

Detroit Lakes Planning Commission
Agenda
December 15, 2022
5:30pm
Community Room of Detroit Lakes Police Department
807 Summit Avenue, Detroit Lakes

I. Call to Order

II. Minutes

- A. Approval of the [minutes](#) of the regular meeting held on November 16, 2022

III. Public Hearings

- A. Public hearing to give consideration to a [Nonconforming Use Expansion Permit](#) to allow a 16 x 21 foot addition to a home that has a current setback of 43 feet from the Ordinary High Water Mark

IV. Business

- A. Variance/Conditional Use Status [Report](#)

V. Adjournment

Minutes
Detroit Lakes Planning Commission
Conference Room C101
Minnesota State Community and Technical College Detroit Lakes
Wednesday, November 16, 2022

Members Present: Nancy Haggart, Dan Wenner, Don Maristuen, Liz Foster-Anderson, Chris Nord

Members Absent: Shaun Carlson, Eric Lundmark, Tyler Swenson, Kyle Fode

Others Present: Larry Remmen, Community Development Director; Jennifer Beck, Community Development Secretary; see attached list of attendees

CALL TO ORDER

Chairman Dan Wenner called the Planning Commission to order at 5:30pm on Wednesday, November 16, 2022, in the Council Chambers of the City Administration Building. All members of the Planning Commission having been duly notified of the meeting and business to be transacted.

Note: Chairman Dan Wenner informed the Commission and those in attendance that items considered at today's meeting would also be addressed at the Monday, December 12, 2022, Community Development meeting, followed by the City Council meeting on Tuesday, December 13, 2022.

MINUTES

A motion was made by Commissioner Nancy Haggart, seconded by Commissioner Chris Nord, and carried unanimously to approve the minutes for Thursday, October 27, 2022.

PUBLIC HEARINGS

Public hearing to give consideration to an amendment to the zoning ordinance to allow licensed short term rentals in residential districts

Chairman Dan Wenner opened the public hearing.

Larry Remmen reported relative to amending the zoning ordinance to allow licensed short term rentals in residential districts. Larry Remmen stated the City of Detroit Lakes is transitioning to a licensing process to allow short term rentals. It has been deemed advisable that the zoning ordinance be amended to explicitly allow licensed short term rentals in the residential districts. The proposed ordinance will allow short term rentals in residential district provided they are licensed by the City.

ORDINANCE NO.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF
DETROIT LAKES RELATIVE TO ALLOWING LICENSED SHORT TERM RENTALS
IN RESIDENTIAL DISTRICTS**

The City Council of the City of Detroit Lakes does hereby ordain:

Section 1: Amendment

Section 5 Subd. 2.G. is added as follows:

G. Short term rentals provided they are licensed by the City.

Section 6. Subd. 2.D

D. Short term rentals provided they are licensed by the City.

Section 7. Subd. 2. F.

F. Short term rentals provided they are licensed by the City.

Section 8. Subd. 2.G.

G. Short term rentals provided they are licensed by the City.

Section 2: Effective Date

This ordinance shall take effect upon passage and publication as provided by law.

Passed and adopted this ____ day of _____ 2022.

Approved this ____ day of ____ 2022.

Commissioner Dan Wenner questioned if this was a follow-up to last month's short term rental. Larry Remmen stated it is a follow-up to the licensing of short term rentals.

There being no further public comment, the public hearing was closed.

A motion was made by Commissioner Liz Foster-Anderson, seconded by Commissioner Nancy Haggart, and carried unanimously to approve the amendment to the zoning ordinance to allow licensed short term rentals in residential districts.

Public hearing to give consideration to amending Section 5 of the zoning ordinance relative to building height and other requirements in the “R-A” Agricultural Residence District

Chairman Dan Wenner opened the public hearing.

Larry Remmen reported relative to amending section 3 and section 5 of the zoning ordinance relative to building height and other requirements in the “R-A” Agriculture Residence District. Larry Remmen stated the proposed amendments will allow 24 feet tall accessory structures and 35 feet tall principal structures in the “R-A” Agriculture Residence District. Lot sizes in the “R-A” District will be 80,000 square feet and 160 feet wide. Setbacks will be 40 feet front and rear and 20 feet on the side. The intent of the “R-A” District is to require larger lots and a rural type of setting. The large lots and increased setbacks mitigate the taller structures allowed in the district. Larry Remmen stated the goal is to have areas in town with a more rural setting and to provide City sewer and water. Larry Remmen stated in the future it will allow for annexation to the outer area and provide more City services.

