

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
CITY HALL
MINUTES
FEBRUARY 10, 2014
9:00 AM**

Chairman John Ingleman called the meeting to order at 9:00 a.m. Members of the commission present: John Ingleman, Dick Miles, Roger Smeby, Tom Diemert and Earl North; Council Liaison Susan Amacher; City Zoning Administrator Teri Hastings; City Engineer Dave Reese and City Clerk Patti McDonald. Alternates Pat Hastings and Eric Peterson were available in the audience. There were 4 people in the audience. A quorum was present and the Commission was competent to conduct business.

John Ingleman introduced the new commission members and the new commission alternates.

MOTION BY DICK MILES TO APPROVE THE MINUTES FOR NOVEMBER 4, 2013 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. ROGER SMEBY SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING

Variance- Bruce & Karen Timman. There was no representation at this time so this item will be moved to the end of the public hearing.

Preliminary First Supplemental CIC Plat - Lake Shore Village Properties, LLC has made application for a Preliminary Plat (Common Interest Community) for the purpose creating six units as accessory structures. Each unit is 24 feet by 24 feet. Each unit will meet setback requirements. The property is legally described Common Interest Community Number 20 Lake Shore Village Properties, LLC. Section 17, Township 135, Range 29. Site address is 8221 Kraemer Lane.

Ben Benson and Donn Johnson from Lake Shore Village and Pat Trottier, Stonemark came before the commission to explain the application.

The following documents became part of the record-Notice of mailing, notice of publication, signed application and attachments. There were no written comments regarding the application.

Teri said that the commission visited the site last Thursday and informed those members present that there was an encroachment on the Lake Shore Village property and until that is resolved, the preliminary plat cannot be acted upon. Teri stated that over the weekend Lake Shore Village and the other property owner came to an agreement regarding the encroachment. The city attorney is recommending that if approval is granted that a condition be attached that the settlement documents be signed by all parties and the city be provided executed copies of those agreements prior to final plat approval.

Ben Benson said that this is something that they have been dealing with for years. He said they were made aware of the building that was encroaching on the property. They don't have a problem with working this out. He hopes that the commission looks at this as a good conclusion and that this is resolved with no bad feelings.

Earl North asked if this is acted on favorably today, do the settlement agreement documents have to be signed before it goes before the Council. Earlier Teri asked for clarification from the city attorney and he said it has to be signed before it comes back to the commission for final approval; including a signed document from the Dickman's.

In addition, there was a question as to where the large trees are in relation to the proposed garages. It was determined that the proposed garages would not impact the trees.

The Engineer's memo indicated the following: A grading plan for the proposed construction is recommended due to the changes in drainage patterns and increased runoff from impervious coverage. The plan should include:

- The grading limits or extent of grading area.
- An estimate of how much fill (cubic yards) will be required.
- How paved surfaces will be shaped to either collect and discharge runoff at a point, or if it will be sheet flow, and how discharge will be detained to allow sediments to drop out and to prevent erosion.
- The planned finished floor elevation of the garages. These were provided.

Dave Reese said that WSN recommends a grading plan. Ben Benson said the drainage will be in compliance as the current structures and the drainage won't change. Dave is asking if there will be a valley in the parking lot and discharged in one single point. Ben said there is currently a location that allows for the drainage and nothing should change. Donn Johnson asked if the new pervious asphalt would take care of drainage. Dave said with a plan it may not come to that extent. Earl North said the if you look at the grading plan on the elevation drawings, with a little bit of grading, there appears to be enough room to direct the runoff to a possible small rain garden/retention pond to satisfy the drainage. Tom Diemert asked Earl to show him on the site plan for clarification of his suggestion as it appears to be directed to the wetland. Pat Trottier said it will not be directed or discharged into the wetland.

Teri's staff report indicated the following: The Lake Shore Village Properties, LLC came before the Planning Commission in the summer of 2013 for a site plan review for the construction of garage units and the relocation of the driveway entrance from Interlachen Road to Kraemer Lane. The driveway entrance change was more of a public works issue versus pz. The driveway relocation was completed last summer (no permits required). The association proposed the garage units in an area that would require a variance from the setback from County State Aid Highway 77 (CSAH 77). Most Planning Commission members indicated at the site plan review that the garage units could be relocated without the need for a variance.

This is an amended plat known as a Common Interest Community. The units at Lake Shore Village are condominiums so the land is owned jointly and property owners own their own unit. Since the garage units were not shown on the original plat as items to be constructed in the future, the homeowners need to amend their plat (First Supplemental CIC Plat) to show the garage units as they are being built on "common ground or common element" (land owned by the association). This is considered a preliminary Condominium plat and will need to be approved by the City

Council as well. After the preliminary plat is approved, a final plat will need to be submitted and approved by both the Planning Commission and City Council.

Since the platting of the original units and prior to the construction of the second story the city's ordinances have undergone many changes. Most of the Planning Commission is aware that when doing a condominium plat or what we referred to in the past as a planned unit development; density (the number of dwelling units) was based on the amount of land for the development. In this case, the applicant is requesting to construct accessory structures. Accessory structures do not need to be computed in the density requirements but do need to meet other standards of the ordinance such as impervious surface and setbacks.

THE FOLLOWING ITEMS ADDRESS COMPLIANCE WITH THE SUBDIVISION ORDINANCE:

The proposed plat shows the boundary lines by a licensed surveyor along with the legal description of the property, total acreage, fee owner, and date of survey.

Topographic contours are indicated on the plat along with the wetland areas.

Tree cover limits are not shown on the plat but existing improvements are shown such as the walkway to the lake.

Soil information has been included on the plat.

Location of adjoining streets, structures and property lines along with ownership have been shown on the plat.

The proposed layout for the accessory structures and associated parking area are shown on the plat.

There are no known significant historical sites, endangered or rare species (flora or fauna) on the property. The property is not a site of significant wildlife habitat that would be disrupted by the proposed improvements.

Greenspace areas have been shown and exceed ordinance requirements. These areas are identified as common elements.

The location of the existing well and sewer manholes are shown on the plat. The proposed improvements will not require water or sewer therefore, water (or adequacy of domestic water supply) and sewer connections will not be required.

The Section, township and Range, vicinity map, and zoning classification are shown on the survey.

There is no proposed public dedication for this plat.

The buildable area of the property is shown on the survey.

The survey does show drainage arrow on the plat; however, an erosion and drainage plan for the construction of the accessory structures should be submitted.

Evidence of authority to subdivide parcel consisting of written concurrence of owners should be submitted.

There are no proposed streets or other public improvements for this plat.

Homeowner/Association documents should be submitted to show the inclusion of the garage units and how they are to be owned. If any future development or if the garages or to be built in stages this should be shown.

An independent plat check and title opinion will be needed by the time the final plat is signed by the city. A development contract will not be necessary since there are no public improvements and an existing development.

All professional costs (city attorney and city engineer) incurred by the city shall be reimbursed by the Lake Shore Village Properties, LLC.

The plat is in substantial compliance with the city subdivision ordinance.

DESIGN STANDARDS

It should be noted that because this is an existing plat, many of the design standards (lot layout, street improvements, sanitary provisions, and water) are irrelevant to this plat. However, the drainage and grading standards will need to be met for the garage units. The association is responsible to provide adequate drainage facilities for the improvements.

ORDINANCE STANDARDS - MEDIUM DENSITY RESIDENTIAL(R-2)

The proposed garage units will meet the setbacks from CSAH 77 and CSAH 78, the units will meet the 30' setback from the wetland and will exceed the lake setback.

Elevation drawings of the units have not been submitted. The units may not contain any living space. The R-2 district has a maximum amount of accessory structure. The size of the accessory structure does not exceed what is allowed for a single family residence.

The maximum amount of impervious surface allowed is 20% (25% with a stormwater plan) for the R-2 district. The proposed impervious surface for the development is 15.3%.

The association/applicant should ask about screening for the garage units. Screening is not required but should be discussed. The area of the proposed garage does not have a lot of trees but consist of low growing brush.

STAFF RECOMMENDATION

Recommend approval of the First Supplemental CIC Plat #20 for Lake Shore Village Properties to the City Council. The preliminary plat is in substantial compliance with the city's zoning and subdivision ordinance. The city engineer should be asked for his opinion on completeness of the plat as well. A number of items that have been addressed in the staff report should be completed before approving the final plat.

MOTION BY DICK MILES TO APPROVE THE FIRST SUPPLEMENTAL CIC PRELIMINARY PLAT FOR LAKE SHORE VILLAGE PROPERTIES, LLC WITH THE CONDITION THAT THEY PROVIDE THE FINAL SETTLEMENT AGREEMENTS PRIOR

TO FINAL APPROVAL; AND PROVIDE A PLAN FOR GRADING AND DISCHARGE OF RUNOFF FOR THE IMPERVIOUS PORTION OF THE SITE THEY ARE ADDING. TOM DIEMERT SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Variance - Bruce & Karen Timman requested a variance to construct a 2925 square foot single story dwelling which includes an attached 24'x22' garage, a roadside front porch of 50 square feet on a nonconforming lot. A variance is needed from the lake setback and right of way. The property is served by municipal sewer. The property is legally described Lot 2, Block 1, and Outlot C of Gull Lake Narrows. The property is zoned R-2, Medium Density Residential and is located between 8175 Harold Lane and 8187 Harold Lane.

There was no one in the audience to represent the application. Because of timing Teri suggested that the application be denied and the applicant be allowed to come before the commission without paying another fee.

Earl North stated he did have some concerns in regard to where the waste will come out of the home and the well location. He also asked the location of the force main. Teri stated the contractor has been working with Jim Thomes, Public Works, on connecting the home to city sewer.

MOTION BY EARL NORTH TO DENY THE TIMMAN VARIANCE AS THERE IS NO REPRESENTATION TO SPEAK FOR THE APPLICANT. THERE WILL BE NO FEE CHARGED TO COME BEFORE THE COMMISSION IN APRIL. DICK MILES SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

Nottingham Property - city property - The matter of city owned property was recently discussed at a City Council meeting and the lack of practical use some properties may have for the city. The city owns three lots along Nottingham Road. The property is not adjacent to the city hall property but is divided by another property. The city owns lot 7-9 and owns lots 34-41 (city hall property). In order for the council to sell the property a recommendation to that effect must be made by the Planning Commission as it relates to the city's Comprehensive Plan.

Below is the statute dealing with the acquisition, disposal of real property that is publicly owned.

462.356 PROCEDURE TO EFFECT PLAN: GENERALLY.

Subd. 2. Compliance with plan.

After a comprehensive municipal plan or section thereof has been recommended by the planning agency and a copy filed with the governing body, no publicly owned interest in real property within the municipality shall be acquired or disposed of, nor shall any capital improvement be authorized by the municipality or special district or agency thereof or any other political subdivision having jurisdiction within the municipality until after the planning agency has reviewed the proposed acquisition, disposal, or capital improvement and reported in writing to the governing body or other special district or agency or political subdivision concerned, its findings as to compliance of the proposed acquisition, disposal or improvement with the comprehensive municipal plan. Failure of the planning agency to report on the proposal within 45 days after such a reference, or such other period as may be

designated by the governing body shall be deemed to have satisfied the requirements of this subdivision. The governing body may, by resolution adopted by two-thirds vote dispense with the requirements of this subdivision when in its judgment it finds that the proposed acquisition or disposal of real property or capital improvement has no relationship to the comprehensive municipal plan.

Teri said there are no future plans for property owned by the city on Nottingham Road. Roger Smeby asked if there was any consideration to use the property for maintenance. Teri said that this may not be a good fit for the neighboring properties. Dick Miles asked where the money would go if the lots were sold. Teri said that it will be a decision for the City Council to determine; however, it has been mentioned to use the money for improvements at city hall. Tom Diemert said that this may be a first for the city. Teri said that it probably is a first. She said it is required by state statute to have the commission review the plan to sell city owned property to be sure it makes sense for the city and make sure it fits within the comprehensive plan. Earl North said that it is probably a first for the city to dispose of property as a title holder. He said it is a revenue maker for the city; the county disposes of property quite often. He asked if the city is going to use a Realtor. Teri said the Mayor has experience selling property and the city may want to try 'sell by owner' first.

MOTION BY EARL NORTH TO RECOMMEND TO THE CITY COUNCIL THE ADVERTISEMENT OF THE SALE LOTS 7-9 BLOCK 15 ON NOTTINGHAM ROAD. TOM DIEMERT SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

OLD BUSINESS – Teri said that she contacted the League for Wind Turbine ordinances. She will review before she advises the commission.

REPORTS

City Engineer – Dave Reese said that the engineers are working on the 2014 street improvements that include: 72nd Street improvement; repair on Jacobs Road and a drainage correction on Doyle Parkway; Diana Drive will be resurfaced this summer.

Chairman – John Ingleman said there will not be a March meeting.

Council Liaison – Susan Amacher had nothing to report.

Zoning Administrator – Teri Hastings had nothing to report.

PUBLIC FORUM – There was no public forum.

MOTION BY DICK MILES TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF FEBRUARY 10, 2014 @ 9:39 AM. ROGER SMEBY SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk