



REPORT TO CITY COUNCIL

Report Prepared by: Traci Pederson

Date: June 3, 2024

Subject: Ordinance Amendment – Chapter 17, Permit# RZ 24-01 Rezone property from Forest Management to Commercial. PID: 29110540

A Recommendation has been made by the Planning Commission (PC).

Report:

- Please see the attached documentation provided over the last few months at PC Meetings.
- In looking at the May 20th PC Meeting Staff Findings, you'll note the reasons for approval and denial of the application.
- Rezone Application: PLAID LLC – Forest Management to Commercial, PID: 29110540
 - Public Hearing held at the Planning Commission March 25th meeting. After much discussion and public comments, the application was tabled. This was to give the developer more time to gather additional information and possibly create a revised rezoning plan.
 - With no new information for the public, the application remained tabled at the April 22nd Planning Commission meeting. The developer attended this PC meeting to have a general discussion with the PC on the rezone.
 - A continuation of the Public Hearing was held on May 20, 2024, at the Planning Commission meeting. At the conclusion of the Public Hearing, the **Planning Commission voted to recommend the City Council *approve* this rezoning application, which was done by roll call vote: 5-1.**

Council Action Requested:

Council to make a motion to approve or deny the Rezone request and application from Forest Management to Commercial.

If approving:

1. Motion approving Ordinance Amendment 24-02 to rezone PID 29110540 from Forest Management to Commercial.

(4/5 vote required)

2. Council motion approving summary publication of Ordinance Amendment 24-02 as presented.

(4/5 vote required)

COUNCIL REPORT

Application: Rezoning from Forest Management to Commercial

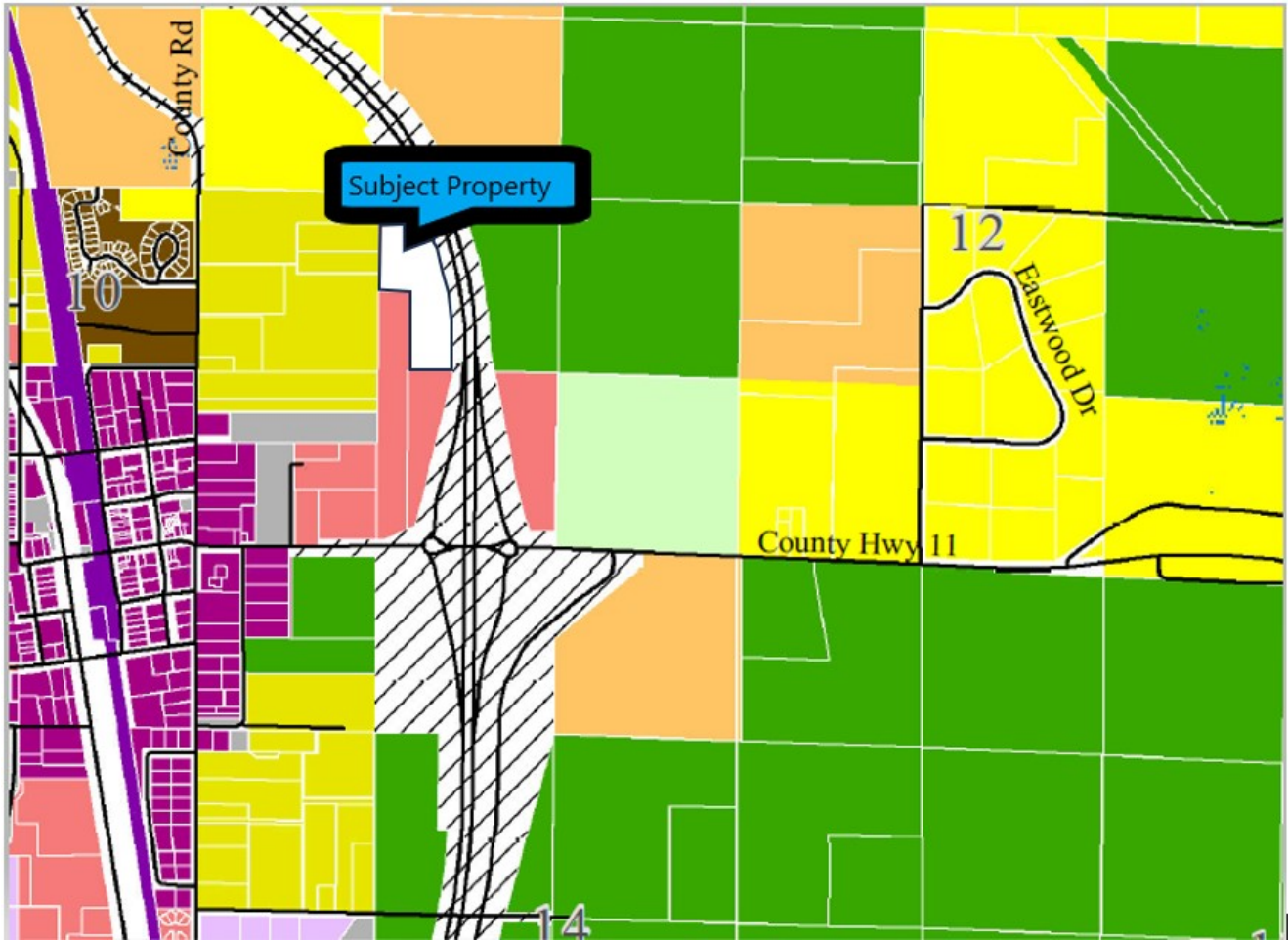
Applicant: Plaid, LLC

Agenda Item: 6.3A

Background Information: The applicant is proposing to rezone 11.09 acres from Forest Management to Commercial. The subject property is located directly North of the private residence located at 4762 Main Street. The property is currently undeveloped with no private or municipal utilities.



The property is adjacent to property zoned “Agriculture” to the North, “Forest Management” to the East, “Commercial” to the South, & a mix of “Commercial”, “Public”, & “Transition Residential” to the West:



- Patriot Development
- Open Space
- Water Resource
- Forest Management
- Agriculture
- Rural Residential
- Shoreline Residential
- Transition Residential
- Urban Residential
- Shoreline Commercial
- Shoreline Com and Open Space
- Commercial
- Downtown Mixed Use
- Light Industrial
- Recreation
- Public
- Paul Bunyan Trail

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	50%
Building height – feet, maximum	25
Flag Pole Height – feet, maximum	60
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 10%, not to exceed 60% of the property 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 17-5.4 FOREST MANAGEMENT (FM)

1. Purpose and Intent: To provide a zoning classification for sustainable management of forested areas, to establish and maintain timber resources, to protect the natural environment, to preserve undeveloped areas and to provide recreation opportunities. Development patterns are characterized as very low-density residential without municipal utility service and with only limited demand for accessibility. Forest Management zoning should be used to preserve rural character.
2. Compatibility: Forest Management zones would generally be compatible with and can be established adjacent to Agriculture, Rural Residential, Transition Residential, Commercial and Light Industrial zones. The zone may also be compatible with other zones in areas where forest stands exist.

3. Lot, Use and Density Requirements.

Lot Width - feet, minimum	300
Total Lot Area - acres, minimum	10
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.....	10%
Maximum Building Height - feet	25
Maximum Flag Pole Height – feet.	30
Maximum animal unit per acre.....	0.5

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

- A. Screening. Screening consisting of native trees and shrubs covering a minimum of 75 percent of the setback area (leaf on conditions) is required in the road setback and within 50 foot lake, river, stream, wetland, and bluff buffers in order to retain the scenic beauty and rural character as viewed from roads and lakes.

- B. Best Management Practices. The “Best Management Practices in Minnesota” for “Water Quality in Forest Management”, Minnesota Department of Natural Resources, shall hereby be adopted as the standard for timber management in forested areas.

- C. Management Plan. Cutting, including clearcutting, may be allowed only after the preparation and approval of a specific management plan for the

lands being managed for forestry purposes and subject to the following standards and criteria:

- (1) A specific written management plan shall be prepared by a professional forester and submitted for review and approval to the designated city official.
- (2) The management plan shall contain a description of the proposed cutting operation and a summary of how the operation will comply with the standards set forth in this section:
 - (a) How the proposed vegetation management plan will protect or enhance the scenic and aesthetic character of the shoreland.
 - (b) Description of the property, including both a legal description and a general description.
 - (c) The general description shall include a description of the location, size, topography, soils, and access to the vegetation management area.
 - (d) The name, address and phone number of the person or persons who will be in charge of the proposed vegetation management project.
 - (e) Additional information that may be required for proper review of the management plan.
- (3) The management plan shall be made available by the Zoning Administrator for review and, upon request, to the Minnesota Department of Natural Resources.

- D. Establishment of Primary Use. Garages and storage sheds may be permitted in the Forest Management 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.

Applicable Regulations: Section 17-5.1, Subdivision 7 outlines the criteria that should be considered when amending the official zoning map or establishing a zoning classification:

- A. Preservation of natural sensitive areas.
- B. Present ownership and development.
- C. Shoreland soil types and their engineering capabilities.
- D. Topographic characteristics.
- E. Vegetative cover.
- F. In-water physical characteristics.
- G. Recreational use of surface water.
- H. Road and service center accessibility.
- I. Socio-economic development needs of the public.
- J. Availability of public sewer and water utilities.
- K. The necessity to reserve and restore certain areas having significant historical or ecological value.
- L. Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties.
- M. Alternatives available for desired land use.
- N. Prevention of spot zoning.
- O. Conformance to the City of Pequot Lakes Comprehensive Plan.
- P. Conformance to the City of Pequot Lakes Future Land Use Map and any other official maps of the City.

Staff Findings: Staff provides the following findings of fact for consideration by the Planning Commission:

1. The applicant is proposing to rezone 11.09 acres from Forest Management to Commercial.
2. The subject property does not have an established address (PID 29110540).
3. The property does not have private utilities (well, septic).
4. The subject property is not serviced by municipal sewer or water utilities.
5. The subject property is not located in the Shoreland Area.
6. The vegetative cover of the subject property consists mainly of trees.
7. The subject property is not adjacent to a public water body so “in-water physical characteristics” and recreational use of surface water will not be impacted by rezoning the property.
8. The subject property is accessed via parcels to the South with a private residence (common ownership).
9. The proposed zoning classification does not increase the socio-economic development needs of the public.
10. The subject property does not contain any known significant historical or ecological value.
11. The property is adjacent to property zoned “Agriculture” to the North, “Forest Management” to the East, “Commercial” to the South, & a mix of “Commercial”, “Public”, & “Transition Residential” to the West. The request is not considered “spot zoning”.
12. Rezoning the property to “Commercial” classification is consistent with the intent of Economic Development within the City of Pequot Lakes by promoting a “local



economy that builds on Pequot Lakes; existing business community, attracts outside investment, encourages entrepreneurs, promotes the creation of diverse jobs and serves the consumer and service needs of Pequot Lakes' residents and the surrounding neighborhoods.”

- a. The current “Forest Management” zone has stalled advancements to the property for commercial use that could amplify the intent of the Economic Development section found in the Pequot Lakes Comprehensive Plan by commercial expansion of private property.

City Council Direction: The City Council can approve, deny, or table this rezoning request. Findings of fact should be cited if the recommendation is for approval or denial.

Planning Commission Recommendation: The Planning Commission recommends the rezoning request be approved based on the 12 findings of fact (above) with no conditions of approval.

Separate motions are required to adopt the attached ordinance amendment for the rezone and summary publication.

CITY OF PEQUOT LAKES
PLANNING COMMISSION
NOTICE OF PUBLIC HEARING - REZONE REQUEST
MONDAY, MARCH 25th, 2024
6:00 P.M.
AT
CITY HALL
4638 MAIN STREET

TO WHOM IT MAY CONCERN:

The following will be the subject of a public hearing on Monday, March 25th, 2024, beginning at 6:00 p.m.

Hearing: Rezone Application #RZ 24-01 to rezone approximately 11.09 acres from “Forest Management” to “Commercial.”

Property Owner/Applicant: Plaid LLC

Property Description: The subject property is located North of 4762 Main Street (see reverse side of this notice) and described as: NE1/4 OF SW1/4 SEC. 11, EX. PART TO TOTEMPRODUCTS. EXC THAT PART OF E1/2SW1/4, SHOWN AS PARCEL 12 ON MN DEPARTMENT OF TRANS ROW PLAST NUMBERED 18-113, AND 18-114 AS THE SAME ARE ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER IN AND FOR CWC, MN EXC THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 136, RANGE 29, CROW WING COUNTY, MINNESOTA LYING EASTERLY OF PARCEL 12, MINESOTA DEPARTMENT OF TRANSPORTATION PLATS NO. 18-113 AND NO. 18-114. SEC 11 TWP 136 RGE 29 PIN: 29110540.

Purpose: The request is to rezone 11.09 acres from “Forest Management” to “Commercial.” All interested persons are invited to attend this hearing and be heard or send written comments to City Hall. Copies of the application, maps, drawings and staff report are available at City Hall and on-line at www.pequotlakes-mn.gov one week prior to the hearing date.

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.

Traci Pederson
Zoning Administrator
City of Pequot Lakes

“This institution is an equal opportunity provider and employer.”

The subject property is located North of 4762 Main Street, Pequot Lakes MN:



CROW WING COUNTY
LAND SERVICES
322 LAUREL ST STE 15
BRAINERD MN 56401

GREER, CHARLOTTE A REV TRUST
4611 PATRIOT PL
PEQUOT LAKES, MN 56472

GREER, CHRISTOPHER T & BRENDA L
31336 RASMUSSEN RD
PEQUOT LAKES MN 56472

GREGORY, JOEL D & TERESA K
31274 RASMUSSEN RD
PEQUOT LAKES, MN 56472

HEMMERICH, EARL & JEANNINE
PO BOX 385
NISSWA, MN 56468

KENNEDY, DAVID T & CHRISTINE M
29064 VOYAGERS PASS
PEQUOT LAKES MN 56472

KLINE, ROGER J & PATRICIA L
2288 28TH AVE SW
PINE RIVER MN 56474

PLAID LLC
18315 MINNETONKA BLVD # 140
WAYZATA MN 55391

URSETH, LISA M
4631 PATRIOT PL
PEQUOT LAKES, MN 56472



* V2002 \$400 + \$46 recording fee to CWC V2003
pd 2.20.24 Redesign

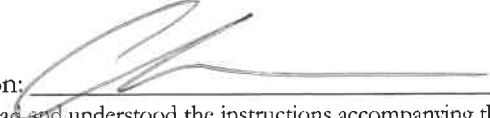
APP #	RZ 24-01
SF #	
Date	2.20.2024
DWSMA	

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

Name of Applicant PLAZO L.L.C. Phone 218-330-3093
Mailing Address 18315 MINNETONKA BLVD Email CHAN JOHNSON 1973@YAHOO.COM
STP140
City, State, Zip WAYZATA MN 55391

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

Title Holder of Property:
PLAZO L.L.C.
(Name)
18315 MINNETONKA BLVD.
(Address) WAYZATA MN 55391

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: Rezone from Forest Management
TO Commercial

Parcel ID No. 29110540 Zoning District Commercial

- Nature of request (select only one):
- Preliminary Plat
 - Final Plat
 - Metes and Bounds
 - Rezoning

*** Please see the attached Checklist on Page 4.

**CITY OF PEQUOT LAKES
CROW WING COUNTY, MINNESOTA**

ORDINANCE NO. #24-02

**AN ORDINANCE AMENDING CHAPTER 17 OF THE
PEQUOT LAKES CITY CODE, THE CITY'S ZONING ORDINANCE,
BY REZONING CERTAIN PROPERTY**

THE CITY COUNCIL OF THE CITY OF PEQUOT LAKES ORDAINS:

Section 1. Chapter 17 of the Pequot Lakes City Code, the City's zoning ordinance, is hereby amended by rezoning the property located at at PID 29110540 - see Exhibit A for legal description- from Forest Management (FM) to Commercial (C).

Section 2. The zoning map of the City of Pequot Lakes shall not be republished to show the aforesaid zoning, but the Clerk shall appropriately mark the zoning map on file in the Clerk's Office for the purpose of indicating the rezoning hereinabove provided for in this ordinance, and all of the notations, references, and other information shown thereon are hereby incorporated by reference and made a part of this ordinance.

Section 3. This ordinance shall be effective immediately upon its passage and publication.

PASSED AND ADOPTED this ____ day of _____, 2024 by the City Council of the City of Pequot Lakes, Minnesota.

Angie Duus, City Administrator

Tyler Gardner, Mayor

(Published in the *Echo Journal* on _____)

EXHIBIT A

PROPERTY DESCRIPTION:

NE1/4 OF SW1/4 SEC. 11, EX. PART TO TOTEMPRODUCTS. EXC THAT PART OF E1/2SW1/4, SHOWN AS PARCEL 12 ON MN DEPARTMENT OF TRANS ROW PLAST NUMBERED 18-113, AND 18-114 AS THE SAME ARE ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER IN AND FOR CWC, MN EXC THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 136, RANGE 29, CROW WING COUNTY, MINNESOTA LYING EASTERLY OF PARCEL 12, MINNESOTA DEPARTMENT OF TRANSPORTATION PLATS NO. 18-113 AND NO. 18-114.

**ORDINANCE AMENDMENT SUMMARY
CITY OF PEQUOT LAKES**

On June 3rd, 2024 the City of Pequot Lakes adopted the following ordinance amendments:

Ordinance Number 24-02, an ordinance amending Chapter 17 of the Pequot Lakes City Code, the City's Zoning Ordinance, to rezone the property located at PIN 29110540 from "Forest Management" to "Commercial."

This notice is a summary of the ordinance amendments that were adopted by the City. A full copy of the amendments and the city code/zoning map are available at City Hall. These amendments go into effect upon publication.

City of Pequot Lakes
Angie Duus
City Administrator

DRAFT