

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
LAKE SHORE CITY HALL
MINUTES
JANUARY 10, 2022
9:00 AM**

Commission Members in attendance: Arla Johnson, Bob Toborg, Gene Hagen and Glen Gustafson; Alternate Pat Hastings; Council Liaison John Terwilliger; City Engineer Joe Dubel, City Zoning Administrator Teri Hastings and City Clerk Patti McDonald. Absent were Chair Jim Woll and Alternates Shawn Hansen and Pam Poston. A quorum was present and the Commission was competent to conduct business. There were 5 people in the audience at City Hall.

Arla Johnson called the meeting to order at 9:00 a.m.

Election of Officers – Elections are the first meeting of the year.

MOTION BY GENE HAGEN TO NOMINATE JIM WOLL FOR THE CHAIR POSITION. GLEN GUSTAFSON SECONDED THE NOMINATION. MOTION PASSED UNANIMOUSLY.

MOTION BY GENE HAGEN TO NOMINATE ARLA JOHNSON FOR THE VICE CHAIR POSITION. GLEN GUSTAFSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Approval of the December 13, 2021 Regular Meeting Minutes – MOTION BY GLEN GUSTAFSON TO APPROVE THE MINUTES FOR THE DECEMBER 13, 2021 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. BOB TOBORG SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING – There were no public hearing items.

NEW BUSINESS –

Site Plan Review: Lake Shore Properties: Spider Lake Cottages – Teri’s staff report indicated the following: The applicant is seeking a site plan review for subdividing property into a conservation subdivision. The property is 35 acres with 21.5 acres of upland area. The property is located east of the Causeway multi plex units on the east side of Lost Lake Road and north of the Anderson Gravel Pit. The property is located on Spider Lake which is considered a Natural Environment Lake (NE). A Natural Environment Lake has a minimum lot size of 80,000 square feet and a minimum buildable area of 40,000 square feet. The topography of the property is difficult. It has steep slopes, bluffs and wetlands. Due to the topography and wetlands, it would require boardwalks for each lot over sensitive wetland areas and traversing bluff areas.

The Conservation Subdivision (Lake Shore’s form of a planned unit development) requires clustering of the homesites on smaller lots and with the remainder of the property put into a conservation easement. This is a good tool when developing property with difficult topography. The Conservation Subdivision process is Section 38 of the Zoning Ordinance. The Conservation Subdivision utilizes a method of dividing the property into tiers (400’ in depth for a Natural Environment Lake) and taking the suitable land area (no wetlands or bluffs) and dividing it by the lot size (80,000 square feet for a NE lake). This gives a base density of units for the development. The ordinance does grant very minor density increases if additional requirements are met, for

example, increasing the setback by 100%. A density calculation is shown on the proposed plat. The applicant has provided an updated survey showing much of the required information for a preliminary plat.

Issues for the Planning Commission to address:

- The applicant has provided an updated survey for the property. The survey identifies the ordinary high-water mark, wetlands, bluffs and wooded areas. A separate sheet identifies specimen trees. Information on the plat indicates a wetland delineation has been performed and lake study. The wetland report/lake study has not been provided to the city.
- A density calculation has been provided on the preliminary plat sheet. The tiers are shown on the survey. Based on the numbers, it appears 9 units would be allowed. The city engineer will review the calculations for accuracy. Darrin Hoverson, DNR Hydrologist has reviewed the preliminary information and does have a concern with the area around unit 9 and if it should be considered a bluff.

Criteria	Density Increase, Tier 1	Density Increase, Tier 2	Density Increase, Tier 3 and Beyond
Dwelling setback from lake increased 50% over minimum	5%	N/A	N/A
Dwelling setback from lake increased 100% over minimum	10%	N/A	N/A
Common Open Space increased to 60%	0%	0%	0%
Maintain predevelopment peak runoff rate for the 50-year, 24-hour storm event	0%	0%	0%
Maintain predevelopment peak runoff rate for the 100-year, 24-hour storm event	0%	0%	0%

38.1.1.1 Increases in unit or site densities shall not exceed the following maximums:

Tier	Maximum Density Increase
First	5%
Second and each subsequent tier	10%

- The city ordinance requires a minimum of 3 contiguous acres of suitable area with a lot width of 400' which this proposal meets.
- The ordinance requires that at least 50% of the total project area must be preserved as open space which this proposal does. In addition, the ordinance requires that areas unsuitable for development should be included as open space as well as any historical sites or unplatted cemeteries, contain at least 75% upland area and 33% must be contiguous. Land for roadways, impervious surface, a 25' area around each dwelling unit must be excluded from the open space requirement.
- The applicant is proposing to connect the units to the city wastewater system. Preliminary discussions with Andrew Schwartz (city's wastewater operator) indicate there is enough capacity for nine units. A sewer line extension permit will be required from the MPCA

prior to construction. Plans for the sewer connection will need to be developed and then reviewed by the city engineer.

- The applicant has shown a patio on the peninsula. The peninsula is 303 feet at the widest part of the peninsula which allows only a 3' wide building area for a structure. However, a patio only requires a 50' setback and the applicant is proposing a 20'x30' patio along with a parking lot area for golf carts. In addition, an area by the docks is shown for golf cart parking. The amount of grading to shore impact zone (75' from the OHW for a Natural Environment Lake). Vegetation clearing limits should also be discussed for these improvements.
- The units should be clustered and a linear configuration should be avoided. The applicant has clustered the units in an area that is most suitable for building. Units should be spaced 10' apart at a minimum.
- Lake access or docking rights is only granted to the number of units allowed in tier 1. Based on the information provided 7 units would be given riparian access. Darrin Hoverson suggested that it should state specifically within the HOA and covenants which units will be given lake access. Not just the first seven units constructed.
- Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps must be clustered or grouped in suitable areas.

Evaluation of suitability must include consideration of:

- Land slope,
- Water depth,
- Aquatic and shoreland vegetation,
- Soils,
- Depth to groundwater and bedrock,
- Any or other relevant factors.

Boating facilities shall be located adjacent to the deepest water available. The number of spaces provided for continuous mooring, or docking of watercraft shall not exceed one (1) for each allowable dwelling unit or site in the first tier.

Individual docks shall not be allowed.

If the waterbody does not have a public access, a boat launching facility, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units/sites located in other tiers, and their watercraft shall be stored outside the Shore Impact Zone impact zone such that they are not visible from the public water.

Again, there is a note on the preliminary plat that indicates a lake study has been done on the property; this report should be furnished to the city.

- The plan also shows a pathway to the lake that is 8' wide. Most residential paths are 4' in width. This will be clarified with the DNR for compliance. The type of pathway should be discussed (will it be paved, or mulch?). How much earth movement for construction of the path and vegetation removal?

- The applicant is showing a preliminary lay out for 9 units utilizing an existing driveway off of Lost Lake Road where the residential property to the north of the subject property has an easement for access. If the applicant proceeds with the development, the easement should be reviewed to insure there are no issues with such an access. The layout of the units seems to fit the topography better than the layout submitted in June. Amenities are shown as well. *Teri commented here that it appears very steep for the placement of unit 9 and wondered if the positioning could be adjusted a bit.*
- A grading plan has been submitted along with a utility plan. These plans will be reviewed for adequacy. The grading plan does indicate some soils information; however, the source of this information is not provided. Is the soils information from soil borings, soil survey etc. *Teri asked if the cart parking could be pushed back as described so it would be out of the shore impact zone.*
- Impervious surface calculations have been shown on the preliminary plat and appear to conform to the ordinance.
- How will the open space, as required by ordinance, be permanently preserved, what type of mechanism will be used to accomplish this?
- The applicant should include a proposed time line for completion of the project and amenities. Financial security may be required by the city. In addition, the applicant is responsible for all costs incurred by the city in reviewing the plan.
- Other items that should be addressed are:
 - Additional screening (neighbor to the north)
 - Landscaping plan
 - Lighting plan (dark sky compliant)
 - Title opinion (required before final plat approved)
 - Park dedication (paid prior to the final plat being approved)

Teri suggested that these items listed in the staff report should be addressed before the formal preliminary plat is brought before the Planning Commission.

Arla asked Teri to go over her staff report. Teri said this is not a public hearing item, this is for **review** and no formal decisions will take place. Teri prepared a color-coded site plan describing the areas of the property setbacks; density calculations per tier; proposed trail; OHW etc. She reviewed her staff report and the tier calculations shown on the site plan.

Coming before the Board of Adjustment for presentation of the sketch plan review of the proposed development of Spider Bluff is Tom Steffens, Lake Shore Property Development; Cindy Hidde, Surveyor with Stonemark Surveying; Dave Mernin, Edina Realty for marketing the property and Tom Dean of Thomas Allen Homes, which will be the builder. Tom said that they will have all the information that Teri brought up completed in a week or two. He asked if the Commission members had any questions.

Bob Toborg asked how wide the channel is where they will be backing the boats out. Cindy said narrowest part the channel is approximately 168' wide (based on aerial imaging), the dock placement will be towards the NW, which is a wider portion of the channel. It is 67 feet from land at the end of the dock, she said it could be shortened up a bit. Teri referred them to the lake study plan which shows where the docks are placed across the channel. She also indicated she travels the channel quite often in the summer and referred to the large white pine that she uses as a landmark for where the dock system will be placed; she asked that the White Pine be noted on the

site plan and she would like that tree to remain. Arla asked for clarification of the docking system. Docking was discussed and the assignment/option of dock slips is in the declaration documents. Teri will send the information to Darrin Hoverson for his feedback. Gene Hagen asked if the dock system is permanent. Tom answered, they are permanent; they are standard docks, not pilings.

Pat Hastings asked if Tom Steffens has approached Causeway about sharing the drive instead of putting in new roads. Tom said he hasn't, but he will make contact. Pat suggested for a better fit, they could move the docks to the left of where it is indicated on the site plan. Tom said he will approach them. He feels the project is an appropriate use for that property. Tom thought so as well, stating, basically it will be 9 single family homes that are seasonal or permanent residents that won't be allowed to rent unless they follow the city ordinance. Teri said the city's short term rental ordinance will apply to these homes. When Dave promotes the property, he will share the city's short-term rental information with potential buyers.

Teri pointed out sections 48.1.4; 49.1.6; 49.1.7 and 49.1.8 off the Zoning Ordinance, which refers to the property containing any historical sites; this mainly pertains the where the structures will be built or other significant historical features. She said they should reach out to the DNR and the MN Historical Society for their opinion. Arla said it is better to know before you start the process.

Teri said a single well will serve the 9 units is indicated on the site plan, so special attention should be made to Zoning Ordinance section 49.2.9 referring to the adequacy of domestic water supply. Will the 9 units have any impact on the aquifer? Tom has furnished the information to well driller and they reviewed it and replied there shouldn't be any issues. He will send the information to Teri. She also asked if the Cass County Soil and Water Conservation District has been contacted for the small portion of wetland that is shown. Cindy said they will have a boardwalk over the wetland.

Arla asked if the proposed cart path will be in addition to the existing trail. Tom said they will realign the two to the existing trail.

Teri said this is a conservation development subdivision and will abut an existing conservation development subdivision with approximately 9 acres of dedicated open space. Teri said our Comp Plan looks for continuity of open space and if the proposed Spider Bluff is approved, it will be almost 30 acres of dedicated open space. Pat said this could promote the creation of trails used for hiking and/or cross-country skiing, etc.

City Engineer Joe Dubel asked if they have checked whether bituminous is allowable for the trail. Teri will confirm with Darrin Hoverson if bituminous is allowed.

Joe asked about the service road to unit 9 in relation to the pond and suggested that if the placement of the unit is reconfigured, they could shorten that road to stay away from the steep slope.

Teri said a stormwater plan will be required; the grading for the path and cart parking areas should be specified.

Tom said they tried to conform with every aspect of the ordinance to move forward with the development. He will continue to work with the neighbor to the north regarding the driveway entrance.

Teri referred to the elevation drawings and asked for clarification as to which of the 3 design options will be determined by the purchaser.

Tom Dean said they will stick to the 3 floor plans that they have created for this development. He said if they are requesting a custom build, they will have to let them know they are not set up for that. Pat said to be clear, they are proposing a conservation subdivision, where the Commission will only be approving (during preliminary plat process) the buildable area and they will have the ability to put anything they design as long as it fits into that area. Teri answered, yes; however, the Commission would like to know what type of units they are proposing, which is the 3 concept designs that they provided today.

There were no more questions and Tom thanked the Board for their comments and time.

OLD BUSINESS – There was no old business.

REPORTS

City Engineer – Joe Dubel had nothing to report.

Chairman – Jim Woll was absent.

Council Liaison – John Terwilliger had nothing to report.

Zoning Administrator – Teri Hastings said there will be a February Planning Commission meeting. There may be a lot split at that meeting as well. She has heard there may be another conservation subdivision coming before the Commission on Lake Margaret. She said that most conservation subdivisions should not be looking for any variances.

PUBLIC FORUM – Teri said this is Glen Gustafson’s last meeting as an official member and Teri presented him a certificate of appreciation. Glen has agreed to step in as an alternate.

MOTION BY PAT HASTINGS TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF JANUARY 10, 2022 @ 9:52 AM. GENE HAGEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk