

AGENDA  
GRAND MARAIS PLANNING COMMISSION  
June 5, 2019, 4:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. ADOPT AGENDA

D. APPROVE MINUTES

E. PUBLIC HEARINGS

-Senty Variance Conditional Use Permit

F. OLD BUSINESS

-Housing Update

G. NEW BUSINESS

-Trailer Parking

ADJOURN

*Planning Commission  
Minutes  
May 1, 2019*

Meeting was called to order by Chair Tim Kennedy at 4:00 p.m.

Members present: Stacey Hawkins, Tim Kennedy, Hal Greenwood, Michael McHugh, and Michael Garry

Absent: None

Staff Present: Patrick Knight and Kim Dunsmoor

Others Present: Jack McDonnell and Anton Moody

**Motion by Greenwood, seconded by Garry to approve the proposed agenda. Approved unanimously.**

**Motion by Hawkins, seconded by Greenwood to approve the minutes of the April 10, 2019 meeting. Approved unanimously.**

Chair Kennedy opened the public hearing to consider Jack McDonnell and Danna MacKenzie's conditional use permit request to operate a single unit lodging facility on a property zoned RCN Resort Commercial Neighborhood located at 107 5<sup>th</sup> Avenue West on Lot 6 except the North 12', Lot 7 and the North 12' of lot 8, Block 13 Harbor Addition. The lot has a single family structure, attached single car garage and small driveway. Neighboring uses include residential, lodging, commercial and government uses. Jack McDonnell was present to answer questions. The original request asks for the use to be granted for 18 months: however, if the conditional use permit is granted permanently, the property could be used for short-term rentals or permanent residential. McDonnell amended his request for a permanent conditional use permit. McDonnell said that there is one off-street parking space and a garage. Hawkins was concerned about another home that was previously homesteaded being used for short-term rental in a zone where permanent residential is the primary use and there are less than 25% homesteaded parcels in the area near this home. There were no comments received from the public in writing or during the public hearing.

**Motion by Greenwood to approve the McDonnell/MacKenzie Conditional Use Permit with condition of one off-street parking space.**

The motion died for lack of a second.

The commission discussed that short-term lodging is an allowed conditional use in the RCN Resort Commercial Neighborhood. There are commercial lodging uses directly adjacent to the North and South of this property and across the avenue to the East and one adjacent residential use to the West.

**Motion by Greenwood, seconded by Garry to approve the McDonnell/MacKenzie Conditional Use Permit with the condition of one off-street parking space.**

**Ayes: Kennedy, Greenwood, Garry, McHugh    Nay: Hawkins**

Hawkins nay vote was related to her belief that this use is not a desirable pattern of development in this area.

The Planning Commission found that:

- 1) The use conforms to the land use or comprehensive plan of the City.  
Lodging is an allowed conditional use in the RCN zone.
- 2) The use is compatible with the existing neighborhood.  
Similar lodging already exists in the zone with short-term lodging adjacent to the property on the North and South of the property.
- 3) The use will not impede the normal and orderly development and improvement in the surrounding area of uses permitted by right in the zone district.  
This is a well-developed area of the city with residential, lodging, commercial and government uses. The structure and adequate off-street parking already exist.
- 4) The location and character of the proposed use is considered to be consistent with a desirable pattern of development for the area.  
The small-scale commercial use retains a residential appearance as called for in the zoning purpose statement and short-term lodging is an allowed use in the RCN district.

Anton Moody, Charlie Trovall and Eric of MSA Engineering presented the Winterstone Final Plat submitted by Taiga Design +Build, LLC and were available to answer questions. The plat consists of 2.74 acres of property zoned R-1 split into 8 lots intended for single-family homes and one outlot. The plat includes one new gravel public street, storm water ditches, pond, and new municipal utilities. The City approved the preliminary plat in August 2018. Included in that approval were the following three variances:

- 1) Allowing a 50' right of way, contingent on the final street, stormwater, and utility design.
- 2) Allowing Lot 2, Block 1 to be 9,636 sq ft, short of the required 10,000 sq ft as it is necessary to avoid wetlands on the development.
- 3) Allowing Lot 2, Block 2 to be 124' by 101', short of the required 120' depth, as it provides adequate development space and allows for the avoidance of wetlands by the road.

It was a challenge to work around the wetland impacts and reconfigure approaches to find the least impacts as possible. The plat is still waiting for approval from the Army Corp of Engineers.

Hawkins asked if the county engineer had been involved in the discussion as it is likely that snowplowing and maintenance would be done by the county. It was estimated that the plat with new homes would generate additional city tax levy of approximately \$12,000 per year.

Rory Smith asked what the zoning for this property is and did not want any short-term rentals in this area. The zoning for the property is R-1 and short-term rentals are prohibited in the R-1 zone.

Dave Mills was curious about recent developments other than the Nordic Star development. This is an uncommon type of development, but definitely needed in this community. Taiga Design+Build has done a good job in maintaining buffers for neighbors. Mills also asked about the catch basin in outlot A for stormwater management. Eric of MSA Engineering said that the

stormwater pond is tied into the storm sewer in the Gunflint Trail and that the stormwater management plan models show that this design will slow down the rate of the stormwater flow into the storm sewer system. It will be the same amount of water but flowing over a longer period of time. The standard is to meet or reduce the flow rate.

Fritz Sobanja had questions about the street vacation and how that would affect his property, where the location of the water and sewer stub that could service his property would be and concerned that verbal agreements between himself and Moody would be written down and recorded.

**Motion by Hawkins, seconded by Greenwood to approve the Winterstone Final Plat with three contingencies: 1) that the City Engineer sign off on the design, 2) that the Council enter into a developer's agreement to address the adequacy of the design, construction, and financing of public improvements, 3) that the developer receive all necessary permits and approvals for the proposed work. Approved unanimously.**

There being no further business, the meeting adjourned at 5:23 p.m.

# City of Grand Marais

## MEMO

TO: Grand Marais Planning Commissioners  
FROM: Mike Roth  
DATE: May 31, 2019  
SUBJECT: Senty Variance Request

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**Request:** Mike Senty is requesting a variance from the public street access requirement to divide an existing 100' x 770' lot located in the R-1 Permanent Residential zone, PID 80-021-1157, into three lots. Two of the proposed lots will be accessed via driveway and utility easement

**Location of Property:** PID 80-021-1157

**Condition of Property:** This 100'x 770' undeveloped property is zoned R-1 Permanent Residential. Neighboring properties include single-family homes, commercial uses, schools, government uses, and wooded areas.

**Items To Be Considered:** In the City of Grand Marais a variance can be granted only if all of the following apply:

1. The variance is in harmony with the purpose and intent of the ordinance.
2. The variance is consistent with the comprehensive plan.
3. The proposal seeks to use the property in a reasonable manner not permitted by the zoning ordinance.
4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
5. The variance, if granted, will not alter the essential character of the locality.

**Relevant Zoning Purpose Statement:**

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**19.04 R-1 PERMANENT RESIDENCE DISTRICT**

**Subdivision 1. Purpose**

The R-1 Permanent Residence District is intended to provide a healthy, safe and attractive residential environment, protect property values and the environment and provide a mix of residential options, both seasonal and year around.

**Relevant Comprehensive Plan Section:**

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GOALS AND POLICIES

Goal

To create a framework for public and private decision making affecting the City of Grand Marais that:

1. Protects and enhances the natural resources of Grand Marais.
2. Provide economic opportunity for residents.
3. Respect the needs and desires of residents.
4. Provide for a full mix of land uses without adverse impact.
5. Recognizes the recreational and aesthetic value of the area to residents and visitors.
6. Ensures consistency of actions.

RESIDENTIAL AREAS

Goals

1. To provide a healthy, safe and attractive residential environment.
2. To protect property values and the natural environment through the harmonious relationship of land use, highways and natural features.
3. To provide a mix of residential options both seasonal and year round, and for all income levels

Policies

1. Develop low income housing.
3. Develop affordable housing to draw young families to the area.
10. Low intensity residential and recreational uses are preferred.
14. Infill of existing residential areas should be encouraged before expansion of new residential areas.

# City of Grand Marais

## MEMO

TO: Grand Marais Planning Commissioners  
FROM: Mike Roth  
DATE: May 31, 2019  
SUBJECT: Housing Update

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At your meeting staff will provide an update on the Housing project. HKGi has begun working on the data collection portion of the project. Staff will be holding a check in phone conference with HKGi prior to the meeting to get an update on the progress. We will be looking to schedule a presentation to the board and the public on the data collected.

# City of Grand Marais

## MEMO

TO: Grand Marais Planning Commissioners  
FROM: Mike Roth  
DATE: May 31, 2019  
SUBJECT: Trailer Parking

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### Background

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Last year the City Council received complaints regarding trailers and campers parked illegally, both on the street and in yards. Staff was directed to collect information and begin enforcement. In October, staff conducted a survey of trailers where 22 potentially illegally parked trailers were documented. A letter was sent informing property owners of the trailer parking ordinance requirements and requesting compliance. This May, a follow up survey was conducted.

### May Trailer Survey

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This May staff conducted a follow up survey. 18 Trailers were documented. 10 are clearly in violation, including 7 that were previously documented. A draft cease and desist letter is enclosed and proposed to be sent. 5 are located in questionable areas. 2 were determined to be located legally.

### Council Meeting

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On May 29, the City Council reviewed the trailer survey results and examined some situations where the existing ordinance language did not fit with their expectations of how enforcement should be conducted. The Council agreed to a two-part response:

- (1) Council asked the Planning Commission to prepare an ordinance revision that allowed for enforcement of those trailers that are clearly parked in undesirable areas. **At your meeting**, we will look at some of the trailer photos, consider the shortcomings of the current ordinance, and develop a draft ordinance to address these shortcomings.
- (2) Council will let the upcoming discussion with the community on code enforcement determine if additional work on this issue is needed.

**Chapter 42 MANUFACTURED  
HOMES AND TRAILERS**

**ARTICLE I. IN GENERAL**

**Secs. 42-1--42-25. Reserved.**

**ARTICLE II. TRAILERS,  
CAMPERS, MOTOR HOMES**

**Sec. 42-26. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Trailer, camper or motor home* (hereafter referred to as trailer) means any vehicle or structure designed for this:

- (1) Use as sleeping quarters for any person;
- (2) Conduct of any business, profession, occupation or trade; or
- (3) Use as a selling or advertising device;

and designed so that it is or may be mounted on wheels and used as a conveyance on highways or streets, powered by itself or by other power.  
(Code 1977, § 16.05(1))

**Sec. 42-27. Penalty.**

Unless otherwise declared in this article with respect to particular offenses, it is a petty misdemeanor for any person to do any act forbidden or fail to perform any act required by this article; except that a violation which is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property; or, exclusive of violations relating to the standing or parking of an unattended vehicle, a violation of any of the provisions

of this article, classified therein as a petty misdemeanor, when preceded by two or more convictions within the immediate preceding 12 months, is a misdemeanor.  
(Code 1977, § 16.08; Ord. No. 147, § 2(16.09), 9-12-90)

**Sec. 42-28. Dumping waste or litter.**

No person shall dump from any trailer onto any property, other than his own, any waste or litter except in places normally reserved for such dumping.  
(Code 1977, § 16.05(2))

**Sec. 42-29. Overnight parking.**

No person shall park any trailer on any public street, alley, or place in the city continuously from 12:30 midnight until 4:30 a.m., unless such place has been set aside for such purpose, or such use has been authorized by the city.  
(Code 1977, § 16.05(3))

**Sec. 42-30. Occupancy, parking.**

No person shall park or occupy any trailer any place in the city, off the city streets, alleys and parking lots, where such place is not an approved trailer park, except the parking of only one unoccupied trailer in an accessory private garage building, or in a rear yard in any district, is permitted providing no living quarters are maintained, and no business is practiced in the trailer while it is so parked or stored.  
(Code 1977, § 16.05(4))

**Sec. 42-31. Occupancy during construction.**

Notwithstanding section 42-30, any property owner who has been granted a building permit for the construction of a dwelling on his property may occupy a trailer on the construction premises for such period of time as shall be determined by the council, but not exceeding three months during such construction.  
(Code 1977, § 16.05(5))