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 3 AND SECTION 5 OF THE ZONING ORDINANCE OF THE CITY OF DETROIT LAKES RELATIVE TO BUILDING HEIGHT AND OTHER BUILDING REQUIREMENTS

The City Council of the City of Detroit Lakes does hereby ordain to amend Section 3 and 5 of the City’s zoning ordinance:

Section 1: Amendment

The zoning ordinance of the City of Detroit Lakes is amended as stated below:

Section 3 Subdivision 2.D.4. is deleted in its entirety and replaced as follows:

4. Accessory buildings and garages in residential districts shall not exceed 14 feet in height and shall be 3 feet from all lot lines except in an “R-A” District where the building height shall not exceed 24 feet and shall be setback 20 or more feet from all lot lines. Accessory buildings and garages shall be five (5) feet or more from any other building on the same lot and shall not be located within a utility easement. Any accessory building or garage located in the side yard shall meet the side yard setbacks for a principal structure.

Section 5 Subdivision 5.A.B.C. and E. are deleted in their entirety and replaced as follows:

A. Maximum building height for a principal structure: 35 feet

Maximum building height for an accessory structure: 24 feet

B. Minimum lot area: 80,000 square feet.

C. Minimum lot width: 160 feet

E. Yard Setback Requirements:

1. Front Yard: 40 feet
2. Side Yard: 20 feet
3. Rear Yard: 40 feet

Section 2: Effective Date

This ordinance shall take effect upon passage and publication as provided by Law.

Passed and adopted this 10th day of January 2023.

Passed and adopted 10th day of January 2023.

Matt Brenk, Mayor

Glori French, City Clerk

First Reading: December 13, 2022

Second Reading: January 10, 2023

Commissioner Nancy Haggart questioned the increase in square footage from the previous requirements. Larry Remmen stated it was decreased from 100,000 square feet to 80,000 square feet.

There being no further public comment, the public hearing was closed.

A motion was made by Commissioner Nancy Haggart, seconded by Commissioner Chris Nord, and carried unanimously to approve the amending Section 5 of the zoning ordinance relative to building height and other requirements in the "R-A" Agriculture Residence District.

Public hearing to give consideration to a Conditional Use Permit to allow short term rental of a four (4) bedroom home at 1005 North Shore Drive (Skye and Troy Fingalson)

Chairman Dan Wenner opened the public hearing.

Larry Remmen reported in the matter of consideration to a conditional use permit to allow a short term rental of an entire four (4) bedroom home at 1005 North Shore Drive (Skye and Troy Fingalson). Larry Remmen stated Skye and Troy Fingalson have requested a conditional use

permit to allow a short term rental at 1005 North Shore Drive. The entire four (4) bedroom home at this location would be used as a short term rental. The zoning ordinance allows short term rentals as a conditional use in residential districts subject to the following conditions: 1) The building be of residential design. 2) The owner of the establishment obtain all required state and local licenses. 3) The owner comply with all requirements of the City Code 612, Rental Unit Registration. Also all short term rentals must pass their rental inspection prior to rentals taking place. 4) The owners pay the required lodging tax and any other required sales tax. The owner/operator must provide the City with their state and local sales tax numbers. 5) No cooking facilities be permitted in any guest bedroom. 6) At least two off street parking spaces be provided plus one space for each bedroom (6 spaces are required). The parking area shall be screened from adjacent residential property as provided in Section 3 of the zoning ordinance. 7) Signage is limited to one sign single or double faced that is non-illuminated and does not exceed four (4) square feet per sign face. The content of such sign is limited to the name and address of the facility. 8) A maximum of two (2) guest are allowed per bedroom. A maximum of eight (8) guests are allowed per short term rental of this four (4) bedroom home. 9) The operator shall provide evidence of rental liability insurance. 10) The owner/operator shall maintain a log of all short term rental activity and provide it to the City upon request. 11) The owner/operator shall notify guests of all short term rental rules and regulations and provide contact information for the property manager, and emergency services. 12) The owner/operator shall maintain a safe environment by complying with building and life safety codes, prohibiting rental of accessory structures, providing smoke detectors, CO detectors, and fire extinguishers and posting the location of fire exits and escape routes. 13) Additional occupancy by use of recreational vehicles, tents, or other structures is not permitted. 14) Any other conditions which the Council deems necessary may be added. Larry Remmen stated staff recommends approval of a conditional use permit to allow the four (4) bedroom home at 1005 North Shore Drive to be used as a short term rental subject to the conditions listed above. Larry Remmen stated the property meets all of the conditions.

Skye Fingalson, applicant for 1005 North Shore Drive, stated her and her husband purchased the property next door to their home. Skye Fingalson stated the goal of the short term rental is to bring more people to the community and have a location to stay. Skye stated they are making improvements to the property and have a tree barrier to the next door neighbors along with a river.

Larry Remmen reported receiving an email from Scott and Kelly Shank, 1055 North Shore Drive, on November 15, 2022, which stated: Scott & Kelly Shank have no objections to allow short term rental for 1005 N. Shore Drive. We know Skye and Troy are upgrading the house and property, which will be a welcome sight and it will turn out excellent. The city of Detroit Lakes should always back improvements to the city and especially housing. We welcome these type of changes and hope to see more improvements in the near future for all properties in the city and surrounding areas. Sincerely, Scott and Kelly Shank

There being no further public comment, the public hearing was closed.

A motion was made by Commissioner Liz Foster-Anderson, seconded by Commissioner Don Maristuen, and carried unanimously to approve the Conditional Use Permit to allow short term

rental of a four (4) bedroom home at 1005 North Shore Drive (Skye and Troy Fingalson) subject to the following conditions: 1) The building be of residential design. 2) The owner of the establishment obtain all required state and local licenses. 3) The owner comply with all requirements of the City Code 612, Rental Unit Registration. Also all short term rentals must pass their rental inspection prior to rentals taking place. 4) The owners pay the required lodging tax and any other required sales tax. The owner/operator must provide the City with their state and local sales tax numbers. 5) No cooking facilities be permitted in any guest bedroom. 6) At least two off street parking spaces be provided plus one space for each bedroom (6 spaces are required). The parking area shall be screened from adjacent residential property as provided in Section 3 of the zoning ordinance. The screening requirement may be waived if letters requesting no screening are received by the City from the adjacent neighbors. All driveways and parking spaces shall be paved. 7) Signage is limited to one sign single or double faced that is non-illuminated and does not exceed four (4) square feet per sign face. The content of such sign is limited to the name and address of the facility. 8) A maximum of two (2) guest are allowed per bedroom. A maximum of eight (8) guests are allowed per short term rental of this four (4) bedroom home. 9) The operator shall provide evidence of rental liability insurance. 10) The owner/operator shall maintain a log of all short term rental activity and provide it to the City upon request. 11) The owner/operator shall notify guests of all short term rental rules and regulations and provide contact information for the property manager, and emergency services. 12) The owner/operator shall maintain a safe environment by complying with building and life safety codes, prohibiting rental of accessory structures, providing smoke detectors, CO detectors, and fire extinguishers and posting the location of fire exits and escape routes. 13) Additional occupancy by use of recreational vehicles, tents, or other structures is not permitted.

Consideration to the preliminary plat of Southwood Shores Estates at 557 South Shore Drive (Gehrig Properties)

Chairman Dan Wenner opened the public hearing.

Larry Remmen reported relative to the consideration of the preliminary plat of Southwood Shores Estates at 557 South Shore Drive. Larry Remmen stated Gehrig Properties has submitted the preliminary plat of Southwood Shores Estates. This is a seven (7) lot residential subdivision that comprises 2.62 acres. Larry Remmen stated the parcel below, 19-0296-000, has been purchased by the applicant and requested annexation of the property. Larry Remmen stated approval of preliminary plat should be subject to the following conditions: 1) That the owner provide any utility easements required by the City. 2) That the owner provide any stormwater easements as designated by the City Engineer. 3) That the owner pay the required \$5,670 park dedication fee. This is only a portion of the \$147,660 park dedication fee for this area. 4) That the owner sign an assessment agreement and or development agreement for this plat prior to the City signing the plat. 5) That the owner obtain any required Pelican River Watershed District permit prior to issuance of a building permit. 6) That the owner apply for a Land Disturbance Permit at the time of filing for final plat approval. Larry Remmen stated he recommends approval of the preliminary plat subject to the six conditions.

Commissioner Dan Wenner questioned how a Land Disturbance Permit is different from stormwater easements designated by the City Engineer.

Commissioner Nancy Haggart questioned what the current zoning for the plat. Larry Remmen stated the current zoning is “R-A” so a conditions should be included that the area be zoned “R-2” One and Two Family Residence District prior to final plat approval. Commissioner Nancy Haggart questioned if the zoning isn’t changed can the platting be completed. Larry Remmen stated the zoning will need to be changed.

Commissioner Dan Wenner questioned if there would be two different zonings for the plat. Larry Remmen stated the applicant has requested “R-2” One and Two Family Residential and “B-2” General Business District. Commissioner Nancy Haggart stated the preliminary plat will all be zoned “R-2” for the seven lots.

Commissioner Don Maristuen questioned if the rezoning included all of the blue area on page 27 of the zoning packet. Commissioner Dan Wenner stated the only part of the zoning that is being discussed is the “R-2” for the seven lots of the preliminary plat.

Commissioner Dan Wenner questioned the size of the lots. Larry Remmen stated they all meet or exceed the standards. Commissioner Nancy Haggart stated they all are approximately 90 x 175.

John Lowry, Civil Engineer from Lowry Engineering, stated Jason Gehrig purchased the property and meet with the City to review the Comprehensive Plan. John Lowry stated the Comprehensive Plan identified the area as single or duplex homes would fit in the “R-2” zoning area. John stated the area includes some commercial area which is included in the Comprehensive Plan. John stated the area include some higher density sections which includes apartments along with Lakefront Business. Larry Remmen stated the Lakefront Business district allows for a mixed district and the Comprehensive Plan calls for higher density residential.

John Lowry stated the single family lots fits into the master plan. John stated the seven lots have minimal improvements that are needed with the infrastructure in front of the properties. There will be stormwater on the land which is scheduled to be annexed which fits with the Comprehensive Plan. John stated there will be four regional ponds for the entire subdivision. The seven lots will begin construction in 2023 if approved with future phases expected at the end of 2023 to beginning of 2024.

Commissioner Dan Wenner stated the rezoning conditions is needed in order to move forward with the preliminary plat.

Commissioner Liz Foster-Anderson questioned if the topographic map identified any of the stormwater areas. John Lowry has not identified the stormwater management in the topographic. John stated the stormwater management will be identified in the Land Disturbance Permit process. Larry Remmen stated the stormwater ponds will be identified in future plats.

Commissioner Nancy Haggart questioned what side of the road the sewer and water is located. John Lowry stated the sewer runs down the middle and the water is on the south side of the road.

Jay Hanson, 2111 270th Avenue, stated the DNR access on South Shore Drive is the busiest access on the lake. Jay expressed concern with traffic and the amount of overflow parking located on the street. Jay questioned if the park dedication fee could be used to purchase property for overflow parking. Jay asked for consideration to eliminating parking on the street for boats.

John Lowry stated the developer would consider selling land to the DNR. John stated the City requested the fee since there is already a park in the area.

Chris Cramer, 528 South Shore Drive, questioned if the preliminary plat included the access road for the development which leads out onto South Shore Drive. Larry Remmen stated the street proposed isn't part of the plat. Chris Cramer stated the DNR access has hugely impacted the area with the amount of traffic and vehicles parking down several blocks. Chris stated the traffic and parking causes sight issues and is a safety concern with the hill location. Chris requested consideration be given to a different location for the street such as 270th Avenue.

John Lowry stated safety is a concern when planning for development. John stated the street proposed is located at the crest of the hill so vehicles can be seen in both directions. John stated the street was reviewed with City staff and was agreeable. John stated the speed limit is low. John stated DNR access issues should not impact the use of the applicant's property. Commissioner Nancy Haggart questioned if each of the seven lots would have driveways onto South Shore Drive. John Lowry stated the lots would have driveways onto South Shore Drive. Commissioner Nancy Haggart stated the driveway should help eliminate some of the parking of the overflow trailers

Commissioner Liz Foster-Anderson questioned the status of the new access located by Holiday Inn. Larry Remmen stated it wouldn't be done until possibly next year. Commissioner Liz Foster-Anderson stated the new access is supposed to help take some of the pressure of the DNR access of the south side.

Chris Cramer, 528 South Shore Drive, questioned if there has been a site or view study conducted in this location for traffic. Larry Remmen stated there hasn't been a study conducted but the City Engineer reviews all preliminary plats and has not had any concerns expressed regarding the proposed road. Chris Cramer stated parking is right up to aprons of driveways and in front of mailboxes. Chris expressed concerns with violations regarding parking and requested consideration to site or view study be conducted.

Chuck Collins, 568 South Shore Drive, questioned if there was a DNR trail and possible trade off for access. Chuck stated he is not opposed to the residential development.

Commissioner Don Maristuen questioned if there could be posted no parking. Larry Remmen stated if it was posted no parking it would just push the parking further down the street to where parking is allowed. Larry stated City Council would have to address no parking. Commissioner Don Maristuen questioned if there was no parking on the DNR access lot. Larry Remmen stated there is parking but not enough. Commissioner Don Maristuen stated the developer could work with the DNR to acquire land for parking.

Joel Olson, 524 South Shore Drive, stated the DNR has increase the lot size for the boat landing which has increase the traffic. Joel expressed concern with vehicles parking on the street. Joel expressed concern with the increase number of boat slips being added on South Shore Drive.

Skye Fingalson stated parking in general is an issue throughout City of Detroit Lakes.

There being no further public comment, the public hearing was closed.

John Lowry stated he had a different park dedication fee.

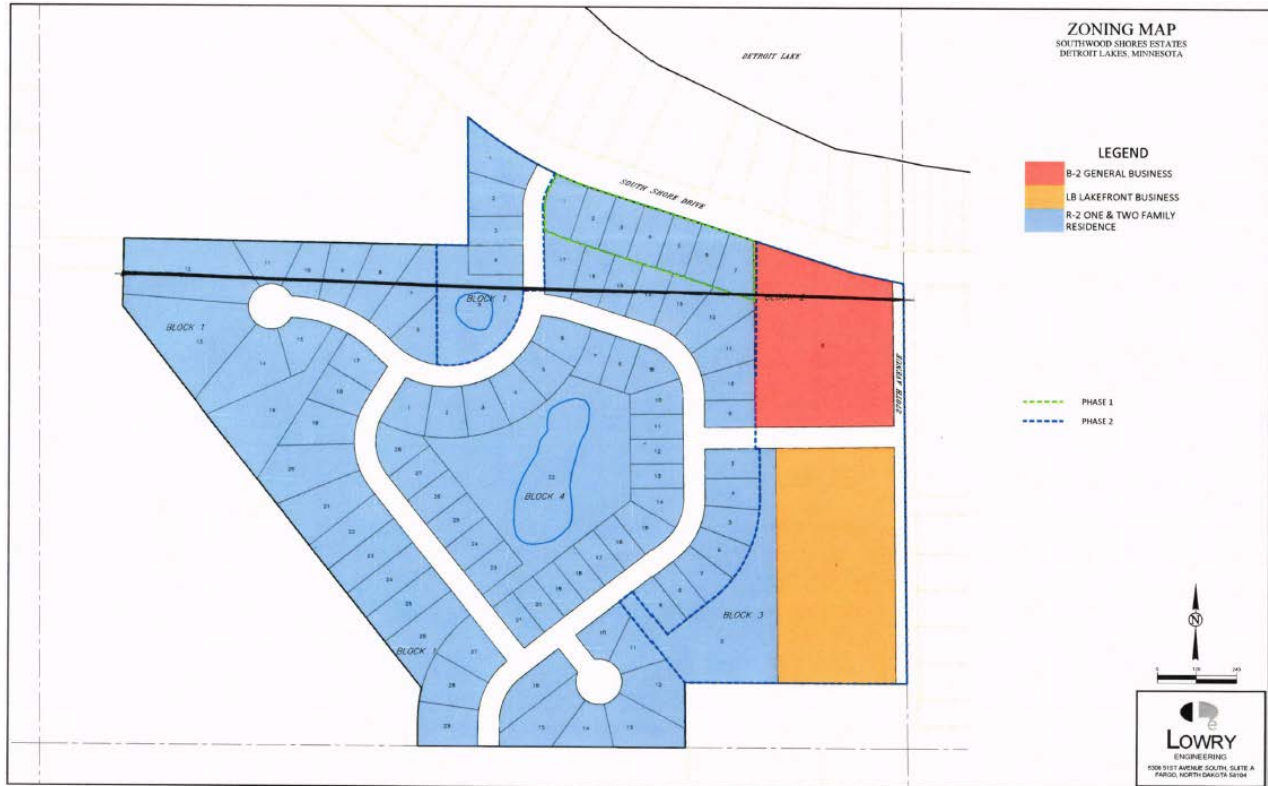
A motion was made by Commissioner Liz Foster-Anderson, seconded by Commissioner Chris Nord, and carried unanimously to approve the preliminary plat of Southwood Shores Estates at 557 South Shore Drive (Gehrig Properties) subject to the following conditions: 1) That the owner provide any utility easements required by the City. 2) That the owner provide any stormwater easements as designated by the City Engineer. 3) That the owner pay the required park dedication fee. 4) That the owner sign an assessment agreement and or development agreement for this plat prior to the City signing the plat. 5) That the owner obtain any required Pelican River Watershed District permit prior to issuance of a building permit. 6) That the owner apply for a Land Disturbance Permit at the time of filing for final plat approval. 7) That the area be zoned "R-2" One and Two Family Residence District prior to final plat approval.

