

TO: Planning Commission
FROM: Peter Gansen, Planning & Zoning Administrator
RE: Staff Report for Preliminary Plat S-24-02
DATE: June 11, 2024 Regular Meeting



Subdivision Application S-24-002

Applicant: Greg Haglin

Property Address: No current address

Legal Description: THAT PART OF GOVERNMENT LOT 2, SECTION 1, TOWNSHIP 136, RANGE 28,

Parcel ID: 10010542 & 10010543

Zoned: WR Wooded Residential

- Applicant has filed the appropriate application for Preliminary Plat.
- Applicant has paid the appropriate fee for the application.
- Public notice of the Hearing was published in the legal newspaper and all property owners within 350' were mailed a notice of hearing.
- Public notice was given to the DNR via email.

Subdivision Request:

- To subdivide two lots of record into a 7 lot Preliminary Plat for rural residential development.

Summary of the property

THAT PART OF GOVERNMENT LOT 2, SECTION 1, TOWNSHIP 136, RANGE 28, is located in the north east corner of the City limits on the south side of Fawn Lake Road.

The property is un-platted rural land.

The zoning classification for the property is Wood Residential. This zoning classification requires 5 acre minimum lot size and residential development is an allowed use. The subject property also falls within the shoreland overlay district due to its proximity, 1,000 ft of the public waters of Fawn lake. Wooded Residential is a low density zoning classification and residential development of this zoning class is supported in comprehensive land management plan.

The applicant and surveyor met with the Zoning Administrator per the subdivision ordinance required pre application meeting to present their plans.

The applicant's concept plan is to develop the property into 6 lots that are roughly 5 acres or more in size and 1 tract that is roughly larger than 26 acres in size.

The site consists of variable topographic features including a large wetland and steep slopes. The lots proposed meet the required SSTS areas for onsite septic systems and exceed the required minimum buildable areas/site suitability and areas meeting setbacks for residential or seasonal dwellings.

The DNR has been notified as the project site lies within the shoreland zoning overlay and the City has received no comment from the agency at this time.

The City also noticed Crow Wing County as the proposed development is accessed from a County Road, Fawn Lake Road.

The County Engineering office has worked with applicant to develop a suitable access plan for the proposed lots.

Lots 1 and 2 will share access points; lots 3 and 4 will also share access points; lots 6 and 7 will also share access points off Fawn Lake Road. Lot 5 will have its own access point for Fawn Lake Road with a driveway location to be determined in the future.

The reason why, is to consolidate the access points on this area of the road due to public safety and traffic site lines which were concerns brought forth from the County Engineering department during the pre-application meeting.

Also per chapter 152 park dedication fee is required per the following.

If it is determined that parkland in a subdivision is not warranted the city shall require a payment, in lieu of land dedication, of a sum equal to 10% of the fair market value of the land to be subdivided or a combination of land and payment equal to 10% of the fair market value of the land to be subdivided, all determined at the time of final plat approval by the City Council.

The site topography, access and lot configuration appear to be suitable for the proposed use and is consistent with the comprehensive land use plan, which encourages residential development in areas within this zoning classification.

The property is zoned R-4 and the request is an allowed use with a conditional use permit under the Land Use Categories Chart Section §153.044.

Findings

The Planning Commission shall consider the following in its decision and make written findings concerning the proposed preliminary plat, preliminary condominium or CIC plat subdivision:

(a) Whether the property is properly zoned;

Yes the property is zoned Wooded Residential which allows 5 acre lots.

(b) Whether the proposal conforms to the requirements of the Zoning Ordinance;

Yes, the Ordinance allows 5 acre lots in this zoning classification.

(c) Whether the proposal conforms to the requirements and design standards of this chapter; and

Rural residential development conforms to chapter 153.

(d) Whether the concerns of affected agencies have been addressed.

Yes both MN DNR and Crow Wing County have been noticed. The driveways have been adjusted per the County's Engineers Office request and the DNR had no comment.

(e) Whether the proposed development is consistent with the Comprehensive Land Use Plan and related components.

Yes, rural residential development is consistent with Comp Plan, the lots are larger than the adjacent properties.

(f) Whether the physical characteristics of the site, including but not limited to topography, erosion and flooding potential, and soil limitations, are suitable for the type of development or use contemplated.

The project proposer has identified all of the above through the preliminary plat see file for topo, wetland, steep slopes, sewer areas and proposed building areas.

(g) Whether the proposed development will not create a negative fiscal or environmental impact upon the city.

No negative fiscal or environmental impact upon the City has been noted.

(h) Whether the city will face undue financial hardship due to the development in question.

No undue financial hardship has been documented.

(i) Whether the subdivision will inhibit the orderly growth of the surrounding areas or the city as a whole.

Yes, see findings A-F

(9) The Planning Commission may consider additional standards and requirements necessary to protect the best interest of the surrounding area and the city as a whole, including but not limited to the following:

- (a) Whether streets and driveways within the preliminary plat, preliminary condominium or CIC plat are designed to provide good access and efficient use of the property;

Yes, see comments for Crow Wing County.

- (b) Whether the design of the preliminary plant, preliminary condominium or CIC plat (e.g., road location, lot placement, buffers and/or green space) is compatible and not injurious to the use and enjoyment of other property in the surrounding area; and

Yes, see findings A-F.

- (c) Whether vehicular approaches to the property are designed so as not to create traffic congestion or interference on surrounding public highways.

Yes, the driveway approaches were consolidated to minimize vehicular approaches in this area per Crow Wing County's request.

(10) Subdivision by plat, condominium or "CIC" preliminary plat shall be recommended for approval by the Planning Commission and approved by the City Council. The final plat shall also require a recommendation by the Planning Commission and an approval by the City Council.

(11) Failure of the subdivider to file a final plat within one year of approval of the preliminary plat shall result in the preliminary plat approval being void, unless extended for one year by resolution of the City Council prior to the expiration of the one year time frame.

(12) A preliminary plat that contains multiple phases and has a final plat platted for a portion of the property shall have up to two (2) years from the date of the plat approval to Final Plat each subsequent phased portion of the approved Preliminary Plat. Prior to the expiration of the deadline, the City Council, at its option, may extend the approval for up to an additional two (2) years. The extension request shall be in writing specifically designating the expiration date. Only one (1) extension may be granted per phase of the development. Upon expiration of the deadline or extension thereof the subdivider will be required to renew the Preliminary Plat process.

Staff has reviewed the following:

- Site Plan
- Preliminary Plat Application

The following are recommended conditions.

- 1) The applicant must consolidate the driveway access points as presented in this application.**
- 2) Submit required park dedication fees prior final plat approval.**