

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
TELEPHONIC AT LAKE SHORE CITY HALL
MINUTES
JANUARY 11, 2021
9:00 AM**

Commission Members phoning in: Jim Woll, Arla Johnson, Glen Gustafson and Bob Toborg; Alternate Shawn Hansen; Council Liaison John Terwilliger; City Engineer Joe Dubel, City Zoning Administrator Teri Hastings and City Clerk Patti McDonald. Absent were Gene Hagen and alternate Pat Hastings. A quorum was present and the Commission was competent to conduct business. There was no one in the audience at City Hall.

Others present on the phone call: John Allen and Sean Harguth, Gull Lake Construction, Connie Gregoire.

City Planning and Zoning Administrator Teri Hastings was present at City Hall to coordinate the telephonic conference of the January 11, 2021 Lake Shore Board of Adjustment/Planning Commission. Practicing proper social distancing present at city hall were Teri Hastings, Jim Woll and Patti McDonald.

Jim Woll called the meeting to order at 9:00 a.m. Jim went over the rules to be followed for the telephonic meeting.

Election of Officers – Elections are the first meeting of the year.

ARLA JOHNSON NOMINATED JIM WOLL FOR THE CHAIR POSITION. GLEN GUSTAFSON SECONDED THE NOMINATION. ROLL CALL VOTE PASSED UNANIMOUSLY.

GLEN GUSTAFSON NOMINATED ARLA JOHNSON FOR THE VICE CHAIR. BOB TOBORG SECONDED THE MOTION. ROLL CALL VOTE PASSED UNANIMOUSLY.

Approval of the December 14, 2020 Regular Meeting Minutes – MOTION BY ARLA JOHNSON TO APPROVE THE MINUTES FOR THE DECEMBER 14, 2020 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. GLEN GUSTAFSON SECONDED THE MOTION. ROLL CALL VOTE PASSED.

PUBLIC HEARING –

Conditional Use Permit – John Allen – John Allen requested a conditional use permit to construct a 17,916 square foot structure meeting all setbacks and neighborhood commercial standards. The purpose of the structure is for private storage. The property is legally described as Lots 18-21, Block 12 Tingdale Brothers Sherwood Forest on Gull Lake. The property is zoned Neighborhood Commercial and the site address is 8449 Interlachen Road.

The following documents became part of the record – Notice of mailing, notice of publication, signed application and attachments and staff report. There were no letters received regarding this application.

John Allen gave a brief summary of his project and what he will store in the proposed building; it will hold his car collection.

Glen Gustafson asked Teri if the 'x' in the recommendation section of her staff report should indicate a number of parking spaces. Teri said this will change to a number if the Planning Commission desires specified parking. John Allen said that the site plan indicates there are 17 parking spaces.

Connie Gregoire, 8482 Interlachen Road, said that the address indicated on the letter she received is 8449 Interlachen Road and would like confirmation if the actual physical address is 8489 Interlachen Road; which is directly across from her property. She is concerned about the parking and traffic leaving the facility. John Allen said as for the zoning of this property he feels it will have far less traffic than a regular commercial business. He said it is for private use and may see increased use if he has a showing or a party at the site. Connie asked if this is commercial. John Allen said that the zoning is neighborhood commercial, but he is using it for personal use. Connie has been here for over 68 years and remembers when the property was a neighborhood store. John Allen said he intends to update the property with a soft touch.

Glen Gustafson asked about all the logs are remaining on the property. John Allen will ask his contractor to follow up as to why they remain. Sean Harguth said the subcontractor had a health issue and will make sure they are removed soon. John said he tried to leave the high-quality trees on the property.

Teri's staff report indicated the following: The applicant has submitted a conditional use permit request for the construction of a 17,916 square foot building for the purposes of displaying, warehousing and maintenance of antique cars and boats. The building will also have office space. The property previously had an existing dwelling and garage. The home, garage and septic system have been demolished and or removed in preparation for the new structure.

The property is zoned Neighborhood Commercial. The lot size for the Neighborhood Commercial District is 40,000 square feet with 20,000 square feet being buildable. This site has a land area of 58,056 square feet and it is all buildable contrary to the survey. The survey has deducted the land area within the setbacks as unbuildable which is incorrect. The zoning ordinance defines buildable area as any portion of the lot, parcel or site that does not contain floodplain, wetlands, areas in excess of 25% slope (bluffs).

In permitting new conditional use permits; the Planning Commission may impose, in addition; to the standards and requirements expressly specified by the ordinance, additional conditions that the Planning Commission considers necessary to protect the best interest of the surrounding area or the city as a whole. This may include the following:

- Increasing the required lot size or yard dimension.
- Limiting the height, size or location of buildings.
- Controlling the location and number of vehicle access points.
- Increasing the street width.
- Increasing or decreasing the number of required off-street parking spaces.
- Limiting the number, size, location or lighting of signs.
- Requiring berming, fencing screening, landscaping or other facilities to protect adjacent or nearby property.

The following should be met for the conditional use to be approved: the use must be appropriate for the zoning district (neighborhood commercial). The use with conditions would be compatible

with the city's Comprehensive Plan. The use with conditions would be compatible to neighborhood. The use would not be injurious to the public health, safety, welfare, decency, order and comfort, convenience, appearance or prosperity of the city. *The proposed building will have a rural feel and fit in with the community. The proposed use will not be intrusive to the adjacent residential properties to the rear.*

The proposed use would be consistent with the Comprehensive plan as this building would promote businesses and promote the attractiveness of Lake Shore.

In addition, the Planning Commission should consider the following:

- The Conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.
- The Conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
- The Conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- The Conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or indifference with traffic on surrounding public thoroughfares.
- Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
- Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.
- The Conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
- The Conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

The Neighborhood Commercial standards do not specify a number of parking spaces for this type of use (the Planning Commission will need to determine the number of spaces) In addition, the applicant will need to meet ADA (American with Disabilities Act) standards and provide handicapped parking. The applicant is proposing 17 spaces; the ordinance requires the parking space to be 10'x20'. There is also parking in the rear of the building (not included in the number of parking spaces). It appears this area will be screened with a fence. Clarification on the area to be fenced should be asked in addition to more detail on the type of fencing material.

The applicant is proposing overhead doors on all sides of the building. The ordinance states overhead doors shall be placed primarily in the rear and secondarily in the side yard. Based off the elevation drawings, the doors integrate with the building design and will have a nostalgic appearance-similar to an older fire station. The overhead doors should not interfere with parking or use of the adjacent property.

Currently the Neighborhood Commercial District allows 40% impervious surface. The amount of proposed impervious surface for this site plan is 40%. The plan does utilize pervious material to meet this requirement.

The applicant has submitted a landscape plan for the site. There are a few mature trees scattered around the perimeter of the property and those should be retained. The NC district requires 10% of the land to be seeded or sodded and landscaped with approved ground cover, shrubbery and trees. The plan does meet this requirement however, it would be helpful to have more information

on the type of trees to be planted. The applicant has proven with previous sites that the property will be landscaped in an aesthetically pleasing manner.

Trash handling equipment: The applicant should address how he will handle trash equipment.

Mechanical Equipment: Teri doesn't believe there should be out of the ordinary mechanical equipment for the building located outside. This should be verified and if necessary, a condition on type and location may be needed.

Exterior Lighting: The applicant should be prepared to discuss lighting for the exterior of the building. Due to the residential properties across the street, the lighting should be downcast and prevent glare. It does appear that the lighting on the building will be downcast. The plans do not indicate if there will be any other exterior lighting for the premises (parking area). This should be confirmed with the applicant.

Signage: The applicant has indicated there will not be signage as this structure is for personal use and not commercial use.

Architectural Appearance: The applicant has provided elevation drawings of the building. The applicant is proposing a building that would look similar to an older building with a reclaimed brick façade with 4" projections. The other three sides of the building will be more of a fabricated material. Overall, the building has a nostalgic look and should fit into the area.

A septic system site evaluation and design is required and has been submitted. There is an existing well on the property and will be utilized for the new structure. The septic design does meet separation distances from the well. In addition, the building will have flammable waste trap due to potential maintenance on the cars. Information has been submitted and included in the packet. The primary use of the building is storage and display of vintage vehicles and not maintenance but a good safeguard. These types of tanks are governed by the MPCA.

Outdoor Storage: The applicant should address if any outdoor storage is planned. It is assumed there may be storage within the fenced area in the rear of the property. The applicant should be asked to clarify this use.

Drainage/Grading. A drainage plan has been submitted along with a preliminary grading plan. Drainage areas are depicted in four areas of the property.

Access. The applicant is proposing two access points off of County 77 and one off of Robinhood Way. Currently there is one access point off of County 77; the applicant will need to seek approval from the Cass County Highway Department for an additional access point. Teri believes the access off of Robinhood Way is an adequate distance from the intersection of Robinhood Way and County 77 which the city engineer can confirm.

STAFF RECOMMENDATION:

Recommend approval of the conditional use permit provided the following are adequately addressed:

- Drainage plan submitted and approved by the city engineer.
- Outdoor storage and screening- clarification of the fenced area.

Proposed Conditions:

- Landscaping plan to be completed one year from the issuance of the permit and according to the plan submitted (or any modifications requested by the Planning Commission).

- X number of parking spaces as required by the Planning Commission.
- Lighting for the building should not create glare or generate beyond the property lines including the adjacent roadways. Lighting should be downcast lighting and dark sky compliant.
- The proposed building should be constructed out of the materials proposed.
- Outdoor storage shall be screened.

Rationale for the conditional use permit:

The use with the above conditions should not be injurious to the use and enjoyment of other property in the immediate vicinity. The use will not require public cost for public facilities and services. The property will have proper vehicle approaches which should not cause traffic congestion or hazardous conditions. The use will not result in the destruction of a natural or historical feature of the area but will enhance the rural character of the area.

Joe Dubel asked if the ADA parking could be shown and the number included on the site plan details. John Allen said as they work with the site, he will have more of an idea so he can add this number to the site plan.

MOTION BY GLEN GUSTAFSON TO APPROVE THE CONDITIONAL USE PERMIT OF JOHN ALLEN APPLICATION INCLUDING A DRAINAGE PLAN TO BE SUBMITTED AND APPROVED BY THE CITY ENGINEER. OUTDOOR STORAGE AND SCREENING-CLARIFICATION OF THE FENCED AREA FOR THE FINAL PLAN. PROPOSED CONDITIONS: LANDSCAPING PLAN TO BE COMPLETED ONE YEAR FROM THE ISSUANCE OF THE PERMIT AND ACCORDING TO THE PLAN SUBMITTED (OR ANY MODIFICATIONS REQUESTED BY THE PLANNING COMMISSION). SEVENTEEN PARKING SPACES SHOWN ON THE SITE PLAN. LIGHTING FOR THE BUILDING SHOULD NOT CREATE GLARE OR GENERATE BEYOND THE PROPERTY LINES INCLUDING THE ADJACENT ROADWAYS. LIGHTING SHOULD BE DOWNCAST LIGHTING AND DARK SKY COMPLIANT. THE PROPOSED BUILDING SHOULD BE CONSTRUCTED OUT OF THE MATERIALS PROPOSED. OUTDOOR STORAGE SHALL BE SCREENED. ARLA JOHNSON SECONDED THE MOTION. ROLL CALL VOTE PASSED UNANIMOUSLY.

NEW BUSINESS – There was no new business.

OLD BUSINESS –

‘Shouse’ Discussion – Jim Woll said that Arla Johnson, Teri Hastings and himself met last week to summarize the items discussed during this meeting. Jim provided a summary of their discussion: Outline Summary of the Shouse Subcommittee Meeting

- Teri, Arla and Jim met on January 6, 2021
 - Reviewed ordinances from Nisswa, Roseville St. Paul, Plymouth, Rochester and Long Beach.
 - Reviewed the current Lake Shore ordinances as they apply to residential, attached and detached structures.
- Issues of General Agreement:
 - That shouses should be defined by the ratio of the area of the attached garage or storage area to the area of the residential area (similar to the ordinance that was recently adopted in Nisswa).

- That ordinance revisions should not apply to RR, WR, CW, NC, P Zoning Districts.
- That ordinance revisions should apply to only R-1 and R-2 Zoning Districts.
- That the ordinance should be more restrictive as it relates to the construction of Shouses in R-2 Zoning Districts as compared to the R-1 Districts.
- That, when a proposed structure does not meet the criteria for permitting under the revised ordinance, the applicant can apply for a Conditional Use Permit.
- With an application for a Conditional Use Permit the following criteria can be considered (among others).
 - Architectural considerations.
 - Public comments from the neighbors.
- That the ordinance should, as much as possible, apply to shouses and not the typical new home constructed in Lake Shore (a home with a three or four car garage).
- Going Forward
 - Teri will review new house construction permits issued over the past three years in an effort to recommend criteria that will control the construction of shouses but not be overly restrictive as it relates the construction of the “typical” Lake Shore house.

The subcommittee will meet again to review Teri’s information and then will make a formal recommendation to the Planning and Zoning Commission.

Arla said that they also talked about the term ‘shouse’ with hopes a better term can be used rather than ‘shouse’. Glen Gustafson also thought that a different term could be used rather than ‘shouse’.

Teri said that Nisswa’s ordinance refers this type of structure as ‘structure size requirements’.

REPORTS

City Engineer – Joe Dubel had nothing to report.

Chairman – Jim Woll had nothing to report.

Council Liaison – John Terwilliger had nothing to report.

Zoning Administrator – Teri Hastings had nothing more to report.

PUBLIC FORUM – There was no public forum.

MOTION BY ARLA JOHNSON TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF JANUARY 11, 2021 @ 9:33 AM. GLEN GUSTAFSON SECONDED THE MOTION. ROLL CALL VOTE PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk