

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
CITY HALL
MINUTES
JANUARY 12, 2015
9:00 AM**

Chairman John Ingleman called the meeting to order at 9:00 a.m. Members of the Commission present: John Ingleman, Earl North, Roger Smeby, Tom Diemert and Alternate Kevin Egan; Council Representation John Poston; City Engineer Dave Reese; City Zoning Administrator Teri Hastings and City Clerk Patti McDonald. Alternate Pat Hastings was available. There were 4 people in the audience. A quorum was present and the Commission was competent to conduct business.

Election of Officers – Postponed until the next Board of Adjustment/Planning Commission meeting.

MOTION BY EARL NORTH TO APPROVE THE MINUTES FOR DECEMBER 8, 2014 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. ROGER SMEBY SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING

Conditional Use – Lost Lake Lodge – Rebound Lodge, LLC (dba-Lost Lost Lake Lodge) has made application for a Conditional Use Permit for the purpose of demolishing cabin #1 and rebuilding a story and a half twin unit with a footprint of 1,976 square feet. The twin unit will meet the lake setback of 75 feet from Upper Gull Lake. The property is described as Government Lots 5 and 6 Section 9, Township 135, Range 29 (7965 Lost Lake Road) and is zoned Waterfront Commercial (WC).

The following documents became part of the record - Notice of mailing, notice of publication, signed application and attachments and staff report. There were no written or verbal comments regarding this application. The DNR representative Darrin Hoverson had no comments regarding this application.

Brett Reese, managing partner of Rebound Lodge, LLC; Tom Steffen, representative for Rebound Lodge, LLC and Tim Moore (former owner of Lost Lake Lodge, he has no monetary interest in this project) came before the Planning Commission to explain the application for Rebound Lodge, LLC. Tom said the application speaks of the plan for the resort itself; they intend to adhering to the density ratio throughout the entire project. There is a floor plan for the twin home, a parking plan and an erosion control/stormwater plan.

Earl North pointed out for clarification; the plan submitted by Halling Engineering, Inc. is dated January 17, 2015. It should be corrected.

Earl North said the impervious coverage hasn't changed from the last application showing the change of adding the twin home. Tim Moore said the figures are based on the plan before the Commission today, not the total resort plan. Earl said the proposed building is larger than the cabin being torn down. Tim said with the change it is still under the impervious surface. Earl

said he understands that; however, the impervious should include the addition of the twin home. Tim Moore said the plan is what exists today; it does show the twin home.

Tom Diemert asked for clarification of the site plans included in the application packet. Teri explained the difference of the site plans included. Teri said site plan 1 is the existing condition and site plan 2 is with the proposed twin home. Dave Reese confirmed that the site plan indicates the increase of impervious surface of 1,673 square feet for the twin home. Teri said the site plan last month was the concept of the overall build out, which is not being discussed.

Brett said Lost Lake Lodge has been a resort since 1946, they have owned it for 4 years. They want to put up a twin home to determine if the concept will work to move forward in the future.

Earl North said that at the December meeting it was required to have a bluff determination. Teri has heard from Chad Conner of WSN who said it has been too cold to send a crew out; however, he feels the elevation of where cabin 1 is doesn't constitute a bluff because it did not meet the height requirement; however, he wasn't sure of the location of cabin 2. Teri suggests that this is confirmed before a permit is issued.

Dave Reese went over his memo for the application. He would have to look at the feasibility of the proposed retention area for stormwater. He asked 'does what has been submitted meet the ordinance standards?' he feels it does.

Roger Smeby is concerned about the runoff of the project and said it should be addressed properly from 'start' to project 'end'. Tim Moore sits on the Cass County Planning Commission and commented they have a standard stormwater plan to be used and signed off on when the project is complete.

Kevin Egan said in addition to the erosion control plan they should also consider a landscape plan.

Dave Reese addressed his concerns with the sanitary sewer which is indicated in his memo for the application. He suggested monitoring the flows while the twin units are being used for the first year for adequacy of the current septic system.

Kevin asked about the exterior lighting. Tom Steffan said there wouldn't be any additional lighting other than the principle entry; there would be porch and deck area lighting. There will be no exterior storage.

Teri said the parking standards are flexible and the city recognizes boat parking. She doesn't want to include an overlap of resort and restaurant parking. She said there is parking shown on the site plan in the easement owned by the Moore's. Tim said the Moore's have agreed to overflow parking on their property.

The City Engineer's report indicated the following: Sanitary Sewer: Based on information provided by the Advanced Designer, the existing system has a capacity of 2,412 gpd. With the removal of the existing cabin, and construction of two new units with full kitchen and laundry facilities in each unit, the estimated flow is 2,460 gpd. Although this is slightly higher than the designed capacity of the existing system, actual flows versus estimated flows will vary for any given facility. The design criteria for estimating flows for onsite sewer design contains a safety factor since all soils and all uses are not the same everywhere. In lieu of knowing what actual flows will be, the existing system may be used and flows monitored for a year or two to

determine if additional treatment area is warranted. The Commission may consider flow monitoring as a condition of the permit. The City municipal sewer currently terminates approximately 1,100 feet south of the Lodge entrance driveway in Lost Lake Road, and is a total of approximately 2,500 feet from the new cabins being proposed. The City has not discussed an extension project, and this is not currently in the City's planned capital improvements.

Parking Plan: The plans submitted do not identify the stall dimensions. The staff report indicates the required 10' x 20' required dimension. The Commission should discuss with the applicant what surfaces will remain gravel and what will be paved, and parking stall striping and timeline as a condition of the permit.

Stormwater Retention: The EC & Storm Water Plan states a sufficient retention volume for the 2,200 square feet of proposed new pavement area. The plan is not clear on the final construction area for retention, and the plan has no topography information that would indicate whether the area shown is on a steep slope or in a flat area. This should be verified to determine if the area being proposed for storm water retention is feasible. The final construction should be checked by the City to ensure adequate area/depth/volume is provided as the applicant is stating will be provided. Erosion controls identified in the plan are typical, and should be installed prior to excavations, and maintained until the site is stabilized with vegetation again.

Teri's staff report indicated the following: The applicant has submitted a conditional use permit request to demolish cabin #1 and construct a new building with two units. The existing structure is approximately 500 square feet with a deck. The proposed structure has a footprint of 1,976 square feet with a loft and deck.

The property is zoned Waterfront Commercial. The lot size for the Waterfront Commercial District is 2.5 Acres for General Development and 10 acres for Natural Environment. This property does have land adjacent to a general development lake and natural environment lake (Lost Lake). According to the records of Cass County this parcel has 9.56 acres of land. The property is an established resort and is licensed by the Minnesota Department of Health.

The proposed twin unit will be 75 feet from Gull Lake and located in tier 1. Teri asked the applicant for a bluff determination but have had only a verbal that it is not a bluff. She needs written confirmation regarding the bluff determination from the surveyor.

In order for the resort to expand, it must meet the criteria for Existing Resorts under Section 40.6 of the City Code.

- Expansions are permitted provided they meet the allowable density calculated in 40.2.3. According to the calculations provided by the applicant there appears to be adequate density for expansion.
- Expansions must be designed so there are no garages or storage structures associated with the dwelling units that would encourage long-term residential use. There were no such structures included with the application.
- On-site water supply and sewage treatment systems shall be designed and installed to meet MDH and MPCA standards. There is an existing on-site system that serves the dwelling unit and an Advanced licensed evaluator has reviewed the current situation and proposal.
- Impervious surface coverage shall not exceed 25% for the entire project area. The entire project is at 19.1% and tier 1 (Gull Lake side) is at 21.1%.

- For expansions with less than 20 units and more than 15% impervious coverage in the first tier, a stormwater plan shall be provided. The applicant has been made aware of this component.
- An evaluation of the shoreline will be needed to determine the amount in its natural state. If less than 50%; no more shoreline may be altered with vegetation removal. Teri believes that at least 50% is in its natural state or close but again this would need to be verified.

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 (waterfront 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 be utilized as resort unit which is allowed under the waterfront commercial zoning. The property to the south is a similar use (timeshare). The proposed use should not be injurious to the public health, safety, welfare, decency, order and comfort of the community.*

The proposed use would be consistent with the Comprehensive plan as this building would promote business and promote the attractiveness of Lake Shore. The Comprehensive Plan encourages recreational commerce and supports year round businesses to ensure Lake Shore is a year round destination for visitors.

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 proposed twin unit will be able to utilize an onsite septic system. However, the city sewer does serve the adjacent Causeway development. Should further development occur on the property, city sewer should be evaluated.*
- 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. *No changes are shown on the plans for vehicle approaches. The*

- additional unit will only add minimal traffic changes.*
- Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use. *The applicant has indicated no changes to the existing parking. Parking will be touched on below.*
 - 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. *It should be noted that areas surrounding the resort do have Indian Burial Mounds; these have been identified and are marked.*
 - The Conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients provided an adequate erosion control plan and stormwater plan is submitted. *The proposed site does have a steep slope to Gull Lake and the rear which drains towards Lost Lake drops off quickly as well.*

The Waterfront Commercial standards require 1.5 parking spaces per dwelling unit. In addition, the applicant will need to meet ADA (American with Disabilities Act) standards and provide handicapped parking. It is unclear where parking is provided for the dwelling units and where parking is located for the restaurant. A parking plan for the entire site should be provided. The applicant is adding an additional unit. Parking spaces should be 10'x20'.

The applicant has not submitted a landscape plan for the site. The application states the new units will be screened from the lodge. Screening should be provided from the lake.

Trash handling equipment: The applicant should address how he will handle trash equipment for the new unit.

Mechanical Equipment: Mechanical equipment should be similar to a residential home.

Exterior Lighting: The applicant should be prepared to discuss lighting for the exterior of the building.

Signage: The applicant has not submitted a plan for new signage and this should be verified.

Architectural Appearance: The applicant has provided elevation drawings of the building. The proposed unit will not look like the other cabins on the property. The proposed twin unit will have more bulk since it will be larger and a story and half.

Outdoor Storage: The applicant should address if any outdoor storage is planned with this unit.

Access: The applicant is not proposing any changes to access to the resort so there should be minimal change for the neighborhood.

The property is a commercial property therefore; the applicants will need to comply with ADA requirements and other state requirements. Proof of compliance is at the applicant's expense for any professional reviews incurred by the city.

STAFF RECOMMENDATION:

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

- Landscaping plan to be submitted and 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)
- Adequate parking plan to be submitted prior to a permit being issued for the twin unit.
- The proposed building should be constructed out of the materials proposed.
- An erosion control and stormwater plan to be submitted and approved prior to the issuance of a permit.
- Bluff determination by a land surveyor (verifying no bluff) submitted prior to the issuance of a permit. If a bluff, cup is void.

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 proposed improvement will enhance the existing resort.

MOTION BY KEVIN EGAN TO APPROVE THE CUP APPLICATION AS REQUESTED BY REBOUND LODGE, LLC (DBA-LOST LOST LAKE LODGE) WITH THE CONDITIONS OF A BLUFF DETERMINATION; THE SUBMISSION OF AN ACCEPTABLE EROSION CONTROL PLAN; A SATISFACTORY STORMWATER PLAN; A SATISFACTORY PARKING PLAN; A SATISFACTORY LANDSCAPING PLAN; AND A SATISFACTORY SEPTIC SYSTEM PLAN (INCLUDING TO METER THE SEPTIC FLOW OF THE TWIN HOME FOR ONE YEAR). EARL NORTH SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

NEW BUSINESS – There was no new business.

OLD BUSINESS

Apartments/PUD's – Teri said the ordinance prior to the changes in 2009 the PUD section recognized apartments through the PUD section. Apartments don't fit into the new categories in the current language of the ordinance. Kevin Egan will help Teri with language that will alter the ordinance to allow for apartments/multi housing within the city to bring before the Commission for discussion.

John Poston asked if there is someone currently looking into building an apartment. Yes, there is.

Earl North said that one of the challenges discussed while sitting on the Micropolitan Board was with high density residential developments and the likelihood that it would expand from the Brainerd area. He said, it appears that the Brainerd area has reached its saturation of cluster homes/joined units and would eventually make its migration towards this area. Apartment homes bring a different mix of people to the community and create cultural issues that could bring added expense and extra management issues for the city.

John Ingleman asked if this is policy that will be finalized by the city council. Yes it is; the Planning Commission will do the background work for any change. Teri said that her first thought in allowing larger multiple dwellings is the sewer capacity. In discussing the surrounding communities they allow shoreline townhomes. Nisswa has apartments and they fit in that community. Kevin and Teri will look into some technical issues to bring back to the Planning Commission for discussion before moving forward with a recommendation to the Council level.

Dave Reese said this is discussion typical in developing/reviewing the City's comprehensive plan; he said it may not be conducive to this community to allow a high density area.

REPORTS

City Engineer – Dave Reese had nothing to report.

Chairman – As he missed last month's meeting, John Ingleman wanted go on record to thank Dick Miles and Susan Amacher for their service to the Board of Adjustment/Planning Commission.

Council Liaison – John Poston had nothing to report.

Zoning Administrator – Teri Hastings said the election of officers will take place at the next Planning Commission meeting.

PUBLIC FORUM – Earl North said that the group from Lost Lake Lodge having used two different Engineering firms with one of them using the others firms numbers creates an opportunity to blame either one or the other if there is a problem with the calculations with no one really claiming the blame. If a firm is going to use the same set of plans for a re-submittal he would like it indicated as such on the plan; it would be best if they created their own numbers to present. Teri and Dave Reese agree with Earl. Dave thinks it should be noted who did the survey and indicate the chain of events.

MOTION BY EARL NORTH TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF JANUARY 12, 2015 @ 10:03 AM. TOM DIEMERT SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk