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Grew Property, #21-0908-000

1:997

Date: 3/18/2024

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.



STAFF REPORT

Application:	Request for interim use permit to operate a short term vacation home rental in a R-3 zoning district.
Property Owners:	Sarah Grew
Agenda Item:	5(a)

Background Information:

- **Proposal:** The applicant is requesting an interim use permit, a term-limited conditional use, to operate a short-term vacation rental at a home along north Lakeshore Drive. The rental has three upper-level bedrooms, restricted to six occupants. Rentals would be provided primarily on a short-term basis with long-term rentals during the off-season. Off-street parking is provided with a 65 ft driveway. This shoreland property is zoned R-3 (Multiple Residential). This would be Grew's first City permit to operate a short-term vacation home rental.

The City's ordinance on permitting short-term vacation rentals as an interim use subject to a 3-year term is attached with this report. Applications for a short-term home rental must address all the requirements from the ordinance. A list of information to be provided to guests which includes noise, parking, ordinances, and pets is attached with the application. An inspection by the City's building official relative to the ordinance and building code requirements has been scheduled.

No changes to the current structures or setbacks are being made. The existing impervious coverage is well under the 25 percent maximum for shoreland areas. No increase in impervious area is proposed.

Erosion control measures currently in place are vegetative seeding in the open areas around the structures.

- **Location:**
 - Property address: 210 N Lakeshore Dr
 - Sec/Twp/Range: 12-125-38
 - Parcel number(s): 21-0910-000
- **Zoning:** R-3 Multiple Residential
- **Lot size:** Approx. 21,744 sq ft (0.5 acres) according to County GIS estimate.
- **Sewer/Water Status:** The property is served by city sewer and water.
- **Natural Features:** The home to the north of South Lakeshore Drive is visible from the lake.
 - Floodplain: Structures are not within an identified floodplain.
 - Bluff/Steep Slopes: This shoreland lot does not contain a bluff.
 - Current Shoreline Conditions: Mostly grass cover with some trees.

Planning Commission Action: The Planning Commission may recommend to approve the request, deny the request(s), or table the request(s) if the Commission should need additional information from the applicant. If the Commission should approve or deny the request, the Commission should state the findings which support either of these actions.

Staff Recommendation: Based on the findings of fact and discussion listed below, Staff recommends approval of the proposed Interim Use Permit if the Commission finds that the rental usage conforms to the ordinance requirements and is shown to be suitably and appropriately managed.

Staff Comments: An interim use is a type of conditional use with a 3-year time restriction, subject to review and renewal.

- 1) In order to grant a conditional use, the City needs to find that a property owner has met the criteria established in the City Code (state law does not identify any required criteria for conditional use permits and leaves that up to local governments). In making its decision, the City will need to state its “findings of fact” indicating why those criteria have been met or not met and as such, why the conditional use request should be approved or denied.
- 2) The primary questions, in Staff’s opinion, that need to be addressed in this request, are what types of conditions may be appropriate for a vacation home rental operation.

Possible concerns that may be associated with vacation rentals are noise from renters, number of vehicles relative to available parking, possible trespassing on neighboring properties and the presence of the owner or someone responsible to monitor rental usage in the absence of the owner.

Applicable Statutes/Ordinances: See Appendix A.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission:

- 1) **The proposed use conforms to the district and conditional use provisions and all general regulations of this chapter.**

Findings Supporting Approval

The proposed use as a short-term rental property adheres to the provisions of the short term rental ordinance and meets the stated provisions for conditional uses in a Residential/Shoreland area.

Findings Supporting Denial

None

- 2) **The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.**

Findings Supporting Approval

The proposed use does not appear to affect applicable zoning standards beyond what is currently existing at the site.

Findings Supporting Denial

None

- 3) **The proposed use shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other person or property, and shall comply with the performance standards set forth herein.**

Findings Supporting Approval

The performance standards are the same as those being met. There will be no harm to persons or property.

Findings Supporting Denial

None

- 4) **The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.**

Findings Supporting Approval

The proposed use is an existing home. There are no changes that will alter the site or the surroundings. Nearby residential neighborhood areas would not appear to be impacted by the usage as a rental home.

Findings Supporting Denial

None

- 5) **The proposed use shall be compatible with the surrounding area and produce a total visual impression and environment which is consistent with the environment of the neighborhood.**

Findings Supporting Approval

There would be no change visually or with regard to the surrounding environment.

Findings Supporting Denial

None

- 6) **The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.**

Findings Supporting Approval

The vehicular access and parking with the driveway is sufficient for the usage and does not cause congestion or traffic concerns for the neighborhood.

Findings Supporting Denial

None

- 7) **The proposed use shall preserve the objectives of this chapter and shall be consistent with the Land Use Plan.**

Findings Supporting Approval

The usage of the property is not inconsistent with the City's 1979 Comprehensive Plan.

Findings Supporting Denial

None

- 8) **Additional requirements with respect to conditional uses in the Conservation District have been met.**

Findings Supporting Approval

The property is partially within the shoreland Conservation District. The usage will not impact the shoreland.

Findings Supporting Denial

None

- 9) **Performance Standards** All conditional uses shall comply with required performance standards:
- Noise.** Noise which is determined to be objectionable because of volume, frequency or beat shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes which shall be exempt from this requirement.
- Vibrations.** Vibrations detectable without instruments on neighboring property in any district shall be prohibited.
- Odors.** No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
- Air pollution.** Air pollution shall be subject to the standards established by the State Pollution Control Agency.
- Glare.** Lighting devices which produce directly reflected glare on adjoining properties or thoroughfares shall not be permitted.
- Erosion.** No offensive erosion by wind or water shall be permitted onto adjacent properties.
- Water pollution.** Water pollution shall be subject to the standards established by the State Pollution Control Agency.

Findings Supporting Approval

Activities at the site will be monitored with regard to noise and other performance standards.

Findings Supporting Denial

None.

Shoreland Specific Findings of Fact:

- 1) **Soil Erosion.** The applicant shall prevent soil erosion or other possible pollution of public waters, both during and after construction.
- 2) **Visibility from Public Waters.** The applicant shall limit the visibility of structures and other facilities as viewed from public waters.
The view from Lake Minnewaska remains as it is currently.
- 3) **Water Supply and Sewage Treatment.** The site shall have adequate water supply and sewage treatment.
The site is served by city water and sewer.
- 4) **Watercraft.** The types, uses and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.