BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
CITY HALL
MINUTES
SEPTEMBER 14, 2015
9:00 AM

Chairman John Ingleman called the meeting to order at 9:00 a.m. Members of the Commission present: John Ingleman, Roger Smeby, Kevin Egan, Tom Diemert and Glen Gustafson; Alternate Wayne Anderson; Council Liaison Earl North; City Engineer Mark Hallan; City Zoning Administrator Teri Hastings and City Clerk Patti McDonald. Kevin Egan and Alternate Pat Hastings were absent. There were 9 people in the audience. A quorum was present and the Commission was competent to conduct business.

Approval of the August 10, 2015 Regular Meeting Minutes – MOTION BY GLEN GUSTAFSON TO APPROVE THE MINUTES FOR AUGUST 10, 2015 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. ROGER SMEBY SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING –

Variance – Jeffrey Noack requested a variance for the purpose of demolishing an existing nonconforming structure and constructing a new dwelling meeting the lake setback of 75' and seeking a sideyard variance of 11feet on the northerly lot line and 10 feet on the southerly lot line. The lot is a nonconforming lot (50' wide). The proposed structure is two story walkout with an attached garage (overall dimension 28'x70'). A variance is needed for the sideyard setback for the proposed drainfield. The property is legally described as Lot 4, Birchwood Hills (site address is 8387 Birchwood Hills Road) and is zoned medium density residential.

The following documents became part of the record – Notice of mailing, notice of publication, signed application and attachments and staff report. There was one letter of support of the project from John and Mary Boeder 8399 Birchwood Hills Road.

Teri's staff report indicated the following: The applicant is requesting a variance to demolish the existing home and garage on the property and to build a new home and attached garage meeting the lake setback. The property is a nonconforming lot (50' wide) with a lot area of 13,111 square feet. The existing home and garage currently do not meet setback requirements. The proposed home and garage 1677 square feet. The applicant is requesting a variance from the side lot lines of 11' and 10'. The proposed home is a two story with a walkout basement.

The existing impervious surface is at 32% and with the proposed improvements, the impervious surface will be reduced to 24.4%. City ordinance does require a stormwater plan with impervious surface areas between 20-25%. A stormwater plan has been submitted and the city engineer will review for adequacy.

The existing home is a walkout which will be demolished. The proposed home is also a walkout which will work with the topography of the property. The lakeside of the property has two retaining walls. The applicant should be asked if those will remain. In addition, how will erosion be handled on the site once the existing cabin is demolished. There will be a significant area exposed from the existing home. If the variance is approved an erosion control plan should be submitted prior to a permit being issued.

Elevation drawings have been submitted for the proposed structure. The proposed exterior of the home is very similar to a variance that was approved a number of years ago on a 50' wide lot on Interlachen Road (8690 Interlachen Road). Included in the packet is a photo of the from the roadside. The home on Interlachen fits very well into the neighborhood as it was centered on the lot; very similar to what is being proposed for the Birchwood Hills property.

The property does have some beautiful mature pines on the property. There will be the need to remove some trees for the proposed structure. It should be noted there is a very large white pine near the corner of the garage that is being proposed to be saved. The proposed driveway is designed around the white pine tree. The applicant should be asked if any trees will be planted.

A site evaluation and design has been submitted by Martin Joyce. The existing system is noted on the survey. The existing system will be abandoned (pumped and filled according to MPCA guidelines) and a new system installed. I have included the site evaluation and design. The applicant is requesting a 5' variance on the septic system. Allowing the variance for the septic system will not have an adverse impact on the adjacent property. There is currently a deep well that serves the property; this well will be utilized with the proposed home

The survey shows three overhead power lines crossing the property. One overhead line will interfere with the proposed addition. The applicant's representative is working on addressing this issue. The issue should be adequately addressed prior to approving the variance.

STAFF RECOMMENDATION
The Planning Commission has dealt with 50' lots and the need to upgrade the existing cabins on those lots. The proposed improvements for this property bring the property closer into compliance. The home will be moved back to meet the lake setback and the impervious surface is being reduced. The applicant is proposing a design that should fit into neighborhood and is a reasonable use of the property. A structure cannot be built on this property without some type of variance either from the side lot line or the minimum dwelling width (ordinance requires a minimum dwelling width of 24'). Recommend approval of the variance with the condition that an acceptable erosion control plan be submitted to the city prior to the issuance of the permit.

Barry Frieler came before the Commission to explain the Noack variance request. Currently there is 4,197 sf of impervious surface and the project will reduce it to 24.4%; there is a stromwater plan in place because it is over 20% impervious.

Tom Diemert asked how the well will be taken care of. Mark Hallan said the well is boarder line of the 3 feet restriction of the roofline. Barry said he will have a surveyor out to shoot the corners of the building. He said if they have to move the well, they will. Teri thinks there is an adverse affect to drill a new well; she would rather see the structure moved over one foot.

Mark Hallan's emailed comments: Existing well is approximately 8' from the north property line. Proposed home foundation line is shown at 11' from the north property line. The existing well will be within inches of the shown roof overhang. State well setback requirement list 3' as the minimum distance from building roof lines to allow proper maintenance of the well system.

The 15' X 40' pressure bed area will be completely excavated for construction of the rock bed. Existing ISTS drain field trenches will likely be completely removed as part of this work. Only if existing trenches are below the proposed new pressure bed will washed sand fill be required. Proposed area if fairly level, around 1218' contour but drops off to 1210' at on the lot to the north. The proposed bed could have a slight curved shape to it so the east end is farther from the north property line. Pressure beds or drain fields are not required to be rectangular shaped. Understand that Martin's drawing is a general sketch.

As shown on the north/south elevation plans the grade slopes down from 1218' to 1212' over the length of the home (not including garage). This is a 6' drop and roof runoff will head towards the lake very fast. Yes a basin will be needed between the house and lakeshore as indicated. But basin 3 as sown will not capture surface water running down each side of the proposed home. Basin number 3 will need to be longer with some small berms or even walls (12 to 18 inches in height) to direct the water into the basin. Surface water runs perpendicular to the contours and the current plan shows no new contours.

Mark confirmed his concerns about stormwater retention and said the landscaper will have to pay close attention to their plan.

John Ingleman asked if there are plans to plant more trees. No there is not. Roger suggested maintaining the construction barrier throughout the project.

Wayne asked how deep the excavation will be next to the well. Barry thought about 8' and the well casing is cast iron.

MOTION BY GLEN GUSTAFSON TO APPROVE THE NOACK VARIANCE AS PRESENTED AND ALLOW THE STRUCTURE TO BE MOVED TO THE SOUTH FOR A NINE FOOT SET BACK FRON THE SIDE YARD. WAYNE ANDERSON SECONDED THE MOTION. MOTOIN PASSED UNANIMOUSLY.

Preliminary Plat/Conditional Use Permit/Variances – Lost Lake Lodge – Rebound Lodge, LLC (dba-Lost Lost Lake Lodge) made application for a Preliminary Common Interest Community Plat, Conditional Use Permit and Variance for the property known as Lost Lake Lodge. The request involves demolishing cabins 1-4; renovating units 10, 11, 12, 14, 15, 16, and 19. Converting units 5&6, 7&8, and 9&10 as single units; and constructing 4 new twin units (8 units) and 4 new single units. A total of 5 units will be added from what exists currently. In addition a variance is sought for the encroachment of the decks and porches on units 4, 5, 6 and 7. The decks and the porches are proposed to be located within the 30' bluff setback. A variance is also sought for Unit 1 for a second story. A variance is also requested for Unit 19 for an addition the rear of the unit; the unit is less than 200' from Lost 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. Teri read letters of concern into the record. There was one in opposition from Roger and Donn Beaubien 7765 Lost Lake Trail. There was one suggesting the resort use dark sky compliant lighting from MaryAnn and Robert Elianson 7738 Lost Lake Road. There was one with concerns showing deviations from the city ordinance from Timothy Q. Moore 7837 Lost Lake Trail. The applicant has addressed (dated September 11, 2015) all of Tim Moore's concerns prior to the meeting.

Teri's staff report indicated the following: The applicant has submitted an application for a Preliminary Common Interest Community Plat, Conditional Use Permit and Variance for the property known as Lost Lake Lodge. The request involves demolishing cabins 1-4; renovating units 10, 11, 12, 14, 15, 16, and 19. Converting units 5&6, 7&8, and 9&10 as single units; and constructing 4 new twin units (8 units) and 4 new single units. A total of 5 units will be added from what exists currently. In addition a variance is sought for the encroachment of the decks and porches on units 4, 5, 6 and 7. The decks and the porches are proposed to be located within the 30' bluff setback. A variance is also sought for Unit 1 for a second story. A variance is also

requested for Unit 19 for an addition the rear of the unit. The unit is less than 200' from Lost Lake.

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 as 9.9 acres of land. The property is an established resort and is licensed by the Minnesota Department of Health.

