

STAFF REPORT

Application: Metes and Bounds Subdivision
Applicants: Kevin O’Hern
Agenda Item: 6 (a)

Background Information: The applicant is proposing to subdivide the property located at 4491 County Road 16 into two tracts. The subject property is zoned Rural Residential. The subject property is approximately 14.61 acres in size and contains 2 dwellings and 2 accessory structures. The subject property has few trees and was former field or pasture land.



The applicant proposes to subdivide the subject property into a 5.0 acre parcel (Tract A) and a 9.6 acre parcel (Tract B).

Proposed “Tract A” contains a dwelling and accessory structure and was a former field or pasture land. Proposed “Tract A” contains a Subsurface Sewage Treatment System (SSTS). Applicant has contacted an Inspector to provide a Compliance Inspection on the SSTS.

Proposed “Tract B” contains a dwelling and accessory structure. The subject property contains few trees and was a former field or pasture land. Proposed “Tract B” contains a SSTS. Applicant has contacted an Inspector to provide a Compliance Inspection on the

SSTS. Proposed "Tract A" also contains a mobile home that will be removed. The existing SSTs for the mobile home will be abandoned according to Minnesota Rules.

Proposed "Tract A" has sufficient access from County Road 112, while proposed "Tract B" has sufficient access from County Road 16.

The adjacent parcels to the east and west are zoned Rural Residential, while the parcel to the south is zoned Agriculture. The parcels to the north are within Jenkins Township.

Applicable Regulations:

Section 17-5.6 RURAL RESIDENTIAL (RR)

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

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

3. Lot, Use and Density Requirements.

Lot Width - feet, minimum	200
Buildable Lot Area - acres, minimum.....	5
Setback, right-of-way, local streets - feet, minimum.....	50
Setback, right-of-way, collector and arterial streets - feet, minimum.....	50
Setback, side - feet, minimum.....	25
Setback, corner side - feet, minimum	40
Setback, sign - feet, minimum	1
Setback, wetland - feet, minimum	30
Maximum impervious coverage	15%
Maximum Building Height - feet.....	25
Maximum animal unit per acre.....	0.5

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

A. Outside Storage. Storage of a fish house and a recreational vehicle is allowed if stored not less than 10 feet distance from any property line and not within the OHW setback.

- B. Fences. Fences not exceeding 72 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 not to be used where frequent human contact is anticipated.
- C. 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.
- D. Establishment of Primary Use. Garages and storage sheds may be permitted in the Rural Residential zone without principle dwelling units. Properties with garages and storage sheds without a principal use shall have adequate buildable area for a principle dwelling unit, a sewer treatment system and a well. Applicants for garages or storage sheds on properties without principle dwelling units on parcels 5 acres in size or smaller shall submit a sewer design by a licensed designer for the future principle structure before obtaining a permit.

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

Drainageway10 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. The subject property is zoned Rural Residential.
2. The lot widths of the proposed parcels both meet the minimum standard of 200 feet.
3. Both of the proposed parcels meet the minimum buildable area requirements of 5 acres in the Rural Residential Zone.
4. Proposed "Tract A and Tract B" each contain a dwelling and accessory structure. The mobile home on proposed "Tract B" is to be removed.
5. The subject property is not adjacent to municipal water and wastewater utilities. Proposed "Tract A and Tract B" each contain a SSTS.
6. 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.
7. The applicant is not proposing any provisions for water-based recreation.
8. The proposed lot layout meets the requirements of the ordinance.
9. The proposed side lot lines are at right angles to the adjacent property lines.
10. Each of the proposed parcels has at least 33-feet of frontage on public right-of-way.
11. The subject property meets the requirements of the code for stormwater management.
12. There are no public streets proposed within the development.