Commissioner Nancy Haggart expressed concern regarding parking and stated parking should be addressed by the City.

Consideration to rezoning property at 557 South Shore Drive from "R-A" Agriculture Residence District to "R-2" One and Two Family Residence District and "B-2" General Business District (Gehrig Properties)

Chairman Dan Wenner opened the public hearing.

Larry Remmen reported relative to the consideration to rezoning property at 557 South Shore Drive from "R-A" Agriculture Residence to "R-2" One and Two Family Residence District and "B-2" General Business District. Larry Remmen stated Gehrig Properties has submitted an application to rezone property at 557 South Shore Drive from "R-A" Residential Agriculture to "R-2" One and Two Family Residence District and "B-2" General Business District. The zoning requested is consistent with the Comprehensive Plan. The applicant has also petitioned the City to annex 68.24 acres of land south of this property and has requested similar zoning to create a subdivision with some commercial areas and residential areas. The map on the below shows how the entire area is to be zoned. The area north of the black line is already annexed. The area south of the black line will be annexed shortly. The hearing for the annexation will be held at the December 13, 2022, City Council meeting.



Larry Remmen stated the rezoning that is being addressed is for the location that is in the City only. Larry Remmen stated he recommends approval of the rezoning. Larry Remmen stated District 7 has low and high density residential plan and commercial.

John Lowry stated there is three applications before the City. John Lowry stated the first phase includes the seven lots since there isn't a significant amount of improvements required for the lots. John stated on page 26 of the packet is the rezoning that is intended for the first phase and the long term is on page 27 of the packet. John stated there is a large area that is planned for green space, walking trails, and stormwater water will be stored on site. John stated the City has envisioned having neighborhood commercial areas such as a convenience store or ice cream shop. John stated the goal of the project is to align with the City's Comprehensive Plan.

Commissioner Don Maristuen questioned the yellow section on page 26 of the packet as being Lakefront Business District and whether it would be a strip mall. John stated the yellow section is part of the annexation process. John stated the intended use is more of a mixed used such as offices on the first floor and apartments on the second floor.

Chuck Collins, 568 South Shore Drive, questioned when the Comprehensive Plan was completed. Larry Remmen stated it was updated in 2020. Chuck Collins is opposed due to the differences in building codes with consideration to 14 feet midpoint height. Larry Remmen stated the height is for accessory structures. Chuck Collins expressed concern with traffic, garbage, light pollution, noise issues with businesses.

Chuck Collins stated the letter of opposition by David Maring identified eight factors set forth by Ziegler, Rathkopf's The Law of Zoning and Planning. Factors that were identified: 1) Whether the rezoning promotes the community welfare; 2) Whether the rezoning is consistent with the Comprehensive land use or zoning plan; 3) Whether the rezoning is compatible with surrounding uses; 4) Whether the rezoning will likely result in substantial harm to neighboring properties; 5) Characteristics of the rezoned land, including parcel size, and other factors indicating that any reclassification should have embraced a larger area; 6) Availability and suitability of other lands already zoned to allow the uses permitted by the rezoning; 7) Discriminatory benefit to the owner of the parcel rezoned; and 8) Relevant studies of advice generated by the professional planning staff. Chuck's responses to the factors included: 1) It doesn't promote community welfare since the properties around the area are all residential. 2) Stated if the Comprehensive Plan was before 2020, he was uncertain where it would fit; 3) It is not compatible with the surrounding uses since the area is all residential, park, and green space. 4) Stated there wouldn't be any harm to the neighborhood unless there was an explosion at the proposed gas station; 5) The area isn't a larger area since the future property hasn't been annexed to the City; 6) Stated the area is large enough to promote a commercial area but felt the corner of the lot isn't where commercial should be located; 7) The owner has a discriminatory benefit for the property since there is commercial property that will be constructed and sold; 8) Questioned if there was any study completed for a gas station. There has been gas stations that have not been successful in a neighborhood setting.

Chuck Collins stated this is spot zoning which is defined by Daniel Shapiro as "the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and detriment of the other owners". Chuck stated he is opposed to the business zoning on the corner lot.

John Lowry stated the proposal is consistent with the Comprehensive Plan. John stated there is no guarantee that a gas station will be located on the parcel. John stated with the traffic a gas station is a need in the area but not guaranteed to be placed on the corner lot. John stated neighborhood have a need for commercial businesses. John stated there 5 to 15% of each section is commercial in Fargo. John stated the Comprehensive Plan is very current and shows the growth of the City. John stated there needs to be commercial business for individuals to work and get groceries. John stated responsible growth has a mix of both commercial and residential. John stated the proposed plan promotes community welfare and has an underserve portion on the lake. John stated it is consistent with the Comprehensive Plan because the City identifies the need for commercial in the area. John stated there is commercial need for residential areas making it compatible with the surrounding area. John stated they are constructing residential homes and they will be adding screening to the commercial areas to make sure it doesn't hinder the sale of the residential lots and lot values. They are going to make sure that there is no garbage, light issues, and noise. The City has a limitation on impervious surface coverage and only allows so much of the land to be used for construction which is part of the City's plan. The green spaces will be sections that are not allowed to have impervious surface coverage. John stated commercial belongs and needs to be located on the busy intersection and roads which is where the commercial area is proposed. John stated the Comprehensive Plan calls for commercial within the area which is the best area on the south side of the lake within the City for

a commercial use. John stated the City has conduct studies and plans which identify the need for commercial area on the corner of South Shore Drive and 270th Avenue.

Mike Habrat, 650 South Shore Drive, opposed to the rezoning of the corner of South Shore Drive and 270th Avenue. Mike stated they say there is no guarantee for a gas station there is no guarantee there won't be a gas station. Mike stated they pay City taxes and do not want to look out at lights. Mike state he will not be able to put a 10 x 10 lawn mower shed due to impervious surface restrictions. Mike expressed concern regarding putting gas tanks in the group with 450 feet from the lake.

Chuck Collins expressed concern with the gas tanks being located in the ground with consideration to the distance of 450 feet from the lake.

Jay Hanson stated there are multiple gas station only six minutes away and the area is residential. Jay state he does all of his shopping in town and doesn't want commercial located in the area. Jay stated he thought the current South Shore Park was previously considered to be commercial.

Chris Cramer opposed to commercial zoning in the area. Chris stated the whole lake doesn't need to be commercialized around the lake. Chris expressed concern about issues that arise with commercial areas and bringing those issues into the residential area. He stated he is concerned about over developing the lake. He expressed concern about having owned property for over thirty years and not having commercial located in the area. Chris stated most of the businesses that is being conducted by families is being done in town. He is not opposed to the residential zoning but is opposed to the commercial zoning.

Peggy Olson, 524 South Shore Drive, enjoys using the parking on South Shore Drive with her grandchildren and the sense of safety in the area. Peggy expressed concern about bringing in commercial property in the area such as a gas station. Peggy expressed concern regarding traffic with boats, trucks, and semis in the residential area. Peggy expressed concern for the overall safety in the area.

Amanda Habrat, 650 South Shore Drive, stated South Shore Drive isn't a major roads since there isn't any stop signs or left hand turn lanes. Amanda expressed concern regarding the speed of traffic on the road. Amanda doesn't feel that the area is a major intersection that would need a commercial area.

Carolyn Disse, 554 South Shore Drive, stated she is opposed to the commercial area. Carolyn stated her family enjoys running and biking around the lake. Carolyn stated she feels this would cause harm to her family having a business in the area. Carolyn expressed concern with children using the park and the increase traffic on South Shore Drive.

Joel Olson expressed concern regarding property value with adding a gas station in the area. Joel expressed concern with having a gas station right across from a park and the safety for the children in the park.

Chris Cramer stated traffic has increased in the neighborhood in the last 30 years. Chris stated South Shore Drive is now being used as a cut across from Highway 10 to Highway 59. Chris

stated the cut across has increase the amount of gravel trucks and semis. Chris expressed concern about having more traffic with a gas station added to the area.