The proposed twin units will be 75 from Gull Lake and located in tier 1. A bluff determination has been completed. There are two areas that are considered bluffs and are indicated on the Preliminary Plat, Certificate of Survey and Proposed Conditions map.

Shoreland Resort Development -40

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

- The resort is currently licensed through the Minnesota Department of Health and is appropriately zoned (Waterfront Commercial)
- The resort is existing and there are established areas for recreational use, docks and a swimming area. There currently does not exist a boat launching facility and one is not being proposed. Docking must comply with Department of Natural Resource rules 6115.0210. A copy of the submission has been sent to Darrin Hoverson, DNR Area Hydrologist for our area.
- Buildings or community rooms are not being proposed.
- A maximum of 4 units may be used for owners or employees of the resort. Only 1 unit is being proposed for employee housing. Previously two units were designated for employee housing. Employee housing is counted in the density calculations.
- 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. It should be pointed out that the allowable density for Tier 1/Lost Lake is maxed out with the proposal. This means no future structures within Tier 1/Lost Lake and there is no room for error in new construction. Each unit is assessed a minimum of 600 square feet (this has been done).
- 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 property. It is estimated that the amount wastewater generated will exceed 2500 gallons per day. An advanced designer and inspector will be needed for the septic system. Greg Halling Engineering has put together a plan that will need to be reviewed by the city engineer. the applicant is proposing to utilize the existing system for the first year and not allowing year around use until 2016 when infrastructure improvements will be completed.
- Impervious surface coverage shall not exceed 25% for the entire project area. The entire project is at 22.4% and tier 1 (Gull Lake side) is at 23.3%. The maximum amount of impervious surface for Tier 1/Lost Lake is 17.4%. The maximum amount of impervious surface allowed in Tier 1 is 25%.
- For expansions with less than 20 units and more than 15% impervious coverage in the first tier, a stormwater plan shall be provided. Greg Halling has provided an Erosion Control, Grading and Drainage Plan. These plans will be reviewed by the city engineer for adequacy and compliance. It appears more than 10,000 square feet of area will be disturbed so the applicant will need to meet the MPCA General Stormwater Permit for Construction Activity requirements.

- The ordinance requires that at least 50 % of its shoreline be left in its natural state. If less, than no more vegetation removal of the shoreline can be done. From Teri's estimation, at least 50 % of the shoreline is in its natural state due to large amount of wetlands. A condition on approval should address this requirement.
- The proposed resort expansion will have second party ownership/ownership interest in individual cabins. The ordinance requires that notice be recorded in the office of the Cass County Recorder on the parcel which the resort is located that the cabin or unit may be required to be moved or removed shall the resort cease to be licensed. Steve Qualley, City Attorney is drafting a document to be recorded.
- Adequate provisions must be developed to preserve and maintain the open space. Teri requested the applicant to provide this documentation.
- An ownership Association established as described in 40.10.2 A copy of the association documents has been provided. The owners association documents appears to meet the requirements listed within the ordinance. The document has been sent to the city attorney for his review. There is one reference to the City of Pequot Lakes on page 9 that should be corrected.
- Maintenance of vegetation buffers and screening(Section 40.10.3). The association documents should be amended to reflect the language of the ordinance. In addition, Teri stated to the applicant that a proposed condition of no vegetation removal in the bluff or shore impact zone unless it is safety hazard would be recommended.

Preliminary Plat-49

- Existing Conditions have been submitted that include boundary lines, boundary survey done by a Registered Land Surveyor, legal description of the property, total acreage, name of fee owner, developer, and north arrow and scale.
- Contour information, tree limits, and specimen tree locations are shown.
- Soils information has been addressed.
- Adjacent property owners and zoning has been identified along with wetlands. There are no known significant historical sites on the property (adjacent properties do have Indian burial mounds).
- There are no known significant wildlife habitat areas (there have been loon nests identified on the southern portion of the property within the wetland area). There are no known endangered , threatened, rare or critical species both flora and fauna identified.
- Location of existing driveways, and structures are shown along with the existing well and septic systems.
- Zoning classifications for the property and adjacent properties are indicated on the plat.
- The preliminary plat indicates proposed, driveways, buildings/lots, structure setbacks, the amount of greenspace,
- Drawings on the water and subsurface treatment system has been provided along with showing an alternative drainfield site.
- Anticipated vegetation removal has been shown on the plat.
- Proposed stages of development have been provided to the city.
- The proposed development should not cause the city to incur any costs.
- All nonconforming structures and uses shall be brought into conformity unless waived by the Planning Commission. I am recommending a motion to waive this requirement.
- A report by Ben Meister has been prepared regarding near shore aquatic conditions.
- Access to the property is through a 66' wide easement to Lost Lake Road which is a publicly maintained roadway. There are no public improvements proposed with the plat.
- Survey standards- a plat check by an independent party will be required (final plat approval).

- As mentioned earlier, a plan for the sewer and well have been submitted and will need to be reviewed by the city engineer for acceptability.
- Drainage/Grading - A grading and drainage plan have been submitted. The plan will be reviewed by the city engineer for compliance with the city ordinance (100 year, 24 hour storm event). There shall be no discharge of untreated stormwater to a water body.
- Park Dedication: The City may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for conservation purposes or for public use as parks, recreational facilities, playgrounds, trails, wetlands, or open space; provided that the City may choose to accept an equivalent amount in cash from the applicant for part or all of the portion required to be dedicated to such public uses or purposes based on the fair market value of the land no later than at the time of final approval. In establishing the reasonable portion to be dedicated, the City may consider the open space, park, recreational, or common areas and facilities which the applicant proposes to reserve for the subdivision, and the City reasonable determines that it will need to acquire that portion of land for public purposes as a result of approval of the subdivision. The last two park dedications were for New Start Acres (4 lots at $250 each) and Whitney's Overlook (5 lots at $250 each plus 11 acres green space). Input from the Park Committee should be sought.
- Professional Costs: The applicant/developer is responsible for all professional costs the city incurs (city engineer review, sewer inspector, city attorney review). These costs shall be paid prior to the signing of the final plat.
- An acceptable title opinion will be needed prior to signing the final plat.

Conditional Use Permit-68

- 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:
  1. Increasing the required lot size or yard dimension.
  2. Limiting the height, size or location of buildings.
  3. Controlling the location and number of vehicle access points.
  4. Increasing the street width.
  5. Increasing or decreasing the number of required off-street parking spaces.
  6. Limiting the number, size, location or lighting of signs.
  7. 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 improvements will be utilized as resort 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 businesses 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:

  1. 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.

  2. The Conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

  3. The Conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. *The feasibility of city sewer was reviewed briefly and it is most likely not cost effective at this time.*

  4. 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 units will add minimal traffic.*

  5. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use. *The applicant has provided an updated parking plan. The plan appears to meet the ordinance requirements for the resort and restaurant. The plan does include handicapped parking.*

  6. 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.

  7. 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.*

  8. 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 bluff areas have been defined.*

Commercial Waterfront District-18

- The Commercial Waterfront District requires a setback of 75' for Gull Lake and a setback of 200' for Lost Lake. A setback of 50' is required from wetlands. A 10' setback is required between buildings. Impervious surface will be dealt with under the shoreland resort standard.

- The Waterfront Commercial standards require 1.5 parking spaces per dwelling unit along with 1 parking space per every 3 seats plus 1 space per number of employees on a shift for the restaurant. In addition, the applicant will need to meet ADA (American with

Disabilities Act) standards and provide handicapped parking. Handicapped parking has been shown and the applicant has included plans for ADA compliance within the packet. Trailer parking or other recreational parking should not be allowed on the premises as there is not adequate area. This item should be included as a condition and included in the association documents.

- The applicant had submitted a landscape plan from Landsburg Landscaping which addressed cosmetic landscaping around the cottages. The resort currently does a decent job with flowers and shrubs around the units. Teri believes the same will continue in the future. At this point, the replacement of trees is more critical. The applicant has submitted landscape tree exhibit which indicates trees that will remain, trees to be planted and trees to be remove. Not all the proposed units will be constructed at the same time, therefore, the applicant should address how the landscaping plan will be implemented.

- Trash handling equipment: The applicant should address how he will handle trash equipment for the facility, this may not change much from the current procedure.

- 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 buildings or if any additional lighting is planned within the resort.

- 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 buildings. The proposed twin units will have more bulk since it will be larger and a story and half. One of the existing units has been remodeled with new siding which will be used for the other remodeled units.

- Outdoor Storage: The applicant should address if any additional outdoor storage is planned. Again, the issue of boat trailer storage should be addressed.

- 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 applicants expense for any professional reviews incurred by the city.

Variance-69

1. The applicant also requested a variance to add a second story to the existing Ponderosa cabin (cottage 1). A variance is also being sought for the decks and porches on cottages 4, 5, and 7. A variance is also being sought for cabin 14 (proposed cottage 19) on the Lost Lake side. A 13.6'x16 addition onto the rear of the cottage is being proposed. The existing cabin is less than 200' from Lost Lake.
2. Elevation drawings have been provided for the cottages. The cottages will meet the height requirement.
3. The Ponderosa cabin or Cottage 1, does meet the 75 setback requirement. The concern with the second story on this structure is the impact on the bluff during construction. How will the impact be minimized? What erosion control measures will be used? What additional screening is planned?

4. The decks and porches for cottages, 4, 5, and 7 are proposed to encroach into the bluff setback. The encroachment varies from 6-8 feet. Although the encroachment to cottage 5 and 7 is very marginal. The decks and porches will not have full foundations but will be utilizing a more noninvasive footing. The porches and decks will be a minimum of twenty feet from the top of the bluff. There is an existing bituminous path that follows the top of bluff.
5. If the twin units would be moved further to the east, the ground starts to fall away so the placement of the building is in the most logical area. The proposed decks and porches are not excessive in size.

STAFF RECOMMENDATION:
Rational for the Variance:
Recommend approval of the variances requested as the proposed improvements can be mitigated. The decks and porches will not have an adverse impact to the bluff due to the type of construction. The topography of the property does not lend itself to moving the units in order to meet the bluff setback. The second story addition to proposed cottage 1 is well screened from the lake. The addition to proposed cottage 19 is to the rear and is keeping with the spirit and intent of the ordinance.

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.
Recommend approval of the Preliminary Plat/ Conditional use permit with the following conditions:

- No boat lifts for unit/cottage owners (condition to be included in the association documents).
- No additional vegetation removal within the bluff or shore impact zone unless a demonstrated hazard is shown and city approval is given (condition to be included in the association documents).
- No boat trailer/recreational vehicle or similar storage allowed on the premises (condition to be included in the association documents).
- No storage allowed over the proposed drainfield and alternative drainfield site.
- No unit/cottage shall be occupied on a year round basis until adequate infrastructure is in place.
- The resort shall maintain licensure from the MN Dept. of Health to operate as such and proof of licensure submitted to the City of Lake Shore annually.
- Nonconforming structures and uses shall be allowed as presented in the preliminary plat.
- Compliance must be maintained with ADA requirements for a resort.
- Dock facilities must be approved by the DNR and any changes to the docking be approved by the DNR with city notification. No boat launching facilities are permitted.
- No garages or storage units shall be constructed associated with a unit or cottage.
- Prior to the issuance of any permit, the city shall be provided with verification of issuance of an MPCA NPES Permit.
- The proposed building should be constructed out of the materials proposed.
- All lighting for the resort shall comply with ordinance standards and be downcast lighting.
- Landscaping around each unit/cottage shall be completed within 6 months of completion of the unit/cottage.
- Existing cabins 1-4 must be removed from the premises; they are not allowed to be stored or relocated on the property.

- The grading/erosion control/stormwater plans submitted and approved by the city shall be implemented as construction (phased) commences.
- No additional buildings or additions are allowed within Tier 1-Lost Lake unless additional density becomes available (removal of other buildings) and appropriate permits are issued by the city.
- No additional clearing of vegetation beyond a 30' perimeter around cottages 17 and 18.
- A minimum of 50% greenspace shall be maintained and adequately preserved (condition to be included in the association documents).
- Personal use or use by family or guests of the owner of rental unit shall not exceed 60 days between May 1 and November 1 each year.
- The resort shall submit to the city no later than January 31st of each a written report for the prior calendar year showing for each resort unit the number of days the unit was occupied by the owner between May 1 and November 1.
- Resort units shall be required to be removed or relocated in compliance with the city's residential standards should the property cease to be a licensed resort.
- Any changes to the Homeowners Association or Declaration shall be approved by the city.
- There shall be no changes to density (employee housing/owner housing/resort unit without city approval and compliance with applicable city ordinances.
- Documentation that the lodge is not being used as housing prior to the final plat being signed.
- All professional costs incurred by the city relating to the plat shall be paid prior to city signing the final plat. Additional charges incurred after the final plat has been signed shall be paid prior to issuance of any permit.
- The city shall be provided copies of all signed and recorded documents associated with CIC Plat for Lost Lake.

Based on letters received from the public and the DNR the following conditions should be added if Preliminary approval is given for Lost Lake Lodge.

- Dock Plan. Reconfigured dock plan addressing the DNR's concerns and a letter of their approval of the plan prior to the submittal of the Final Plat.
- All outdoor/exterior lighting to be Dark Sky Compliant.
- Revisions requested by the attorney be incorporated into the appropriate documents (Declaration/Assoc. documents).
- Elevation drawings for the single units along with height on all elevation drawings be submitted prior to the final plat submittal.
- Proof of ADA compliance for new units #18 and #19 be prior to building /zoning permits being issued for such structures. Compliance would be by a certified accessibility specialist.

Tom Steffens and Brett Reese representing Rebound Lodge (Lost Lake Lodge) and Cynthia Hidde of Stonemark Land Surveying came before the Commission to explain their application. Brett thanked the Commission for their time. Tom Steffans addressed the applicant's response to Tim Moore's concerns.

Tom addressed Darrin Hoverson's of the MN DNR's concerns with the dock system that is proposed. Teri suggested that the applicant work with the DNR to work out a satisfactory dock system before final plat.

Tom provided a letter dated September 8, 2015 that addressed the concerns on Teri's staff report. They staked the proposed new units before the site visit and they removed one of the units from the plan. They will be planting approximately 60 new trees at the completion of the new septic

system and the new twin homes. They have made revisions to the declaration at the advice of the city attorney which is satisfactory. They have set a 60 day limitation between May 1st and November 1st without exception.

Tom said the density shown on tier one on the Lost Lake side is at the allowed density. They will remove a shed that is on tier one to decrease the allowable density in that tier.

Mark Hallan said he will review the figures to make sure it is acceptable.

Roger Smeby asked about the sewer construction. Tom said they will build one twin home that will hook up to the existing system. When the next construction starts they will construct a new sewer and water line system for year round service. Roger asked about the dock system. Tom and Cindy will work with Darrin Hoverson and a dock installer to make sure the plan is feasible before the final plat.

Earl North asked to confirm the Planning and Zoning administrator's recommendations and conditions for the preliminary plat. Teri said she said it is lengthy and should be read into the record.

Wayne Anderson said that he has a concern with boat trailer storage onsite. Tom said if they have the space they would; however, they currently work with the marina for storage. Teri said it is one of the conditions for approval that the storage is off site. He asked if the contractor has to build to state code. Teri said a licensed contractor will have to build to state code. They will have to also hire an certified accessibility specialist to make sure the plans are ADA compliant.

KC Moore 8089 Ridge Road is concerned with the density and said this is a big development on a modest piece of property. He asked where the shed is going to be removed. It is the fish cleaning building. KC said it appears the proposal is to get high commercial density. He said it doesn't look like a resort anymore when you take out the resort uses, like the shuffle board court and the fish cleaning; it actually appears to be more residential. Tom said the fish cleaning capability is moving to a more accessible location in the garage. There will be an arcade facility for resort guests. There will also be a gathering area for guests.

John Ingleman asked if number 20 is the lodge. Yes, it is. There were 20 units proposed and they have dropped down to 19 and the lodge is 20. He likes that they took out the second story to one of the units.

MOTION BY JOHN INGLEMAN TO RECOMMEND APPROVAL OF THE REQUESTED VARIANCES AS THE PROPOSED IMPROVEMENTS CAN BE MITIGATED. THE DECKS AND PORCHES WILL NOT HAVE AN ADVERSE IMPACT TO THE BLUFF DUE TO THE TYPE OF CONSTRUCTION. THE TOPOGRAPHY OF THE PROPERTY DOES NOT LEND ITSELF TO MOVING THE UNITS IN ORDER TO MEET THE BLUFF SETBACK. THE SECOND STORY ADDITION TO PROPOSED COTTAGE 1 IS WELL SCREENED FROM THE LAKE. THE ADDITION TO PROPOSED COTTAGE 19 IS TO THE REAR AND IS KEEPING WITH THE SPIRIT AND INTENT OF THE ORDINANCE. WAYNE ADNERSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

MOTION BY GLEN GUSTAFSON TO RECOMMEND APPROVAL THE CONDITIONAL USE/PRELIMINARY PLAT BASED ON TERI'S STAFF REPORT WITH THE FOLLOWING CONDITIONS: THE USE WITH 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. **CONDITIONS:**

- NO BOAT LIFTS FOR UNIT/COTTAGE OWNERS (CONDITION TO BE INCLUDED IN THE ASSOCIATION DOCUMENTS).
- NO ADDITIONAL VEGETATION REMOVAL WITHIN THE BLUFF OR SHORE IMPACT ZONE UNLESS A DEMONSTRATED HAZARD IS SHOWN AND CITY APPROVAL IS GIVEN (CONDITION TO BE INCLUDED IN THE ASSOCIATION DOCUMENTS).
- NO BOAT TRAILER/RECREATIONAL VEHICLE OR SIMILAR STORAGE ALLOWED ON THE PREMISES (CONDITION TO BE INCLUDED IN THE ASSOCIATION DOCUMENTS).
- NO STORAGE ALLOWED OVER THE PROPOSED DRAINFIELD AND ALTERNATIVE DRAINFIELD SITE.
- NO UNIT/COTTAGE SHALL BE OCCUPIED ON A YEAR ROUND BASIS UNTIL ADEQUATE INFRASTRUCTURE IS IN PLACE.
- THE RESORT SHALL MAINTAIN LICENSURE FROM THE MN DEPT. OF HEALTH TO OPERATE AS SUCH AND PROOF OF LICENSURE SUBMITTED TO THE CITY OF LAKE SHORE ANNUALLY.
- COMPLIANCE MUST BE MAINTAINED WITH ADA REQUIREMENTS FOR A RESORT.
- DOCK FACILITIES MUST BE APPROVED BY THE DNR AND ANY CHANGES TO THE DOCKING BE APPROVED BY THE DNR WITH CITY NOTIFICATION. NO BOAT LAUNCHING FACILITIES ARE PERMITTED.
- NO GARAGES OR STORAGE UNITS SHALL BE CONSTRUCTED ASSOCIATED WITH A UNIT OR COTTAGE.
- PRIOR TO THE ISSUANCE OF ANY PERMIT, THE CITY SHALL BE PROVIDED WITH VERIFICATION OF ISSUANCE OF AN MPCA NPES PERMIT.
- THE PROPOSED BUILDING SHOULD BE CONSTRUCTED OUT OF THE MATERIALS PROPOSED.
- ALL LIGHTING FOR THE RESORT SHALL COMPLY WITH ORDINANCE STANDARDS AND BE DOWNCAST LIGHTING.
- LANDSCAPING AROUND EACH UNIT/COTTAGE SHALL BE COMPLETED WITHIN 6 MONTHS OF COMPLETION OF THE UNIT/COTTAGE.
- EXISTING CABINS 1-4 MUST BE REMOVED FROM THE PREMISES; THEY ARE NOT ALLOWED TO BE STORED OR RELOCATED ON THE PROPERTY.
- THE GRADING/EROSION CONTROL/STORMWATER PLANS SUBMITTED AND APPROVED BY THE CITY SHALL BE IMPLEMENTED AS CONSTRUCTION (PHASED) COMMENCES.
- NO ADDITIONAL BUILDINGS OR ADDITIONS ARE ALLOWED WITHIN TIER 1-LOST LAKE UNLESS ADDITIONAL DENSITY BECOMES AVAILABLE (REMOVAL OF OTHER BUILDINGS) AND APPROPRIATE PERMITS ARE ISSUED BY THE CITY.
- NO ADDITIONAL CLEARING OF VEGETATION BEYOND A 30' PERIMETER AROUND COTTAGES 17 AND 18.
- A MINIMUM OF 50% GREENSPACE SHALL BE MAINTAINED AND ADEQUATELY PRESERVED (CONDITION TO BE INCLUDED IN THE ASSOCIATION DOCUMENTS).
- PERSONAL USE OR USE BY FAMILY OR GUESTS OF THE OWNER OF RENTAL UNIT SHALL NOT EXCEED 60 DAYS BETWEEN MAY 1 AND NOVEMBER 1 EACH YEAR.
- THE RESORT SHALL SUBMIT TO THE CITY NO LATER THAN JANUARY 31ST OF EACH A WRITTEN REPORT FOR THE PRIOR CALENDAR YEAR SHOWING FOR

EACH RESORT UNIT THE NUMBER OF DAYS THE UNIT WAS OCCUPIED BY THE OWNER BETWEEN MAY 1 AND NOVEMBER 1.

