

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
CITY HALL
MINUTES
FEBRUARY 8, 2016
9:00 AM**

Acting Chair Kevin Egan called the meeting to order at 9:00 a.m. Members of the Commission present: Kevin Egan and Glen Gustafson; Alternates Pat Hastings and Wayne Anderson; Council Liaison Earl North; City Engineer Mark Hallan; City Zoning Administrator Teri Hastings and City Clerk Patti McDonald. John Ingleman, Tom Diemert and Roger Smeby were absent. There were 3 people in the audience. A quorum was present and the Commission was competent to conduct business.

Approval of the January 11, 2016 Regular Meeting Minutes – MOTION BY GLEN GUSTAFSON TO APPROVE THE MINUTES FOR JANUARY 11, 2016 BOARD OF ADJUSTMENT/PLANNING COMMISSION WITH ONE CORRECTION. PAT HASTINGS SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING –

Rezoning Request - Giles Radtke - Section 8 – Giles Radtke requested to rezone his property from Wooded Residential (WR) to Neighborhood Commercial (NC). The property is legally described as the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 8, Twp. 135, Range 29. Site address is 7620 County 78.

The following documents became part of the record – Notice of mailing, notice of publication, signed application and attachments and staff report. There were two written comments read into the record regarding this application. One is from Ron and Theresa Berg, 1660 County 29; and the other is from Lee and Tracy Chase 1586 County 29, both were in opposition of the rezoning.

Macayla Radtke came before the Commission to explain the Radtke property. She said the primary business they have proposed is a wedding event center. There is one 80' X 120' building planned with a possible home for the wedding party. She said the property adjacent to them is commercial. Pat Hastings asked if they would apply for a liquor license. Macayla said the caterer would supply that. Wayne asked if they would have a paved parking lot. He asked if they would enter off of County 78. They would have a parking lot. Kevin asked them to comment on the concerns of the neighboring property. They would only hold weddings on Saturdays at this point. Kevin said that when the property is changed to commercial the commission has to consider what would come if they sold the property. Macayla explained that they don't intend on selling the property and the building would probably stay for the same use. Kevin suggested they possibly wait and let the Commission consider a different zoning option in the future.

Wayne Anderson asked if Macayla's husband is an electrical contractor and asked if he is into motorcycles. Yes, he is, but he wouldn't do and biking on the property.

Earl North asked if the majority of the use of the property would be during the summer months when the community is very busy. Macayla said they want to provide the opportunity for tourists

to come to this community. Earl is concerned that the business has to fit within the City's Comprehensive Plan.

Mitch Crocker has the business kitty corner from the property. He doesn't have a problem with the zoning request. He said that he has considered and has the opportunity to build a gas station if he wanted to. He thinks that the driveway should come off of County 78. He also commented that there is a blueberry farm just up the road.

Tim Moore 7837 Lost Lake Trail seems to remember during the Comprehensive Planning process this corner was discussed as a business corner possibly similar to adding a convenience store.

Macayla asked if those opposed knew what the plan is for the property. Teri said she did explain it to them and they felt somewhat better.

Wayne Anderson commented they own property just north of this property and said that noise is the main concern. He isn't concerned about traffic.

Macayla said that they would abide by city ordinance for noise.

Tim Moore asked if Neighborhood Commercial is also a Conditional Use. Teri said it is. Tim said this is how you control the concerns of the Commission. Teri explained it is difficult to turn down a conditional use permit if the property is sold.

Kevin Egan suggested that the request is turned down and let the Commission review their ordinances.

Earl North asked if the letters of opposition came before or after they were informed of the proposed use of the property. They came after. One is seasonal and one is year round.

Teri's staff report indicated the following: The applicant is requested to rezone 9.94 acres to Neighborhood Commercial from Wooded Residential. The minimum lot size in the commercial district is 40,000 square feet and 20, 000 square feet of buildable area.

There are a number of factors that the ordinance lists in considering a rezoning request (Section 11.5).

The property surrounding the subject property is Wooded Residential to the north, east and south. The property to the west is zoned Agriculture and the property to the northwest is zoned Neighborhood Commercial. The area does have residential homes around the property. The property to the east and south is vacant and is Tax Forfeited property. There are commercial uses west of the property (Crocker Collision and a game farm (first property outside of the city limits)).

The topography of the site is fairly level with some grade change on the easterly side of the property. The topography would be conducive to a commercial use since there is not extreme variations in the topography. The site does consist of grassy vegetation near the highway and the remainder being wooded. The property does have a small cabin and garage on it, pictures attached.

The property is served by two County Roads, County 78 and County 29. Therefore, there is good accessibility for the site.

The Commission does need to determine the socioeconomic needs of the public? If the property is zoned commercial what will be the commercial use of the property? Will the use serve a need for the community? All commercial uses require a conditional use permit from the city.

There is no public sewer for this area and city sewer is not included in the city's 20 year plan. The site is large (9.94 acres) and should be able to accommodate a subsurface treatment system. The SSTS size will be dependent upon the type of use.

The proposed site does not have significant historical or ecological value that is known by the city.

The Commission will need to determine if a potential conflict could arise between the subject property and the surrounding property. The applicant should be asked how this conflict could be minimized or avoided. The surrounding properties are larger tracts which will help minimize conflict.

There is a very small amount of commercial property available within the city.

The rezoning would not be considered spot zoning since the property on the northwest corner is zoned commercial.

The City's Comprehensive Plan indicates the following:

Policies

- **Encourage development that supports Lake Shore as a year-round community for residents and an attractive destination for visitors.**
- **Facilitate the coexistence of residential properties and recreational businesses as well as educate property owners on the value of recreational commerce to the community.**

Strategies

- **Examine the ordinance and current zoning classifications for areas that would be suitable for the expansion of commercial uses.**
- **Encourage the development of service-oriented businesses to support the increasing number of full time residents.**

STAFF RECOMMENDATION

Based on the criteria established in the City's Zoning Ordinance it may be justifiable to rezone the property but is this what the city would like to see for the future in this area? Teri believes a closer look is needed on whether this is appropriate for our community. Perhaps, the applicant could enlighten the commission on their plans for the property and possibly there is a better way to achieve the use the owner desires.

MOTION BY GLEN GUSTAFSON TO RECOMMEND DENIAL OF THE GILES RADTKE APPLICATION TO REZONE THE PROPERTY AT 7620 COUNTY 78 FROM WOODED RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL; AND MOVE DIRECTLY INTO LOOKING INTO MODIFYING THE CITY'S ZONING ORDINANCE. WAYNE ANDERSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Rezoning - Timothy & Cynthia Moore and Sally Sue Carter-Winterstein properties - Section 9 – The City of Lake Shore is initiating a rezoning of the properties owned by Timothy & Cynthia Moore and Sally Sue Carter Winterstein. The property is currently zoned waterfront commercial and is proposed to be rezoned to Medium Density Residential (R-2). The properties are described as Part of Government Lot 6, Section 9, Township 135, Range 29 and Part of Lot 1, Lot 2, Outlot 1 and Meinta Bemis Road of Schaffers Upper Gull Lake Addition. The properties are located to the north of Lost Lake Lodge and originally were part of the resort. Site addresses of the property are 7847 Lost Lake Trail and 7837 Lost Lake Trail.

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.

Tim Moore had no further comments regarding the rezoning request.

Teri's staff report indicated the following: In 2015 during the review of the Lost Lake Lodge Resort application, an error was found in the city's Zoning Map for the property owned by Timothy and Cynthia Moore and Sally Sue Carter-Winterstein. The two properties are adjacent to the north side of the resort (map attached). Both parcels were originally part of the resort property but were split off sometime between 1981-1997. The properties are zoned Waterfront Commercial and should be zoned R-2, Medium Density Residential.

Both property owners were sent two notifications regarding the error and the rezoning.

Both properties are currently used for residential purposes and have a dwelling on them.

STAFF RECOMMENDATION

Based on the above information it is recommended that properties described as Part of Government Lot 6, Section 9, Township 135, Range 29 and Part of Lot 1, Lot 2, Outlot 1 and Minta Bemis Road of Schaffers Upper Gull Lake Addition be rezoned from Waterfront Commercial to R-2, Medium Density Residential.

MOTION BY GLEN GUSTAFSON TO RECOMMEND APPROVAL OF THE REZONING REQUEST AS PRESENTED. PAT HASTINGS SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Tim Moore said that back when he came before the commission a portion was rezoned to commercial waterfront and is shown incorrectly on the zoning map. Teri said that when the new colored map was created it was an error. It should be indicated as CW and not CN.

Teri said the Comprehensive Plan hasn't been reviewed for 10 years. She suggested scheduling a workshop to review the zoning change discussed earlier.

NEW BUSINESS – Wayne noted he will not be here for the March meeting. Teri said that Tom Diemert has submitted his resignation to the Planning Commission.

Earl North said for clarity the Commission didn't waive additional fees for the Radtke application as they have done in the past. Teri answered that if they come back with a zoning application the Commission could revisit that.

OLD BUSINESS – There was no old business.

REPORTS

City Engineer – Mark Hallan said that the City of Nisswa just started their review of their Comprehensive Plan. Teri said that East Gull Lake is also going through their review.

Chairman – John Ingleman was absent. Kevin Egan had no comments.

Council Liaison – Earl North had nothing to report.

Zoning Administrator – Teri Hastings

PUBLIC FORUM – There was no public forum.

MOTION BY WAYNE ANDERSON TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF FEBRUARY 8, 2016 @ 9:54 AM. PAT HASTINGS SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk