

STAFF REPORT

Application: Metes and Bounds Subdivision < 10 acres
Applicant: Tom Peterson
Agenda #: 5.b

Background Information: The applicant is proposing to subdivide “Tract A” from the subject parcel, PID 29270781, located at 28795 Peterson Path, Pequot Lakes MN. The full legal descriptions of the subject property are located on the Certificate of Survey, dated 4/16/25, provided within the application.

The subject property is approximately 5.53 acres and is zoned “Commercial”.

The proposed “Tract A” as shown on the Certificate of Survey is 1.6 acres, or 69,557 square feet.

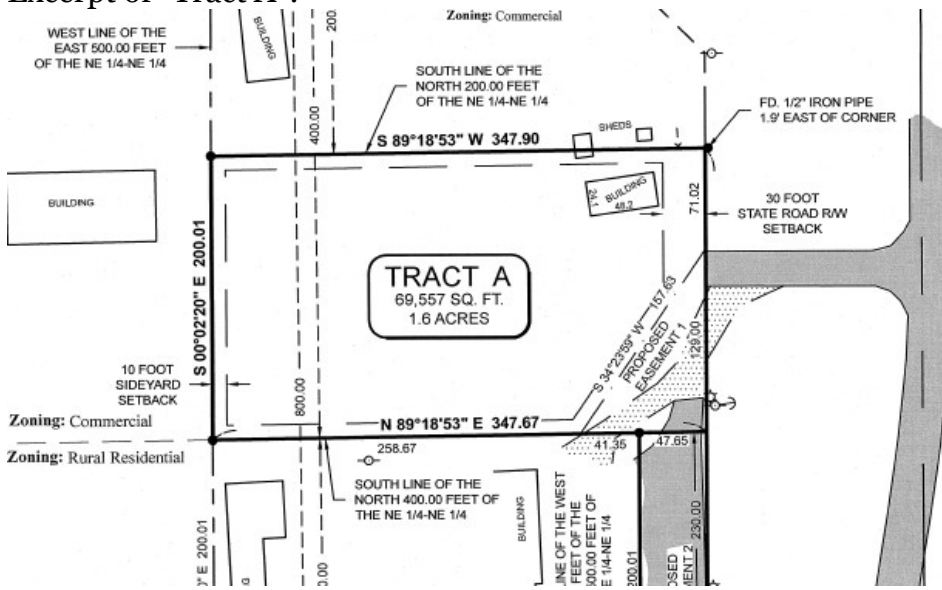
The proposed “Remnant Tract” as shown on the Certificate of Survey is 4.0 acres, or 174,135 square feet.

The proposed “Tract A” includes a proposed easement, and an existing building within the newly formed “building envelope” as shown on the Certificate of Survey.

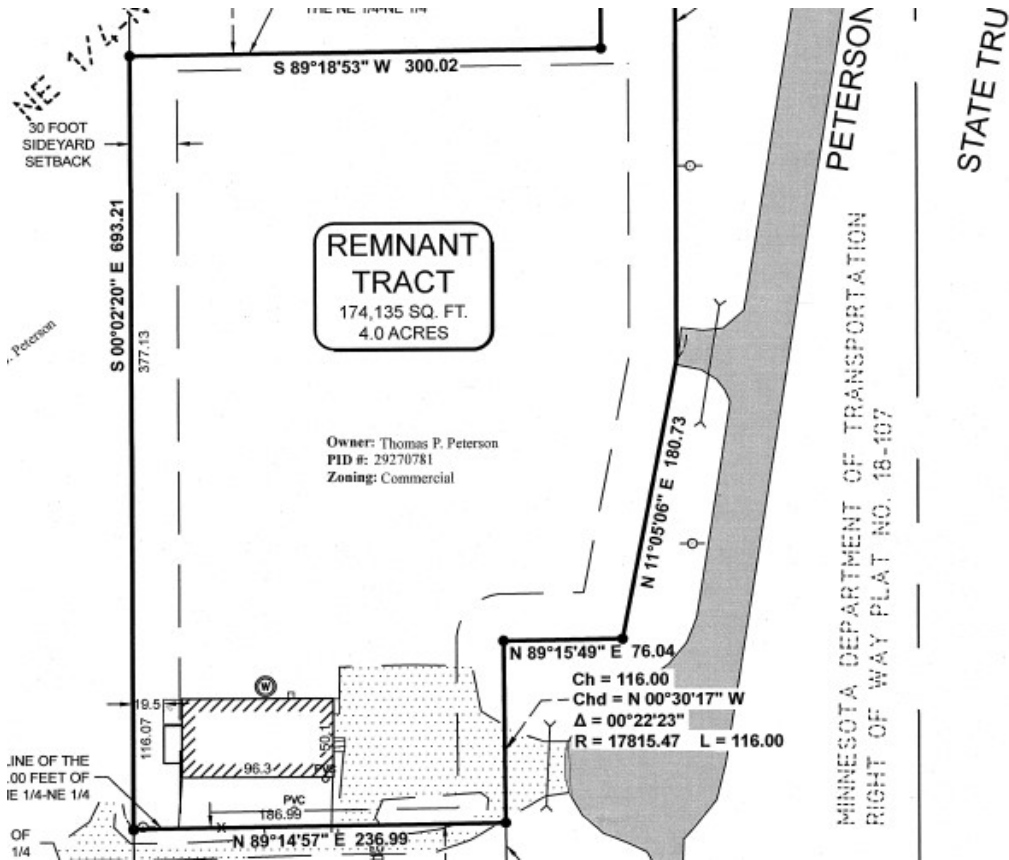
Subject Parcel from Crow Wing County GIS:



