

STAFF REPORT

Application:	Request to rezone an approximate 0.45-acre property from LD - Low Density Residential to CD - Conservation, Parks & Open Space.
Applicant and Property Owner:	City of Long Beach
Agenda Item:	4(b)

Background Information:

- **Proposal:** The City Council has instructed Staff to schedule a public hearing to allow for public input and discussion about rezoning the approximate 0.45 acre parcel that contains Morning Glory Gardens from LD - Low Density Residential to CD - Conservation, Parks & Open Space. The purpose of the rezoning would be...

The site, of course, is used as a public park at the current time and the rezoning to the CD zoning district would bring the underlying zoning district and allowable uses in that district more in line with how the site is being used than its current zoning classification which allows for residential and other uses.

Surrounding land is a mix of the LD, CD and RC - Residential/Commercial zoning districts - with LD extending to the south along the shoreline of Lake Minnewaska and to the north along the west side of Highway 28, CD extending north along the shoreline of the lake and RC extending to the west and south on both sides of Highway 28.

- **Location:**
 - Property address: None (north intersection of State Hwy 28 and North Ridge Dr)
 - Sec/Twp/Range: 15-125-38
 - Parcel number(s): 24-0151-000
- **Current Zoning:** LD - Low Density Residential
- **Proposed Zoning:** CD - Conservation, Parks & Open Space

Applicable Statutes/Ordinances: See enclosed appendix to this staff report.

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: LD - Low-Density Residential, CD - Conservation, Parks & Open Space and RC - Residential/Commercial

2) **Current Land Use:**

- Subject Property: A public park

- Surrounding Properties:
 - North: Wooded/Wetlands
 - South: Residential
 - West: State Hwy 28 and a large wetland
 - East: Lake Minnewaska

3) **Sewer/Water:** The property has City sewer available from the west.

4) **Lot size:** Approx. 0.45 acres according to property tax records

Existing Impervious Coverage: Well under required limits

5) **Natural Features:**

- Floodplain: The property is not located within an identified floodplain of either the current effective flood maps or the preliminary new flood maps.
- Bluff/Steep Slopes: The lot does not contain bluffs or steep slopes – it is a relatively flat property.
- Wetlands: There do not appear to be any wetlands on the property itself. There is a large wetland across State Highway 28 to the west, a smaller wetland about 200 feet to the north and Lake Minnewaska to the east.

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 “Open Space/Golf Course” – a classification that is consistent with both the current use as a park and with the proposed zoning district CD - Conservation, Parks & Open Space.

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 a mix of low-density shoreline residential, open space and somewhat further away, commercial. The CD zoning district would be consistent with the current use of the land in the area and future land uses are not likely to be much different in the near future as any undeveloped land in the immediate area is generally undevelopable due to wetland conditions or inadequate space for meeting applicable road and lake setbacks.

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.”

The site does have access to city sewer, a paved city road and is in close proximity to State Highway 28.

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

The amount of traffic generated on the site will be determined by the type of uses on the parcel. This application is not for a specific use, but rather for the rezoning of the property.

Staff Comments:

1. The proposed rezoning is consistent with the City's Comprehensive Plan and Future Land Use Map.
2. A park is a permitted use within the LD zoning district that the land is already zoned. So a rezoning would arguably be more about potential future uses if it stopped being a park than anything that changes its use now.
3. The City should be aware that if rezoned into the CD zoning district, the following regulations will apply to future alterations to the land on the property:

4.02: SPECIAL REQUIREMENTS.

- A. No filling, grading, dredging or excavation shall be allowed within the CD District without having first obtained an interim use permit. No construction shall be allowed within the CD District without having first obtained a conditional use permit. Any fill proposed to be deposited in the CD District must be shown to have some beneficial purpose and the amount thereof must not exceed that necessary to achieve the intended purpose, as demonstrated by a plan submitted by the owner. The plan shall show the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials. Such fill shall be protected against erosion by rip-rap, vegetative coverage, bulkheads, and the like.
- B. In extraordinary cases, conditional uses may be granted upon application, but only when the proposed use is determined to be in the public interest. No conditional use shall be granted which the Council determines will or has a tendency to:
 1. Increase the height or duration of floodwater in any watercourse.
 2. Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural landforms, vegetation, wildlife, marshes and wetlands within the City.
 3. Disturb land and water areas essential to continue the temporary or permanent holding of surface water runoff.
- C. No conditional use shall be granted unless the applicant, in support of his/her application, submits engineering data, surveys, site plans, and other information as the City may require in order to determine the effects of such development on the affected land and water areas.

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 of the proposed rezoning.

APPENDIX A:
Applicable Plans and Ordinances

City of Long Beach Comprehensive Plan (2008)

IV. FUTURE LAND USE PLAN.

B. Future Land Use

The Future Land Use Map presents a geographic representation of the City's preferred future land use scenario. The map summarizes the community's discussion of how development and public investment should play out over the next twenty plus years. Being able to see a picture of the end result is helpful in directing the myriad large and small decisions and investments over this timeframe. The future land use map is intended to be used in conjunction with the written content of the Plan. The map shows the geographic layout of Long Beach's preferred land uses, but does not capture the full detail of Comprehensive Plan policies, nor does it identify the full range of recommended strategies, or any staging of development priorities. The recommendations and policies provide additional direction on staging of growth, on priorities within land use categories, and on implementation preferences.

The FLU map is not an exact prediction of future land use patterns, however through forecasting and analysis tools the City has allocated land uses in probable locations. The FLU estimates what the City may look like if population and housing forecasts prove true, and if land policies, implemented to reach the desired future, are successful.

The land use plan is generally consistent with existing development. Dramatic changes in existing land uses are not proposed, as the land use pattern is generally one that the City wishes to see continued. Also, there is no public interest served in making large groups of houses and businesses non-conforming under zoning. Thus, areas that are stable or not undergoing change are preserved. There are a few areas that the plan recommends to correct inconsistencies with the existing land use or to bring the specific site into closer correspondence with its neighbors.

Map 5-3 at the close of this Chapter offers a visual representation of future land use projections. The Future Land Use map also provides the future land uses. The future land use map has been developed based on:

1. Ability to serve areas with public utilities;
2. Projected land uses for each category with an underlying assumption that the City may see increases in commercial growth;
3. Tiered land uses with more intense land uses adjacent to arterials and collector streets and more compatible land uses adjacent to each other;
4. Land topography and natural resources; and
5. Community input in the process through community input meetings and City Council meetings.

City of Long Beach

Future Land Use

Map 5-3

Legend

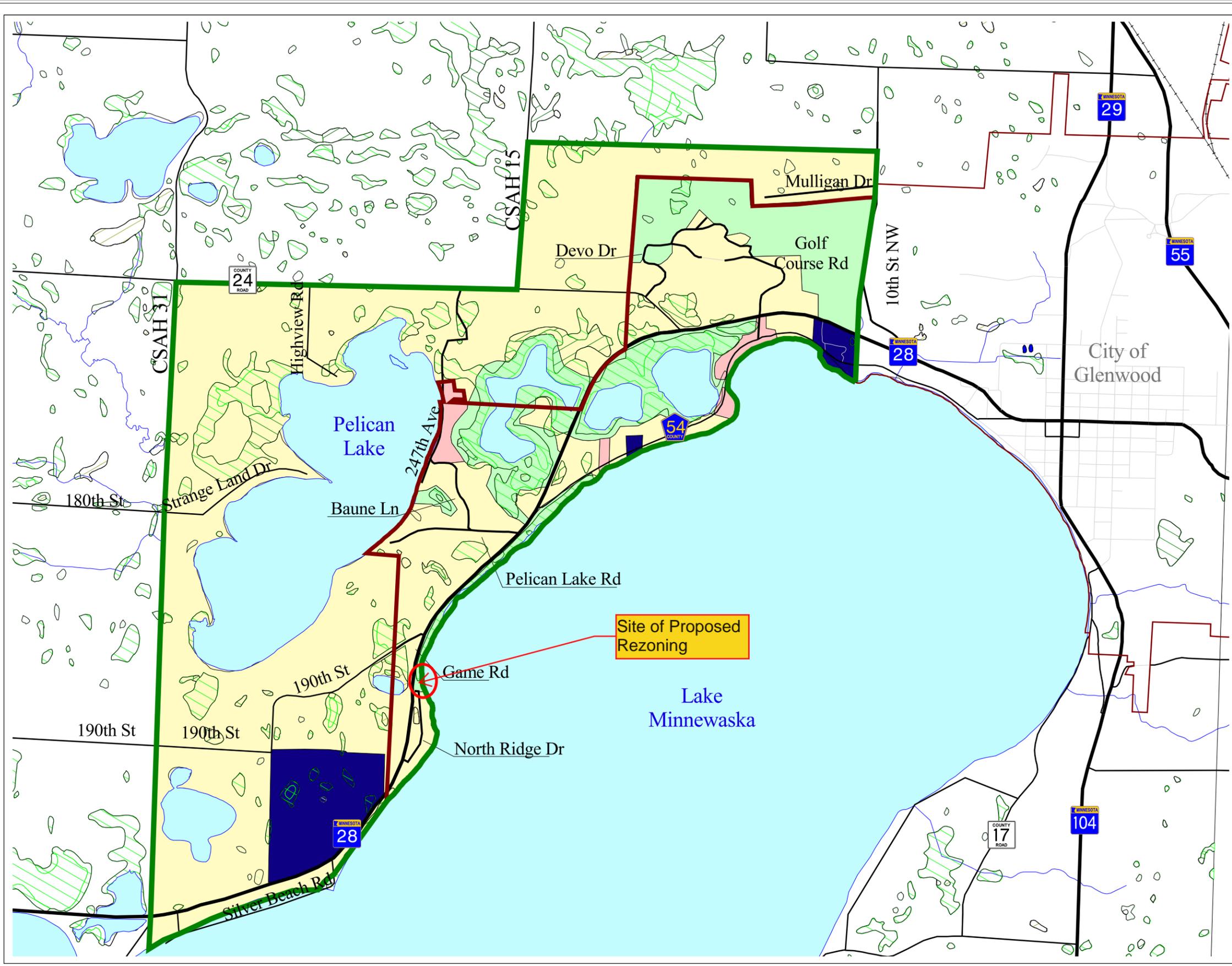
-  Low to Medium Density
-  Open Space/Golf Course
-  Seasonal recreational/Commercial
-  Public/Governmental Facilities
-  Growth Boundary
-  Wooded swamps
-  Shrub swamp
-  Deep marsh
-  Shallow marsh
-  Wet meadow
-  Seasonally flooded basin or flat
-  DNR 100k Lakes and Rivers
-  DNR 100K Streams
-  Municipal Boundaries
-  Local Roadways
-  MN/DOT Major Roads
-  MN/DOT City Roads
-  MN/DOT Basemap Railroads

Map/Data Disclaimer:
 These map products and all underlying data were developed for use by the City of Long Beach for its internal purposes only, and were not designed or intended for general use by members of the public. This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21(2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.

Map Date: October 5, 2008



Scale: 1 inch = 700 feet
 R.F.: 1 : 8,400



V. FUTURE LAND USE POLICIES

A. Overall Land Use Concept

Long Beach is a vibrant community with a great amenity in its lakes, a growing number of residents, and assorted recreational opportunities. Community leaders and participants in the comprehensive planning process have expressed a desire to retain the “resort town” rural residential atmosphere. The following guiding principals have also been considered:

- *Retain the spirit of a resort town.* The goal of retaining the resort town atmosphere is included through a logical pattern of future land use in an organized fashion, along with a transportation system to support the various land uses and recreation to offer quality of life amenities.
- *A more-balanced tax base* – In order to assist with the fiscal health of the City with employment offerings, a range of land uses including commercial have been planned for.
- *A proactive position on future growth* – The future land use plan includes projections and growth boundaries intended to serve the City to the year 2035. As market demands change the plan will need periodic review and updates. The future land use plan has included recommendations to complete comprehensive water and sanitary sewer plans and identify future transportation or collector street locations to encourage proactive planning of land uses with infrastructure and the funding of the infrastructure.

D. Public Land Uses

As of 2008, 16 acres 1.6% of land were used for public/semi-public uses including the city hall, park and DNR property.

Public Land Use Objectives

1. Provide needed public facilities to support future growth.

Public Land Use Policies

1. Begin planning and budgeting for future public facilities.
2. Provide sufficient land for future public facilities including utility sites and buildings.

Public park and recreational land uses comprise under 1% of the acres of the City. Park and open space will be necessary to support the additional acres of land guided for residential and commercial development. It is recommended the City plan for a ratio of park space to other land uses as the Long Beach looks to future growth.

Park and Recreation Objectives

1. Expand the quality of life offered by parks and recreational amenities in the City of Cold Spring [sic] as it continues to grow.
2. Retain the small town feel of the City of Cold Spring [sic].
3. Improve the quality of Cold Spring's [sic] City's parks.
4. Provide park and recreation opportunities for all ages of the population.

Park and Recreation Policies

1. Require park land dedication and fees to add parks and recreational amenities in new growth areas.
2. Plan for trail and/or sidewalk connections from neighborhoods to parks and linkages between parks.
3. Budget for parks within the capital improvement plan and work with local organizations to upgrade existing parks.
4. Look to offer park and recreational amenities for all age groups such as playground equipment for children, recreational opportunities for adults, and passive recreation for seniors.
5. Work with the school district to provide for joint use of school/park facilities.

City of Long Beach Zoning Ordinance

SECTION 4 - CD CONSERVATION, PARKS & OPEN SPACE DISTRICT

4.01: PURPOSE. The purpose of the CD, Conservation, Parks & Open Space District is to preserve areas unsuitable for development due to wet soils, steep slopes, flooding, inadequate drainage, severe erosion potential, or any other feature likely to be harmful to the health, safety, or general welfare of the future residents of the community. This district also includes many areas of unique natural, biological, or historical significance.

4.02: SPECIAL REQUIREMENTS.

- A. No filling, grading, dredging or excavation shall be allowed within the CD District without having first obtained an interim use permit. No construction shall be allowed within the CD District without having first obtained a conditional use permit. Any fill proposed to be deposited in the CD District must be shown to have some beneficial purpose and the amount thereof must not exceed that necessary to achieve the intended purpose, as demonstrated by a plan submitted by the owner. The plan shall show the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials. Such fill shall be protected against erosion by rip-rap, vegetative coverage, bulkheads, and the like.
- B. In extraordinary cases, conditional uses may be granted upon application, but only when the proposed use is determined to be in the public interest. No conditional use shall be granted which the Council determines will or has a tendency to:
 1. Increase the height or duration of floodwater in any watercourse.

2. Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural landforms, vegetation, wildlife, marshes and wetlands within the City.
 3. Disturb land and water areas essential to continue the temporary or permanent holding of surface water runoff.
- C. No conditional use shall be granted unless the applicant, in support of his/her application, submits engineering data, surveys, site plans, and other information as the City may require in order to determine the effects of such development on the affected land and water areas.

4.03: PERMITTED USES. Subject to applicable provisions of this Ordinance, the following are permitted uses within the CD District:

- A. Agricultural activities.
- B. Parks, trails and playgrounds.
- C. Forest, nature or other preserve.
- D. Open Space.
- E. Park or preserve identification signs.

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

- A. Structural park improvements.
- B. Filling, grading, dredging or excavation provided it meets, at a minimum, the requirements specified in Section 4.02, Letter A.
- C. Single-family detached dwellings.
- D. Accessory Structure greater than one hundred and forty (140) square feet.

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

- A. None.

4.06: ACCESSORY USES. Subject to applicable provisions of this Ordinance, the following are permitted accessory uses within the CD District:

- A. Accessory uses incidental and customary to uses allowed as permitted, conditional and interim uses within this Section.
- B. The storage of recreational vehicles and equipment.
- C. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- D. Boat Dock.
- E. Accessory Structure one hundred and forty (140) square feet or less.
- F. Fences as regulated by Section 11:20 of this 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.
- IB. 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. Short Term Vacation Home Rentals

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.