
CITY OF LONG BEACH

ZONING MEETING PACKET FOR
June 13, 2018



CITY OF LONG BEACH
AGENDA
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
June 13, 2018
6:30 PM

1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Public Hearings
 - a. Conditional use permit to allow for display and sale of up to 50 vehicles (25 currently allowed.) Applicant: Kevin Anderson. Property Owner: Beverly Anderson. Legal Description: Section 11, Twp 125, Range 38. Property Address: None (corner of State Hwy 28 and Co Rd 24). Parcel number(s): 24-0263-000, 24-0264-000, 24-0261-001.
5. Zoning Administrator's Report
 - a. Permits
 - b. Correspondence
 - c. Enforcement Actions
6. Other Business
 - a. Status of planned Unit Development (PUD) calculations for various RV campgrounds within the City of Long Beach.
7. Adjournment

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

STAFF REPORT

Application: Conditional use permit to allow for display and sale of up to 50 vehicles on the property (maximum 25 allowed under 2017 conditional use permit conditions)

Applicant: Kevin Anderson

Property Owner: Beverly Anderson

Background Information:

- **Proposal:** Subsequent to a rezoning of the property from LD – Low Density Residential to RC – Residential & Commercial Transition District, the applicant had been approved in April 2017 for a conditional use to operate a business on the subject property which would involve the outdoor display and sale of various items for sale, including but not limited to vehicles, trailers or other such items. Among the conditions of the permit was “that the number of vehicles (cars, trucks, motorcycles, RVs, ATVs) allowed to be displayed for sale or otherwise stored on the property at any one time be limited to no more than twenty-five (25).”

The applicant is proposing an increase the number of vehicles allowed to be displayed for sale from 25 to 50.

The full list of conditions on the 2017 approval is as follows:

1. That any signage be limited to 32 square feet and may not be illuminated.
2. That the number of vehicles (cars, trucks, motorcycles, RVs, ATVs) allowed to be displayed for sale or otherwise stored on the property at any one time be limited to no more than twenty-five (25) and must all be in an operable condition.
3. That all items displayed for sale or otherwise stored on the property shall be condensed into an area no greater than one (1) acre in size. Such area shall be set back from property lines abutting a public road or highway at least twenty (20) feet.
4. That the site must have space for turning vehicles without backing onto public roads and suitable space for parking.
5. That no permanent buildings shall be constructed on the site, without the approval of the City Council.
6. That the applicant obtains all necessary permits from Pope County regarding access from County Road 24.
7. That no vehicular access be allowed from State Highway 28, unless specifically approved by the Minnesota Department of Transportation and the City Council.

The property is located at the intersection of State Highway 28 and County Road 24. There are large wetland areas located both across State Highway 28 to the south (zoned CD - Conservation, Parks & Open Space) and across County Road 24 to the north (zoned LD – Low Density Residential). Land to the west is outside of the city boundaries, and is zoned “Non-Intensive Agriculture” by Pope County. There is currently a dwelling on the property to the west – about 450 feet away.

- **Location:**

- Legal Description: Section 11, Twp 125, Range 38
- Property Address: None (corner of State Hwy 28 and Co Rd 24)
- Parcel number(s): 24-0263-000, 24-0264-000, 24-0261-001
- **Zoning District:** RC – Residential & Commercial Transition District
- **Lake Designation:** Recreational Development Shoreland (Shallow Pond)
- **Parcel size:** Approx. 8.76 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:

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:

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.

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

1) Current Zoning:

- Subject Property: RC - Residential & Commercial Transition District
- Surrounding Properties:
 - North: LD - Low-Density Residential
 - South: CD - Conservation, Parks & Open Space
 - West: Not in City (Zoned "Non-Intensive Agriculture" by Pope County)
 - East: LD - Low-Density Residential

2) Current Land Use:

- Subject Property: Vacant (There is a parcel surrounded by the subject parcel that contains a single-family dwelling)

- Surrounding Properties:
 - North: Single-family dwelling/ Contractor’s shop
 - South: Vacant (wetland)
 - West: Rural residential dwelling
 - East: Vacant (wetland)
- 3) **Lot size:** Approx. 8.76 acres
- 4) **Sewer/Water:** Any water on the property is private. The property is not currently served with city sewer. Connection to sewer is required for new homes or businesses, unless deemed unnecessary by the City Council.
- 5) **Natural Features:**
- Floodplain: There are no mapped floodplains in the City of Long Beach. DNR regulations indicate that the lowest floor of structures be at least three (3) feet above the highest known water level of the lake. In this case, the lowest floor would need to be at an elevation of 1142.68 (1139.68 + 3 ft). The elevation of the property ranges from 1146-1168 sq ft.
 - Bluff/Steep Slopes: The property does not contain any bluffs. There are some relatively steep slopes on the west side of the parcel.
 - Wetlands: There are wetlands on the property, but there is ample land on the parcel outside of these wetland for construction or outdoor storage.
- 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 change in 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 Commission should discuss these matters as part of its decision and consider conditions of approval to minimize their possibility.
- 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 lists “Provide commercial areas for businesses which are vehicle oriented along State Highway 28/29” as an objective of the City (despite the fact that almost none of the Highway 28 frontage is identified for commercial use on the Future Land Use Map). This property is located along State Highway 28 where it intersects with County Road 24. 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.**

The site is served by an existing access from County Road 24 on the north and abuts State Highway 28 on the south. City sewer is not currently available on the property, but would likely not be necessary given the proposed use. The site would need to be supplied with private water service, if necessary. 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 access from County Road 24 on the north and abuts State Highway 28 on the south. The only vehicular access is from County Road 24. Traffic levels would likely be low but may be affected by the number of items displayed for sale at any one time.

- 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.**

The site is over 8 acres in size. The proposed use, according to the applicant, would likely stay on no more than one acre of the total site. Adequate off-street parking and loading space is available.

- 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.

It appears that all of these requirements will be met.

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.

Staff Comments:

1. There is a building on the property that appears to be used for sales/office purposes. A condition of the 2017 conditional use permit was "That no permanent buildings shall be constructed on the site, without the approval of the City Council." The building does not appear to be of a permanent nature, but is large enough that it is not easily moved (such as with a smaller garden shed, for instance). The Council should review this building and consider whether it is in compliance with the 2017 conditions or is otherwise approved. Further, a permit should be obtained for the placement of the building, which has not been done.
2. 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 Commission should discuss these matters as part of its decision and consider conditions of approval to minimize their possibility.
3. Various other commercial uses could also be allowed on the site (via conditional use). These 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 the proposed use can be compared to the potential impacts that would result from these other allowable uses.

4. The Commission/Council should determine whether sewer service is necessary for the proposed use.

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 sufficient conditions are in place to prevent a detriment to surrounding land values, traffic congestion or pollution of the soil/water in the area.

If the application is approved, Staff recommends consideration of the following conditions of approval, which match the conditions placed on the 2017 conditional use permit approval (with the exception of the number of vehicles allowed in #2):

1. That any signage be limited to 32 square feet and may not be illuminated.
2. That the number of vehicles (cars, trucks, motorcycles, RVs, ATVs) allowed to be displayed for sale or otherwise stored on the property at any one time be limited to no more than fifty (50) and must all be in an operable condition.
3. That all items displayed for sale or otherwise stored on the property shall be condensed into an area no greater than one (1) acre in size. Such area shall be set back from property lines abutting a public road or highway at least twenty (20) feet.
4. That the site must have space for turning vehicles without backing onto public roads and suitable space for parking.
5. That no permanent buildings shall be constructed on the site, without the approval of the City Council.
6. That the applicant obtains all necessary permits from Pope County regarding access from County Road 24.
7. That no vehicular access be allowed from State Highway 28, unless specifically approved by the Minnesota Department of Transportation and the City Council.

Application/File # _____

Date Application Rec'd ___/___/___
(for office use only)

Fee Collected \$ _____

CITY OF LONG BEACH, MN
Conditional Use Permit Application

Site Address (E-911#): <i>No Address</i> <i>Intersection CR24 + State Hwy 28</i>	Tax Parcel Number (9 digits): <i>24 - 0263 - 000</i>
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Applicant Info:

Applicant Is:	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Licensed Contractor	<input type="checkbox"/> Design Prof.	<input type="checkbox"/> Contract Buyer	<input type="checkbox"/> Other:
Name:	<i>Kevin/Ber Anderson</i>				
Mailing Street Address:	<i>24075 CR24</i>				
City:	<i>Colebrook</i>	State:	Zip Code:		
Preferred Phone:	<i>320-424-1249</i>	Secondary Phone:	Email:		

Property Owner (if different from applicant):

Name:		
Mailing Street Address:		
City:	State:	Zip Code:

Signature of Applicant*:	<i>Kevin Anderson</i>	Date:	<i>5-22-18</i>
Signature of Title Holder*:	<i>Beverly Anderson</i>	Date:	<i>5-22-18</i>

* 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 Long Beach 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 Long Beach 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 Long Beach'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.

NOTE: Incomplete applications, as determined by the Zoning Administrator, will not be accepted or scheduled for a hearing. It is recommended that you work with the Zoning Administrator well before the application deadline to ensure that you have all required information so as to avoid delays in the hearing of your application.

Please complete all of the following questions:

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

Requesting increase in # of cars allowed.
25 more

What changes (if any) are you proposing to make to this site?

Grading/Land Alterations:

None no other changes

Landscaping:

Building:

Parking:

Signs:

Other:

Please provide information regarding how your application will meet each of the following criteria in the City of Long Beach Zoning Ordinance for the granting of a conditional use permit (some criteria may not apply, depending on the nature of your request):

1. Will not be detrimental to or endanger the public health, safety, morals, comfort, convenience or general welfare of the neighborhood or the City.

2. Will be harmonious with the applicable specific and general objectives of the Comprehensive Plan of the City and this Ordinance.

3. The proposed use is or will be compatible with the future land use map of the Comprehensive Plan of the City.

4. 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.

5. The proposed use will not tend to or actually depreciate the area in which it is proposed.

6. Will not be hazardous or disturbing to existing or future neighboring uses.

7. 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.

8. 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.

9. 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.

10. 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.

11. Traffic generation by the proposed use is within capabilities of streets serving the property.

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

13. The proposed use conforms with all performance standards contained within this Ordinance.

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

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

If in Shoreland Areas, please address how your application will meet the following criteria:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

2. The visibility of structures and other facilities as viewed from public waters is limited.

3. The site is adequate for water supply and on-site sewage treatment.

4. 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.

Please include any other comments related to your request:



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:3,315

Date: 10/4/2017

Pope County
 Minnesota

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