Excerpt of "Tract A":



Excerpt of "Remnant Tract":



Applicable Regulations:

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 17-9.2 PRELIMINARY PLAT, PRELIMINARY COMMON INTEREST COMMUNITY PLAT, PRELIMINARY CONDOMINIUM PLAT OR METES AND BOUNDS SUBDIVISION RESULTING IN AT LEAST ONE PARCEL LESS THAN 10 ACRES.

A Preliminary Plat, Preliminary Common Interest Community Plat, Preliminary Condominium Plat, or Metes and Bounds Subdivision resulting in at least one parcel less than 10 acres shall contain the following data: (except as waived in advance by the Planning Commission); along with other reasonable information required by the Commission needed to make a proper evaluation of the proposal:

1. Existing Conditions.
 - A. Boundary lines with lengths and bearings drawn to exact scale of no less than 1" = 100' taken from a boundary survey by a Licensed Land Surveyor with the legal description of the property, total acreage, name of the fee owner, developer and surveyor. North arrow and scale.
 - B. Topography consisting of 2-foot contour intervals, or, at the discretion of the Planning Commission during the sketch plan review, 10-foot contour intervals taken from USGS mapping with additional field determined spot elevations added to define drainageways, 100 year floodplains, wetlands, slopes and the Ordinary High Water Mark. Near shore aquatic conditions, including depths, types of bottom, sediments and aquatic vegetation.
 - C. Tree cover limits, specimen tree locations.
 - D. Soils as determined by hand borings on a random basis, to determine depth to ground water at lower elevations and suitability for sewage treatment systems. At least one boring for each unit unless waived by the Planning Commission.
 - E. Location of adjoining streets, wetlands, structures and property lines within 200-feet of subject parcel, including acreage of any property owned by the

developer not included in the preliminary plat.

- F. Significant historical sites.
- G. Significant wildlife habitat areas.
- H. Endangered, threatened, rare or critical species, both flora and fauna.
- I. Date of boundary survey, topography and proposed plat.
- J. Layout of existing streets, walkways, driveways, blocks, lots, and structures drawn to the same scale.
- K. Locations of existing wells and sewage treatment systems.
- L. Location by Section, Town, & Range with small scale sketch showing location within the city.
- M. The existing zoning classification and the zoning classification of adjacent parcels.

2. Proposed Design

- A. Layout of proposed streets, walkways, driveways, blocks, lots, buildings if known, drawn to same scale as existing data.
- B. Dimensions scaled to nearest 5 feet of all lot lines, street widths, easement widths and lakeshore lengths.
- C. Buildable areas of proposed lots.
- D. Structure setback lines from streets, lot lines and Ordinary High Water Mark and a designation of the buildable area on the parcel.
- E. Proposed Green Space with area shown.
- F. Proposed public dedication areas other than streets or walkways with the area shown.
- G. Proposed City sewer or water system connections and extensions existing and proposed with grades shown.
- H. Potential locations and estimated depth to water table for all proposed onsite sewage disposal systems,

two per lot.

- I. Information regarding adequacy of domestic water supply,
 - J. Proposed storm drainage system and erosion control, both during and after construction activities.
 - K. Proposed street standards and profiles.
 - L. Potential principal structure and accessory structure locations and elevations.
 - M. Extent of anticipated vegetation and topographic alterations.
 - N. Proposed covenants.
 - O. Name of subdivision and proposed street names, which shall not duplicate or be alike another plat previously recorded.
 - P. Stages of development proposed.
3. Evidence of Authority to subdivide the parcel consisting of fee ownership or written concurrence of fee owners.
4. Cost/Benefit Analysis. An analysis of the ongoing cost to the City to provide services and maintenance to the development shall be prepared. This cost shall be compared to the estimated increased valuation of the property and the corresponding tax revenue. The development shall not be approved if public subsidy is required for ongoing services and maintenance.

Section 17-11.9 SUBDIVISIONS

- 1. Metes and Bounds Subdivision Approval, Subdivisions less than 10 acres in size or less than 500 feet in width.
 - A. Where appropriate, under the provisions of this Chapter, the subdivider shall submit documents containing the essential information of a proposed plat or plan and including dimensions computed to one hundredth (1/100th) of a foot and bearing computed to equivalent accuracy to the Planning Commission for approval.
 - B. The review of the Planning Commission need not include a public hearing.

- C. The subdivider shall submit 9 copies of his proposal to the Zoning Administrator 30 days prior to the normal Planning Commission meeting and pay the corresponding fee.
- D. The Zoning Administrator shall review the proposed lot split for compliance with the Zoning Chapter including a field review at his discretion.
- E. The Planning Commission shall decide on the subdivision within the required time based on the resulting lots complying with this Chapter, the feasibility of the resulting lots for their intended purpose, and the provision for access to adjacent properties. Conditions may be attached to an approval requiring appropriate improvements. No more than one (1) split into two (2) parcels shall be allowed in a three (3) year period of time.
- F. The decision of the Planning Commission may be appealed to the City Council.
- G. The resulting land descriptions shall be prepared and signed by a Licensed Land Surveyor and shall comply with all provisions of this Chapter.
- H. Failure of the subdivider to act after an approval of a Metes and Bounds subdivision within one (1) year shall void the approval unless extended by the Planning Commission. A second extension shall require a new review by the Planning Commission.

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

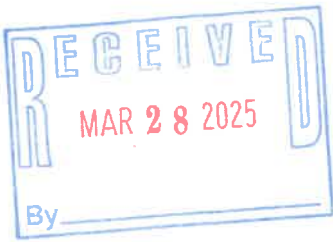
1. The metes and bounds subdivision request is to split “Tract A” from the subject parcel, PID 29270781, located at 28795 Peterson Path, Pequot Lakes, Section 27, Township 136, Range 29.
2. The subject parcel is owned by Thomas P. Peterson, who is the applicant for this Metes & Bounds subdivision.
3. The subject property is approximately 5.53 acres and is zoned “Commercial”.
4. Proposed “Tract A” is shown on the Certificate of Survey as 1.6 acres, or 69,557 square feet.
5. Proposed “Remnant Tract” is shown on the Certificate of Survey as 4.0 acres, or 174,135 square feet.

6. The subject parcel is accessed via Peterson Path.
7. Proposed “Tract A” contains a proposed easement along the Eastern side of the parcel for access off Peterson Path.
8. Proposed “Remnant Tract” contains a proposed easement along the North Eastern side of the parcel for access off Peterson Path.
9. Proposed “Tract A” contains an existing building within the building envelope of the proposed parcel as shown on the Certificate of Survey.
10. Proposed “Remnant Tract” contains an existing building within the building envelope of the proposed parcel as shown on the Certificate of Survey.
11. The lot widths of the proposed parcels meet the minimum requirements of the Commercial zone.
12. The proposed lot configuration meets the minimum buildable area requirements of the Commercial zone.
13. 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.
14. The applicant is not proposing any provisions for water-based recreation.
15. The proposed lot layout meets the requirements of the ordinance.
16. Each of the proposed parcels have proposed dedicated easement and access to their parcels as described on the Certificate of Survey & existing recorded documents denoted on the Certificate of Survey.
17. The subject property meets the requirements of the code for stormwater management.
18. There are no public streets proposed within the development.
19. The Certificate of Survey provided with the Metes and Bounds subdivision application was prepared by Cynthia M. Hidde, PLS#44881 of Stonemark Land Surveying, Inc and was submitted to the City on 4/16/2025.
20. This subdivision request is consistent with the Comprehensive Plan for the City of Pequot Lakes, specifically on page 15 which states the intended goal of “streamline the regulatory process to provide business owners with flexibility while ensur[ing] new enterprises build on the community’s assets and enhance its brand”.

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 Commercial Zone. Staff recommends the application be approved with the following condition:

- 1) Any further subdivision of the subject parcel shall abide by the regulations outlined in Chapter 17, Section 11.9 subpart 5. A Boundary Line Adjustment application shall only be accepted by the City of Pequot Lakes following the successful recording of the approved Metes and Bounds subdivision.



\$300⁰⁰
+ CMC fee

APP # MB 25-01
SF # _____
Date * to PC on 4/28/2025
DWSMA _____
for ~~any~~ review.

CITY OF PEQUOT LAKES
SUBDIVISION/REZONING APPLICATION

Name of Applicant Thomas Peterson Phone 651-639-0980
Mailing Address 2895 Peterson Path Email tom.peterson.072@gmail.com
City, State, Zip Pequot Lakes MN 56472

Applicant is: Title Holder of Property:
Legal Owner _____
Contract Buyer (Name)
Option Holder _____
Agent (Address)
Other _____

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:
2895 Peterson Path

Parcel ID No. 29270781 Zoning District Commercial
~~00000000~~

Nature of request (select only one):

- Preliminary Plat ()
- Final Plat ()
- Metes and Bounds (X)
- Rezoning ()

