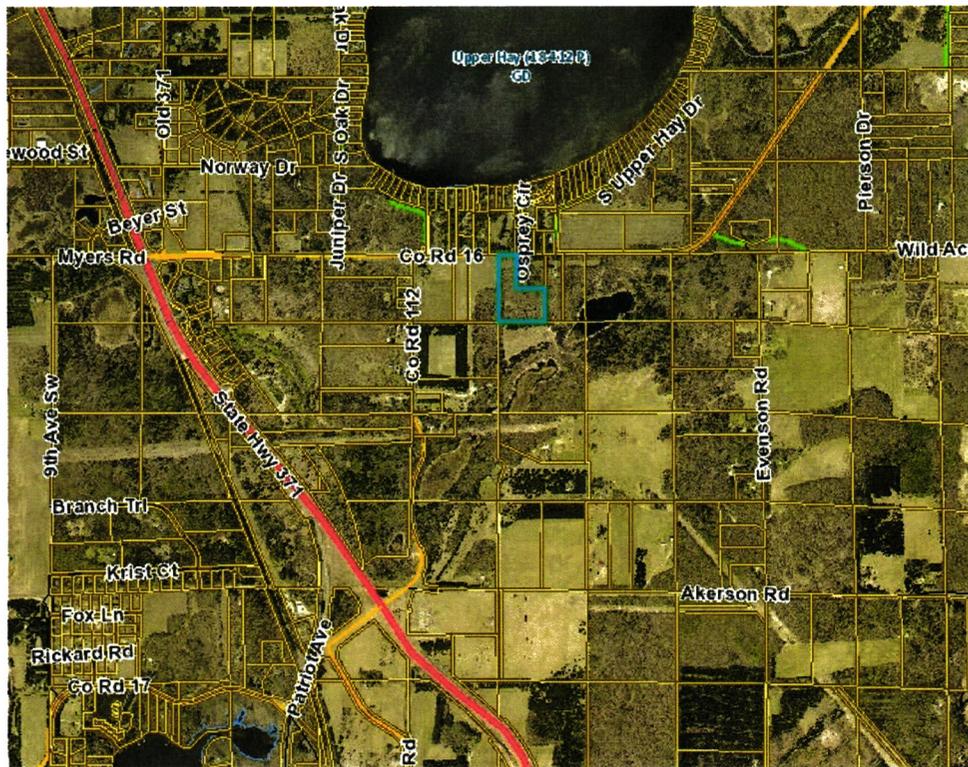


**STAFF REPORT**

**Application:** Metes and Bounds Subdivision  
**Applicants:** Adam Bitzer  
**Agenda Item:** 6 (c)

**Background Information:** The applicant is proposing to subdivide the property located at 4751 County Road 16 into two tracts. The subject property is zoned Rural Residential. The subject property is approximately 11.33 acres in size and is vacant. The subject property is mostly wooded.



The applicant proposes to subdivide the subject property into a 5.8 acre parcel (Tract A) and a 5.5 acre parcel (Tract B). Both proposed “Tract A and Tract B” are vacant and predominantly wooded.

Both proposed “Tract A and Tract B” contain sufficient area for a primary and alternate location for Subsurface Sewage Treatment Systems (SSTS). “Tract A and Tract B” also have 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 Forest Management. 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
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 Rural Residential.

2. The lot widths of the proposed parcels both meet the minimum standard of 500 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" are vacant.
5. The subject property is not adjacent to municipal water and wastewater utilities. Proposed "Tract A and Tract B" contain sufficient space for a primary and alternate SSTS location.
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.

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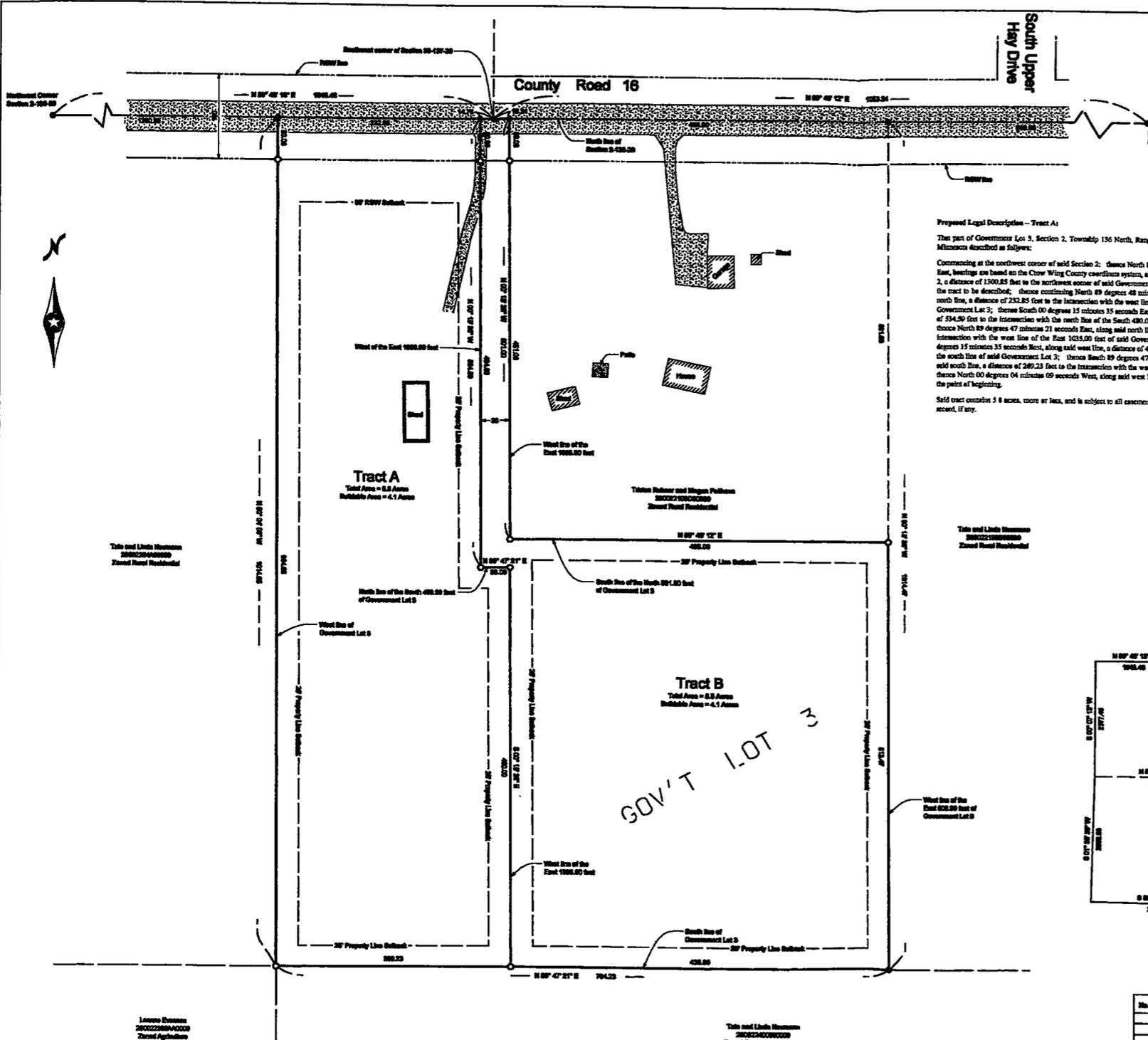
**Planning Commission Direction:** The Planning Commission can approve the metes and bounds subdivision, deny the metes and bounds subdivision, or table the request if additional information is needed. If the motion is for approval or denial, findings of fact should be cited.

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**Staff Recommendation:** The proposed parcels meet the minimum requirements of the Rural Residential Zone. Staff recommends the application be approved.

# Certificate of Survey

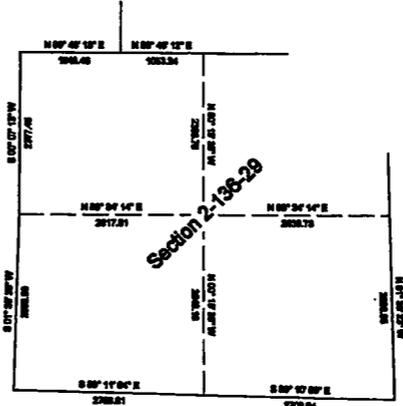
Part of Government Lot 3,  
Section 2, Township 136 North, Range 29 West,  
Crow Wing County, Minnesota.



**Proposed Legal Description - Tract A:**  
That part of Government Lot 3, Section 2, Township 136 North, Range 29 West, Crow Wing County, Minnesota described as follows:  
Commencing at the northwest corner of said Section 2; thence North 89 degrees 48 minutes 16 seconds East, bearings are based on the Crow Wing County coordinate system, along the north line of said Section 2, a distance of 1068.00 feet to the intersection with the west line of the East 1068.00 feet of said Government Lot 3, the point of beginning of the tract to be described; thence continuing North 89 degrees 48 minutes 16 seconds East, along said north line, a distance of 232.85 feet to the intersection with the west line of the East 1068.00 feet of said Government Lot 3; thence South 00 degrees 15 minutes 35 seconds East, along said west line, a distance of 534.50 feet to the intersection with the north line of the South 480.00 feet of said Government Lot 3; thence North 89 degrees 47 minutes 21 seconds East, along said north line, a distance of 33.00 feet to the intersection with the west line of the East 1025.00 feet of said Government Lot 3; thence South 00 degrees 15 minutes 35 seconds West, along said west line, a distance of 480.00 feet to the intersection with the south line of said Government Lot 3; thence South 89 degrees 47 minutes 21 seconds West, along said south line, a distance of 269.23 feet to the intersection with the west line of said Government Lot 3; thence North 00 degrees 04 minutes 09 seconds West, along said west line, a distance of 1014.65 feet to the point of beginning.  
Said tract contains 5.8 acres, more or less, and is subject to all easements, restrictions, or reservations of record, if any.

**Proposed Legal Description - Tract B:**  
That part of Government Lot 3, Section 2, Township 136 North, Range 29 West, Crow Wing County, Minnesota described as follows:  
Commencing at the northwest corner of said Section 2; thence North 89 degrees 48 minutes 16 seconds East, bearings are based on the Crow Wing County coordinate system, along the north line of said Section 2, a distance of 1539.70 feet to the intersection with the west line of the East 1068.00 feet of said Government Lot 3, the point of beginning of the tract to be described; thence South 00 degrees 15 minutes 35 seconds East, along said west line, a distance of 534.50 feet to the intersection with the north line of the South 480.00 feet of said Government Lot 3; thence North 89 degrees 47 minutes 21 seconds East, along said north line, a distance of 33.00 feet to the intersection with the west line of the East 1025.00 feet of said Government Lot 3; thence South 00 degrees 15 minutes 35 seconds West, along said west line, a distance of 480.00 feet to the intersection with the south line of said Government Lot 3; thence South 89 degrees 47 minutes 21 seconds West, along said south line, a distance of 269.23 feet to the intersection with the west line of said Government Lot 3; thence North 00 degrees 04 minutes 09 seconds West, along said west line, a distance of 1014.65 feet to the point of beginning.  
Said tract contains 5.5 acres, more or less, and is subject to all easements, restrictions, or reservations of record, if any.

**Surveyors Notes**  
The property address for the subject property is:  
*Not Declared*  
The Parcel Number for the subject property is 29022109CA0009  
The current zoning classification for the subject property is Rural Residential.  
This survey was completed without the benefit of a title commitment or title opinion, there may be encumbrances or other factoring factors that affect the subject property that are not shown on this survey.



- DIAMETER: FOUNDED IRON MONUMENT
  - DIAMETER: SET IRON PIPE WITH CAP STAMPED "JANUARY 2000"
- Calculation of this bearing system is by the Crow Wing County coordinate system.



Client Name: Adam Bitzer

No.	Date	REVISIONS

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
DATE: 8-26-2019  
JAMES JOHNSON, REGISTERED SURVEYOR 2000



PROJECT NO. BITZA1901

Title and Land Insurance  
20022109CA0009  
Zoned Rural Residential

Title and Land Insurance  
20022109CA0009  
Zoned Rural Residential

License Expires  
2022-08-01-0000  
Zoned Agriculture

Title and Land Insurance  
20022109CA0009  
Zoned Forest Management

APP # 19-17  
SF # \_\_\_\_\_  
Date 3-25-19  
DWSMA \_\_\_\_\_

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

Name of Applicant Adam Bitzer Phone 218-851-5500 <sup>851-5502</sup>  
Mailing Address 31636 Green Seene Dr Email bitzerdock@gmail.com  
City, State, Zip Breezy Point, MN 56472

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

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

Signature of Owner, authorizing application:   
(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: 4751 CR 16 Pequot Lakes, MN

Parcel ID No. 29002 2103CA 0009 Zoning District RR

Nature of request (select only one):

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