

AGENDA
GRAND MARAIS PLANNING COMMISSION
November 7, 2018, 4:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. ADOPT AGENDA

D. APPROVE MINUTES

E. PUBLIC HEARINGS

1. Heilicher Conditional Use Permit

F. OLD BUSINESS

1. Lodging in DW Zone, continued
-Draft Ordinance, Small Scale Lodging as Conditional Use
2. Creechville Rezoning

G. NEW BUSINESS

ADJOURN

Planning Commission
Minutes
October 3, 2018

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

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

Absent:

Staff Present: Mike Roth, Patrick Knight, and Haden Hinchman

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

Motion by Miller, seconded by Garry to approve the minutes of the August 21, 2018 meeting. Approved unanimously.

Anna and Sarah Hamilton are requesting a variance to build a 16' wide residential structure on a lot 300sq' less than the required 10,000sq' and 25' less than the required 120' of depth.

No members of the public were present to comment or submitted comments previously.

The commission noted that this property was recently rezoned to residential with the understanding that it would be developed. The commission discussed the initial purpose of the 17' width requirement to prevent single wide trailers, and questioned the current relevance and desirability of that rule.

The Commission made the following findings:

1. **The variance is in harmony with the purpose and intent of the ordinance.**
Single family housing is a desired use in the R-1 Permanent Residential zone.
2. **The variance is consistent with the comprehensive plan.**
The plan identifies additional housing, particularly in-fill and affordable, as needed in the community.
3. **The proposal seeks to use the property in a reasonable manner not permitted by the zoning ordinance.**
The lot is of reasonable size and shape to accommodate the proposed structure. The 16' structure is a reasonable size for the structure.
4. **The plight of the landowner is due to circumstances unique to the property not created by the landowner.**
The dimensions of the property were created prior to the establishment of the zoning ordinance.

5. **The variance, if granted, will not alter the essential character of the locality.**

The neighborhood is primarily single family.

Motion by Greenwood, seconded by Hawkins to recommend approval of the Hamilton's variance as requested. Approved Unanimously.

Berner Properties is requesting a variance to construct a 31.5' tall building, taller than the maximum allowed height of 30'.

One letter of support was provided by the neighboring property. Berner explained that he added a third story to his building to be able to construct a narrow structure and avoid creating problems for the neighboring structures.

The commission noted the benefit to the neighbor properties of a narrower structure. They considered the minimal impact of the increase from 30' to 31.5' on views of the lake. They discussed the need to have higher ceilings for commercial space, and the desire to have commercial rather than lodging space on the first floor. They discussed the sensitivity of the community to height, particularly in the DW zone.

The Commission adopted the following findings:

1. **The variance is in harmony with the purpose and intent of the ordinance.**

The variance allows the project to provide commercial space that can be a mix of shops, restaurants and professional services that serve both the year round and seasonal or visitor populations.

2. **The variance is consistent with the comprehensive plan.**

The variance allows a development that will provide an attractive pedestrian environment and promotes the core downtown before expansion into other commercial areas.

3. **The proposal seeks to use the property in a reasonable manner not permitted by the zoning ordinance.**

A new structure in place of the previous vacant building is reasonable and desirable.

4. **The plight of the landowner is due to circumstances unique to the property not created by the landowner.**

The narrow 25' width of the property was created prior to the establishment of the zoning ordinance. The additional height is desired in part due to the adjacency and construction of the neighboring structures.

5. **The variance, if granted, will not alter the essential character of the locality.**

The neighboring structure is close to 30' tall. The narrower width of the building made possible by the variance is intended to avoid creating issues with the adjacent structures.

Motion by Greenwood, seconded by Hawkins to recommend approval of the Berner variance with the condition that the bottom floor remain commercial space. Ayes: Greenwood, Hawkins, Kennedy, Garry. Nay: Miller. Motion Approved.

The Commission continued conversation on the vitality of the Downtown Waterfront District. They would like staff to examine what other towns came up with as solutions. Some problems the Commission would like to address in the future is parking, lodging as a conditional use, and defining terms in the ordinance such as “unit”. The Commission would like to see ordinance language about all small scale lodging in the Downtown Waterfront zone being a conditional use.

Motion by Hawkins, seconded by Miller to recommend the council direct resources to studying these issues. Approved unanimously.

The Commission expressed interest in continuing the rezoning process for Creechville.

Patrick Knight presented an updated public engagement plan as well as better defined language.

There being no further business, the meeting adjourned at 5:46 p.m.

City of Grand Marais

MEMO

TO: Grand Marais Planning Commissioners
FROM: Mike Roth
DATE: November 1, 2018
SUBJECT: Heilicher Conditional Use Request

Request: Jackie Heilicher is requesting a conditional use permit to operate a single unit lodging facility on property she owns and is selling zoned MU Commercial Residential Mixed Use.

Location of Property: Lots 5-6, Block 17, Village Plat, 115 1st Avenue W

Condition of Property: This property, zoned MU Commercial Residential Mixed Use, has an existing single family home. Neighboring property includes single family homes, commercial structures, lodging, and the library.

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

1. The use conforms to the land use or comprehensive plan of the City.
 2. The use is compatible with the existing neighborhood.
 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.
 4. The location and character of the proposed use is considered to be consistent with a desirable pattern of development for the area.
-

Relevant Zoning Purpose Statement:

19.06.30 MU COMMERCIAL-RESIDENTIAL MIXED USE DISTRICT

Subdivision 1. Purpose

The Commercial-Residential Mixed Use district can be characterized as a transition zone from the downtown and Highway 61 commercial areas to the residential parts of Grand Marais, and an expansion area for the downtown commercial uses. The MU district is intended to promote the current character of a neighborhood that includes a mix of residential, lodging, professional and small scale retail uses that are compatible with this character. Site design standards for new development, re-development and expansion should reflect the mixed use character and reflect the current lot coverage and setback characteristics found within the concept area.

Relevant Comprehensive Plan Section:

Commercial-Residential Mixed Use District:

District uses

Objective: Promote the current character of a neighborhood that includes a mix of residential, lodging, professional and small scale retail uses that are compatible with this character.

Standard: The mixed use district promotes an appropriate mix of commercial and residential uses. Professional services, retail, and bed and breakfast uses are considered compatible with single family and small multi-family (2-4 units) residential uses and are permitted in this district. Larger multi-family (5 units or more) residential development can be allowed as a conditional use where it does not interfere with the established residential use or has the potential to significantly alter the intended mixed use character of the area. Building height is limited to 30 feet, but 35 feet can be allowed as a conditional use if the additional height does not significantly impact views.



City of Grand Marais

Application for Conditional Use Permit

Name of Applicant:	Jackie Heilicher
Mailing Address:	2643 Snowmass Cir Minnetonka MN 55345
Property Address:	115 1st Ave W Grand Marais
Legal Description:	Lots 5-6 Blk 17 Harbor Addition

Applicant is: Owner Buyer Agent Other (explain)

Current use of property:	Residential
Intended use of property:	Short term vacation rental
Use and Character of surrounding property:	residential & commercial
Brief summary of why a conditional use permit is required:	Zone class requires a CUP for short term vacation rental

A conditional use permit may be granted only upon findings of all of the following criteria. Summarize the facts as to your property in regards to each of the factors, using additional sheets as necessary.

1. Facts showing the use conforms to the land use or comprehensive plan of the City:

see narrative

2. Facts showing the use is compatible with the existing neighborhood:

see narrative

3. Facts showing 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:

see narrative

4. Facts showing the location and character of the proposed use is considered to be consistent with a desirable pattern of development for the area:

see narrative

Dated: 10/23/18	Applicant(s) signature(s): 
	10/23/2018 11:44:35 AM CDT
	Owner (if other than applicant)
	Owner (if other than applicant)

This application will be processed only if it is fully completed and is accompanied by a site sketch and the proper fees.

(Do Not Write Below This Line)

This foregoing conditional use permit application, accompanied by a fee of \$ _____, was received and determined to be complete this _____ day of _____, _____

On Behalf of the City of Grand Marais

Regarding the Conditional Use Permit request for 115 W 1st Ave:

The CUP is being requested as part of a sale of the home. The buyer, Cascade Vacation Rentals/Mike Larsen plan to purchase the property and do short term vacation rental. They'd like assurance before closing that a CUP for short term rental will be approved. For clarity, the current seller would like the CUP to be granted to her and be transferrable to Cascade Vacation Rentals once they own the property which will be at the end of November. If for any reason the real estate transaction does not occur, the seller would like the CUP to be transferable to a future buyer/owner that would like to do short term vacation rental.

Mike Roth let me know that one of the concerns of the planning commission is to determine if there is adequate off-street parking at the property. See the attached survey and aerial. There is a single car garage off the alley. Also, there is space for a couple cars between the garage and the propane tank off the alley.

Here are answers to the questions on the CUP:

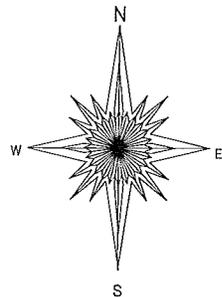
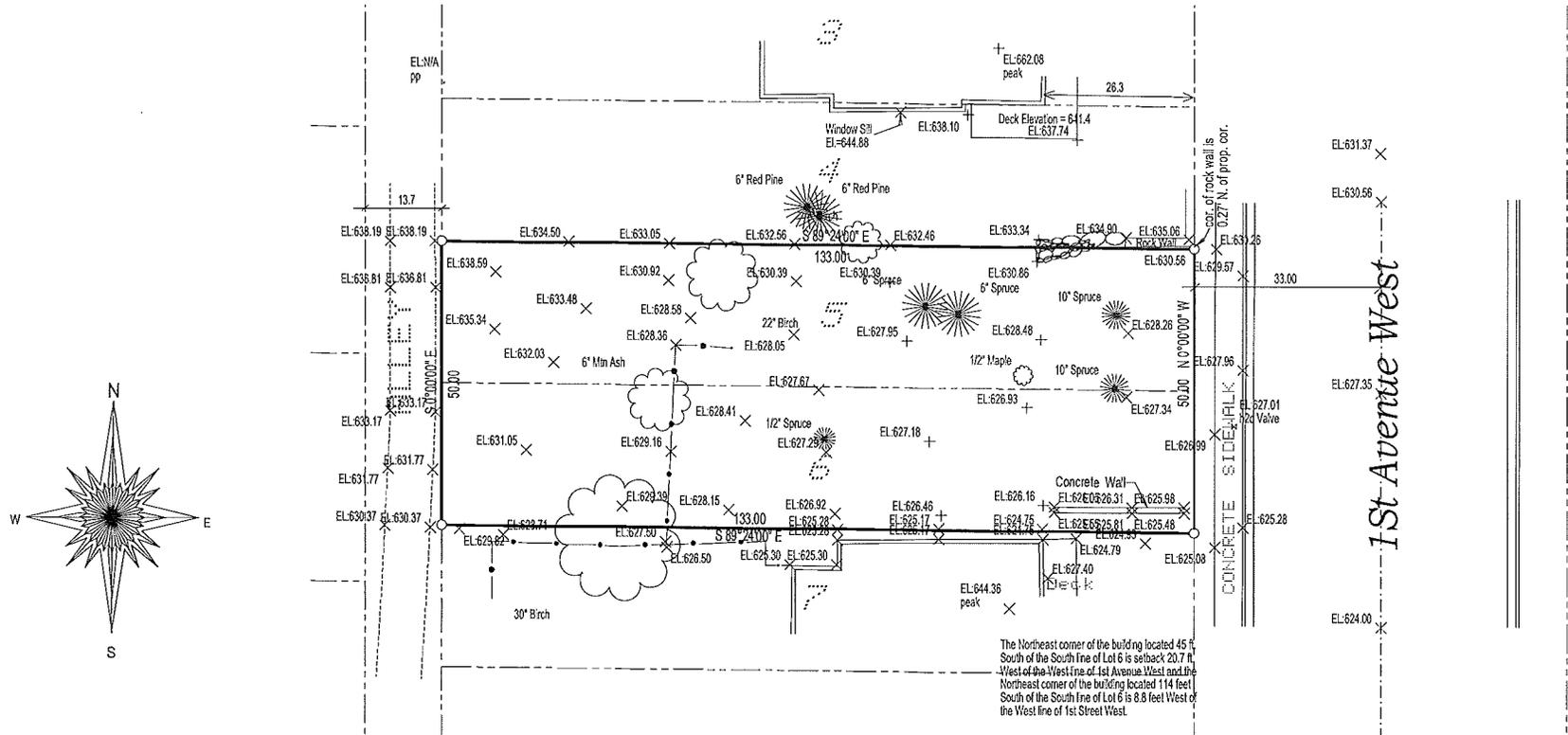
1. The home exists in the zone that allows for short term vacation rentals
2. The existing neighborhood is a mix of commercial and residential properties. Specifically, there is a 4-plex nearby that was given a CUP for short term vacation rental. Right next door to the south is a business that sells yarn, etc.
3. Out of town vacationers using the home would not negatively impact the neighborhood or impede other uses that owners are currently doing or contemplating.
4. The zone this home is in allows for short term vacation rental. If the zoning allows it, then it seems the community deems it an acceptable use in the area.



115 1st Ave W

Survey For Johanna Bell

Lots 5 and 6, Block 17, HARBOR ADDITION TO THE VILLAGE OF GRAND MARAIS, Cook County, Minnesota



I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Minnesota.



Samuel Parker
L.L.S. #10535 Date: September 20, 2010

○ Denotes 1/2" diameter steel rod & cap #10535 set
Spot elevations shown are mean sea level (NAVD'88)





~ 24.5' x 31'

John Oberholtzer <john@timberwolffrealty.com>
to Mike, me

Hi Mike and Mike,

I'm following up on the CUP application for 115 1st Ave W per my phone calls this morning with each of you. Mike R, please consider this email as a supplemental to the application.

Mike R, as we discussed, the current buyer (CVR/Mike Larsen) plans to convert the garage so that folks can stay in it as part of their rental of the home. They feel this will benefit the appeal of renting the home because currently the home has two bedrooms, one of which is quite small. The small room can only accommodate a single bed.

Attached here are the CUP application and supporting docs I previously sent. I resend them for Mike L's reference as I can't recall if I sent these to him.

I also included a new aerial view with a parking area identified on the property off the alley. That area is approximately 24.5 x 31'. I know from Mike R's counsel that parking is an important consideration. The garage conversion will remove one spot. The remaining area, after some brushing, grading and potential relocation of the propane tank, could accommodate up to three spots based on the 9x20' criteria for a single parking spot Mike R shared with me.

Hopefully this helps and provides clarity.

Holler if either of you have questions. Otherwise, I'll plan to see you Wednesday if not sooner.

Best,

John

John Oberholtzer
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ORDINANCE NO. 2018-03

AN ORDINANCE OF THE CITY OF GRAND MARAIS, MINNESOTA, AMENDING GRAND MARAIS ZONING DEALING WITH LODGING USES IN THE CORE DOWNTOWN WATERFRONT ZONE

THE CITY COUNCIL OF THE CITY OF GRAND MARAIS DOES ORDAIN (deleted material is lined out; new material is underlined; subsections which are not being amended are omitted):

Section 1. That Chapter 19 of the City Code of Grand Marias, Minnesota, which chapter is entitled "Zoning Ordinance (Revised 2008)", be amended as follows:

19.06 DOWNTOWN DISTRICTS

19.06.10 DW CORE DOWNTOWN WATERFRONT DISTRICT

Subdivision 2. Permitted Principal Uses

Within the DW District, unless otherwise provided by this chapter, no uses are permitted except the following:

Permitted uses:

1. Commercial: retail, restaurant, bar, services, excluding auto oriented services.
2. Large scale lodging, as controlled by 19.15, Subdivision 21 Hotels Lodging (Except the 1st floor)
3. Government and civic uses
4. Parks and recreational uses
5. Arts and cultural uses
6. Accessory uses customary to permitted uses

Subdivision 3. Uses by Conditional Use Permit

Buildings and land may be used for the following if granted a Conditional Use Permit as provided in Section 19.17:

Conditional Uses:

1. Residential above the first floor
2. Three-story buildings
3. Structures over 10,000 square feet
4. Improvements to and restoration of existing single and multiple family dwellings as regulated in Section 19.04, R-1 Residence District (Ord. 2003-03)
5. Any water dependent industrial or water dependent transportation use; provided that the Planning Commission finds that the proposed use is advantageously served in this location through the direct access to water transportation for receipt or shipment of supplies, goods, or commodities.
6. Docks, wharfs, and other facilities used in connection with water transportation, navigation, or industrial uses.
7. Lodging on the first floor.
8. Small Scale Lodging, 10 Units or Less

Passed by the City Council of the City of Grand Marais this ___th day of _____, 201_.

Jay Arrowsmith DeCoux, Mayor

Attest: _____
Michael Roth
City Administrator

Subdivision 21. General Requirements for Motels and Hotels

A. Goal

To establish standards for the development of motels and hotels as permitted uses for commercially zoned property.

B. Definitions

For these purposes, “motels and hotels” will be defined as any lodging facility consisting of more than 10 lodging units. (Rev. Ord. 2016-02 3/30/2016)

C. Requirements

1. Minimum lot size: Minimum lot area for any hotel or motel development shall be 12,000 square feet.
2. Density: The total square footage of the inside living space shall not exceed 35% of the total lot area. In determining the amount of inside living space, the space occupied by decks, patios, stoops and steps will not be considered.
3. Minimum setbacks:

Side yard if on shoreline:	35	feet.
Side yard if bordering residential zone district:	25	feet.
Rear yard if bordering residential zone district:	25	feet.
Lake Superior:	40 feet from vegetation line.	
4. Minimum lot width: 100 feet.
5. Maximum building height: 30 feet.
6. Open space requirement: At least 30% of the project area must be preserved as open space. In shoreland areas a minimum of 25% of lot frontage, as measured at the building setback line, must be preserved as open space.
7. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
8. The project must be connected to the public sewer system. All new units must utilize water conserving plumbing fixtures and have water meters installed and accessible which serve all sewage generating appliances.
9. Parking and loading requirements: One (1) off-street parking space for each room or unit shall be required. One (1) off-street parking space shall be required for each non-resident employee. For motels or hotels with restaurants and/or bars, one off-street parking space shall be required for each five (5) seats, based on maximum seating capacity. One (1) loading space shall be required for each structure over 20,000 square feet of gross floor area.
10. Application criteria: The application shall provide a detail development plan which shall include the following:
 - a. The property under consideration, including property boundaries, contours, on-site features, roads, lakes, rivers, and other relevant features.

- b. Building elevations, location on site, proposed uses, number of units and commercial operations, including a floor plan for all structures.
- c. A concept statement describing the project.
- d. Parking areas and driveways for both residences and commercial activities, vehicle loading/unloading areas, proposed road entrances, and projected traffic generation of the proposed development.
- e. Proposed phasing of the final development.
- f. Description of how the project will operate after completion.
- g. Nature of proposed ownership after completion.
- h. Proposed fire protection.
- i. Proposed homeowners association agreement, where applicable.
- j. Detailed landscape plan which shows existing vegetation and proposed alterations and new plantings and landscaping.
- k. Open space location and use.
- l. Water sources and water supply system plans.
- m. Proposed sewage treatment system plans.
- n. Storm water runoff plans (construction and operation).
- o. Erosion control plan for shoreline, where applicable.
- p. Erosion control plan for site (construction and operation).
- q. Evidence of application for appropriate permits, state and federal.
- r. Evidence of availability of necessary public utilities.

NOTICE OF PUBLIC HEARING
GRAND MARAIS PLANNING COMMISSION
GRAND MARAIS CITY HALL

The Grand Marais Planning Commission will hold a public hearing on **Wednesday, December 5, 2018**, at 4:00 p.m. in the City Council Chambers of City Hall to consider the following:

1. A proposal to rezone That Part of Section 17 Lying East of 5th Ave W and currently zoned RC Recreation Commercial to R-1 permanent residential.

All persons interested in appearing at this hearing in support or opposition to these proposals may appear and will be heard. Written statements may be submitted in lieu of attending this meeting. A quorum of the City Council may be present, but no official city business will be conducted.

Michael J. Roth
Zoning Administrator

Rezone Section 17



05/06/2018 - 05/24/2018