- RESORT UNITS SHALL BE REQUIRED TO BE REMOVED OR RELOCATED IN COMPLIANCE WITH THE CITY'S RESIDENTIAL STANDARDS SHOULD THE PROPERTY CEASE TO BE A LICENSED RESORT.
- ANY CHANGES TO THE HOMEOWNERS ASSOCIATION OR DECLARATION SHALL BE APPROVED BY THE CITY.
- THERE SHALL BE NO CHANGES TO DENSITY (EMPLOYEE HOUSING/OWNER HOUSING/RESORT UNIT WITHOUT CITY APPROVAL AND COMPLIANCE WITH APPLICABLE CITY ORDINANCES.
- DOCUMENTATION THAT THE LODGE IS NOT BEING USED AS HOUSING PRIOR TO THE FINAL PLAT BEING SIGNED.
- ALL PROFESSIONAL COSTS INCURRED BY THE CITY RELATING TO THE PLAT SHALL BE PAID PRIOR TO CITY SIGNING THE FINAL PLAT. ADDITIONAL CHARGES INCURRED AFTER THE FINAL PLAT HAS BEEN SIGNED SHALL BE PAID PRIOR TO ISSUANCE OF ANY PERMIT.
- THE CITY SHALL BE PROVIDED COPIES OF ALL SIGNED AND RECORDED DOCUMENTS ASSOCIATED WITH CIC PLAT FOR LOST LAKE.
- DOCK PLAN. RECONFIGURED DOCK PLAN ADDRESSING THE DNR'S CONCERNS AND A LETTER OF THEIR APPROVAL OF THE PLAN PRIOR TO THE SUBMITTAL OF THE FINAL PLAT.
- ALL OUTDOOR/EXTERIOR LIGHTING TO BE DARK SKY COMPLIANT.
- REVISIONS REQUESTED BY THE ATTORNEY BE INCORPORATED INTO THE APPROPRIATE DOCUMENTS (DECLARATION/ASSOC. DOCUMENTS).
- ELEVATION DRAWINGS FOR THE SINGLE UNITS ALONG WITH HEIGHT ON ALL ELEVATION DRAWINGS BE SUBMITTED PRIOR TO THE FINAL PLAT SUBMITTAL.
- PROOF OF ADA COMPLIANCE FOR NEW UNITS #18 AND #19 BE PRIOR TO BUILDING /ZONING PERMITS BEING ISSUED FOR SUCH STRUCTURES. COMPLIANCE WOULD BE BY A CERTIFIED ACCESSIBILITY SPECIALIST.
- PLUS, NO LIVING SPACE OR OCCUPANCY OF THE LODGE

GLEN GUSTAFSON SEDONCED THE MOTION. MOTION PASSED UNANIMOUSLY.

NEW BUSINESS – There was no new business.

OLD BUSINESS

Recommendation on Apartments – The Apartment Subcommittee (Earl North, Kevin Egan, Tom Diemert and Teri) met August 12th to review the matter of apartments within the R-1 district. The committee reviewed options within the city for apartments. As part of the discussion these areas were reviewed:

- Adequacy of infrastructure (sewer)
- Other areas within city where apartments can be constructed utilizing existing ordinances
- Need for apartment housing
- Comprehensive Plan as it relates to apartments
- Benefits/Negatives to the community

RECOMMENDATION:

The Subcommittee is recommending that no change be made to the ordinances at this time based on the rationale that there are areas within the city that allow for the construction of apartments that require sufficient lot size to allow for a Subsurface treatment system (septic system). Many areas within the R-1 district (Low Density Residential District) are not served by city sewer and

may not have sufficient area to support the necessary required land area for a septic system to serve multifamily housing.

MOTION BY TOM DIEMERT TO RECOMMEND NO CHANGE BE MADE TO THE ORDINANCES BASED ON THE RATIONALE THAT THERE ARE AREAS WITHIN THE CITY THAT ALLOW FOR THE CONSTRUCTION OF APARTMENTS THAT REQUIRE SUFFICIENT LOT SIZE TO ALLOW FOR A SUBSURFACE TREATMENT SYSTEM (SEPTIC SYSTEM). MANY AREAS WITHIN THE R-1 DISTRICT (LOW DENSITY RESIDENTIAL DISTRICT) ARE NOT SERVED BY CITY SEWER AND MAY NOT HAVE SUFFICIENT AREA TO SUPPORT THE NECESSARY REQUIRED LAND AREA FOR A SEPTIC SYSTEM TO SERVE MULTIFAMILY HOUSING.. WAYNE ANDERSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

REPORTS
City Engineer – Mark Hallan had no further comments.

Chairman – John Ingleman has nothing to report.

Council Liaison – Earl North had nothing to report.

Zoning Administrator – Teri Hastings had nothing to report.

PUBLIC FORUM – Ilene Thom thanked the zoning inspector for coming to check out her concerns.

MOTION BY GLEN GUSTAFSON TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF SEPTEMBER 14, 2015 @ 10:36 AM. TOM DIEMERT SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk