

**Application Date:** October 22, 2015  
**Owners/ Agents:** Beach Club LLC (Owner)

**Contact Information:**

Agent: Stonemark Land Surveying  
PO Box 874  
Pequot Lakes, MN 56472  
218-568-4940

**Property Identification:**

9828 Birch Bay Dr SW  
PID: 14-362-0148

**Property Description:**

Section 5, Twp 134, Rg 29  
Quarterdeck Resort

**Variance/ CUP Requested:**

Application for the grading and excavation of more than 250 cubic yards of earthen material. The project includes lowering and existing berm along the lakeside of the lodge in order to provide additional windows to provide more natural light to the lower level (8,700 cu yds); construction of a walkway/ wheel chair access from the upper level parking area to lakeside (1,650 cu yd); and excavation of a walk-out area for the recently constructed model residential unit (3,900 cu yd). A CUP is required for the movement of more than 250 cubic yards of fill material within the shoreland area which is that area within ¼ mile of public waters.

**SITE VISIT AND NOTES:**

**Site Visit Date:** 11/03/2015

**In attendance:** Dechmann, Richmond, Fitterer, Yoho; Later: LaPorte

The resort has been sold again and will be reverting to the original CUP to construct individual rental buildings. This CUP pertains to the existing villa building. The primary reasoning behind this request is to create a more open, inviting dining area in the lower level of the building by adding (almost) floor to ceiling windows and a bar area that can be open to the elements when the weather allows. The FV Planning Commission members had no objection to the request and felt it was for the betterment of the property.

**FAIRVIEW TOWNSHIP PLANNING COMMISSION TO CASS COUNTY PB/BOA:**

**November 4, 2015**

Re: Beach Club LLC/ Quarterdeck CUP Application

Dear Mr. Fairbanks;

Members of the Fairview Township Planning Commission had an opportunity to inspect the Quarterdeck Resort property and review the Beach Club LLC's plans for its' future.

The Commission is in agreement that the requested excavation for the lakeside dining area (WORK A) and the handicapped access ramp (WORK B) is reasonable and makes sense. Expanding the lake view

will enhance the atmosphere of the proposed bar area and restaurant.

The proposed excavation below the existing villa to allow for safety egress and livability (WORK C) is a reasonable request, especially since it would be completed in conjunction with the adjacent terracing and landscaping.

The Fairview Planning Commission recommends the approval of the CUP application as proposed.

**Date Sent to Paul Fairbanks: 11/4/2015**

**CASS COUNTY FINDINGS OF FACT:**

Beach Club LLC, Fairview Township on property described as Lot 24, Block 1, "Quarterdeck Resort", Section 5-134-29, PID # 14-362-0148 located at 9828 Birch Bay Drive SW. An application submitted for the grading and excavation of more than 250 cubic yards of earthen material. The project includes Sub-Project d (A) lowering an existing berm along the lakeside of the lodge in order to provide additional windows to provide more natural light to the lower level, 8,700 cy, Sub-Project (B) construction of a walkway/wheel chair access from the upper level parking area to lakeside, 1,650 cy, and Sub-Project (C) excavation of a walk-out area for the recently constructed model residential unit, 3,900 cy. The pertinent sections of the Land Use Ordinance (02/15/13) include Section 705 which establishes the conditional use permit (CUP) review criteria and process and Section 1106.2 4 which requires a conditional use permit (CUP) for the movement of more 250 cubic yards of fill material within the shoreland area which is that area within  $\frac{1}{4}$  mile of public waters. The property contains 6 acres riparian to Gull Lake (GD) PC members were at the site 11/03/15. 98 notices of the application were mailed. Three responses, including that of Fairview Township, all endorsing approval of the application were received. The application was reviewed and discussed with Beach Club LLC representative Mr. Klohn.

MS/P LaPorte/Pehling to approve the application for grading and filling at PID #14-362-0148, Beach Club LLC based upon review of the criteria contained in Sections 705 and 1106.2 of the Land Use Ordinance (02/15/13) along with M.S. 394.301 with the following findings and conditions:

**Findings:**

1. Support of the resort industry through reasonable and prudent land use regulation is a priority and policy of the Cass County Board of Commissioners.
2. No objections have been received from any persons or governmental entities notified of the application.
3. There is no information or evidence to conclude that approval will cause adverse effects to adjoining property.
4. Approval will have no impact to the demand for governmental services.
5. Existing roadways will be utilized with no need to expand exiting public infrastructure.
6. No wetland or critical habitat will be disturbed.
7. No scenic or historic features will be affected.
8. No threat to public health, safety and welfare can be expected.

9. The area to be excavated does not reach the mandatory EAW threshold.
10. With proper erosion control and landscaping, there is no reason to expect that the excavation will affect surface water or ground water quality.

**Conditions:**

1. No excavation shall be begin prior to an on-site inspection and approval of in-place erosion control means such as silt fence, bale checks, fiber blankets and related activity and methods.
2. The grading plans and elevations dated 10/22/15 are adopted for implementation.
3. The preliminary landscaping plan dated 10/30/15 is adopted.
4. Supplemental plant detail for the landscaping plan shall be submitted to ESD for review and approval no later than 01/15/16.
5. An overall storm water management plan along with detail for Phases A, B and C shall be submitted to ESD for review and approval no later than 12/15/15.
6. The storm water plan must include detail for construction and post construction.
7. Financial assurance in the amount of \$5,000 shall be submitted to ESD prior to the commencement of each Phase A, B and C which will be reduced incrementally as determined by ESD as excavation, landscaping is concluded and vegetation is established.