

STAFF REPORT

Application:	Request for interim use permit to operate a short term vacation home rental in a R-1 zoning district.
Property Owners:	Debra Gee, Brad Moseng, Moseng Enterprises LLC
Agenda Item:	5(a)

Background Information:

- **Proposal:** Moseng Enterprises LLC has requested an Interim Use Permit to operate a short-term vacation rental at a home on shared property located at 100 N Lakeshore Drive. This 5-bedroom home near Lake Minnewaska and next to the Glacial Ridge Hospital has had many upgrades and is reported to be in excellent condition. The home includes a 2-car garage with a 28 ft driveway providing off-street parking. The property is zoned R-1 (Suburban Residential).

The City's ordinance with regard to permitting short term vacation rentals as an interim use is attached. Applications for a short-term home rental must address all the requirements from the ordinance. Glenwood's Shoreland Regulations also apply to this request.

According to the applicant, the property is intended to be mainly used a long term home rental with occasional usage as a short term rental. For short term rentals, one of the owners will be available as a local contact and will be responsible for the property. The owners understand that they need to fully comply with all provisions of the City ordinance on vacation home rentals.

No changes to the current structures or setbacks are being made. The existing impervious coverage of about 19 percent is under the 25 percent maximum for shoreland areas. No increase in impervious area is proposed.

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

- **Location:**
 - Property address: 420 South Franklin St.
 - Sec/Twp/Range: 12-125-38
 - Parcel number(s): 21-0726-000
- **Zoning:** R-1 Suburban Residential
- **Lot size:** Approx. 12,914 sq ft (0.30 acres) according to County GIS estimate.
- **Sewer/Water Status:** The property is served by city sewer and water.
- **Natural Features:** The home is mostly shielded from views to and from the lake.
 - Floodplain: The existing and proposed structures are not within an identified floodplain.
 - Bluff/Steep Slopes: This shoreland lot does not contain a bluff. The lot is mostly level, slightly sloping from the center.
 - Current Shoreline Conditions: Mostly grass cover for the lot. No trees or natural features will be disturbed.

Planning Commission Action: The Planning Commission may recommend to approve the request, deny the request(s), or table the request(s) if the Commission should need additional information from the

applicant. If the Commission should approve or deny the request, the Commission should state the findings which support either of these actions.

Staff Recommendation: Based on the findings of fact and discussion listed below, Staff recommends approval of the proposed Interim Conditional Use if the Commission finds that the rental usage is suitable and appropriately managed. If approved, staff recommends as a condition that the property be inspected by the City relative to the building code and adherence to the applicable sections of the short-term rentals ordinance.

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

1) In order to grant a conditional use, the City needs to find that a property owner has met the criteria established in the City Code (state law does not identify any required criteria for conditional use permits and leaves that up to local governments). In making its decision, the City will need to state its “findings of fact” indicating why those criteria have been met or not met and as such, why the conditional use request should be approved or denied.

2) The primary questions, in Staff’s opinion, that need to be addressed in this request, are what types of conditions may be appropriate for a vacation home rental operation.

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

3) In granting a conditional use permit, State Statute 462.357, Subd. 1e (i) states that “In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.”

Applicable Statutes/Ordinances: See Appendix A.

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

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

Findings Supporting Approval

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

Findings Supporting Denial

None

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

Findings Supporting Approval

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

Findings Supporting Denial

None

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

Findings Supporting Approval

The performance standards of the conditional use are the same as those being met by the current usage. There will be no harm to persons or property.

Findings Supporting Denial

None

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

Findings Supporting Approval

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

Findings Supporting Denial

None

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

Findings Supporting Approval

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

Findings Supporting Denial

None

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

Findings Supporting Approval

The vehicular access and parking on the site which will be provided with the garage and driveway in the back should be sufficient for the usage and not cause congestion or traffic concerns for the neighborhood.

Findings Supporting Denial

None

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

Findings Supporting Approval

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

Findings Supporting Denial

None

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

Findings Supporting Approval

The property is not located within the Conservation District.

Findings Supporting Denial

None

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

Findings Supporting Approval

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

Findings Supporting Denial

None.

Shoreland Specific Findings of Fact:

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

Appendix A

Applicable Statutes and Ordinances

City of Glenwood Regulations

153.006 CONDITIONAL USES.

(A) *General.* Conditional uses as specified herein may be allowed or denied by the City Commission after recommendation by the Planning Commission in accordance with the criteria and provisions listed herein.

(D) *Criteria for approval.* A conditional use shall be approved if and only if it is found to meet the following criteria.

- (1) The proposed use conforms to the district and conditional use provisions and all general regulations of this chapter.
- (2) The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.
- (3) The proposed use shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other person or property, and shall comply with the performance standards set forth herein.
- (4) The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
- (5) The proposed use shall be compatible with the surrounding area and produce a total visual impression and environment which is consistent with the environment of the neighborhood.
- (6) The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.
- (7) The proposed use shall preserve the objectives of this chapter and shall be consistent with the Land Use Plan.
- (8) Additional requirements with respect to conditional uses in the Conservation District include the following.
 - (a) Development shall be permitted in such a manner that the maximum number of trees shall be preserved. Where trees are cut, at least 50% of the overstory shall remain.
 - (b) Development shall be permitted in such a manner that on-site soil erosion shall be at a minimum both during construction and when construction activity is completed.
 - (c) The quality of water run-off and water infiltration to the water table or aquifer shall remain undisturbed by the development of the site.
 - (d) The type and density of land use proposed shall be suited to the site and bedrock conditions shall not present a threat to the maintenance of groundwater quality, and shall not fail to correct problems due to soil limitations including bearing strength, shrink-swell potential and slope stability.

(E) *Performance standards.* All conditional uses shall comply with the requirements of this division (E). In order to determine whether a proposed use will conform to the requirements of this chapter, the City Commission may obtain a qualified consultant to testify, whose cost for services shall be borne by the applicant.

- (1) *Fire protection.* Fire prevention and fire fighting equipment required by the Building Code as adopted by the City Commission shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.
- (2) *Electrical disturbance.* No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.
- (3) *Noise.* Noise which is determined to be objectionable because of volume, frequency or beat shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes which shall be exempt from this requirement.
- (4) *Vibrations.* Vibrations detectable without instruments on neighboring property in any district shall be prohibited.
- (5) *Odors.* No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
- (6) *Air pollution.* Air pollution shall be subject to the standards established by the State Pollution Control Agency.
- (7) *Glare.* Lighting devices which produce directly reflected glare on adjoining properties or thoroughfares shall not be permitted.
- (8) *Erosion.* No offensive erosion by wind or water shall be permitted onto adjacent properties.
- (9) *Water pollution.* Water pollution shall be subject to the standards established by the State Pollution Control Agency.