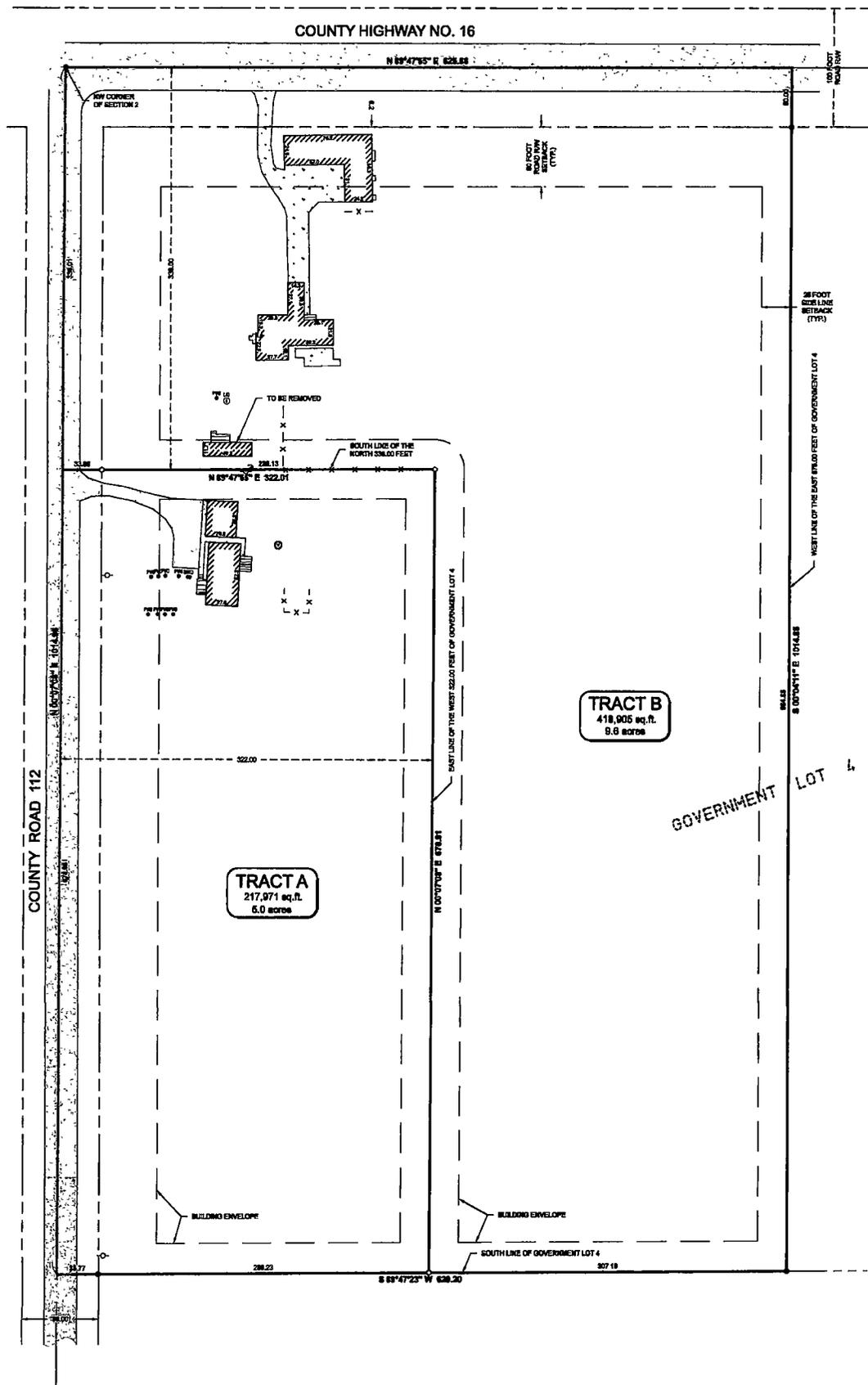
Planning Commission Direction: The Planning Commission can approve the metes and bounds subdivision, deny the metes and bounds subdivision, or table the request if additional information is needed. If the motion is for approval or denial, findings of fact should be cited.

Staff Recommendation: The proposed parcels meet the minimum requirements of the Rural Residential Zone. Staff recommends the application be approved, subject to the following Conditions:

1. The mobile home on proposed "Tract B" shall be removed and the SSTS shall be abandoned according to Minnesota Rules.
2. Compliance Inspections shall be provided for the existing SSTS on proposed "Tract A" and "Tract B".

CERTIFICATE OF SURVEY

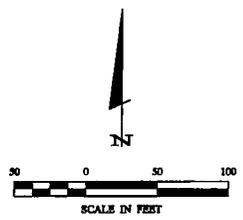
PART OF GOVERNMENT LOT 4,
SECTION 2, TOWNSHIP 136 NORTH, RANGE 29 WEST,
CROW WING COUNTY, MINNESOTA



LEGEND

- X - X - DENOTES EXISTING FENCE LINE
- DENOTES EDGE OF EXISTING BITUMENOUS
- DENOTES EDGE OF EXISTING CONCRETE
- DENOTES EDGE OF EXISTING WOODEN DECKING
- DENOTES EXISTING UTILITY POLE W/ GUY WIRES
- DENOTES EXISTING WELL
- DENOTES EXISTING SEPTIC VENT, SEPTIC CLEANOUT, A SEPTIC TANK LID
- DENOTES MONUMENT FOUND
- DENOTES IRON MONUMENT NOT MARKED BY LICENSEE No. 44881

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



LEGAL DESCRIPTION PER DOCUMENT NUMBER 0831265
Government Lot Four (4), Section Two (2), Township One Hundred Thirty-six (136), Range Twenty-nine (29), Crow Wing County, Minnesota, EXCEPT the Easalty 675 feet thereof.
Subject to restrictions, reservations and easements of record, if any.

PROPOSED BOUNDARY DESCRIPTIONS:

TRACT A
The west 322.00 feet of Government Lot 4, Section 2, Township 136 North, Range 29 West, Crow Wing County, Minnesota, lying southerly of the north 338.00 feet thereof.
Subject to easements, restrictions and reservations of record.

TRACT B
That part of Government Lot 4, Section 2, Township 136 North, Range 29 West, Crow Wing County, Minnesota, lying westerly of the east 675.00 feet thereof, EXCEPT the west 322.00 feet of said Government Lot 4, lying southerly of the north 338.00 feet thereof.
Subject to easements, restrictions and reservations of record.

NOTES:

1. Zoning for subject tract - "Rural Residential".
2. Parcel ID of subject parcel: 20020524.
3. The property address of subject parcel: 4491 County Road 16.
4. There are no bluffs or wet lands within surveyed property.

1 2 1	CERTIFICATE OF SURVEY		PROJECT MANAGER CJH	PROJECT NO. 1828	DATE 4-18-2018	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 DULY LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA. C. J. H. [Signature] DATE: 4/18/19 LIC. NO. 44881		30204 Rancocas Road Suite 1 P. O. Box 874 Pequot Lakes, MN 56472 218-568-4940 www.stancourtsurvey.com
	Kevin O'Hann 4491 County Road 16 Pequot Lakes, MN 56472		CHECKED BY CJH	FILE NAME CY1808.dwg	SCALE HORIZ. 1"=80'	DATE	DESCRIPTION			
			DRAWN BY RJF	FIELD BOOK	VERT. NONE					

Kevin

APP #	<u>19-27</u>
SF #	_____
Date	<u>4-19-19</u>
DWSMA	_____

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

Name of Applicant Kevin O'Hern Phone 218 831 0970
 Mailing Address 4491 County Road 16 Email Kevin12973@hotmail.co
 City, State, Zip Pequot Lakes, MN 56472

Applicant is:
 Legal Owner
 Contract Buyer
 Option Holder
 Agent
 Other Son in law

Title Holder of Property:
Gloria Atwater
 (Name)
- same -
 (Address)

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

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

Location of property involved in this request:
Part of Government lot 4, Section 2, T 136 N, R 29 W
29002 2204C 00009

Parcel ID No. 29020524 Zoning District RR

Nature of request (select only one):

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



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May 9, 2019

Kevin O'Hern
4491 County Road 16
Pequot Lakes, MN 56472

RE: Metes and Bounds Subdivision
PIN: 290022103CA0009

Dear Mr. O'Hern:

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 16, 2019 Planning Commission Agenda. The meeting begins at 6:00 p.m. at City Hall.

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