
CITY OF LONG BEACH

ZONING MEETING PACKET FOR
August 8, 2018



CITY OF LONG BEACH
AGENDA
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
August 8, 2018
6:30 PM

1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Public Hearings
 - a. Request to rezone property from LD – Low Density Residential to RC – Residential/Commercial. Applicant: City of Long Beach. Sec/Twp/Range: 11-125-38. Property Address: 23956 North Lakeshore Drive. Parcel number(s): 24-0113-002.
 - b. Request to rezone property from LD – Low Density Residential to RC – Residential/Commercial. Applicant: Leif Henriksen. Sec/Twp/Range: 11-125-38. Property Address: 23711 North Lakeshore Drive. Parcel number(s): 24-0114-003.
 - c. Request for a conditional use permit to operate a bakery/restaurant in an RC zoning district and a variance to allow a retail activity within a structure whose principal use is residential. Applicant: Ron and Stacey Luetmer. Sec/Twp/Range: 11-125-38. Property Address: 23896 North Lakeshore Drive. Parcel number(s): 24-0114-000.
5. Zoning Administrator's Report
 - a. Permits
 - b. Correspondence
 - c. Enforcement Actions
6. Other Business
 - a. Draft letter to campground resort property owners.
 - i. Invitation to public meeting – determine location.
 - ii. Individual meetings with campground owners?
 - b. Vacation rental ordinances – discuss examples
7. Adjournment

This agenda is not exclusive. Other business may be discussed as deemed necessary.

Area of Rezoning (8-18)



STAFF REPORT

Application: Request to rezone property from current Low Density Residential (LD) classification to Residential/Commercial (RC).

Applicant: City of Long Beach

Background Information:

- **Proposal:** The City of Long Beach is reviewing the rezoning of the property that includes the city hall from LD - Low Density Residential to RC - Residential & Commercial Transition District.

The adjacent property to the east owned by Ronald Luetmer was approved for rezoning from LD to RC by the City Council on July 11, 2018. To the north is a 5.1 acre lot owned by the Henriksen Family Trust, currently zoned LD - Low Density Residential, also being considered for rezoning to RC - Recreational/Commercial. Nearby properties to the north are zoned CD - Conservation, Parks and Open Space.

If the rezoning were approved, the City lot would be contiguous with the RC district to the west. The current usage as a government building is a conditional use allowable under either the current LD zoning or the proposed RC zoning.

- **Location:**
 - Legal Description: Section 11, Twp 125, Range 38
 - Property Address: 23956 North Lakeshore Drive
 - Parcel number(s): 24-0113-002
 - **Current Zoning:** LD - Low Density Residential
 - **Proposed Zoning:** RC - Residential & Commercial Transition District
 - **Lake Designation:** General Development Lakeshore (Minnewaska)
 - **Parcel size:** 1.6 acres
-

Applicable Statutes/Ordinances:

City of Long Beach Comprehensive Plan (2008)

The City's Comprehensive Plan ("Future Land Use" map) identifies the subject property as appropriate for "Low to Medium Density Residential"

Low to Medium Density Residential - This category depicts those areas that are now developed, or appropriate to be developed, in a low to moderate density residential manner; and to recognize such areas as primarily well suited for residential uses.

Other categories for future land use include:

Public/Governmental Facilities This category depicts those areas that are developed into governmental facilities such as city hall, schools and the DNR facilities.

Seasonal Recreational/Commercial - The District is to provide space for the resort areas and commercial properties within the community. This would include any expansion or new commercial activities.

Open Space/Golf Course - This land category includes either publicly or privately owned lands and/or facilities and may include parks, playgrounds, golf courses, wildlife management areas, recreation centers and similar uses.

City of Long Beach Zoning Ordinance

SECTION 6 - LD LOW DENSITY RESIDENTIAL DISTRICT

6.01: PURPOSE. The purpose of the LD, Low Density Residential District is to provide for an environment of predominantly low density, single family residential uses, including detached and attached single family and two family homes, triplexes and quadraminiums, along with directly related, complementary uses.

6.02: PERMITTED USES. Subject to applicable provisions of this Ordinance, the following are permitted uses in the LD District:

- A. Single-family detached dwellings.
- B. Single-family attached dwellings not exceeding four attached housing units.
- C. Licensed day care facility serving twelve (12) or fewer persons.
- D. Group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.
- E. Parks, trails and playgrounds.
- F. Essential services.

6.03: CONDITIONAL USES. Subject to applicable provisions of this Ordinance, the following are conditional uses in the LD District and are governed by Section 19 of this Ordinance:

- A. Church/worship facility, cemetery, crematory, mausoleum, government buildings, public utilities and public service uses, hospitals, homes for the aged, institutions of an education, philanthropic or charitable nature and related facilities when required for the public health, safety or welfare provided that:
 - 1. The requirements of Section 19 of this Ordinance relating to Conditional Uses are considered and satisfied.
 - 2. When abutting a residential use in an area guided toward future residential development within the Long Beach Comprehensive Plan, no building shall be located within thirty (30) feet of any lot line of an abutting lot in a Residential District and a landscaped buffer yard shall be provided. The required landscaped buffer yard shall screen the buildings/structures and parking lots from the view of the abutting residential use. The City Council shall approve the appropriateness of the landscaped buffer yard after consulting the standards for buffer yards contained in Section 11:16 of this Ordinance.

3. The requirements of Section 11.17 of this ordinance relating to off-street parking are considered and satisfied.
- B. Bed and breakfast establishments, provided that:
1. A maximum of four (4) bed and breakfast units be established in the structure.
 2. The facility shall have a State license (hotel and food), and comply with building and fire codes as may be required or applicable.
 3. The facility shall be owner or manager occupied.
 4. The bed and breakfast units are located within the principal structure.
 5. Not more than one (1) full time person, who is not a resident of the structure, shall be employed by the bed and breakfast facility.
 6. Dining and other facilities shall not be open to the general public but shall be used exclusively by the registered guests and residents.
 7. Two (2) off-street parking spaces shall be provided for the home plus one (1) off-street parking space for each bed and breakfast unit.
 8. Not more than one (1) identification sign not exceeding four (4) square feet in area may be attached to each wall which faces a street. The sign shall be reflective of the architectural features of the structure and may not be internally or externally illuminated.
 9. Adequate lighting shall be provided between the principal structure and the parking area for safety purposes. Any additional external lighting is prohibited.
- C. Golf courses and country clubs.

6.04: INTERIM USES. Subject to applicable provisions of this Ordinance, the following are interim uses in the LD District and are governed by Section 20 of this Ordinance:

- A. None.

SECTION 9 - RC RESIDENTIAL & COMMERCIAL TRANSITION DISTRICT

9.01: PURPOSE. The purpose of the RC, Residential & Commercial Transition District is to provide locations for limited commercial development while providing for the orderly transition to residential from commercial uses.

9.02: PERMITTED USES. Subject to applicable provisions of this Ordinance, the following are permitted uses in the RC District:

- A. Single-family detached dwellings.
- B. Single-family attached dwellings not exceeding four attached housing units.
- C. Multiple Family Dwellings (Townhouses & Apartments): three (3) to eight (8) units.
- D. Residential condominiums or cooperative housing (processed as a PUD).
- E. Licensed day care facility serving twelve (12) or fewer persons.

- F. Group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.
- G. Existing commercial uses as of the date of adoption of this Ordinance.
- H. Parks, trails and playgrounds.
- I. Essential services.

9.03: CONDITIONAL USES. Subject to applicable provisions of this Ordinance, the following are conditional uses in the RC District and are governed by Section 19 of this Ordinance:

- A. Multiple Family Dwellings (Apartments): Over eight (8) units.
- B. Congregate Care Housing.
- C. Church/worship facility, cemetery, crematory, mausoleum, government buildings, public utilities and public service uses, hospitals, homes for the aged, institutions of an education, philanthropic or charitable nature and related facilities when required for the public health, safety or welfare provided that:
 - 1. The requirements of Section 19 of this Ordinance relating to Conditional Uses are considered and satisfied.
 - 2. When abutting a residential use in an area guided toward future residential development within the Long Beach Comprehensive Plan, no building shall be located within thirty (30) feet of any lot line of an abutting lot in a Residential District and a landscaped buffer yard shall be provided. The required landscaped buffer yard shall screen the buildings/structures and parking lots from the view of the abutting residential use. The City Council shall approve the appropriateness of the landscaped buffer yard after consulting the standards for buffer yards contained in Section 11:16 of this Ordinance.
 - 3. The requirements of Section 11.17 (Off-Street Parking and Loading) of this ordinance relating to off-street parking are considered and satisfied.
- D. Bed and breakfast establishments, provided that:
 - 1. A maximum of four (4) bed and breakfast units be established in the structure.
 - 2. The facility shall have a State license (hotel and food), and comply with building and fire codes as may be required or applicable.
 - 3. The facility shall be owner or manager occupied.
 - 4. The bed and breakfast units are located within the principal structure.
 - 5. Not more than one (1) full time person, who is not a resident of the structure, shall be employed by the bed and breakfast facility.
 - 6. Dining and other facilities shall not be open to the general public but shall be used exclusively by the registered guests and residents.
 - 7. Two (2) off-street parking spaces shall be provided for the home plus one (1) off-street parking space for each bed and breakfast unit.
 - 8. Not more than one (1) identification sign not exceeding four (4) square feet in area may be attached to each wall which faces a street. The sign shall be reflective of the architectural features of the structure and may not be internally or externally illuminated.

9. Adequate lighting shall be provided between the principal structure and the parking area for safety purposes. Any additional external lighting is prohibited.
- E. Restaurants.
- F. Bars.
- G. Hotels/Motels.
- H. City Hall.
- I. Sexual Oriented Uses provided that:
1. The requirements of Section 15 of this Ordinance relating to the sexually oriented uses are considered and satisfied.
 2. All of City Code requirements in the Sexually Oriented Businesses Ordinance are met and satisfied.
- J. Convenience Store with gasoline, provided that:
1. The sale of food items is in compliance with state and county standards and subject to the approval of a Health Inspector who shall provide specific written sanitary requirements for each proposed sale location.
 2. The approximate area and location devoted to non-automotive merchandise sales shall be specified in general terms in the application.
 3. Motor fuel facilities are installed in accordance with state standards. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
 4. Wherever fuel pumps are to be installed, pump islands shall be installed.
 5. A protective canopy located over the pump island(s) may be an accessory structure on the property however adequate visibility both on and off site shall be maintained.
 6. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
- K. Resort facilities and incidental commercial services in connection with and incidental to the operation of a resort activity. New resort facilities and expansions shall be processed as commercial Planned Unit Developments and adhere to applicable Shoreland District requirements provided that:
1. Resort facilities shall be licensed by and meet the standards prescribed by the Minnesota Department of Health except where the provisions of this Ordinance are more restrictive, upon which the most restrictive provisions shall prevail.
- L. Campground facilities and incidental commercial services in connection with and incidental to the operation of a campground activity. New campground facilities and expansions shall be processed as commercial Planned Unit Developments and adhere to applicable Shoreland District requirements provided that:
1. Campground facilities shall be licensed by and meet the standards prescribed by the Minnesota Department of Health except where the provisions of this Ordinance are more restrictive, upon which the most restrictive provisions shall prevail.

2. Each campsite shall have at least 2,000 square feet in area for primitive or dependent campsites and shall have at least 3,000 square feet in area for independent campsites.
3. Campsites designed to provide water hook-up shall also provide hook-up to a central sewage disposal system which meets the standards, criteria, rules and regulations of the Minnesota Department of Health and of this Ordinance.
4. A Campground which allows camping units with self contained sewage systems shall provide some acceptable form of on-site sewage disposal for these units.
5. Vegetative screening is installed to screening any residential uses adjacent to the campground.
6. Adequate and safe ingress and egress access shall be provided to a public road.

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N. Commercial Planned Unit Developments.

O. Medical offices and clinics, dental offices and clinics, professional offices and commercial (leased) offices, veterinary clinics (not including outside kennels) and funeral homes and mortuaries, provided that:

1. The site and related parking and service entrances are served by a collector street or street of sufficient capacity to accommodate the traffic which will be generated.
2. Adequate off-street parking is provided in conjunction with Section 11.17 of this Ordinance.
3. Vehicular entrances to parking of service areas shall create minimum conflict with through traffic movement.
4. When abutting a residential use, a buffer area with screening and landscaping in compliance with Section 11.16 of this Ordinance shall be provided.
5. All signs and visual communication devices shall be in compliance with Section 14 of this Ordinance.

P. Retail commercial activities provided that:

1. Merchandise is sold at retail.
2. The retail activity is not located within a structure whose principal use is residential.
3. No directly or indirectly illuminating sign or signs in excess of ten (10) square feet identifying the name of the business shall be visible from the outside of the building.
4. No drive thru windows permitted.

9.04: INTERIM USES. Subject to applicable provisions of this Ordinance, the following are interim uses in the RC District and are governed by Section 20 of this Ordinance:

A. None.

SECTION 16 - AMENDMENTS TO ZONING ORDINANCE

16.01: INITIATE. The City Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. The

procedural requirements of Section 16.02 shall not apply to such proposed amendments initiated by the City except to the extent required by Minnesota State Statute. Any person owning real estate within the City may initiate a request to amend the district boundaries or text of this Ordinance so as to affect the said real estate.

16.02: APPLICATION AND PROCEDURE. An amendment to this Ordinance (text or map) requires a public hearing and is to be processed in accordance with the procedures set forth in Section 21 (Zoning Applications Procedures), of this Ordinance. The information required for all amendment applications generally consists of items outlined in Section 21 (Zoning Applications Procedures) of this Ordinance, and shall be submitted unless exempted by the City.

16.03: APPROVALS REQUIRED. Approval of a proposed amendment shall require a majority vote of all members of the City Council. Amendments which change all or part of the existing classification of a zoning district from residential to either commercial or industrial shall require a two-thirds ($\frac{2}{3}$) majority vote of all members of the City Council which is four (4) out of five (5) members of the City Council.

16.04: EFFECTIVE DATE. The amendment shall not become effective until such time as the City Council approves an Ordinance and the Ordinance is published in the official newspaper.

16.05: CRITERIA. The Planning Commission and City Council shall consider possible effects of the proposed amendment. Factors to be considered in determining the possible effects of the proposed amendment shall include, but are not limited to, the following:

- A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the Comprehensive Plan.
- B. The proposed application is or will be compatible with present and future land uses of the area.
- C. The proposed application conforms to all performance standards contained in this Ordinance.
- D. The proposed application can be accommodated with existing public services and will not overburden the City's service capacity.
- E. Traffic generation by the proposed use is within capabilities of streets serving the property.

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

1) **Current Zoning:**

- Subject Property: LD – Low-Density Residential
- Surrounding Properties:
 - East (Shoreline): LD – Low-Density Residential

- North: LD – Low-Density Residential
- West and South: RC – Residential/Commercial

2) **Current and Proposed Land Use:**

- Subject Property: City hall
- Surrounding Properties:
 - East: There is a parcel with a single-family dwelling being considered for a conditional use as a bakery/café.
 - North: Lot with a single-family dwelling, being considered for rezoning from LD to RC.
 - West: Mix of residential and resort-oriented uses.

3) **Lot size:** Approx. 1.6 acres

4) **Sewer/Water:** The property is served with City sewer/water.

5) **Natural Features:**

- Floodplain: There are no mapped floodplains in the City of Long Beach. The elevation of the property ranges from 1140-1148 sq ft. The minimum required elevation for the lowest floor of structures along Lake Minnewaska is 1141.1 ft (NGVD29).
- Bluff/Steep Slopes: The property does not contain any bluffs or steep slopes.
- Wetlands: There do not appear to be wetlands on the property. Mostly grass cover in the front and trees in the back.

6) **Consistency with the Comprehensive Plan:** “The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the Comprehensive Plan.”

The Comprehensive Plan identifies this area as suitable for future residential use. Continued usage as the city hall site would be compatible.

7) **Compatibility with Present and Future Land Uses:** “The proposed application is or will be compatible with present and future land uses of the area.”

The existing land uses in the area are mostly low-density residential or wetlands. Recreational/Commercial zoning and their associated lake resort-oriented uses are nearby to the west. Future land uses would not likely be much different. A conditional use to allow a bakery/restaurant has been proposed for an adjoining parcel, pending review.

8) **Conformance to Performance Standards:** “The proposed application conforms to all performance standards contained in this Ordinance.”

There are no specific performance standards for rezonings, outside of those listed here in the “Findings of Fact” section of this report.

9) **Impact on Public Services:** “The proposed application can be accommodated with existing public services and will not overburden the City’s service capacity.”

No change from the current use has been proposed for this site.

10) **Traffic Impact:** "Traffic generation by the proposed use is within capabilities of streets serving the property."

The only traffic is with the current use as a government building and meeting site. No other use has been proposed.

Staff Comments:

1. The current usage of the site as city hall is allowed as a conditional use, appropriate for the existing LD residential zoning district or for the proposed rezoning to Recreational/Commercial (RC).
2. The rezoning if approved would make the zoning consistent with the parcel to the east which was approved for rezoning to Recreational/Commercial and the zoning of the city lot to RC would be consistent and contiguous to the properties to the west, also zoned RC.
3. The current use of the site may be allowed to change if the rezoning is approved. Commercial uses would be allowed on the site (via conditional use) and may include, but are not limited to, restaurants, bars, motels/hotels, sexually oriented uses, offices, convenience stores, campgrounds and resorts. The suitability of the property for these uses partly depends on whether sewer/water are available, or would be made available, and the amount of driveway access that would be allowed by the relevant road authority.

Planning Commission/City Council Direction: The Commission/Council may approve the request, deny the request, or table the request if it should need additional information from the applicant. If the Commission/Council should approve or deny the request, it should state the findings which support either of these actions.

Staff Recommendation: Based on the findings noted above, Staff would recommend approval only if the Commission finds that the rezoning is appropriate, compatible with the Comprehensive Plan, would not be incompatible with nearby residential uses, and the site is adequately served with sewer/water.

City Hall lot



STAFF REPORT

Application: Request to rezone property from current Low Density Residential (LD) classification to Residential/Commercial (RC).

Applicant: Leif Henriksen

Property Owner: Henriksen Family Trust

Background Information:

- **Proposal:** The applicant is proposing to rezone their property from LD - Low Density Residential to RC - Residential & Commercial Transition District. Its current usage is residential with an owner occupied single family home and several outbuildings.

The Henriksen property is bordered by the Shallow Pond to the north and the shoreland of Lake Minnewaska on the southeast corner. The adjacent property to the south and west owned by Ronald Luetmer was approved for rezoning from LD to RC by the City Council on July 11, 2018. To the south is the city owned lot which contains city hall, currently zoned LD - Low Density Residential, also being considered for rezoning to RC - Recreational/Commercial. The parcels further north along the unnamed lakes and State Highway 28 are zoned CD - Conservation, Parks and Open Space.

Rezoning for this property, if approved, would be contiguous with the RC district to the west.

- **Location:**
 - Legal Description: Section 11, Twp 125, Range 38
 - Property Address: 23711 North Lakeshore Drive
 - Parcel number(s): 24-0114-003
 - **Current Zoning:** LD - Low Density Residential
 - **Proposed Zoning:** RC - Residential & Commercial Transition District
 - **Lake Designation:** General Development Lakeshore (Minnewaska), Natural Environment Lake (Unnamed Shallow Pond, 61-498)
 - **Parcel size:** Approx. 5.12 acres (Pope Co GIS estimate)
-

Applicable Statutes/Ordinances:

City of Long Beach Comprehensive Plan (2008)

The City's Comprehensive Plan ("Future Land Use" map) identifies the subject property as appropriate for "Low to Medium Density Residential"

Low to Medium Density Residential - This category depicts those areas that are now developed, or appropriate to be developed, in a low to moderate density residential manner; and to recognize such areas as primarily well suited for residential uses.

Other categories for future land use include:

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City of Long Beach Zoning Ordinance

SECTION 6 - LD LOW DENSITY RESIDENTIAL DISTRICT

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 6. Dining and other facilities shall not be open to the general public but shall be used exclusively by the registered guests and residents.
 7. Two (2) off-street parking spaces shall be provided for the home plus one (1) off-street parking space for each bed and breakfast unit.
 8. Not more than one (1) identification sign not exceeding four (4) square feet in area may be attached to each wall which faces a street. The sign shall be reflective of the architectural features of the structure and may not be internally or externally illuminated.
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SECTION 9 - RC RESIDENTIAL & COMMERCIAL TRANSITION DISTRICT

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- G. Existing commercial uses as of the date of adoption of this Ordinance.
- H. Parks, trails and playgrounds.
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- E. Restaurants.
- F. Bars.
- G. Hotels/Motels.
- H. City Hall.
- I. Sexual Oriented Uses provided that:
1. The requirements of Section 15 of this Ordinance relating to the sexually oriented uses are considered and satisfied.
 2. All of City Code requirements in the Sexually Oriented Businesses Ordinance are met and satisfied.
- J. Convenience Store with gasoline, provided that:
1. The sale of food items is in compliance with state and county standards and subject to the approval of a Health Inspector who shall provide specific written sanitary requirements for each proposed sale location.
 2. The approximate area and location devoted to non-automotive merchandise sales shall be specified in general terms in the application.
 3. Motor fuel facilities are installed in accordance with state standards. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
 4. Wherever fuel pumps are to be installed, pump islands shall be installed.
 5. A protective canopy located over the pump island(s) may be an accessory structure on the property however adequate visibility both on and off site shall be maintained.
 6. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
- K. Resort facilities and incidental commercial services in connection with and incidental to the operation of a resort activity. New resort facilities and expansions shall be processed as commercial Planned Unit Developments and adhere to applicable Shoreland District requirements provided that:
1. Resort facilities shall be licensed by and meet the standards prescribed by the Minnesota Department of Health except where the provisions of this Ordinance are more restrictive, upon which the most restrictive provisions shall prevail.
- L. Campground facilities and incidental commercial services in connection with and incidental to the operation of a campground activity. New campground facilities and expansions shall be processed as commercial Planned Unit Developments and adhere to applicable Shoreland District requirements provided that:
1. Campground facilities shall be licensed by and meet the standards prescribed by the Minnesota Department of Health except where the provisions of this Ordinance are more restrictive, upon which the most restrictive provisions shall prevail.

2. Each campsite shall have at least 2,000 square feet in area for primitive or dependent campsites and shall have at least 3,000 square feet in area for independent campsites.
3. Campsites designed to provide water hook-up shall also provide hook-up to a central sewage disposal system which meets the standards, criteria, rules and regulations of the Minnesota Department of Health and of this Ordinance.
4. A Campground which allows camping units with self contained sewage systems shall provide some acceptable form of on-site sewage disposal for these units.
5. Vegetative screening is installed to screening any residential uses adjacent to the campground.
6. Adequate and safe ingress and egress access shall be provided to a public road.

M. Marinas.

N. Commercial Planned Unit Developments.

O. Medical offices and clinics, dental offices and clinics, professional offices and commercial (leased) offices, veterinary clinics (not including outside kennels) and funeral homes and mortuaries, provided that:

1. The site and related parking and service entrances are served by a collector street or street of sufficient capacity to accommodate the traffic which will be generated.
2. Adequate off-street parking is provided in conjunction with Section 11.17 of this Ordinance.
3. Vehicular entrances to parking of service areas shall create minimum conflict with through traffic movement.
4. When abutting a residential use, a buffer area with screening and landscaping in compliance with Section 11.16 of this Ordinance shall be provided.
5. All signs and visual communication devices shall be in compliance with Section 14 of this Ordinance.

P. Retail commercial activities provided that:

1. Merchandise is sold at retail.
2. The retail activity is not located within a structure whose principal use is residential.
3. No directly or indirectly illuminating sign or signs in excess of ten (10) square feet identifying the name of the business shall be visible from the outside of the building.
4. No drive thru windows permitted.

9.04: INTERIM USES. Subject to applicable provisions of this Ordinance, the following are interim uses in the RC District and are governed by Section 20 of this Ordinance:

A. None.

SECTION 16 - AMENDMENTS TO ZONING ORDINANCE

16.01: INITIATE. The City Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. The

procedural requirements of Section 16.02 shall not apply to such proposed amendments initiated by the City except to the extent required by Minnesota State Statute. Any person owning real estate within the City may initiate a request to amend the district boundaries or text of this Ordinance so as to affect the said real estate.

16.02: APPLICATION AND PROCEDURE. An amendment to this Ordinance (text or map) requires a public hearing and is to be processed in accordance with the procedures set forth in Section 21 (Zoning Applications Procedures), of this Ordinance. The information required for all amendment applications generally consists of items outlined in Section 21 (Zoning Applications Procedures) of this Ordinance, and shall be submitted unless exempted by the City.

16.03: APPROVALS REQUIRED. Approval of a proposed amendment shall require a majority vote of all members of the City Council. Amendments which change all or part of the existing classification of a zoning district from residential to either commercial or industrial shall require a two-thirds ($\frac{2}{3}$) majority vote of all members of the City Council which is four (4) out of five (5) members of the City Council.

16.04: EFFECTIVE DATE. The amendment shall not become effective until such time as the City Council approves an Ordinance and the Ordinance is published in the official newspaper.

16.05: CRITERIA. The Planning Commission and City Council shall consider possible effects of the proposed amendment. Factors to be considered in determining the possible effects of the proposed amendment shall include, but are not limited to, the following:

- A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the Comprehensive Plan.
- B. The proposed application is or will be compatible with present and future land uses of the area.
- C. The proposed application conforms to all performance standards contained in this Ordinance.
- D. The proposed application can be accommodated with existing public services and will not overburden the City's service capacity.
- E. Traffic generation by the proposed use is within capabilities of streets serving the property.

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

1) **Current Zoning:**

- Subject Property: LD – Low-Density Residential
- Surrounding Properties:
 - East (Shoreline): LD – Low-Density Residential

- South (City Lot): LD – Low-Density Residential
- West and South: RC – Residential/Commercial

2) **Current Land Use:**

- Subject Property: Single family dwelling
- Surrounding Properties:
 - South and West: There is a parcel with a single-family dwelling being considered for a conditional use as a bakery/café.
 - South: City Hall Property
 - West: Mix of residential and resort-oriented uses.

3) **Lot size:** Approx. 5.12 acres

4) **Sewer/Water:** The property is served with City sewer/ water.

5) **Natural Features:**

- Floodplain: There are no mapped floodplains in the City of Long Beach. The elevation of the property ranges from 1140-1148 sq ft. The minimum required elevation for the lowest floor of structures along Lake Minnewaska is 1141.1 ft (NGVD29).
- Bluff/Steep Slopes: The property does not contain any bluffs or steep slopes.
- Wetlands: There is a small pond and appear to be wetlands on the property.

6) **Consistency with the Comprehensive Plan:** “The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the Comprehensive Plan.”

The Comprehensive Plan identifies this area as suitable for future residential use. However, the Plan also promotes new lake-oriented commercial uses with safe and convenient access, which could be permitted as a conditional use if the property were rezoned.

7) **Compatibility with Present and Future Land Uses:** “The proposed application is or will be compatible with present and future land uses of the area.”

The existing land uses in the area are mostly low-density residential or wetlands. Recreational/Commercial zoning and their associated lake resort-oriented uses are nearby to the west. Future land uses would not likely be much different. A conditional use to allow a bakery/restaurant has been proposed for an adjoining parcel, pending review.

8) **Conformance to Performance Standards:** “The proposed application conforms to all performance standards contained in this Ordinance.”

There are no specific performance standards for rezonings, outside of those listed here in the “Findings of Fact” section of this report.

9) **Impact on Public Services:** “The proposed application can be accommodated with existing public services and will not overburden the City’s service capacity.”

No change from the current use has been proposed for this site.

10) **Traffic Impact:** "Traffic generation by the proposed use is within capabilities of streets serving the property."

The only traffic is with the current use as a residential dwelling. No other use has been proposed.

Staff Comments:

1. The current usage of the site as a single family home is appropriate for the existing LD zoning district.
2. The current use of the site may be allowed to change if the rezoning is approved. Commercial uses would be allowed on the site (via conditional use) and may include, but are not limited to, restaurants, bars, motels/hotels, sexually oriented uses, offices, convenience stores, campgrounds and resorts. The suitability of the property for these uses partly depends on whether sewer/water are available, or would be made available, and the amount of driveway access that would be allowed by the relevant road authority.

Planning Commission/City Council Direction: The Commission/Council may approve the request, deny the request, or table the request if it should need additional information from the applicant. If the Commission/Council should approve or deny the request, it should state the findings which support either of these actions.

Staff Recommendation: Based on the findings noted above, Staff would recommend approval only if the Commission finds that the rezoning is appropriate, compatible with the Comprehensive Plan, would not be incompatible with nearby residential uses, and the site is adequately served with sewer/water.

Henriksen property



REZONING APPLICATION

LONG BEACH MN

Site Address (E-911#):	Parcel Number (12 digits):
23711 NORTH LAKESHORE DRIVE	24-0114-003
Lake/River Name:	MINNEWASKA LAKE MINNEWASKA LAKE

Property Owner:

Name:	LEIF HENRIKSEN		
	Preferred Phone: (320) 634-3218 Secondary Phone: Email:		
Mailing Address:	23711 NORTH LAKESHORE DR GLENWOOD, MINNESOTA 56334		
Preferred Phone:	Secondary Phone:	Email:	

Primary Applicant Info (if different from property owner):

Applicant Is: SAME AS LEGAL OWNER		
Preferred Phone:	Secondary Phone:	Email:

Other Applicants (if applicable):

Was there already a public hearing (i.e. variance, conditional use permit, etc.) related to your current application?

Date of previous public hearing:

Signature of Applicant*:

Date:

Signature of Title Holder*:

Date:

* By signing, the applicant or agent hereby makes application for a permit to construct as herein specified, agreeing to do all such work in strict accordance with all and other applicable ordinances or federal and state laws. Applicant or agent agrees that site plan, sketches, and other attachments submitted herewith and which are approved by the Zoning Administrator are true and accurate, and shall become part of the permit. Applicant or agent agrees that, in making said application for a permit, applicant grants permission to 's designated zoning or building inspection officials, at reasonable times during the application process and thereafter, to enter applicant's premises covered by said permit, to determine the feasibility of granting said permit or for compliance of that permit with any applicable local, state, or federal ordinances or statutes. Applicant or agent understands that it is applicant's sole responsibility to contact any other federal, state, county or local agencies to make sure applicant has complied with all relevant Municipal, State, Federal or other applicable laws concerning applicant's project described above.

Please complete all of the following questions to the best of your ability:

1. Please describe the purpose of the proposed rezoning.

Included with hearing to review rezoning of another city owned parcel.

2. What is the current zoning of the property?

LD - Low Density Residential

3. What is the proposed zoning for the property?

RC - Residential Commercial

4. Describe why you believe the granting of the proposed amendment would be consistent with the Comprehensive Plan.

5. Please include any other comments relating to this request.

STAFF REPORT

Application: Request for a conditional use permit to operate a bakery/restaurant in an RC zoning district and a variance to allow a retail activity within a structure whose principal use is residential.

Applicant: Ronald Luetmer

Property Owner: Ronald and Stacey Luetmer

Background Information:

- **Proposal:** The applicant is proposing a conditional use permit to convert the main floor of the existing residence to a bakery and coffee shop. The use as described by the applicant was also determined to require a variance from the ordinance.

In July this property was approved by the City Council for rezoning from LD – Low Density Residential to RC – Residential & Commercial Transition District. The new zoning would allow the proposed use under a conditional use permit.

The property is located along the shoreland of Lake Minnewaska and its current usage is residential with an owner occupied single family home. The City of Long Beach property which includes the city hall is located to the west. The city lot and the adjacent homesite to the north are currently zoned LD – Low Density Residential and being considered for rezoning to RC – Recreational/Commercial.

Mr. Luetmer describes the intended use as a business opportunity for his family which will create a needed gathering spot and provide services to local residents and the resort community. The applicant intends to retain the usage as a residence but would convert the kitchen to commercial use. To allow a retail business when the primary use would remain residential requires a variance from the ordinance. No other additions or improvements to the property are currently indicated with the application.

A recommendation and decision is needed on the request for a conditional use permit and if allowed, what conditions may attach to the permit. Staff also suggests discussion and action on the variance need.

- **Location:**
 - Legal Description: Section 11, Twp 125, Range 38
 - Property Address: 23896 North Lakeshore Drive
 - Parcel number(s): 24-0114-000
 - **Current Zoning:** RC – Residential & Commercial Transition District
 - **Lake Designation:** Minnewaska
 - **Parcel size:** Approx. 53,430 square feet (Pope Co GIS estimate)
-

Applicable Statutes/Ordinances:

City of Long Beach Comprehensive Plan (2008)

The City's Comprehensive Plan ("Future Land Use" map) identifies the subject property as appropriate for "Low to Medium Density Residential"

Low to Medium Density Residential - This category depicts those areas that are now developed, or appropriate to be developed, in a low to moderate density residential manner; and to recognize such areas as primarily well suited for residential uses.

Other categories for future land use include:

Public/Governmental Facilities This category depicts those areas that are developed into governmental facilities such as city hall, schools and the DNR facilities.

Seasonal Recreational/Commercial - The District is to provide space for the resort areas and commercial properties within the community. This would include any expansion or new commercial activities.

Open Space/Golf Course - This land category includes either publicly or privately owned lands and/or facilities and may include parks, playgrounds, golf courses, wildlife management areas, recreation centers and similar uses.

City of Long Beach Zoning Ordinance

SECTION 9 - RC RESIDENTIAL & COMMERCIAL TRANSITION DISTRICT

9.01: PURPOSE. The purpose of the RC, Residential & Commercial Transition District is to provide locations for limited commercial development while providing for the orderly transition to residential from commercial uses.

9.03: CONDITIONAL USES. Subject to applicable provisions of this Ordinance, the following are conditional uses in the RC District and are governed by Section 19 of this Ordinance:

- A. Multiple Family Dwellings (Apartments): Over eight (8) units.
- B. Congregate Care Housing.
- C. Church/worship facility, cemetery, crematory, mausoleum, government buildings, public utilities and public service uses, hospitals, homes for the aged, institutions of an education, philanthropic or charitable nature and related facilities when required for the public health, safety or welfare provided that:
 - 1. The requirements of Section 19 of this Ordinance relating to Conditional Uses are considered and satisfied.
 - 2. When abutting a residential use in an area guided toward future residential development within the Long Beach Comprehensive Plan, no building shall be located within thirty (30) feet of any lot line of an abutting lot in a Residential District and a landscaped buffer yard shall be provided. The required landscaped buffer yard shall screen the buildings/structures and parking lots from the view of the abutting residential use. The City Council shall approve the appropriateness of the landscaped buffer yard after consulting the standards for buffer yards contained in Section 11:16 of this Ordinance.
 - 3. The requirements of Section 11.17 (Off-Street Parking and Loading) of this ordinance relating to off-street parking are considered and satisfied.

D. Bed and breakfast establishments, provided that:

1. A maximum of four (4) bed and breakfast units be established in the structure.
2. The facility shall have a State license (hotel and food), and comply with building and fire codes as may be required or applicable.
3. The facility shall be owner or manager occupied.
4. The bed and breakfast units are located within the principal structure.
5. Not more than one (1) full time person, who is not a resident of the structure, shall be employed by the bed and breakfast facility.
6. Dining and other facilities shall not be open to the general public but shall be used exclusively by the registered guests and residents.
7. Two (2) off-street parking spaces shall be provided for the home plus one (1) off-street parking space for each bed and breakfast unit.
8. Not more than one (1) identification sign not exceeding four (4) square feet in area may be attached to each wall which faces a street. The sign shall be reflective of the architectural features of the structure and may not be internally or externally illuminated.
9. Adequate lighting shall be provided between the principal structure and the parking area for safety purposes. Any additional external lighting is prohibited.

E. Restaurants.

F. Bars.

G. Hotels/Motels.

H. City Hall.

I. Sexual Oriented Uses provided that:

1. The requirements of Section 15 of this Ordinance relating to the sexually oriented uses are considered and satisfied.
2. All of City Code requirements in the Sexually Oriented Businesses Ordinance are met and satisfied.

J. Convenience Store with gasoline, provided that:

1. The sale of food items is in compliance with state and county standards and subject to the approval of a Health Inspector who shall provide specific written sanitary requirements for each proposed sale location.
2. The approximate area and location devoted to non-automotive merchandise sales shall be specified in general terms in the application.
3. Motor fuel facilities are installed in accordance with state standards. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
4. Wherever fuel pumps are to be installed, pump islands shall be installed.
5. A protective canopy located over the pump island(s) may be an accessory structure on the property however adequate visibility both on and off site shall be maintained.
6. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.

K. Resort facilities and incidental commercial services in connection with and incidental to the operation of a resort activity. New resort facilities and expansions shall be processed as commercial Planned Unit Developments and adhere to applicable Shoreland District requirements provided that:

1. Resort facilities shall be licensed by and meet the standards prescribed by the Minnesota Department of Health except where the provisions of this Ordinance are more restrictive, upon which the most restrictive provisions shall prevail.

L. Campground facilities and incidental commercial services in connection with and incidental to the operation of a campground activity. New campground facilities and expansions shall be processed as commercial Planned Unit Developments and adhere to applicable Shoreland District requirements provided that:

1. Campground facilities shall be licensed by and meet the standards prescribed by the Minnesota Department of Health except where the provisions of this Ordinance are more restrictive, upon which the most restrictive provisions shall prevail.
2. Each campsite shall have at least 2,000 square feet in area for primitive or dependent campsites and shall have at least 3,000 square feet in area for independent campsites.
3. Campsites designed to provide water hook-up shall also provide hook-up to a central sewage disposal system which meets the standards, criteria, rules and regulations of the Minnesota Department of Health and of this Ordinance.
4. A Campground which allows camping units with self contained sewage systems shall provide some acceptable form of on-site sewage disposal for these units.
5. Vegetative screening is installed to screening any residential uses adjacent to the campground.
6. Adequate and safe ingress and egress access shall be provided to a public road.

M. Marinas.

N. Commercial Planned Unit Developments.

O. Medical offices and clinics, dental offices and clinics, professional offices and commercial (leased) offices, veterinary clinics (not including outside kennels) and funeral homes and mortuaries, provided that:

1. The site and related parking and service entrances are served by a collector street or street of sufficient capacity to accommodate the traffic which will be generated.
2. Adequate off-street parking is provided in conjunction with Section 11.17 of this Ordinance.
3. Vehicular entrances to parking of service areas shall create minimum conflict with through traffic movement.
4. When abutting a residential use, a buffer area with screening and landscaping in compliance with Section 11.16 of this Ordinance shall be provided.
5. All signs and visual communication devices shall be in compliance with Section 14 of this Ordinance.

P. Retail commercial activities provided that:

1. Merchandise is sold at retail.

2. The retail activity is not located within a structure whose principal use is residential.
3. No directly or indirectly illuminating sign or signs in excess of ten (10) square feet identifying the name of the business shall be visible from the outside of the building.
4. No drive thru windows permitted.

SECTION 19 - CONDITIONAL USE PERMITS

19.01: PURPOSE. The purpose of a conditional use permit is to provide the City with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety and to require conditions related to the establishment of said use necessary to carry out the intent and purpose of the Ordinance.

19.03: CRITERIA. The Planning Commission shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce any adverse effects, and shall make a recommendation to the City Council within the guidelines as mandated by State Statutes. At a minimum, the Planning Commission shall consider the following standards as it would apply to the particular use at the proposed location. The request:

- A. Will not be detrimental to or endanger the public health, safety, morals, comfort, convenience or general welfare of the neighborhood or the City.
- B. Will be harmonious with the applicable specific and general objectives of the Comprehensive Plan of the City and this Ordinance.
- C. The proposed use is or will be compatible with the future land use map of the Comprehensive Plan of the City.
- D. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
- E. The proposed use will not tend to or actually depreciate the area in which it is proposed.
- F. Will not be hazardous or disturbing to existing or future neighboring uses.
- G. Will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water, sewer systems, and schools.
- H. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- I. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.

- J. Will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic or surrounding public thoroughfares.
- K. Traffic generation by the proposed use is within capabilities of streets serving the property.
- L. Will have adequate facilities to provide sufficient off-street parking and loading space to serve the proposed use.
- M. The proposed use conforms with all performance standards contained within this Ordinance.
- N. Will not result in the complete or extreme destruction, loss or damage of a natural, scenic, or historic feature of major importance.
- O. Will conform to the type of uses that are generally permitted within the district.

19.04: CONDITIONAL APPROVAL. In recommending or approving any conditional use permit, the City may impose conditions which are considered necessary to meet the standards of this Ordinance and to protect the best interests of the surrounding area or the City as a whole. Violation of any such condition is a violation of this Ordinance. These conditions may include but are not limited to the following:

- A. Ingress and egress to property and proposed structures thereon with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
- B. Negative or undue effects on nearby property as they may relate to off-street parking and loading areas, economic effects, noise, glare, or odor.
- C. The location and design of refuse and service areas as they may relate to the site, public right of ways and nearby properties.
- D. Location, availability and compatibility of utilities.
- E. Diking, fencing, berming, screening, landscaping or other facilities to protect adjacent or nearby property.
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
- G. Required yard setbacks and other open space.
- H. General compatibility with adjacent and other property in the district.

28.05: ZONING, WATER SUPPLY AND SANITARY SEWER PROVISIONS

G. Conditional Uses. Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply within shoreland areas.

1. Evaluation criteria. A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:
 - a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
 - b. The visibility of structures and other facilities as viewed from public waters is limited.
 - c. The site is adequate for water supply and on-site sewage treatment.
 - d. 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.
2. Conditions attached to conditional use permits. The City of Long Beach, upon consideration of the criteria listed above and the purposes of this section, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this section. Such conditions may include, but are not limited to, the following.
 - a. Increased setbacks from the ordinary high water level.
 - b. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
 - c. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission with regard to the conditional use permit:

1) Current Zoning:

- Subject Property: RC - Residential/Commercial
- Surrounding Properties:
 - East (Shoreline): LD - Low-Density Residential
 - West (City Lot): LD - Low-Density Residential
 - West of City Lot: RC - Residential/Commercial

2) Current Land Use:

- Subject Property: Single family dwelling
 - Surrounding Properties:
 - North and East: There is a large parcel with a pond containing a single-family dwelling and outbuildings
 - West: City Hall Property (further west, residential and resort-oriented uses)
- 3) **Lot size:** Approx. 1.2 acres
- 4) **Sewer/Water:** The property is served with City sewer/ water.
- 5) **Natural Features:**
- Floodplain: There are no mapped floodplains in the City of Long Beach. The elevation of the property ranges from 1140-1148 sq ft. The minimum required elevation for the lowest floor of structures along Lake Minnewaska is 1141.1 ft (NGVD29).
 - Bluff/Steep Slopes: The property does not contain any bluffs or steep slopes.
 - Wetlands: There are no wetlands on the property.
- 6) **Will not be detrimental to or endanger the public health, safety, morals, comfort, convenience or general welfare of the neighborhood or the City:**
- The primary potential from the proposed use for causing a detriment to the neighborhood or endangerment of public health or safety would be 1) if the site were to become an eyesore that devalued nearby property values and/or 2) if the site were to create pollution of soil/water or a traffic hazard due to traffic levels. The use as proposed would not appear to be detrimental.
- 7) **Will be harmonious with the applicable specific and general objectives of the Comprehensive Plan of the City and this Ordinance.**
- See #6 above.
- 8) **The proposed use is or will be compatible with the future land use map of the Comprehensive Plan of the City.**
- The Comprehensive Plan identifies this area as suitable for future residential use. However, the Plan also promotes new lake-oriented commercial uses with safe and convenient access. The use of the property would be consistent with the recent zoning map amendment for this property - from residential to residential/commercial.
- 9) **Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.**
- See #6 above.
- 10) **The proposed use will not tend to or actually depreciate the area in which it is proposed.**
- See #6 above.
- 11) **Will not be hazardous or disturbing to existing or future neighboring uses.**

See #6 above.

- 12) Will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water, sewer systems, and schools.**

This property is located along Lakeshore Drive with a circular drive providing access. The availability of sewer and water to adequately service the proposed use of this site as a coffee shop/bakery has yet to be determined. The proposed use would not have any impact on the local school population and is suitably accessible by fire and police services.

- 13) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.**

See # 6 and #12 above.

- 14) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors**

See # 6 above.

- 15) Will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic or surrounding public thoroughfares.**

The site is served by an existing driveway access from Lakeshore Drive. The amount of traffic generated on the site with the proposed commercial use has yet to be determined.

- 16) Traffic generation by the proposed use is within capabilities of streets serving the property.**

See #15 above.

- 17) Will have adequate facilities to provide sufficient off-street parking and loading space to serve the proposed use.**

Whether the off-street parking at the site is adequate for the usage is yet to be determined.

- 18) The proposed use conforms with all performance standards contained within this Ordinance.**

The requirements of the ordinance for retail commercial activities are as follows:

1. Merchandise is sold at retail.
2. The retail activity is not located within a structure whose principal use is residential.
3. No directly or indirectly illuminating sign or signs in excess of ten (10) square feet identifying the name of the business shall be visible from the outside of the building.
4. No drive thru windows permitted.

All of these requirements are applicable. If it is determined that the principal use of the property with the bakery/coffee shop is residential, retail commercial activity would be prohibited by ordinance.

19) Will not result in the complete or extreme destruction, loss or damage of a natural, scenic, or historic feature of major importance.

The proposed use would not appear to have any impact on natural, scenic or historic features of major importance as none of these appear to exist on the property. The primary potential impact would be if the use caused pollution of soil/water/wetlands on or near the site.

20) Will conform to the type of uses that are generally permitted within the district.

“Retail commercial activities” are a conditional use in the subject zoning district, subject to specific standards mentioned above.

Planning Commission/City Council Direction: The Commission/Council may approve the condition use request, deny the request, or table the request if it should need additional information from the applicant. If the Commission/Council should approve or deny the request, it should state the findings which support either of these actions.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission with respect to the variance need:

1) Will the granting of the variance be in harmony with the general purposes and intent of the Zoning and/or Subdivision Ordinance?

The general intent of the zoning ordinance is to provide some consistency and practicality with the usages allowed. The proposal to combine a residential use with a commercial purpose may be closer to the intent of the ordinance if there is a clear separation between the uses.

2) Will the granting of the variance be consistent with the City of Long Beach’s Comprehensive Plan?

The Comprehensive Plan states that within the Recreational Commercial Land Use and Zoning the City will allow space for commercial properties as well as residential uses. In this respect, the proposal is consistent with the Plan.

3) Is the proposed use of the property reasonable?

The requested variance is reasonable if the usage as a home can be shown to be consistent or at least not interfere with the proposed usage as a bakery and restaurant.

4) Is the plight of the landowner due to circumstances unique to the property not created by the landowner?

The need for the variance would appear to primarily be related to the desire of the applicants to operate the proposed retail commercial use within their home.

5) Will the variance, if granted, alter the essential character of the locality?

The usage of the property as proposed would not appear to alter the character of the area which includes a mix of residential and commercial uses.

6) **Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?**

Economic considerations do not appear to play a significant factor in the requested variance, though it does relate to making use of their current home and property.

7) **Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?**

In order to avoid the need for the variance, the primary use of the structure would have to be other than a residence, perhaps converted solely for the commercial use proposed.

Planning Commission/City Council Direction: The Commission/Council may approve the variance request, deny the request, or table the request if it should need additional information from the applicant. If the Commission/Council should approve or deny the request, it should state the findings which support either of these actions.

Staff Recommendation: If all the conditions of the ordinance for retail commercial use in an RC district are met, Staff would recommend approval as a conditional use permit only if the Commission finds that the intended usage will not be a detriment to traffic and that sufficient conditions are in place to assure the site is adequate to accommodate the anticipated usage with services including sewer, water, and off-street parking. Staff would recommend approval of the variance only if the usage of as a primary residence is determined to be not inconsistent with the business purpose.

Luetmer property



CONDITIONAL USE APPLICATION *LONG BEACH MN*

Site Address (E-911#):	Parcel Number (12 digits):
23896 N LAKESHORE DR.	24-0114-000
Lake/River Name:	MINNEWASKA LAKE MINNEWASKA LAKE

Property Owner:

Name:	RONALD LUETMER		
	Preferred Phone: (320) 424-0771 Secondary Phone: Email: RONLUETMER@GMAIL.COM		
Mailing Address:	23896 N LAKESHORE DR. GLENWOOD, MINNESOTA 56334		
Preferred Phone:	Secondary Phone:	Email:	

Primary Applicant Info (if different from property owner):

Applicant Is:	SAME AS LEGAL OWNER		
Preferred Phone:	Secondary Phone:	Email:	

Other Applicants (if applicable):

Was there already a public hearing (i.e. variance, conditional use permit, etc.) related to your current application?

Date of previous public hearing:

Signature of Applicant*:

Date:

Signature of Title Holder*:

Date:

* By signing, the applicant or agent hereby makes application for a permit to construct as herein specified, agreeing to do all such work in strict accordance with all and other applicable ordinances or federal and state laws. Applicant or agent agrees that site plan, sketches, and other attachments submitted herewith and which are approved by the Zoning Administrator are true and accurate, and shall become part of the permit. Applicant or agent agrees that, in making said application for a permit, applicant grants permission to 's designated zoning or building inspection officials, at reasonable times during the application process and thereafter, to enter applicant's premises covered by said permit, to determine the feasibility of granting said permit or for compliance of that permit with any applicable local, state, or federal ordinances or statutes. Applicant or agent understands that it is applicant's sole responsibility to contact any other federal, state, county or local agencies to make sure applicant has complied with all relevant Municipal, State, Federal or other applicable laws concerning applicant's project described above.

Please complete all of the following questions to the best of your ability (some questions may not apply, depending on the nature of your request):

1. What are you proposing for the property? State nature of request in detail:

This application is for conditional use of my property to open a Bakery/Café at 23896 N Lakeshore Dr.

As detailed in my permit request for the rezoning of this property, our plan is to convert the main floor of the original construction (brick portion of the house) into a gluten-free bakery. The goal is to create a gathering spot in Long Beach for resorters and community members alike, geared to supporting the resort atmosphere Long Beach has stated as one of its goals in the city's comprehensive plan.

Our vision for this bakery could morph over time depending on the interest shown by the community and business viability of providing additional goods and services. Initially, we envision opening the bakery and serving coffee. In order to provide baked goods for other businesses, we would have to convert the kitchen to commercial. If the bakery is successful enough and the market supports it, adding the commercial kitchen would open-up the option to provide a limited breakfast/brunch menu in addition to the baked good. To supplement the income, we are also considering adding an ice-cream option (either ice cream or gelato or both) along with sundry lake-oriented goods (things like t-shirts, cribbage boards shaped like Lake Minnewaska, etc.) We may also rent bicycles to promote resorters and the community to get out and enjoy Lakeshore Drive at a more leisurely pace. The overall goal is to provide a destination in Long Beach that complements the resort atmosphere and adds an element of interest and fun similar to establishments found in other successful resort communities. Long-term possibilities for use could include hosting special-event dinners focused on providing one or two main entrees. This would be reservation-only high-end events where guests pay in advance.

2. When do you anticipate beginning and completing the project?

Start Date: **2019-05-01**

Completion Date: **2019-05-01**

3. If an interim use, list the date or event that you would like the interim use permit to expire. *NOTE: The Zoning Ordinance requires that the initial approval of an interim use permit must expire no later than five (5) years from the date it is approved. After that initial period, you may apply for renewal which may be allowed to continue for a different time period.*

4. Would the proposed use be harmful to the use and enjoyment of other property in the immediate area (for uses that are permitted)? Why or why not? Would the property reduce or otherwise diminish property values in the immediate area? Why or why not?

No - in discussion with our neighbors, as indicated by those who signed the petition in support of the proposed use and showed up at the rezoning meeting, the proposed use would increase the enjoyment and value of living in the neighborhood.

5. Will the proposed use prevent other landowners in the area from developing their property in a normal and orderly way? Why or why not?

No

6. Will the proposed use require any utilities, access roads, drainage or other public or semi-public facilities? If so, are these already provided in the area? If not, how will they be provided?

No - using existing structure, utilities, etc.

7. Will the proposed use require off-street parking or loading space? If so, what actions will you take to provide sufficient space and where?

No

8. Discuss how the proposed use will be in conformance with the Comprehensive Plan.

As described in our application for the rezoning, we believe granting the conditional use is consistent with the Comprehensive Plan for the following reasons:

A Picture is worth 1,000 Words:

The cover of the comprehensive plan is comprised of four pictures promoting tourism and includes people enjoying the lake and bicycling. Clearly, we as a community of Long Beach are striving to build on the foundation of the tourism industry that starts at Hunts and extends to Woodlawn to bring more outside dollars into our community. We are in the middle those two bookends and a significant consideration for people evaluating Long Beach as a summer destination is to have places to enjoy while they are off the water. Captains Bar and Grill has been an anchor in our community for years and now we are offering an additional gathering spot to cover the morning hours. The plan itself states. "Community leaders and participants in the comprehensive planning process have expressed a desire to retain the "resort town" atmosphere". A morning coffee shop/bakery has become a staple of desirable resort towns.

A desirable future includes the availability of jobs and business opportunities.

Those words are directly from the introduction to the Long Beach Comprehensive Plan: Planning begins with vision. This vision focuses on what a desirable future would include. When looking at the development of a community, a desirable future includes the availability of jobs and business opportunities, the quality of natural resources; the availability of a variety of housing that is affordable, the accessibility and adequacy of public utilities, parks and recreation, schools and social services, the condition of streets and highways and the strength of the community. These are, in summary, some of the basic elements, which contribute to a high quality of life.

Nobody would argue that there are limited opportunities for our youth to stay here in the Glenwood/Long Beach/Starbuck communities. Not only will this business provide an opportunity for one seventeen-year-old young woman to build a business and set her roots here, raise a family and pay taxes, but it will also demonstrate to others of her generation that you can create businesses that are local and successful. Our youth should not have to "escape" to Alexandria, St. Cloud, or Minneapolis.

From the Comprehensive Plan: Children and youth are critical to the future of the city and region. The entire community should share in supporting their growth and development.

Sense of Community
An entire chapter (2) is devoted to building a sense of community. What brings our community together? I would suggest it is getting to know each other - develop friendships and learn a bit about each other. How do we keep from being estranged from our neighbors? By getting together- perhaps over a beer at Captains after a long day's work or over a cup of coffee and a pastry in the morning before hitting the lake to catch some fish.

We are about to welcome 45 new families to our community. Do we want our new neighbors in the RV park to feel welcomed and integrated into our community or do we want to create an environment of

"us and them"? Perhaps If our new neighbors mingle with "us locals" while they enjoy their coffee and scones, they might develop an appreciation for our community and be better neighbors than they might otherwise have been. When you know your neighbor, you are more likely to respect the noise curfews and drive the speed limit. If my 7-year-old boy serves them coffee, they might think twice about kicking it down from 30 to 50MPH as they make the turn from Captains to the straightaway that leads to Woodlawn.

Sharing A Piece of History to Create a Sense of Community

From the Comprehensive Plan: Many times a sense of community has deep historical roots and is centered around a place, building, or event such as a festival, church or 4th of July parade which has been in the community for generations.

We've owned our house for 23 years and when I tell people where we live they still say- "Oh, O.B. Deerstead's place." Our house is a piece of Long Beach history and we want to share it with the public. It will be 100 years old next year when we open the bakery. We have painstakingly restored the interior to its historical origins, complete with brass push button light switches and hand plastered ceilings. It's time to take this asset of the community and use it as a focal point of the Long Beach brand.

Planned expansion for commercial growth:

The comprehensive plan uses a benchmark of 70% residential to 30% commercial acreage. Long Beach is 88% residential to 12% commercial. It is generally accepted that the ratio of residential to commercial/industrial acreage representative of a healthy environment is seventy percent residential growth to thirty percent commercial/industrial growth.

Our planned use is consistent with the Commercial Land Use goals of the plan. The bakery/coffee shop would have beautiful views of the lake and cater to the resort crowd:

Currently the City has 52 acres or 5.1 percent of the City's land inventory is commercial in nature, within its commercial zoning districts. It is projected an additional 9 acres would be needed for commercial expansion. Long Beach's commercial uses have historically been lake oriented and served as the heart of the community. Input relating to the desire to protect and maintain this central focus occurred during the planning process. Retaining the resorts and commercial uses similar in nature will help keep the identity of the community. The following objectives and policies have been prepared for the commercial uses.

Stated Commercial Objectives include:

Continue to promote on the lake oriented commercial uses to attract customers to the community and as a focal point of the community. Provide and enhance convenient and aesthetically pleasing areas for customers and employees. Promote land uses that will reinforce business synergy.

Our business would attract customers to the community and would be a focal point based on its central location, proximity to the Town Hall, and historical nature of the house. It would be convenient as well as aesthetically pleasing for both customers and employees and would provide synergies with the existing resorts, Captains, and the new RV park.

Promoting a desirable demographic:

The comprehensive plan notes that the median age of Long Beach a bit high and that vibrant

communities rely on a good dose of youthful energy and entrepreneurship.

- Long Beach median age is 44.7 years
- Pope County median age is 42.1 years
- Minnesota median age is 35.4 years
- Luetmer family median age is 17 years

9. Will the proposed use create any odors, fumes, dust, noise, vibration, or involve any lighted signs or other lights? If so, how do you intend to control these so that they do not create a nuisance for neighboring properties? Discuss how the proposed use will be in conformance with the Comprehensive Plan of the Township.

We will be installing a modest sign in our yard and plan to light it up with two landscaping style lights. We will also be adding landscaping lights around our walkway and front steps as well as the perimeter of our drive.

10. Will the proposed use involve any exterior storage of materials? If so, how will the storage prevent reducing nearby property values, impair scenic views or threaten habitat or other living amenities?

No

11. Will the proposed use involve any harvesting of timber or other clearing of forest land? If so, how will exposed soil be stabilized or prevented from eroding? Please attach an erosion and sediment control plan developed and approved by the local soil and water conservation district.

No

12. Please include any other comments relating to this request.

If in Shoreland Areas, please complete all of the following questions:

1. Describe any aspects of the proposed use that could harm the lake or stream. Discuss how you will reduce or prevent any impacts.

2. Describe any aspects of the proposed use that could harm the lake or stream. Discuss how you will reduce Discuss why the proposed use is suited to a shoreland area.

3. Will the proposed use involve any grading or filling of the natural or existing topography? If so, how will you minimize earthmoving, erosion, tree clearing and the destruction of natural amenities.

- Amount of material to be moved (cubic yards):
- Describe Temporary Erosion Control Measures:
- Describe how vegetation will be re-established:

4. Will the proposed use involve any connections to public waters, such as boat slips, canals, lagoons, or harbors? If so, has the MN Department of Natural Resources approved the connection?

Grading/Lot Preparation

Will the project expose soil to potential erosion (circle one)? **NO**

Area to be exposed:

Detailed estimate of area to be exposed:

Within 200 ft of water?:

Stabilized within 24 hours?:

Width:

Length:

Depth:

Will the project expose soil to potential erosion (circle one)? **NO**

Purpose of alteration:

Amount of material moved:

Detailed estimate of material moved:

Above amount that is erodible:

Above amount that is non-erodible:

If yes, describe temporary erosion control measures
(e.g. silt fence, erosion control blanket, etc.):

If yes, describe how disturbed area will be stabilized
permanently (e.g. sod, seed disturbed area, hydroseed,
permanent fixture such as patio, steps, etc.):

Will you be installing some kind of permanent
stormwater management practice on your property with
this project?

Describe permanent Stormwater Management Practice:

Will the exposed soil/excavation/grading be within a shore or bluff impact zone?:

Will the project be likely to direct more water/runoff to a neighboring property, a public right of way or water body
than occurred previously?: **NO**

What will you be doing to prevent additional water from affecting the neighboring property, right of way or water
body?: