

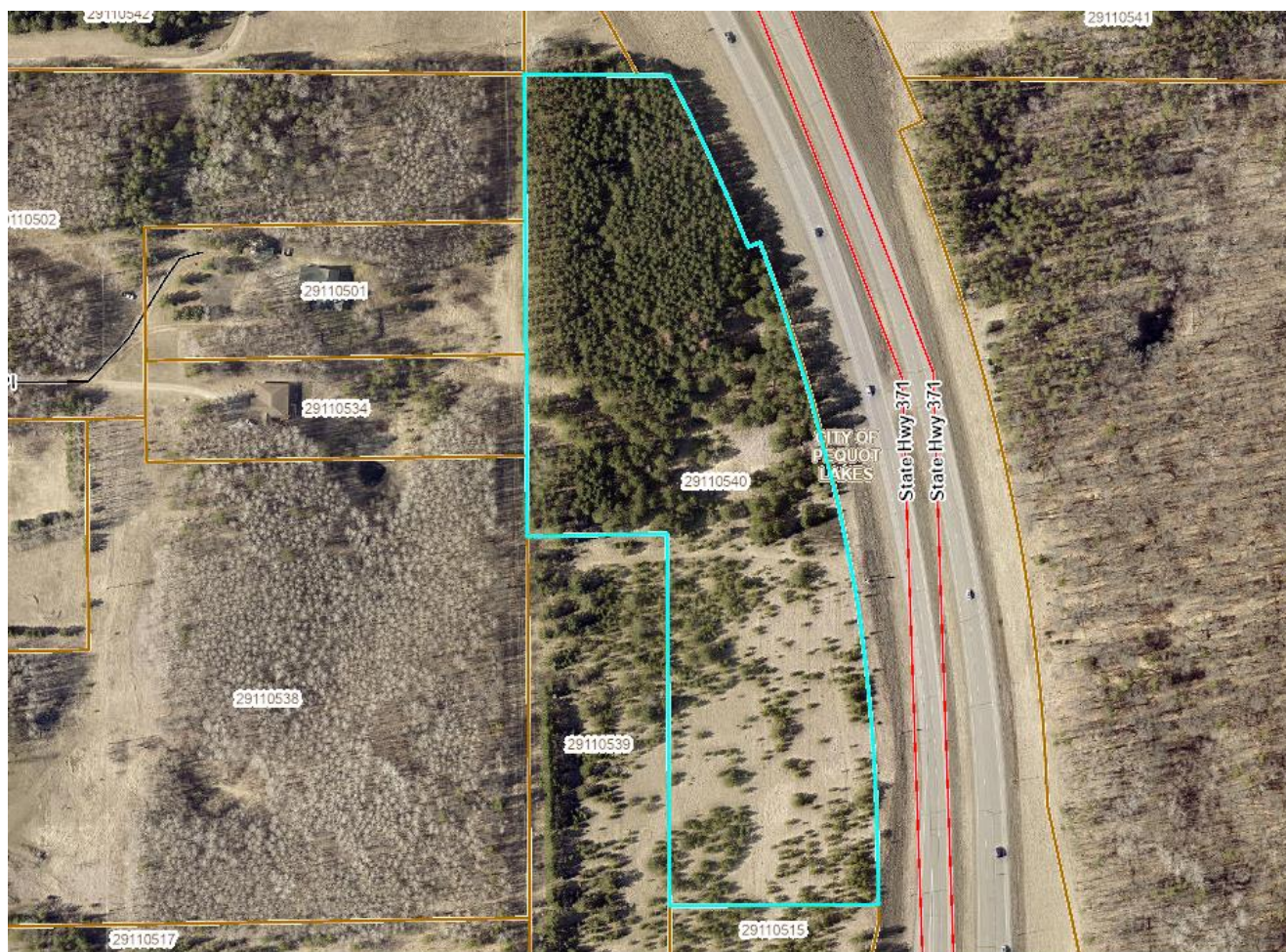
STAFF REPORT

Application: Rezoning from Forest Management to Commercial

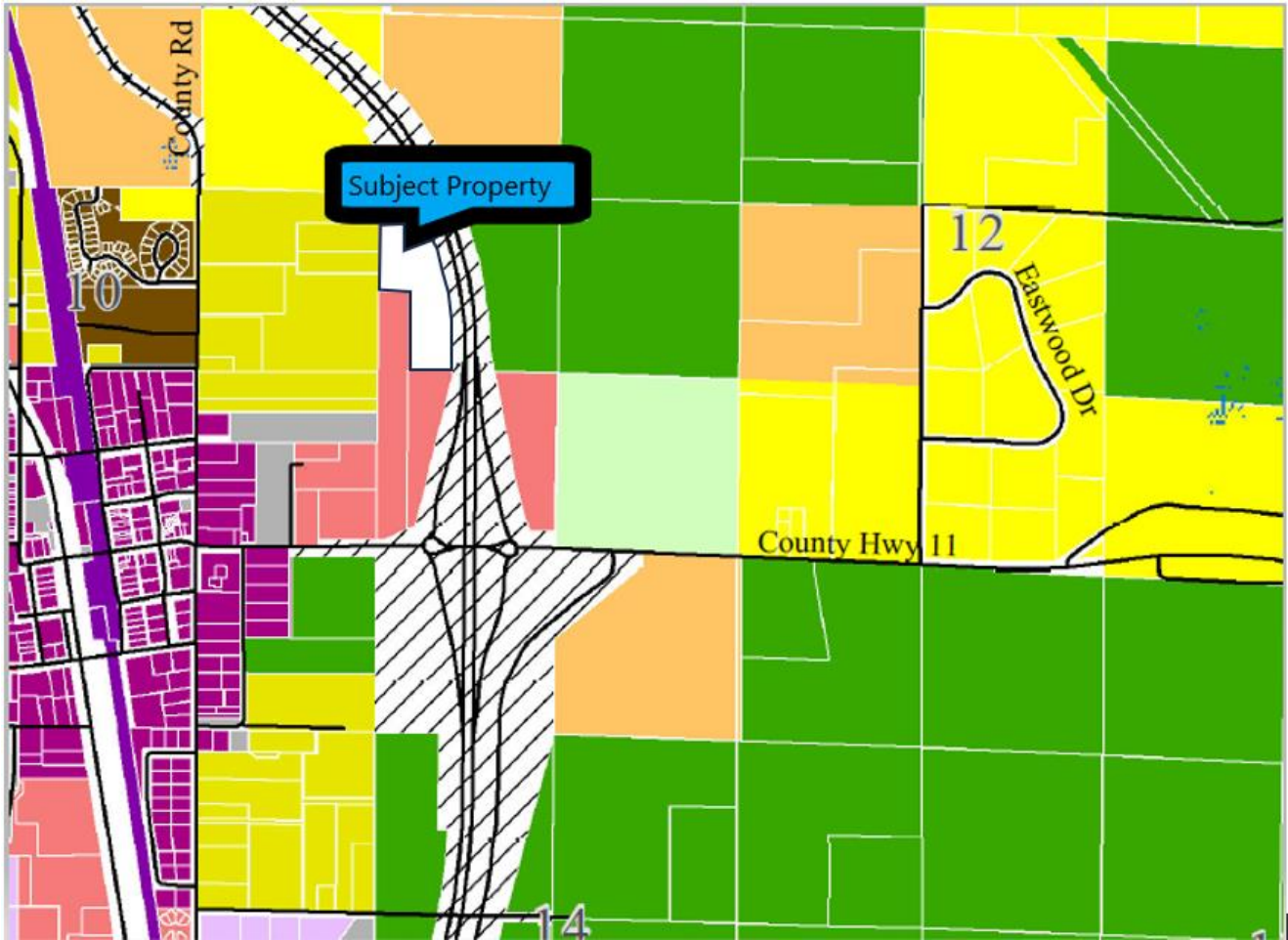
Applicant: Plaid, LLC

Agenda Item: 4.1

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”.

Suggested Findings for approval:

- 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.

Suggested Findings for denial:

- Rezoning the property to “Commercial” classification is not consistent with the Future Land Use Map, contained in the Comprehensive Plan.
 - a. The future land use map identifies the subject property as “Forest Preservation.”
- Rezoning the property to “Commercial” classification is not consistent with the intent of Economic Development within the City of Pequot Lakes, which states; “Growth is needed to avoid stagnation and the city needs to get a higher utilization on public investments by encouraging development within the existing infrastructure.”
 - a. The current “Forest Management” zoning has stalled advancements in infrastructure on the property as intended.
 - b. The lack of utilities/connection to city sewer does not encourage development within existing infrastructure, including land where utilities are connected or proposed to be connected.
- Rezoning the property to “Commercial” is not consistent with the Comprehensive Plan policy regarding “ensure that expansion of the City’s commercial zoning districts are tied to the cost-effective expansion of utilities”
 - a. Policy states “New commercial zones must be reserved for areas in the community that will immediately utilize the community’s existing investments in major infrastructure.”

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

Staff Recommendation: The subject property meets the minimum size and dimensional requirements of the “Commercial” Zone and it is adjacent to other property zoned “Commercial”, however the suggested findings for denial demonstrate merit for the continuity of the “Forest Management” zone on the parcel as intended by the Future Land Use Map. If the Planning Commission recommends approval, staff does not have any recommended conditions.