

**STAFF REPORT**

**Application:** Metes and Bounds Subdivision

**Applicants:** Thomas Peterson

**Agenda Item:** 5.1

**Background Information:** The applicant is proposing to subdivide the property located along Peterson Path into three tracts. The subject property is approximately 5.53 acres in size and is zoned Commercial.



The applicant intends to subdivide the subject property into a 1.6 acre tract (“Tract A”), a .08 acre tract (“Tract B”), and a 3.2 acre tract (“Remnant Tract”). The proposed “Tract A” contains a garage. There is a small shed encroaching the north property line of “Tract A” which belongs to the property owner to the north. A second shed may be within the side yard setback. The proposed “Tract B” contains a pole building. The proposed “Remnant Tract” is vacant.

The garage on proposed “Tract A” is conforming to the Commercial requirements. “Tract A” conforms to the Commercial requirements. The pole building on proposed “Tract B” is conforming to the Commercial requirements. “Tract B” conforms to the Commercial requirements.

Proposed “Tract A”, proposed “Tract B” and proposed “Remnant Tract” all have sufficient access via Peterson Path.

The adjacent property to the north is zoned Commercial, to the west is zoned Rural Residential, and to the south is zoned Agriculture.

**Applicable Regulations:**

**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
Building above highest groundwater level – feet, minimum	3

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

- A. Impervious Coverage. Impervious coverage may be increased by up to 25%, not to exceed 50% of the property, through a conditional use permit if the following is provided and approved by the City:
- (1) A storm water retention plan showing containment of the 10-year, 24-hour storm event on the parcel.
  - (2) Direct runoff of stormwater to adjacent properties and wetlands shall be eliminated through the use of berms, infiltration ponds, swales, filtration strips or other permanent means.
- B. Compatibility of Use. Use shall be compatible with the surrounding neighborhood. Uses shall not present noise, odor, light nuisances or any other nuisances.
- C. Parking. Off-street parking shall be provided as per Section 7.10. On-street parking is not allowed under any circumstances. To reduce the visual impacts and amount of surface parking, shared parking and surface parking shall be located behind or to the side of a building. Additionally, suitable trees and shrubs shall be planted between parking lots and all adjacent sidewalks, roads, lots and buildings.
- D. Screening. All sites shall be heavily landscaped to provide 100% screening to adjacent residential parcels and over 50% screening from the road or any non-residential parcel. Percentages shall be determined by amount of structure that can be seen during leaf-on conditions. A landscaping and screening plan must be submitted and approved by the Planning Commission with each conditional use permit.
- E. Lighting. Lighting shall be minimal. Lighting shall be downward directional and shall be compatible with the surrounding development. Lights approved with signs must be turned off at the close of business each day.
- F. Fire Lanes. Fire lanes shall remain unobstructed at all times.
- G. Fences. Fences not exceeding 84 inches in height may be constructed. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is

prohibited, except where specific approval has been given by the Planning Commission.

#### **Section 17-9.4 DESIGN LAYOUT STANDARDS-MINIMUM**

1. The land shall be properly zoned and suitable in its natural state for the intended purpose with minimal alteration required. Land subject to flooding, land below the ordinary high water mark, wetlands, areas with high water table, bluffs, lands with slopes exceeding 25% or land containing other significant constraint(s) upon future intended usage, shall not be considered in the minimum size of a lot. The suitability analysis for each lot shall also consider soil and rock formations with severe limitations for development, severe erosion potential, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sights, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
2. All non-conforming structures and uses shall be brought into conformity during the subdivision process, except as specifically waived by motion of the Planning Commission.
3. Each lot shall be adjacent to public sewer or shall have a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment sewage systems.
4. Provisions for water based recreation where near shore aquatic conditions are unsuitable for direct access.
5. Lot areas and dimensions shall conform to the requirements of the Zoning Chapter, without variance.
6. Lot layouts shall be compatible with the existing layout of adjoining properties and/or shall not constrain the future development of adjacent properties if those properties were to be developed as per the Pequot Lakes Land Use and Subdivision Ordinance.
7. Side lot lines shall be substantially at right angles to straight road lines or radial to curved road lines, radial to lake or stream shores, and shall not contain bends or jogs unless topographic conditions necessitate a different arrangement. Existing structures shall not be construed to be a topographic condition.
8. Each lot shall have a minimum of 33 feet of frontage on a designated right of way. Commonly owned property or Green Space used for access in a Planned Unit Development shall have a minimum of 33 feet of frontage on a public right of way.

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

- A. Streets shall be related to the topography so as to produce useable lots and reasonable gradients not in excess of 10% for collector roads and 12% for minor roads.
- B. Public access shall be given to adjacent properties unless the topography clearly indicated future connection is not feasible.
- C. When parcels abutting arterial or collector roads are subdivided, no new access points shall be created unless an equal number of access points are removed, unless access points are created not less than 500 feet apart in which case there shall be no limit on the number of accesses allowed.
- D. Half streets or connections of half streets to partial streets without providing for the full required right-of-way will not be permitted.
- E. Streets will be designed as collectors or local streets in accordance with the City of Pequot Lakes Road Plan.
- F. The number of streets that terminate without a through connection shall be minimized and the street connected to a cul-de-sac (turnaround) shall not exceed 1,200 feet in length.
- G. Access shall be given to all adjacent properties when required by the Planning Commission. All streets intended to be extended to adjoining property, shall be provided with a temporary cul-de-sac with the sides on a temporary easement, which will revert to the adjoining lot owner when released by the City. Landlocked areas shall not be created.
- H. Right of Way shall be dedicated to the public:

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

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

- I. Intersections

- (1) Street centerlines shall intersect at not less than 75 degrees.
  - (2) Street jogs shall be no less than 200' from centerline to centerline.
  - (3) Gradients at intersections and for 50' approaching on each side of an intersection shall not exceed 2%. The approach shall contain no grades greater than 7% for 200' on each side of the intersection.
- J. Roads, driveways and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zones.
  - K. Street names shall conform to the pattern of the City and continue an existing name on the same alignment, where determined applicable by the Planning Commission. Street names shall be coordinated with the Crow Wing County Surveyor's Office.
10. Easements shall be provided for public utilities or drainage where required by the Planning Commission and shall be following widths, minimum:

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

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

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

- 1. The subject property is zoned Commercial and each proposed tract meets the minimum standards of the Commercial Zone.
- 2. "Tract A" contains a garage and meets all setback requirements; the shed encroaching the lot line belongs to the property owner to the north. "Tract B" contains a pole building and meets all setback requirements. The "Remnant Tract" is vacant.
- 3. The subject property is not adjacent to the municipal water and wastewater utilities.
- 4. The property is suitable in its natural state for the intended purpose and this lot split would not be harmful to the health, safety, or welfare of future residents or of the community.
- 5. The applicant is not proposing any provisions for water-based recreation.
- 6. The proposed lot layout meets the requirements of the ordinance.

7. The proposed side lot lines are at right angles to the adjacent property lines.
8. Each of the proposed parcels has at least 33-feet of frontage on Peterson Path.
9. The subject property meets the requirements of the code for stormwater management.
10. There are no public streets proposed within the development.

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**Planning Commission Direction:** The Planning Commission can approve the metes and bounds subdivision, deny the metes and bounds subdivision, or table the request if additional information is needed. If the motion is for approval or denial, findings of fact should be cited.

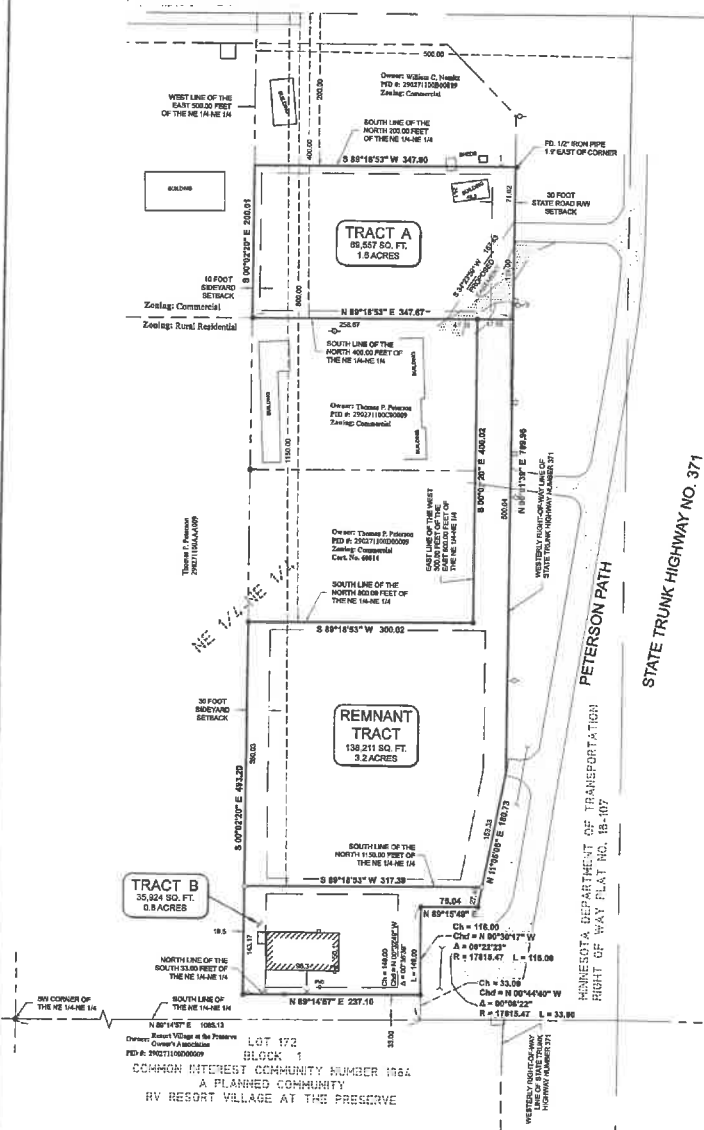
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**Staff Recommendation:** The proposed parcels meet the requirements of the Commercial Zone. Staff recommends the application be approved without any conditions.

# CERTIFICATE OF SURVEY

PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER,  
SECTION 27, TOWNSHIP 136 NORTH, RANGE 29 WEST  
CROW WING COUNTY, MINNESOTA  
TOTAL AREA = 243,691 SQ. FT. / 5.6 ACRES

COUNTY ROAD 168



### LEGAL DESCRIPTION

That part of the Northeast Quarter of the Northeast Quarter, Section 27, Township 136 North, Range 29 West, Crow Wing County, Minnesota, described as follows: Commencing at the southwest corner of said Northeast Quarter of the Northeast Quarter, thence North 89 degrees 14 minutes 37 seconds East along the south line of said Northeast Quarter of the Northeast Quarter 1085.13 feet to the westerly right-of-way line of State Trunk Highway Number 371 as described in Minnesota Department of Transportation Right of Way Plat No. 18-107; thence northerly 143.00 feet along said right-of-way line being a second and a chord bearing of North 00 degrees 21 minutes 49 seconds East for a chord distance of 149.00 feet; thence North 89 degrees 15 minutes 49 seconds East along said right-of-way line not tangent to said last described curve 76.04 feet; thence North 11 degrees 05 minutes 06 seconds East along said right-of-way line 153.33 feet; thence North 00 degrees 01 minutes 39 seconds East along said right-of-way line 180.73 feet; thence North 00 degrees 01 minutes 39 seconds East along said right-of-way line 500.04 feet to the south line of the north 400.00 feet of said Northeast Quarter of the Northeast Quarter being the point of beginning of the tract to be herein described, thence containing thence North 00 degrees 01 minutes 39 seconds East along said right-of-way line 300.00 feet to the west line of the east 500.00 feet of said Northeast Quarter of the Northeast Quarter, thence South 89 degrees 18 minutes 20 seconds East along said right-of-way line 129.00 feet; thence South 34 degrees 23 minutes 59 seconds West 157.63 feet to said south line; thence North 89 degrees 14 minutes 37 seconds East along said last described line 237.10 feet, more or less, to the point of beginning.

Subject to easements, restrictions and reservations of record.

### PROPOSED BOUNDARY DESCRIPTIONS:

**TRACT A**  
That part of the Northeast Quarter of the Northeast Quarter, Section 27, Township 136 North, Range 29 West, Crow Wing County, Minnesota, described as follows: Commencing at the southwest corner of said Northeast Quarter of the Northeast Quarter, thence North 89 degrees 14 minutes 37 seconds East along the south line of said Northeast Quarter of the Northeast Quarter 1085.13 feet to the westerly right-of-way line of State Trunk Highway Number 371 as described in Minnesota Department of Transportation Right of Way Plat No. 18-107; thence northerly 143.00 feet along said right-of-way line being a second and a chord bearing of North 00 degrees 21 minutes 49 seconds East for a chord distance of 149.00 feet; thence North 89 degrees 15 minutes 49 seconds East along said right-of-way line not tangent to said last described curve 76.04 feet; thence North 11 degrees 05 minutes 06 seconds East along said right-of-way line 153.33 feet; thence North 00 degrees 01 minutes 39 seconds East along said right-of-way line 180.73 feet; thence North 00 degrees 01 minutes 39 seconds East along said right-of-way line 500.04 feet to the south line of the north 400.00 feet of said Northeast Quarter of the Northeast Quarter being the point of beginning of the tract to be herein described, thence containing thence North 00 degrees 01 minutes 39 seconds East along said right-of-way line 300.00 feet to the west line of the east 500.00 feet of said Northeast Quarter of the Northeast Quarter, thence South 89 degrees 18 minutes 20 seconds East along said right-of-way line 129.00 feet; thence South 34 degrees 23 minutes 59 seconds West 157.63 feet to said south line; thence North 89 degrees 14 minutes 37 seconds East along said last described line 237.10 feet, more or less, to the point of beginning.

Subject to an easement for ingress and egress purposes over and across said Northeast Quarter of the Northeast Quarter described as follows: Commencing at the southwest corner of said Northeast Quarter of the Northeast Quarter, thence North 89 degrees 14 minutes 37 seconds East along the south line of said Northeast Quarter of the Northeast Quarter 1085.13 feet to the westerly right-of-way line of State Trunk Highway Number 371 as described in Minnesota Department of Transportation Right of Way Plat No. 18-107; thence northerly 143.00 feet along said right-of-way line being a second and a chord bearing of North 00 degrees 21 minutes 49 seconds East for a chord distance of 149.00 feet; thence North 89 degrees 15 minutes 49 seconds East along said right-of-way line not tangent to said last described curve 76.04 feet; thence North 11 degrees 05 minutes 06 seconds East along said right-of-way line 153.33 feet; thence North 00 degrees 01 minutes 39 seconds East along said right-of-way line 180.73 feet; thence North 00 degrees 01 minutes 39 seconds East along said right-of-way line 500.04 feet to the south line of the north 400.00 feet of said Northeast Quarter of the Northeast Quarter being the point of beginning of the tract to be herein described, thence containing thence North 00 degrees 01 minutes 39 seconds East along said right-of-way line 300.00 feet to the west line of the east 500.00 feet of said Northeast Quarter of the Northeast Quarter, thence South 89 degrees 18 minutes 20 seconds East along said right-of-way line 129.00 feet; thence South 34 degrees 23 minutes 59 seconds West 157.63 feet to said south line; thence North 89 degrees 14 minutes 37 seconds East along said last described line 237.10 feet, more or less, to the point of beginning.

Also subject to easements, restrictions and reservations of record.

**TRACT B**  
That part of the Northeast Quarter of the Northeast Quarter, Section 27, Township 136 North, Range 29 West, Crow Wing County, Minnesota, described as follows: Commencing at the southwest corner of said Northeast Quarter of the Northeast Quarter, thence North 89 degrees 14 minutes 37 seconds East along the south line of said Northeast Quarter of the Northeast Quarter 1085.13 feet to the westerly right-of-way line of State Trunk Highway Number 371 as described in Minnesota Department of Transportation Right of Way Plat No. 18-107; thence northerly 143.00 feet along said right-of-way line being a second and a chord bearing of North 00 degrees 21 minutes 49 seconds East for a chord distance of 149.00 feet; thence North 89 degrees 15 minutes 49 seconds East along said right-of-way line not tangent to said last described curve 76.04 feet; thence North 11 degrees 05 minutes 06 seconds East along said right-of-way line 153.33 feet; thence North 00 degrees 01 minutes 39 seconds East along said right-of-way line 180.73 feet; thence North 00 degrees 01 minutes 39 seconds East along said right-of-way line 500.04 feet to the south line of the north 400.00 feet of said Northeast Quarter of the Northeast Quarter being the point of beginning of the tract to be herein described, thence containing thence North 00 degrees 01 minutes 39 seconds East along said right-of-way line 300.00 feet to the west line of the east 500.00 feet of said Northeast Quarter of the Northeast Quarter, thence South 89 degrees 18 minutes 20 seconds East along said right-of-way line 129.00 feet; thence South 34 degrees 23 minutes 59 seconds West 157.63 feet to said south line; thence North 89 degrees 14 minutes 37 seconds East along said last described line 237.10 feet, more or less, to the point of beginning.

Subject to easements, restrictions and reservations of record.

**REMNANT TRACT**  
That part of the Northeast Quarter of the Northeast Quarter, Section 27, Township 136 North, Range 29 West, Crow Wing County, Minnesota, described as follows: Commencing at the southwest corner of said Northeast Quarter of the Northeast Quarter, thence North 89 degrees 14 minutes 37 seconds East along the south line of said Northeast Quarter of the Northeast Quarter 1085.13 feet to the westerly right-of-way line of State Trunk Highway Number 371 as described in Minnesota Department of Transportation Right of Way Plat No. 18-107; thence northerly 143.00 feet along said right-of-way line being a second and a chord bearing of North 00 degrees 21 minutes 49 seconds East for a chord distance of 149.00 feet; thence North 89 degrees 15 minutes 49 seconds East along said right-of-way line not tangent to said last described curve 76.04 feet; thence North 11 degrees 05 minutes 06 seconds East along said right-of-way line 153.33 feet; thence North 00 degrees 01 minutes 39 seconds East along said right-of-way line 180.73 feet; thence North 00 degrees 01 minutes 39 seconds East along said right-of-way line 500.04 feet to the south line of the north 400.00 feet of said Northeast Quarter of the Northeast Quarter being the point of beginning of the tract to be herein described, thence containing thence North 00 degrees 01 minutes 39 seconds East along said right-of-way line 300.00 feet to the west line of the east 500.00 feet of said Northeast Quarter of the Northeast Quarter, thence South 89 degrees 18 minutes 20 seconds East along said right-of-way line 129.00 feet; thence South 34 degrees 23 minutes 59 seconds West 157.63 feet to said south line; thence North 89 degrees 14 minutes 37 seconds East along said last described line 237.10 feet, more or less, to the point of beginning.

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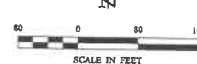
### LEGEND

- X - DENOTES EXISTING FENCE LINE
- - - DENOTES EDGE OF EXISTING BUILDING
- - - DENOTES EDGE OF EXISTING DRIVE
- - - DENOTES EDGE OF EXISTING DRIVE
- ☆ DENOTES PORTING MOUNTED LIGHT
- DENOTES EXISTING UTILITY POLE BY CITY
- DENOTES EXISTING SEPTIC TANK, SEPTIC CLEARANCE, & SEPTIC TANK LID
- DENOTES EXISTING CULVERT LOCATION
- DENOTES HOA/MEMBERSHIP FUND
- DENOTES SIGN MOUNTED SET MARKED BY LICENSE NO. 4881

### NOTES:

1. Zoning for subject tract = "Commercial".
2. Parcel ID of subject parcel: 29270781.
3. The E911 address of subject parcel: 28755 Peterson Pk.

ORIENTATION OF THIS BEARING SYSTEMS BASED ON THE CROW WING COORDINATE SYSTEM.



NO.	DATE	REVISIONS	DESCRIPTION		BY	DATE
			DESCRIPTION	DATE		
1						
2						
3						
4						
5						

CERTIFICATE OF SURVEY	PROJECT MANAGER: CMH	PROJECT NO.: 18000-1	DATE: 4-20-2022	SCALE: NONE	REVISIONS	I HEREBY CERTIFY THAT THIS SURVEY PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.	30194 Robinson Road, Suite 174, P. O. Box 174, Pequot Lakes, MN 55472, 218-548-4949, www.petersonsurvey.com
Tom Peterson	DESIGNED BY: CMH	FIELD BOOK: C18000-1	BOOK 451 PG. 16	VERT. NONE		<i>Tom Peterson</i>	
3712 Lincoln St. NE	DATE: 4/20/2022						
Columbia Heights, MN 55421							



APP # 21-19  
 SF # \_\_\_\_\_  
 Date 4-20-22  
 DWSMA NO

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

Name of Applicant Thomas Peterson Phone 651-639-0980  
 Mailing Address 28795 Peterson Path Email tompeterson072@gmail.com  
 City, State, Zip Pequot Lakes MN 56472

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

Title Holder of Property:  
 \_\_\_\_\_  
 (Name)  
 \_\_\_\_\_  
 (Address)

Signature of Owner, authorizing application: [Signature]  
 (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:  
28795 Peterson Path

Parcel ID No. 2927 0781 Zoning District C  
290271100 ACA 009

Nature of request (select only one):

- Preliminary Plat
- Final Plat
- Metes and Bounds
- Rezoning



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May 12, 2022

Thomas Peterson  
28795 Peterson Path  
Pequot Lakes, MN 56472

RE: Metes and Bounds Subdivision  
PIN: 29270781 / 290271100ACA009  
28795 Peterson Path

Dear Mr. Peterson:

The City of Pequot Lakes has received your request for a Metes and Bounds Subdivision of the above-captioned parcel. We have determined that your application is complete and we have placed your request on the May 19, 2022 Planning Commission Agenda. The meeting begins at 6:00 p.m. at City Hall. You should attend in the event the Planning Commission has any questions.

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 recommendation 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 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.

Sincerely,

Dawn Bittner  
Zoning Specialist

C: Planning Commission