3 | If applicable, what is the size of the area to be filled? | 3,000 |
| 4 | Please choose units: | square feet |
| 5 | Is the fill permanent or temporary? | Permanent |
| 6 | How many cubic yards of material are proposed to be excavated, if any? | 0 cubic yards |
| 7 | Is the excavation permanent or temporary? | Not applicable |
| 8 | Will you be removing any vegetation from an aquatic resource that is not already associated with excavation/filling? | Yes |
| 9 | Will work at this site result in the draining of any water resources? | No |
| 10 | Please upload photo(s) of the project site. | Beach_4.JPG |
| 11 | Select the resource(s) below that describes the type of water bodies that could be impacted at this site. | wetland, lake |
| 12 | Counties | Crow Wing |
| 13 | Watersheds | Crow Wing River |
| 14 | PLS | T136N-R29W-S36 Meandered water body, T136N-R29W-S36 SWNE, T136N-R29W-S36 SENE |
| 15 | UTMXY | X:402551 Y:5156171 |
| 16 | Water resources | Lake: Middle Cullen (18037700) - Public Waters Basin, Lake: Middle Cullen (18037700), Wetlands: National Wetland Inventory (quantity = 1) |

**Attachment(s):** Beach_4.JPG

**Site #2 Name:** Sand Blanket w/ Excavation Site #2

| | | |
|---|---|---|
| 1 | Briefly describe the impact to the waterbodies at this particular site: | Removal of emergent aquatic vegetation, bulrushes in an area extending along approximately 20' of shoreline and 12' into the water. |
| 2 | How many cubic yards of fill are proposed, if any? | 39 cubic yards |
| 3 | If applicable, what is the size of the area to be filled? | 3,200 |
| 4 | Please choose units: | square feet |
| 5 | Is the fill permanent or temporary? | Permanent |
| 6 | How many cubic yards of material are proposed to be excavated, if any? | 0 cubic yards |
| 7 | Is the excavation permanent or temporary? | Not applicable |
| 8 | Will you be removing any vegetation from an aquatic resource that is not already associated with excavation/filling? | Yes |
| 9 | Will work at this site result in the draining of any water resources? | No |
| 10 | Select the resource(s) below that describes the type of water bodies that could be impacted at this site. | wetland, lake |
| 11 | Counties | Crow Wing |
| 12 | Watersheds | Crow Wing River |
| 13 | PLS | T136N-R29W-S36 Meandered water body, T136N-R29W-S36 SWNE, T136N-R29W-S36 SENE |

## Activity Details (*Continued*)

| | | |
|---|---|---|
| 14 | UTMXY | X:402524 Y:5156186 |
| 15 | Water resources | Lake: Middle Cullen (18037700) - Public Waters Basin, Lake: Middle Cullen (18037700), Wetlands: National Wetland Inventory (quantity = 1) |

## Aquatic Resource Impact Summary

| Aquatic Resource Map Site ID | Aquatic Resource Type | Type of Impact | Duration of Impact | Size of Impact | Overall Size of Aquatic Resource | Existing Plant Community Type(s) | County; Major Watershed #; *and* Bank Service Area |
|---|---|---|---|---|---|---|---|
| Boat Ramp Site #1 | Lake: Middle Cullen (18037700) - Public Waters Basin, Lake: Middle Cullen (18037700), Wetlands: National Wetland Inventory (quantity = 1) | Fill | Permanent | 1,344 square feet | NA | Bulrush | Crow Wing; 13; - |
| Boat Ramp Site #1 | Lake: Middle Cullen (18037700) - Public Waters Basin, Lake: Middle Cullen (18037700), Wetlands: National Wetland Inventory (quantity = 1) | Excavate | Permanent | 1,344 square feet | NA | Bulrush | Crow Wing; 13; - |
| Sand Blanket w/ Excavation Site #1 | Lake: Middle Cullen (18037700) - Public Waters Basin, Lake: Middle Cullen (18037700), Wetlands: National Wetland Inventory (quantity = 1) | Fill | Permanent | 3,000 square feet | NA | Bulrush | Crow Wing; 13; - |
| Sand Blanket w/ Excavation Site #1 | Lake: Middle Cullen (18037700) - Public Waters Basin, Lake: Middle Cullen (18037700), Wetlands: National Wetland Inventory (quantity = 1) | Remove Vegetation | Permanent | (N/A) | NA | Bulrush | Crow Wing; 13; - |
| Sand Blanket w/ Excavation Site #2 | Lake: Middle Cullen (18037700) - Public Waters Basin, Lake: Middle Cullen (18037700), Wetlands: National Wetland Inventory (quantity = 1) | Fill | Permanent | 3,200 square feet | NA | Bulrush | Crow Wing; 13; - |
| Sand Blanket w/ Excavation Site #2 | Lake: Middle Cullen (18037700) - Public Waters Basin, Lake: Middle Cullen (18037700), Wetlands: National Wetland Inventory (quantity = 1) | Remove Vegetation | Permanent | (N/A) | NA | Bulrush | Crow Wing; 13; - |

## Acknowledgment (*By the party who submitted the permit application*)

## Acknowledgement *(Continued)*

☑ **I attest that:**

**·I own or control (by lease, license, or other permission) the land that I propose to alter, AND**

**·There are no easements or other restrictions on the land that would prohibit the proposed activities from being authorized under a permit, AND**

**·I possess the authority to undertake the work described, or I am acting as a duly authorized agent, AND**

**·The information submitted and the statements made concerning this application are true and correct to the best of my knowledge.**

**PRINTED:** 03/13/2019 at 1:01 PM

City of Pequot Lakes

March 26, 2014

Wilderness Resort Villas, LLC
1472 White Oak Drive
Chaska, MN 55318

RE: Amend Conditional Use Permit to allow a 3-story lodge, expand existing beach area, create an additional beach, relocate a boat ramp and allow motorized traffic on walking trail.

Dear Mr. Steffens:

Please be advised that on March 20, 201, the Planning Commission approved your Conditional Use Permit, including Staff recommendation that conditions of approval from the original CUP application remain part of the permit, based on the following Findings of Fact:

The Lodge:

1. The proposed lodge has a footprint of 7,255 square feet. It contains sixteen units and is two stories. The proposed height of the lodge does not exceed 18 feet.
2. The lodge building will be subdivided by a condominium plat in the future. The applicant has not submitted a condominium plat for the proposed structure.
3. The existing maintenance building and lodge on the subject property will be replaced with the proposed lodge. The proposed structure is completely within Tier II (200'+ from the OHW) of the Shoreland Area.
4. The lodge exterior will consist of half log siding with stone trim and decorative log corners.
5. The parking area for the lodge is located northwest of the proposed location and contains 40 spaces. There will also be three handicap designated parking spaces and a delivery area directly east of the proposed structure.

The Docking Systems:

6. There are not any proposed changes to the number and/or location of the



4638 County Road 11 • Pequot Lakes, MN 56472 • (218) 568-5222 • Fax: (218) 568-5860 • www.pequotlakes-mn.gov

previously approved docking systems at this time.

7. Relocation of the docking system(s) requires approval from the City.

Beach Areas:

8. The existing beach area is located on the west side of the point and is approximately 100 feet wide. The applicant is proposing to extend the width of the existing beach area to 150' in length and 100' wide.
9. The applicant is proposing to construct a second beach area located on the east side of the point. The proposed beach area is 150' wide.
10. Removal of aquatic vegetation is necessary for the creation/expansion of the beach areas. The City does not have jurisdiction on any work performed below the OHW.
11. The City Code does not allow grading in excess of 50 cubic yards in the Shore Impact Zone.
12. Centralization of the beach area will reduce adverse impacts (unfiltered runoff, erosion, etc.) to the shoreline and the lake.
13. The distance between the location of the proposed boat ramp and the existing boat house is approximately 165'.

Relocation of Boat Ramp:

14. The applicant is proposing to relocate the existing boat ramp to the north side of the existing beach and swimming area.
15. Relocation of the ramp will require removal of approximately 10-20 feet of aquatic vegetation on the north side of the beach to allow for installation of the boat launch.
16. Relocation of the existing boat ramp may require a permit from the Minnesota Department of Natural Resources.

Road in the Shore Impact Zone:

17. The original CUP approval for the subject property allows an 8-foot wide walking trail to be used to access "Dock System 2" and "Dock System 3." The permit does not allow automobile traffic on the trail. It also requires the trail to be constructed of pervious materials.
18. As of August 2013, the road in the bluff and shoreline setback had not been removed as per previous CUP approval.
19. The "up north" character (as referenced in the Comprehensive Plan) of the subject property and surrounding area will be protected by limiting the use of motorized vehicles to certain areas of the property.
20. The applicant is proposing to utilize "golf cart parking" areas outside of the shore impact zones and bluff impact zones.

Please note that the Planning Commission also added the following as conditions to the conditional use permit:

The Lodge:

1. Before commencement of construction activities, a condominium plat for the lodge shall be approved by the City.

2. An acceptable updated plan for the vegetative screening of the lodge (as viewed from the lake) shall be submitted to the Planning Commission before it may be constructed.
3. In order to preserve the character of the neighborhood and the surrounding area, the height of the lodge may not exceed 18 feet.
4. The first floor elevation will match existing grade within +/- 1.5 feet.

The Docking Systems:

5. The number and location of docking systems shall remain the same as previously approved.

Beach Areas:

6. The applicant shall demonstrate with a professional grading and drainage plan how untreated runoff will be prevented from entering the lake via the proposed beach area(s).
7. In order to minimize negative impacts on Middle Cullen Lake, one centralized beach area shall be allowed on the subject property. The existing beach may be expanded to 165' in width.
8. Grading in the vicinity of the beach area(s) shall include the use of berms, swales and natural vegetation near the beach areas.
9. Necessary permits shall be obtained from the DNR for the removal of any aquatic vegetation for the expansion of the beach areas.
10. In order to maintain the "up north" character referenced in the Comprehensive Plan and to protect the shoreline and Middle Cullen Lake, the resort may have one centralized beach area.
11. A beach area shall not be allowed on the east side of the point.
12. The existing beach area may be expanded to the length of the shoreline between the proposed boat ramp location and the west corner of the existing boat house.
13. The centralized beach area may not exceed existing width (landward).
14. A 1,920 sq. ft. "picnic area" shall be allowed to be located directly north of the location of "Dock System #2." (Site plan date dated 3/7/14). This area may not contain any impervious surfaces or permanent structures.
15. Any natural ice ridge that forms in picnic area shall not be altered.

Relocation of the boat ramp:

16. Proper permits shall be obtained from DNR before the boat ramp may be relocated.
17. Stormwater runoff shall be diverted away from the lake. Surface runoff at turnaround area and landward shall be diverted to stormwater features and not allowed to run directly down into the lake.

Road in the Shore Impact Zone:

18. To preserve the natural character of the neighborhood and surrounding area, the road in the bluff and shoreline setback shall be removed and re-vegetated. An 8-foot wide walking trail may replace the road; the walking trail shall be constructed with pervious materials.

19. Patrons of the resort shall not be allowed to use motorized vehicles (including golf carts) beyond barriers at the south end of the two designated parking areas (identified on the site plan dated 3/7/14).
20. Signage and barriers (acceptable to the Planning Commission) shall be placed in areas around the resort to prevent resort guests from using motorized vehicles on the walking trails.
21. Maintenance personal may utilize the entire path system with motorized equipment and vehicles for maintenance purposes including but not limited to installation, repair and removal of docking systems, non-motorized watercraft, beach chairs, etc. and motorized equipment for maintenance and repair of the pathway and surrounding vegetation, including permitted trimming and removal of deadfall and invasive plant species

Overall Site Conditions to Consider:

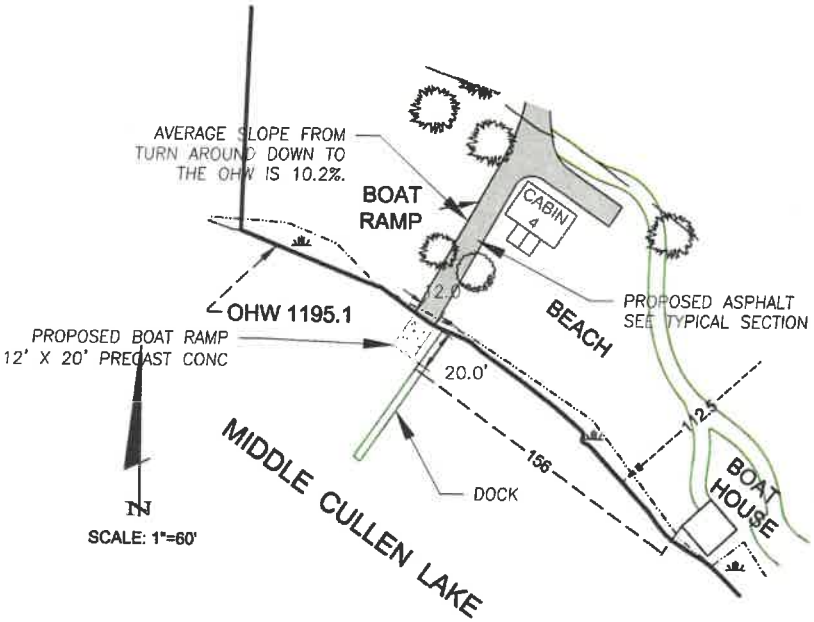
22. A vegetation/screening plan for the entire property acceptable to the Planning Commission shall be submitted before construction activities commence.
23. A lighting plan for the entire property acceptable to the City shall be submitted before construction activities commence.
24. An updated professional stormwater management plan for the entire property including the proposed additional impervious surfaces (lodge, courts, automobile parking, golf cart parking, etc.) shall be submitted during the platting process.
25. The beach area on the east side of the point shall be re-vegetated and restored to its natural state.

Section 17-11.6 (8) of the Pequot Lakes City Code states *"Failure by the owner to act on a Conditional Use Permit within 12 months, or failure to complete the work under a Conditional Use Permit within 2 years, unless extended by the Planning Commission, shall void the permit. A second extension shall require a new public hearing."* If you have any questions, please feel free to contact me.

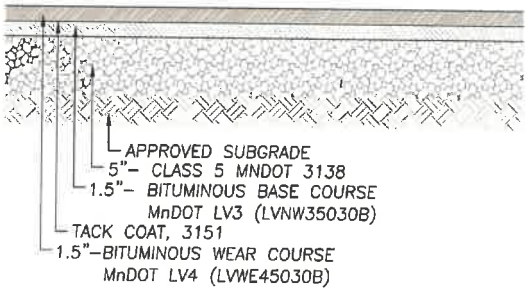
Sincerely,

Dawn Bittner
Zoning Administrator

CC: Planning Commission

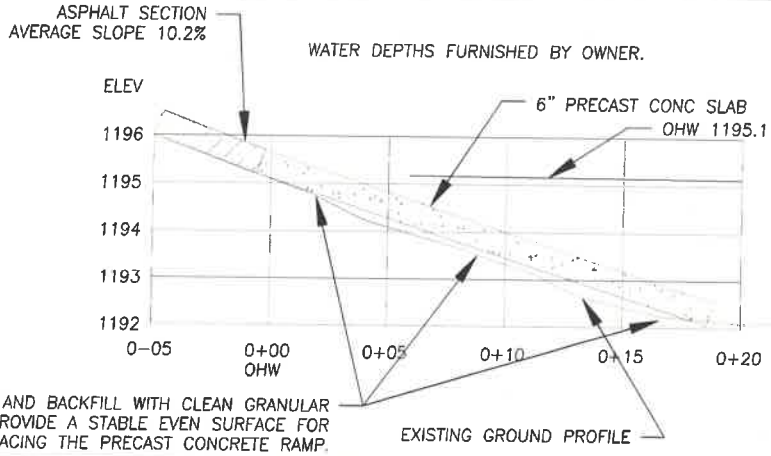



THE PROPOSED BOAT RAMP IS TO BE AN ASPHALT DRIVEWAY CONSTRUCTED ON THE UPLAND AND LEADING TO A 6" PRECAST REINFORCED CONCRETE SLAB. THE CONCRETE SLAB IS TO BE PLACED OVER THE EXISTING SEDIMENT WITH MINIMAL EXCAVATION. THE SLAB SHALL BE AT THE OHW OF THE LAKE AND EXTEND 20' INTO THE WATER.




PARKING LOT PAVEMENT SECTION

NO SCALE




I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Registered Engineer under the laws

Date 2/15/19 Registration No. 12783

Guy R. Halling

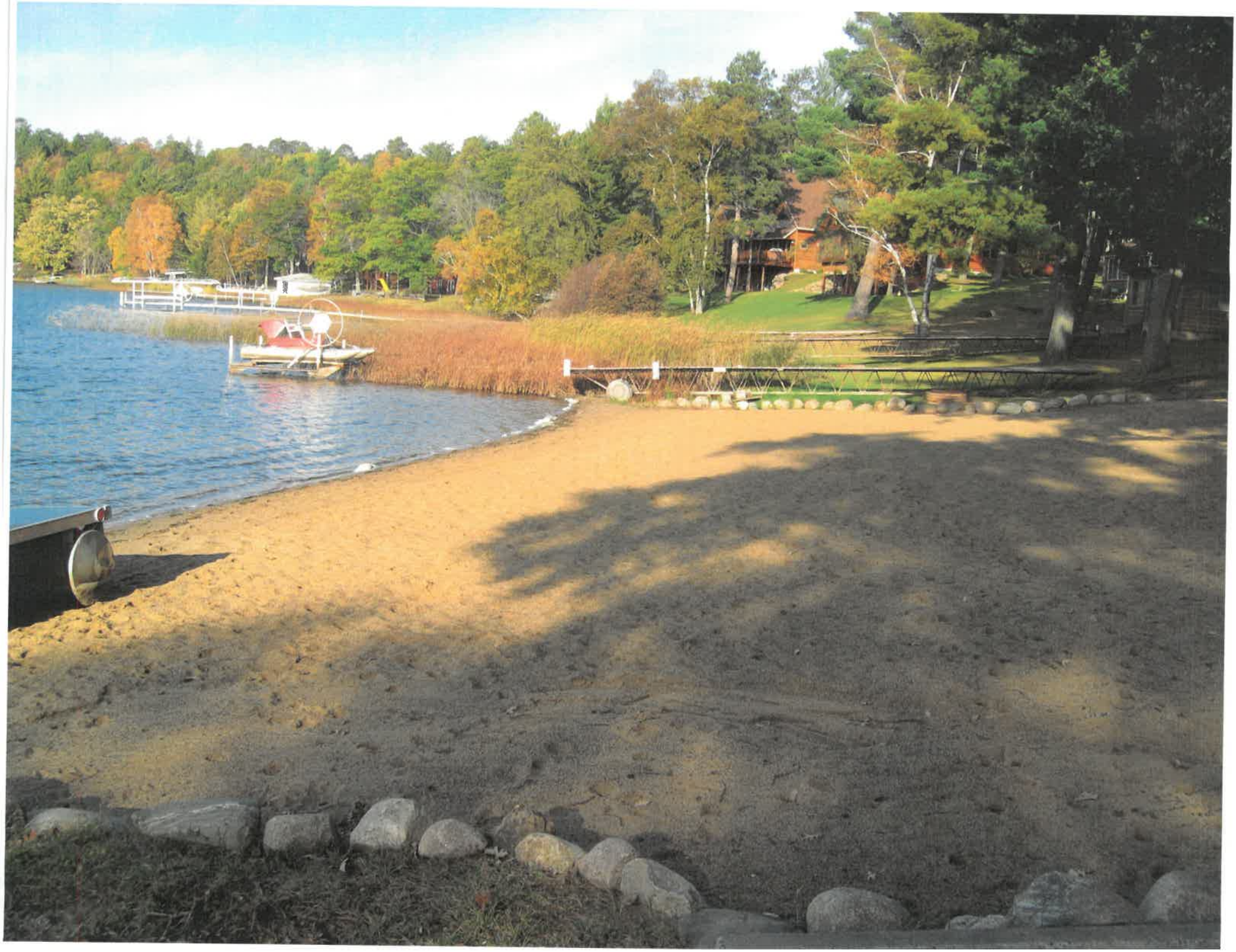
| Issued | |
|---|---|
| DNR BOAT RAMP APPLICATION | 2/15/19 |


Halling Engineering, Inc.
CIVIL ENGINEERS
3727 East 255TH Street•Webster, Minnesota 55088
Phone 952.440.1680 • Fax 952.461.3308


PROJECT NO.: 198.03 DRAWING FILE: BASEBOATRAMP.DWG

BOAT RAMP DRIVEWAY PLAN
WILDERNESS POINT RESORT
PEQUOT LAKES, MN

SHEET 1



**CITY OF PEQUOT LAKES**
**PLANNING COMMISSION RESOLUTION 19-__**

**A RESOLUTION APPROVING THE REQUEST AN AMENDMENT TO CONDITIONAL USE PERMIT TO EXPAND EXISTING BEACH AREA AND RELOCATE A BOAT RAMP**

**WHEREAS,** the applicant, Wilderness Point Resort, LLC, seeks to amend Conditional Use Permit under City Code Section 17-11.6 to expand existing beach area and relocate a boat ramp at 6316 Wilderness Road, legally described on the attached Exhibit A (the "Property"), which is zoned Shoreline Commercial and Open Space; and,

**WHEREAS,** the Planning Commission conducted a public hearing on June 20, 2019, and received public testimony regarding the proposed Conditional Use Permit; and

**WHEREAS,** all required notices regarding the public hearing were properly made; and

**WHEREAS,** the Planning Commission, having reviewed and considered the application, staff analysis and public testimony regarding the proposed Conditional Use Permit at its meeting of June 20, 2019, does hereby resolve the Conditional Use Permit application as set forth below.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF PEQUOT LAKES, MINNESOTA,** that it adopts the following findings of fact related to the requested Conditional Use Permit.

A. Mandatory Criteria:
   1. Criteria #1: The use or development is an appropriate conditional use in the land use zone.

   Finding #A1: A Commercial PUD is a permitted conditional use within the Shoreline Commercial District.

   2. Criteria #2: The use or development, with conditions, conforms to the comprehensive land use plan.

   Finding #A2: The Comprehensive Plan states *"Make the area's natural, scenic, and recreational amenities the Pequot Lakes brand. The primary reason that people choose to live, work, and visit the Pequot Lakes area is the natural, scenic beauty and the many recreational opportunities."* This proposal, with vigorous conditions to safeguard the environment and water quality, is consistent with the objectives of the Comprehensive Plan.

3. Criteria #3: The use with conditions is compatible with the existing neighborhood.

Finding #A3: The proposed use is compatible with the existing neighborhood.

4. Criteria #4: The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.

Finding #A4: The proposed use, with conditions, will not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.

B. Additional Criteria:

1. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.

Finding #B1: The conditional use, with conditions, will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject property.

2. The conditional uses will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Finding #B2: The adjacent property to the north is zoned Recreation, while the property to the south is zoned Shoreline Residential and to the west is zoned Recreation. The subject property is adjacent to Middle Cullen Lake on the south and east. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

3. The conditional requirements at public cost for public facilities and services will not be detrimental to the economic welfare of the community.

Finding #B3: The subject property is accessed via Wilderness Road. There will not be a significant increase in traffic due to the proposed use. The public cost for facilities and services for the proposed development will not be detrimental to the economic welfare of the community.

4. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.

Finding #B4: The subject property is accessed via Wilderness Road. There will not be a significant increase in traffic due to the proposed use. The public cost for facilities and services for the proposed development will not be detrimental to the economic welfare of the community.

5. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.

Finding #B5: The subject property contains an adequate number of off-street parking spaces.

6. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.

Finding #B6: The proposed use, with conditions, will not generate any offensive odor, fumes, dust, noise or vibrations that will be a nuisance to neighboring properties.

7. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.

Finding #B7: The proposed use will not destroy any natural or scenic features. There are no known historical features of major significance on the subject property.

8. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

Finding #B8. The proposed use, with conditions, will not impact ground and surface waters.

**BE IT FURTHER RESOLVED** that, in accordance with the Planning Commission's findings of fact above, the Conditional Use Permit to expand the existing beach area and relocate a boat ramp at the Property is hereby approved with the following conditions:

Beach Area:

1. The applicant shall demonstrate with professional grading and drainage plan how untreated runoff will be prevented for entering the lake via the proposed beach area.

2. In order to minimize negative impacts on Middle Cullen Lake, one centralized beach area shall be allowed on the subject property. The existing beach may be expanded to 156' in width.
3. Grading in the vicinity of the beach area shall include the use of berms, swales and natural vegetation near the beach area.
4. Necessary permits shall be obtained from the DNR for the removal of any aquatic vegetation for the expansion of the beach area.
5. In order to maintain the "up north" character referenced in the Comprehensive Plan and to protect the shoreline and Middle Cullen Lake, the resort may have one centralized beach area.
6. The existing beach area may be expanded to the length of the shoreline between the proposed boat ramp location and the west corner of the existing boat house.
7. The centralized beach area may not exceed existing width (landward).
8. The proper permits shall be obtained from DNR before the boat ramp may be relocated.
9. Stormwater shall be diverted away from the lake. Surface runoff at turnaround area and landward shall be diverted to stormwater features and not allowed to run directly down into the lake.

**BE IT FURTHER RESOLVED** that, in accordance with City Code Section 17-11.5, any person aggrieved by the Planning Commission's resolution of the Conditional Use Permit application herein may appeal such resolution to the City Council by filing written notice of intent to appeal with the City Administrator within fifteen (15) days of the date of this Resolution indicated below.

Passed by the Planning Commission of the City of Pequot Lakes, Minnesota this 20th day of June, 2019.

_____
Mark Hallan
Chair

ATTEST:

_____
Dawn Bittner
Zoning Specialist

**Exhibit "A"**

Lot 49, Block 1, CIC #1079 Wilderness Resort Villas, First, and Second Amended Plats.

APP # _____
SF # _____
Date 5-21-19
For office use only

# CITY OF PEQUOT LAKES
# CONDITIONAL USE APPLICATION

Name of Applicant Wilderness Point Resort, LLC Phone 952-922-1912

Mailing Address 207 North Chestnut St., Suite 138 Email info@lakeshoreproperties.com

City, State, Zip: Chaska MN 55318

Applicant is:

Legal Owner (X)
Contract Buyer ( )
Option Holder ( )
Agent ( )
Other _____

Title Holder of Property:
(if not applicant)
Wilderness Point Resort, LLC
(Name)
207 North Chestnut St., Suite 138
(Address)
Chaska MN 55318
(City, State, Zip)

Signature of Owner, authorizing application (required): Thomas L. Steffens
(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:
6316 Wilderness Road, Pequot Lakes, Minnesota

Parcel ID No: 2960800104900009 Zoning District commercial waterfront

Legal Description (if metes and bounds, attach sheet): Lots 1-49, Block 1, CIC No. 1079, Wilderness Resort Villas Third Amended CIC Plat

State nature of request in detail: (What are you proposing for the property?
Applicant proposes to expand the existing beach to a width of 156 feet (165' was previously approved on 5/15/14) following the moving of Cabin 4 and to relocate the existing boat ramp to the north side of the beach. Relocation of the ramp requires removal of aquatic vegetation which was also previously approved by the DNR. However, Applicant has applied to the DNR for approval to expand the beach, relocate the boat ramp and remove the aquatic vegetation which permits will be required before construction takes place.

What changes (if any) are you proposing to make to this site?

Building: Cabin 4 will be moved to the location shown as Cabin 10.

Landscaping: The footprint area of Cabin 4 and the surrounding area will become beach area.

Parking/Signs: N/A

Pursuant to the Pequot Lakes City Ordinance, Section 170.050, the applicant should be prepared at the public hearing to discuss the following issues by explaining how the proposed Conditional Use will cause no significant adverse effects.

(1) Describe the impact on the use and enjoyment of other property in the immediate vicinity. If there is no impact, explain why.

No impact on surrounding property as the new beach area and boat ramp remain on existing resort property.

(2) Describe character of the area and the existing patterns and uses of development in the area. How is this proposal consistent with those patterns and uses?

The area is within resort property and will be continued to be utilized as a part of the resort.

(3) Describe the impact on the capacity of existing or planned community facilities (sewer, drainage, other). Describe if additional facilities will be required.

No impact on existing or planned community facilities.

(4) Describe the impact on the character of the neighborhood in which the property is located.

No impact on the neighborhood. The resort is a 30 acre plus facility.

(5) Describe the impact to traffic on roads and highways in the vicinity, and expected traffic generated by this application. Is there adequate parking available to accommodate the proposal?

No impact on roads, traffic or parking. The area is for use by resort guests.

(6) Discuss any environmental limitations of the site or area.

Required removal of aquatic vegetation is to be approved by the DNR and the city.

CITY OF PEQUOT LAKES
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING
TO AMEND CONDITIONAL USE PERMIT TO
EXPAND EXISTING BEACH AREA AND
RELOCATE EXISTING BOAT RAMP
WITHIN THE OPEN SPACE
ZONING CLASSIFICATION
JUNE 20, 2019
6:00 PM
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 PM.

**Hearing:** Conditional Use Permit.

**Applicant:** Wilderness Point Resort LLC.

**Property Description:** Property is located at 6316 Wilderness Road. Parcel ID is: 296080010490009.

**Purpose:** Application is to Amend Conditional Use Permit to expand existing beach area and relocate existing boat ramp in the Open Space zoning classification. .All interested persons are invited to attend these hearings 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 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
*"This institution is an equal opportunity provider and employer"*

City of Pequot Lakes

4638 Main Street • Pequot Lakes, MN 56472 • (218) 568-5222 • Fax: (218) 568-5860 • www.pequotlakes-mn.gov

June 7, 2019

Wilderness Point Resort, LLC
207 North Chestnut St., Suite 138
Chaska, MN 55318

RE: Amend Conditional Use Permit to Expand Beach Area and Relocate Existing Boat Ramp in the Open Space District

Dear Mr. Steffens:

The City of Pequot Lakes has received your request to amend your Conditional Use Permit to expand existing beach area and relocate existing boat ramp in the Open Space zoning district. We have determined that your application is complete. We have scheduled a public hearing for 6:00 P. M. June 20, 2019 at City Hall. You are the second public hearing on the Agenda.

To review, a conditional use is a use that is generally allowed, with conditions applied to address or mitigate potential problems. For a conditional use permit, the Planning Commission holds a public hearing and decides whether to approve or deny the application. The Planning Commission may attach conditions on approval of the permit to ensure that the proposed use meets other provisions of the Ordinance.

The City prepares a staff report for the Planning Commission prior to the meeting. The report will discuss the pertinent ordinances and an evaluation and recommendations on your application. A copy of the report will be available at City Hall for you to read no later than a week before the meeting or on-line at www.pequotlakes-mn.gov .

If you have any questions or concerns prior to the meeting, do not hesitate to contact us.

Sincerely,

Dawn Bittner
Specialist

CC: Planning Commission