

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
LAKE SHORE CITY HALL
MINUTES
APRIL 10, 2023
9:00 AM**

Commission Members in attendance: Chair Jim Woll, Sean Weldon, PJ Smith; and Alternate Glen Gustafson; Council Liaison John Terwilliger; City Engineer Joe Dubel; City Zoning Administrator Teri Hastings and City Clerk Patti McDonald. Absent were Commission members Pat Hastings and Gene Hagen, and Alternate Pam Poston. A quorum was present, and the Commission was competent to conduct business. There were 11 people in the audience.

Chair Jim Woll called the meeting to order at 9:00 a.m.

Election of Officers –

MOTION BY GLEN GUSTAFSON TO NOMINATE JIM WOLL AS CHAIR OF THE PLANNING COMMISSION. JIM WOLL ACCEPTED THE NOMINATION. MOTION PASSED.

MOTION BY PJ SMITH TO NOMINATE GENE HAGEN AS VICE CHAIR OF THE PLANNING COMMISSION. MOTION PASSED.

Approval of the December 12, 2022, Regular Meeting Minutes – MOTION BY GLEN GUSTAFSON TO APPROVE THE MINUTES FOR THE DECEMBER 12, 2022, BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. SEAN WELDON SECONDED THE MOTION. MOTION PASSED.

PUBLIC HEARING –

Variance – Scott and Debra Bergerson – Scott Bergerson AKA Motocs LLC requested a variance to construct two additions on the lakeside of the home at a setback of less than 75’ from the lake. The first addition will be 3’x12’ and the second addition will be 3.5’x 4’. The property is legally described as Lot 28, Plat of Gullwood. The property is zoned R-2, Medium Density Residential and the site address is 8228 Gullwood Road.

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

Teri Hastings asked if the whole structure will be removed, if not, will any walls be removed from the structure. Scott Bergerson said, no walls will come down.

Scott and Debra Bergerson came before the Commission to answer questions. Jim Woll asked for a measurement clarification from the Bergerson’s regarding the proposed bump out. Scott Bergerson confirmed that it is a six-inch difference from what is already there.

There were no further concerns from the Commission, Engineer, or audience regarding the Bergerson’s variance request.

Teri Hastings staff report indicated the following: The applicant requested to construct two small additions on the lakeside of the home. The 3.5’x4’ addition requires a variance since it is at a lesser setback than the front projection of the existing home. The other addition 3’x12’ will be an allowable addition as it will comply with the section of the ordinance that allows a one-time addition to nonconforming structures provided it does not go any closer to any setbacks, is not within the bluff or shore impact zone and was constructed prior to 1992.

The original home was constructed in 1978. The applicant is not requesting to enlarge the existing deck. In addition, the applicant is planning a renovation of the interior and exterior of the home. The applicant has provided floor plans and exterior elevation drawings.

The well is located off the northwest corner of the attached garage. According to city records it is a deep well.

The property does have a conforming septic system and enough area for a secondary system if necessary. The system is located adjacent to the driveway. The last compliance inspection was completed in May of 2022 and is still valid.

The impervious surface for the property is at 14.34% and with the proposed addition, will not exceed the impervious surface maximum.

The proposed additions will not impact the existing drainage. Currently, there is a patio under the existing deck. However, the applicant is proposing a roof line change over the bump out on the lakeside of the home. The applicant may want to use gutters and swales to ensure that the runoff is directed away from the lake.

STAFF DIRECTION:

The Planning Commission may decide to approve the application, deny the application, or table the application if further information is required. If the decision is for approval or denial the findings of fact should be cited (listed below).

FINDINGS OF FACT:

- The applicant establishes that there are practical difficulties, as defined in this Ordinance, in complying with the official controls, and
- The strict interpretation of the Ordinance would be impractical because of circumstances relating to lot size, shape, topographic or other characteristics of the property not created by the landowner, and
- The deviation from the Ordinance with any attached conditions will still be in keeping with the spirit and intent of this Ordinance and the comprehensive plan, and
- The Variance will not create a land use not permitted in the zone, and
- The Variance will not alter the essential character of the locality, and
- The Variance is not for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.

MOTION BY JIM WOLL AND SECONDED GLEN GUSTAFSON TO APPROVE THE VARIANCE REQUEST OF SCOTT AND DEBRA BERGERSON AT 8228 GULLWOOD ROAD TO INCLUDE THE FOLLOWING FINDINGS OF FACT:

The applicant establishes that there are practical difficulties, as defined in this ordinance, in complying with the official controls, and

The strict interpretation of the ordinance would be impractical because of circumstances relating to lot size, shape, topographic or other characteristics of the property not created by the landowner, and

The deviation from the ordinance with any attached conditions will still be in keeping with the spirit and intent of this ordinance and the comprehensive plan, and

The variance will not create a land use not permitted in the zone, and

The variance will not alter the essential character of the locality, and

The variance is not for economic reasons alone, but reasonable use of the property does not exist under the ordinance.

MOTION PASSED.

Conditional Use Permit – Zorbaz on Gull – Zorbaz on Gull is seeking a conditional use permit for the construction of a solar carport system. The carport system will consist of 3 structures (each structure approximately 43'x112'). The property is legally described as Part of Government Lots 2 and 3, Section 16, Township 135 Range 29 (site address is 8105 Lost Lake Road).

The following documents became part of the record – Notice of mailing, notice of publication of public hearing, signed application and attachments and staff report. There were five written comments received regarding this application read into the record and will be kept on file with the application, these letters are all in opposition of the application as presented. Liz and Tom Martin, 7928 Lost Lake Road; Donn and Roger Beaubien, 7772 Lost Lake Road; Sharon Gregoire, 7733 Lost Lake Trail; Sheila Johnston, 7693 Lost Lake Trail; and Tim Moore, 7837 Lost Lake Trail.

Tanner Jacobson, Matt Kremer, Travis Jacobson, Tim Jacobson Co Owners of TM Electric, and Lee Johnson from Zorbaz came before the Commission to answer questions and/or concerns from the Commission.

Jim Woll asked City Engineer Joe Dubel, Widseth, to go over his written response of Zorbaz parking and drainage evaluation and concerns that were addressed in the letters that were read into the record. Joe Dubel referred to his email that he sent to Teri Hastings and will be kept on file. He pointed out that a full drainage report would not work as they are already over the impervious surface that is allowed. Zorbaz would also have to show that they will keep the runoff on their property. He did not see much change with the parking issues; he said they would have to continue the way they maintain the emergency zone as they do right now. The drainage report satisfactorily shows the added flows from the solar arrays and proposed mitigation efforts with best management practices. Teri commented that for clarification, those efforts are in the right-of-way, so the site plan would have to be amended.

The Commission chair deferred comments to the public.

Fred Heidmann owns property on Lost Lake Road that he intends to one day build on. He said, with all due respect, the people that live in that area do not like change. He gave examples of his experiences of living in the neighborhood; he said that this is typical neighborhood complaints. He has walked the project with Tim Jacobson of TM Electric and feels that this is a feasible project for the area. He commented that solar is new to the area; however, the MN State Legislature will mandate/require more renewable power by 2040. As for emergency access, he pointed out that carports will define the parking area and people will know exactly where to park. As a past member of the Niswaw Planning and Zoning for 8 years, he felt TM Electric has done their due diligence in reference to the drainage mitigation. He heard the comment in a letter that the solar panels may reflect sunlight in people's eyes on the road; they would probably be pointed in the direction of the sun to gather the sun's rays, and not into people's eyes. He wondered why people would complain about the overage of impervious surface when someone wants to make a change, why are they not making the complaint if they feel this has been a long-known problem. Fred has no complaints about the proposed project.

Joe Dubel asked about the direction of the solar panels and are they adjustable. They are at a 10-degree fixed tilt.

Lee Johnson owner of Zorbaz commented that the engineer and hydrologists have addressed a majority of the questions. He said that the proposed lighting will help the issue of their current lighting because they will be directed down and are adjustable to be turned up at the end of the evening when the customers are leaving the parking lot. Lee Johnson said that there have been times when Zorbaz has lost power and the proposed solar

will allow continuous electricity. The proposed solar project will also be a savings on the power grid; and this will be especially beneficial during peak times for power.

Tim Jacobson, TM Electric, commented on the renewable energy requirement by 2040. He said, by Zorbaz completing this project, he believes this is leverage towards the future. He pointed out that in Europe, every Walmart is required to put solar above their parking lots for power.

Travis Jacobson, TM Electric, said they are willing to conform to the Commission's request as this is the right thing for the future of Lake Shore. They want to take the right steps and perform their due diligence to come up with a project like this. He that everything that is being address for this project will help the community.

Tanner Jacobson, TM Electric, said that most people do not know a lot about solar. So, moving towards the future, after this project this can be a learning tool for anyone interested in the solar process and how it impacts the environment.

Colleen Both, 7980 Lost Lake Road, said that Lake Shore has a plan of how they want Lake Shore to look, and this does not fit the Comprehensive Plan; it looks too industrial. She feels that solar is important for the future, but it does not fit within this neighborhood. Tim Jacobson said that when he looks down at the parking lot, it already looks industrial, it is a parking lot. He said that this will clean the look up, he said it will give it a consistent look, it would look futuristic.

Fred Heidmann commented that he owns a rental business, and he sees a variety of new product releases, which include electric scooters, fishing boats and even pontoons, which means, businesses are moving in the renewable energy direction.

Lee Johnson said that if they do not do this, they will have to purchase a big generator which would produce noise. He said, when cars are parked in the parking lot, there is already reflection from various angles.

Kris and Chuck Driessen, 1390 Pinehurst Lane, likes that they are trying to improve things regarding energy. She is not totally familiar with the project and asked questions addressed on previous staff reports. She questioned where the increased stormwater runoff from the solar panels will be directed. Tim Jacobson, TM Electric commented on the improvement of the pervious material they are installing to mitigate the runoff. Whether the solar panels are installed or not, the water goes somewhere. There will be less going into the lake, it will go down into the ground surface. Joe said that most mitigation efforts are designed to manage the first half-inch rainfall; after the first half-inch, most storm sewers are full and the rest flows right over the top. Travis Jacobson said that it will be surface over surface, so some of the area is not going to have any water, it's going to be concentrated to another area. Joe's main concern with the concentrated drainage is that TM Electric is doing something to slow that down. Travis said square foot percentage was their requirement, which is being met. Kris thanked them for using downcast lighting.

Jim Woll closed the public comments portion of the meeting and asked the Commission for their comments. He said on Teri's staff report, she identified the four criteria that the Commission needs to evaluate when considering this request for a Conditional Use Permit. He went through each with the Commission for comments.

Glen Gustafson asked if Teri was OK with all four of the criteria. Jim said that Teri was just providing comments relative to the criteria, and he just shared the comments.

Jim Woll said of the written comments that were received, there was a need for additional information such as elevation drawings, site plan modifications, drainage plans, parking areas, impervious surface coverage, etc. He does not think that information, if it were required, would change his opinion on the project. He thinks to require that of the applicant would place an additional cost burden on the applicant, and his case, not likely change his opinion. He said the applicant needs to know where the Commission stands.

Jim Woll prepared the statement as follows:

While I agree with several commentors that additional application information might be helpful for the commission to make a decision on this matter, I also recognize that, while that information might be helpful, I believe I have enough information to make my decision on how to proceed with the Conditional Use Permit Application. I also believe that it is important for the applicant to know the decision so that they can evaluate their next steps.

In preparation for this meeting, I reviewed the minutes from previous meetings held to consider the request. I was reminded that at the October, 2022 meeting I, in the spirit of full disclosure, expressed two concerns about the project as it related to consistency with the City of Lake Shore Comprehensive Plan. The first concern was how the proposal complied with the plan section related to government services and public safety. My concern revolved around my belief that there would be a reduced number of parking spots in the Zorbaz' parking lot and that, as a result, patrons would park along CR77 thereby creating a public safety issue. The revised plans indicate that there will not be a reduction in parking spaces in the Zorbaz' lot. In addition, City of Lake Shore has agreed to enforce no parking regulations along that section of CR 77. As a result, my concern about comprehensive plan consistency has been eliminated as it relates to public safety.

Also, at the October 2022 meeting I expressed concern about the request's consistency with the sections of the comprehensive plan dealing with the plan's desire to support growth patterns that reinforce our lake orientated and rural development brand. I expressed my belief the proposal tended to be more industrial in nature rather than rural orientated.

Industrial: Interconnect Agreements, inverters, transformers, breakers, relays, and substations.

All terms associated with industrial power operations.

While the applicant has proposed plan changes intended to change the "feel" of their project, my concerns related to compliance with the Lake Shore Comprehensive Plan still exist. As a result, I will be making a motion to deny the application for a conditional use permit.

Teri Hastings staff report indicated the following:

Analysis:

1. The applicant has submitted a conditional use permit request for a solar carport project that consists of 3 solar carport structures; two of the structures will be approximately 43'x112' and the third structure will be approximately 43'x84'. In addition, there will be a roof mounted array consisting of 69 panels. The applicant has decreased the size of the solar carport structures in order to meet the setbacks from Lost Lake Road and County State Aid 77. A variance will not be needed for impervious surface as the applicant will not be increasing the amount of impervious coverage. The applicant has provided a link to a short video clip that may be helpful in understanding the project concept.

<https://www.youtube.com/watch?v=bdMlwo8QMAw>

2. The property is zoned Waterfront Commercial. The lot size for the Waterfront Commercial District is 2.5 acres and a lot width of 300'. This is an existing lot with a lot area of 2.8 acres or 123,265 square feet and 236 feet of shoreline. A previous survey from 2005 indicates the impervious coverage at 46.6% where a maximum of 25% is allowed.
3. The existing parking lot is a bituminous surface. The parking lot has many cracks which indicates deterioration of the surface. The applicant has addressed the parking lot in the narrative. Basically, the carports will be erected to follow the existing parking lot layout. A request for verification of number of seats and average number of employees has been requested to determine if the existing parking spaces are compliant with the capacity of the restaurant. The applicant states there will not be a decrease in parking spaces.

4. The site plan submitted in December does show overhead utilities in the proposed areas of the carport structures. The revised plan does not show the overhead lines and verification that these lines will not be impacted by the structures (statement by the utility should be provided).
5. While the carport improvements do not necessarily require compliance with building ADA (American Disability Act) compliance; it is an issue that should be addressed by the applicant/owner of the property.
6. The site plan submitted with this submission (page ST-1) is an aerial photo overlaid with the proposed solar carport structures. Measurements are shown on the site plan, but it is difficult to determine if it is from the ROW of Lost Lake Road or the edge of the pavement. Verification of these dimensions are needed.
7. At the site plan meeting, the owner indicated another Zorbaz Restaurant (Ottertail) received a letter regarding rolling power outages. Have the other Zorbaz restaurants commenced action with similar solar carport projects? Has it been considered or even feasible to relocate the solar array in a different area and buyback the power generated (this has been addressed in the narrative provided by the applicant. What other options have been considered by the applicant to address the concern with rolling power outages. The city is a Minnesota Power customer and has not received such correspondence. Again, the aesthetics of the proposed structure is a significant concern in fitting in with the rural, lake-oriented character of the community.
8. In addition, the DNR has provided some direction on solar powered facilities but focuses on facilities that generate solar power for consumption off-site, but some takeaways are the same for onsite facilities:
 - Natural Resource Impacts While there are many positive benefits of using the sun's energy as a sustainable source of power, there are also a number of natural resource considerations in siting solar power facilities in shorelands and other sensitive natural resource areas. Solar power facilities require a large footprint and compete for space with natural areas. In the big picture, it is not sustainable to replace existing naturally vegetated areas (such as grasslands, wetlands, and wooded areas) with power generating facilities. It is best to locate solar facilities in areas already affected by humans and cleared of natural vegetation such as over parking lots, on rooftops, on old mining sites or previously altered sites.
 - Structures All facilities are structures and must comply with applicable shoreland rule (Minnesota Rules, parts 6120.2500 – 6120.3900) provisions in local zoning ordinances, including:
 - ❖ Structure setbacks from the ordinary high-water level and bluff lines
 - ❖ Vegetation cutting and screening requirements
 - ❖ Height limits
 - If impacts are minor or can be managed through conditions, one option is to allow solar facilities as a conditional use. This approach allows communities to evaluate each proposal and address natural resource impacts with conditions. If a community chooses this option, the following conditions should be considered:
 - ❖ No intensive vegetation clearing allowed to site solar facilities.
 - ❖ No placement of structures and facilities on slopes over 12%
 - ❖ Treatment of stormwater runoff should be consistent with MPCA storm water manual guidance for solar projects.
 - ❖ All structures and facilities must not significantly impact views from public waters through limits on structure height, use of vegetation or combination thereof.
 - ❖ Native vegetation must be planted on the site wherever practical to provide habitat. See the MNDNR Prairie Establishment & Maintenance Technical Guidance for Solar Projects. June 2018.
 - ❖ Use best management practices for managing erosion control.
 - ❖ Facility location and design must demonstrate that the facility will minimize impact on habitat and wildlife movement.

9. Staff has included a google map from the December packet, a survey from 2005 from the file, a picture of a solar carport facility at a college and the sketch from Stoeckel-Jahner surveying submitted in December.
10. The applicant has provided a timeline for the project in the attached narrative.

Planning Commission Direction:

The planning Commission may decide to approve the application, deny the application, or table the application if further information is required. If the decision is for approval or denial the findings of fact should be cited.

Findings-CUP: *Answers have been provided by City Staff.*

Findings shall be made in either recommending approval or denial of a conditional use application. **The following findings must be met:**

- The use must be appropriate for the zoning district (waterfront commercial). *Carports are not prohibited uses within WC district nor are solar panels.*
- The use with conditions would be compatible with the city's Comprehensive Plan. *The solar carport will be a first of this size and type for the community of Lake Shore. The Comprehensive Plan talks extensively throughout the plan about rural character and supporting growth patterns that reinforce lake oriented and rural development brand. Do solar carports fit this?*

The Comprehensive Plan does not specifically address solar, but it does discuss throughout the appearance and rural character of our area and enhancing that character. The solar carports will not necessarily enhance the character of the area due to the steel components of the structures which may have a more "industrial" feel. The applicant has proposed a vinyl wrap for the vertical posts of the carport structure to resemble a tree. A sample of the vinyl wrap is at city hall.

- The use with conditions would be compatible to neighborhood. *The neighborhood is predominantly commercial/tourism oriented however, the location is on the main artery of the city and would be quite visible heading west (from Nisswa) on CSAH 77. Can the solar carport incorporate more "rural elements" to blend better into the area? Again, the applicant is proposing a vinyl wrap to resemble a tree.*
- The use would not be injurious to the public health, safety, welfare, decency, order and comfort, convenience, appearance, or prosperity of the city. *Again, the appearance of these large solar carport may impact the appearance of the community since they will be very visible and in the main corridor and do not fit the rural aesthetic of the community.*

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. *Due to the high visibility of the structures and the type of material used to construct the carports it could diminish some of the surrounding property values but would not be injurious or prevent enjoyment of surrounding properties.*
- The Conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. *The proposed use would not impede the development or improvement of surrounding properties 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. *There should be no cause for public requirements or facilities and not cause a detriment to the economic welfare of the community. The community may see a benefit in the production of energy.*

- 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. *The conditional use should not create traffic congestion on the public thoroughfares, however, the concern of parking along CSAH 77. If approved, there shall be no parking along Lost Lake Road and CSAH 77 adjacent to the Zorbaz property and directly across from Zorbaz.*
- Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use. *The solar carport structures as shown show a no net loss of parking spaces. The placement of the support posts will be located at the corners of the parking spaces. Again, the applicant has been requested to provide accurate and up to date seating numbers to verify the number of required parking spaces. As far as loading space, the applicant states the delivery trucks and routes should be accessible with the exception of the mornings where parking may be impacted. and a more significant concern is the ability of emergency vehicles (particularly fire trucks) to access the area in case of an emergency. Section 18.1.14 of the ordinance addresses fire lanes.*

Fire lanes shall be unobstructed

- 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. *Could the solar panels cause glare that would cause harm to drivers in the area? It appears that a glare would not be impactful to traffic on Lost Lake Road and CSAH 77. The applicant has addressed this concern in the narrative attached.*
- The Conditional use will not result in the destruction, loss, or damage of a natural, scenic, or historical feature of major significance. *The proposed use would not cause the destruction or loss of any 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 property already exceeds the amount of impervious surface allowed. The northerly carport structure will add to the amount of impervious surface, and this should be at a minimum mitigated. The applicant is proposing to provide 5500 square feet of pervious surface to offset the added impervious. Section 18.1.2.4 of the Waterfront Commercial district addresses this matter:*
 - **Impervious Surface Replacement.** Parcels that exceed the maximum allowed impervious surface may construct additional impervious surfaces if the overall impervious coverage is reduced on a 2:1 removal/construction ratio.

The carport structures will impact drainage on the site, a drainage plan has been submitted to address the drainage. The plan shows the areas to be used for pervious surface within the ROW, this would not be allowed, and the plan revised.

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. *The applicant did not provide information related to additional signage, but it should be confirmed if any additional signage is planned. Directional or informational signs are acceptable. However, there is an issue with the existing signage on the property advertising other businesses (Galaxy Windows, Nisswa Marine etc.). If the application is approved the signage should be brought into conformance no later than January 2024.*
- Requiring berming, fencing screening, landscaping, or other facilities to protect adjacent or nearby property. *The business is located adjacent to Causeway Resort, specifically the business office and marina along with the maintenance shop across the street. There are residential properties across the lake but do not see the need for landscaping or screening lakeside for this project.*

Other items from the Waterfront Commercial District to be considered:

- Landscaping: *The applicant has not submitted a landscape plan for the site and the proposed project would not require a landscaping plan. Could a buffer near the lake be done to help offset the impervious coverage? Due to the retaining wall and boardwalk this does not seem feasible. The area on the southside of the property (adjacent to the last 3 docks) is fairly well vegetated and should remain as such.*
- Trash handling equipment: *The application should not impact the handling of trash location/equipment.*
- Mechanical Equipment: *There should be no change in regard to mechanical equipment. There was a question related to battery location and the applicant indicated that would be located inside the building. The utility building needed for the solar arrays is not shown on the site plans*
- Exterior Lighting: *The applicant has addressed that there will be lighting for the project. Lighting should be used that adequately addresses safety but not cause impact to surrounding properties. The lighting should be downcast and meet the ordinance requirements of the WC district.*
- Signage: *The applicant has not addressed signage. NO additional signage shall be allowed, and the current signage shall be brought into conformance which includes the signage on the building and lakeside.*
- Architectural Appearance: *The applicant has provided information on the solar carport structure and video link as well. Included in the packet is a drawing of another solar carport project that was done in Minnesota provided by staff. Again, the appearance of the structure does needs to blend into the rural character of the area.*
- Sewer: *At the site plan review it was requested to provide information in regard to the septic tank location. The septic tank (multiple) will not be impacted by the carport since they are located north of the building but the sewer line from the last tank to the sewer line in Lost Lake Road could be impacted. The sewer line runs in the area where the delivery trucks will be traveling. This traffic could cause the sewer line to freeze in the winter months. This line is the responsibility of the property owner and not the city. This gravel area is the area that was the old drainfield site which is no longer in use. The property is connected to the city's sewer system. It would be the city's advice that the sewer line be dug up and insulated if this area were to be used as parking or as a route for deliveries.*
- Outdoor Storage: *This item has not been addressed and there appears to be no change in storage for the property due to the proposed project.*
- Drainage. *Drainage was addressed in the report provided by the applicant which is included in the packet.*
- Access. *There is no proposed change in access. No additional access points are shown. Access throughout the parking area has been discussed previously in this report.*

The Following May Be Potential Conditions:

- All signage brought into conformance by 2024.
- No additional signage shall be placed on the carports with the exception of regulatory information. No advertising signs of any kind.
- The carport structures shall not be adorned with festive or similar materials unless specifically approved by the Planning Commission.
- The wrap material shall be kept in good condition
- Parking lot to be upgraded to include at a minimum 5500 square feet of pervious material along with drainage areas approved by the city engineer. These improvements should be completed by October 2024. This includes parking lot stripping.
- Any lighting shall conform to the city's ordinance and not cause a nuisance. Lighting beneath the carports shall consist of typical lighting colors such as "cool white" not green, orange, red or similar colors.
- Parking along CSAH 77 or Lost Lake Road shall be prohibited.
- The vegetation along the southwest shore near the docks shall be maintained and not removed.

MOTION BY. JIM WOLL AND SECONDED BY SEAN WELDON TO DENY THE CONDITIONAL USE PERMIT REQUESTED BY ZORBAZ ON GULL FOR THE CONSTRUCTION OF A SOLAR CARPORT PROJECT.

The motion to deny is based upon the belief that the project does not conform to with the below identified provisions of the City of Lake Shore Comprehensive Plan.

Land Use/ Planning and Zoning Plan Section

Our community's brand, or identity, is made up of the scenic beauty, recreational amenities, and a rural feel. All new development should reinforce this brand by preserving or enhancing this rural character that distinguishes Lake Shore from other local communities. To maintain this quality of life, the City of Lake Shore's Board of Adjustments/Planning Commission will strive ensure all new developments are compatible with these community desires:

Goals

1. Promote compatible land use development to protect investments and to protect our high quality of life.
2. Support growth patterns that reinforce our lake-oriented and rural development brand.

Infrastructure: Roads & Wastewater Section

Strategies

- Work to retain the rural character of local roadways by developing standards for road design that promote rural character.
- Work with Cass County to classify CSAH 77 as a scenic roadway and to maintain the unique character of the roadway while providing a safe mode of transportation.

Commerce & Technology Section

The City feels that the residential suburban character of the area is not conducive to heavy commercial or light industrial activity. The community endorses commercial endeavors that would integrate with the residential nature of the area.

Strategies

- Review and amend the zoning ordinances as necessary to ensure the compatibility of the businesses with the surrounding residential development and to maintain the lake-oriented and rural feel of the community.

Government Services, Public Safety Section

Goals

Maintain zoning strategies that ensure Lake Shore remains a predominantly residential/recreational community.

Strategies

Maintain Ordinances to ensure that new development and redevelopment is consistent with the Comprehensive Plan.

Discussion: Patrick Smith commented that he developed the bank business at Sportland Corner, he too, has locally experienced brown outs. He said that this is a difficult proposition for his first meeting. He mentioned that there is a real need; however, are we prepared to address it, or do we need to go back and address our Comprehensive Plan to make an informed decision. Jim Woll said that the Comp Plan was revised in August 2019, however, the solar and/or renewable energy was different in 2019 from how it exists today.

Matthew Kremer, TM Electric, master electrician said he does all the permitting for these solar projects, going back to Jim Woll's comments, every project application has to go through an interconnection study as standard procedure.

MOTION PASSED with one abstention by Glen Gustafson.

Lee Johnson said he'd be back in 5 years. Jim Woll said that he hopes that with part of what was accomplished today, this helps with where the Commission stands. Lee Johnson said to get the generator to start with as this will change at some point in time.

NEW BUSINESS – There was no new business.

OLD BUSINESS – There was no old business.

REPORTS

City Engineer – Joe Dubel had nothing to report.

Chair – Jim Woll had nothing additional to report.

Council Liaison – John Terwilliger had nothing to report.

Zoning Administrator – Teri Hastings

Update Zoning Ordinance Revisions – Teri Hastings said the draft that her and Jim Woll have worked on has been sent to the DNR for their review. The Area Hydrologist has taken a new position; however, he did provide his comments.

PUBLIC FORUM – Chuck Driessen thanked the Commission for following the Comprehensive Plan and knows that these are tough decisions to make.

MOTION BY GLEN GUSTAFSON TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF APRIL 10, 2023 @ 10:40 AM. SEAN WELDON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk