

STAFF REPORT

Application: Metes and Bounds Subdivision

Applicants: Kent and Pamela Johnson

Agenda Item: 5.2

Background Information: The applicants are proposing to subdivide the property located at 4316 County Road 168 into two tracts. The subject property is approximately 33.09 acres in size and is zoned Shoreline Residential and Rural Residential. A 5-acre portion of this parcel was the subject of a Public Hearing earlier on this Agenda to rezone from Rural Residential to Commercial. The subject property was subdivided in 2009 but the subdivision was never recorded and became void.

The applicants propose to subdivide the subject property into a 5 acre parcel (proposed “Tract B”) and a 28.72 acre parcel (proposed “Tract C”).

Proposed “Tract B” contains a single family dwelling and four accessory structures. The single family dwelling is served by a Subsurface Sewage Treatment System (SSTS) and a deep well.

Proposed “Tract C” is vacant. The subject property contains a vast amount of wetland that has been delineated by the surveyor on the attached Certificate of Survey dated 8-20-09.



An impervious surface calculation has not been provided for either of the subject properties nor the dimensions of the existing structures, but due to the lot sizes, impervious coverage appears to be well within the maximum allowed.

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.

Proposed “Tract B” and proposed “Tract C” have sufficient access via County Road 168.

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

Applicable Regulations:

**Applicable Lot Size/Dimension Standards:
Section 17-5.10 COMMERCIAL (C)**

3. Lot, Use and Density Requirements.

Lot width– feet, minimum	50
Buildable lot area (unsewered) – square feet, minimum	20,000

Section 17-5.8 SHORELINE RESIDENTIAL (SR)

3. Lot, Use and Density Requirements.

	<u>GD Riparian Only</u>	<u>RD, Non-Riparian GD</u>	<u>NE Lake</u>
Lot width at OHW and building line – feet, minimum	100	150	200
Lot width with guest quarters or duplex	180	225	300
Buildable lot area – square feet, minimum	20,000	40,000	80,000

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

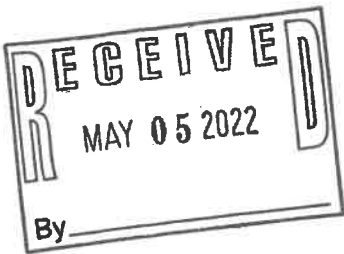
11. Lots requiring variances to allow their use for the intended purposes or requiring holding tanks for sewage shall not be allowed.

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

1. Proposed "Tract C" is zoned Shoreline Residential. The applicants have requested proposed "Tract B" to be rezoned to Commercial.
2. Proposed "Tract B" contains a single family dwelling and four accessory structures. Proposed "Tract C" is vacant.
3. The subject property is not adjacent to the municipal water and wastewater utilities.
4. The impervious surface cover has not been calculated but does not pose a concern at this time.
5. 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.
6. The applicant is not proposing any provisions for water-based recreation.
7. The proposed lot layout meets the requirements of the ordinance.
8. The proposed side lot lines are at right angles to the adjacent property lines.
9. Each of the proposed parcels has at least 33-feet of frontage on County Road 168.
10. The subject property meets the requirements of the code for stormwater management.
11. There are no public streets proposed within the development.

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.

Staff Recommendation: The proposed parcels meet the requirements of the Commercial and Shoreline Residential Zones. Staff recommends the application be approved without any conditions.



APP # AA-25
SF # _____
Date 5-6-22
DWSMA NO

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

Name of Applicant Kent & Pamela Johnson Phone 218-316-1822

Mailing Address 3830 Wildlife Trail Email _____

City, State, Zip Pequot Lakes, MN 56472

Applicant is:
Legal Owner
Contract Buyer
Option Holder
Agent
Other _____

Title Holder of Property:
K. Jill + Kathryn Niederhaus
(Name)

(Address)

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

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

Location of property involved in this request: 4316 County Rd 1168
Pequot Lakes MN 56472

Parcel ID No. 290224804D00889 Zoning District _____

Nature of request (select only one):

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



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May 12, 2022

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

RE: Metes and Bounds Subdivision
PIN: 29220500 / 290224301D00889
4316 County Road 168

Dear Mr. and Mrs. Johnson:

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.

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