John Lowry stated there is no guarantee there will be a gas station located on the corner. John stated the intent for commercial zoning is important. John stated this road is not a major road but it is a busy intersection in the area which makes it a good location for commercial. John questioned how much percentage of the City should be zoned commercial for responsible growth. Larry Remmen stated there isn't a percentage that has been identified. Larry stated there are factors to determine how much commercial and industrial areas there are in a city depending on the type of city it is. John questioned why the City identified the need for commercial in the area. Larry Remmen stated there is a need for commercial in every area that will provide services that don't require them to travel far to get the services.

John Lowry stated developers put in residential first and then the commercial. John stated the commercial is always laid out on the front and residential in the back. John stated they are not proposing a large shopping area. John stated the commercial is going to be what is needed in the area. He stated a convenience store that is put in the area isn't going to draw a lot of traffic from outside the area because it isn't convenient to travel a distance. The intent is for the area to use the store, which wouldn't draw a lot of traffic. John stated if there were to be a convenient store it would follow all of the rules and regulations required by State and local.

Larry Remmen received an email from Jodi Beeson on November 13, 2022, which stated: In regards to the rezoning on the Agricultural area to the B-2 General Business along South Shore Dr and 270th Ave, Chris and Jodi Beeson (572 S Shore Drive) **object** to the change for the following reasons: We spoke directly to the Property owner, Jason, who plans to put a gas station with a car wash in this area. We find the location of such a business to be inappropriate for the following reasons: While a gas station can provide many benefits, these establishments can have a severe effect on human health, property value, and other quality of life aspects when allowed too close to homes or other inappropriate locations. **Zoning in this area is located across from the City Recreational Park-** This park on 270th is for families and community members to stretch their lungs and enjoy the outdoors. This park is very active with pickle ball, birthday parties, children playing on the playground equipment etc. The health and safety of increased cancer causing emission in the air next to a very active park would be a great injustice to our community. Feel free to google- CED Community and Environmental Defense. They have done the research. I fear for our children and young families with the risk of **increased traffic** this will cause as well. Traffic all hours of the business including the gas tankers or semi's that come in to fill the tanks. The traffic seemed heavy enough during the construction this summer. We witnessed some close calls with the motor vehicles off 270th and South shore. With this proposed location also being next to residential areas daily living would be effected and greatly impacted with traffic, increased **Garbage-** While we walk our dog we pick up garbage at the park but with a gas station the garbage will increase with snack items, cigarette butts, people cleaning out their cars. Also the **noise** from all this activity and car wash and **light pollution** from the parking lot. Research shows gas stations become an area to congregate and do exchanges which increases **crime**. I believe the rezoning of the above area would be a great disservice to the existing park and the existing residents near by. The properties value for residents near the gas station would decrease and not be as appealing to a buyer for all the

reasons listed above. We feel this location would encumber the value of residential property, the existing culture of "Lake Life" and the City Park. These decisions should not be taken lightly. There is NO reason to place such a thing next to residence, city park and a lake when you have 90 acres to work with. We would also say we are a little confused and nervous with this ownership as we called early on and were told 15 units have already been sold. We both found this to be interesting as we knew no zoning or annexation had transpired. In addition we later received an email from Jason stating all lots are available. Also that the gas station is a DONE DEAL. He has several bidding on the business? Is this the business practice and business model which is supported by the city as we would hope this not to be the case as many are aware "behavior predicts behavior"? We appreciate you hearing all our concerns listed above and trust that our city officials have the people of the community in their best interests by preserving the culture of Lake Life and our City Park and our health. With that being said I have no problem driving a couple miles to get gas! This process will reflect the view of the city and our future direction that our city officials want to take this? As a side note, many of live in a virtual world and are using tools such as Teams & Zoom, etc. which would be a nice option as we would want to make sure all have a voice on this topic. We thank you for your consideration.

Larry Remmen received the following letter via email from David and Mary Maring on November 14, 2022, which stated: We have received your "Hearing Notice" regarding the consideration to rezone property at 557 South Shore Drive from agriculture residence district to one and two family district and general business district. We own a home located at 560 South Shore Drive. We have owned this home for ten years and are quite familiar with the traffic on South Shore Drive. With all the new development to the east and south of this road, the traffic has increased significantly. We have concerns about the proposals by Gehrig Properties. First, we are concerned about the location of a "general business district." It not only is in what is now essentially a residential area, but is across from the new city park. Obviously, this would present a potential danger to those, especially children, using the park due to the increased traffic. We don't know what exactly is planned for a business, but assume it may be a gas/convenience store. Should a business such as that be across from a city park? Our second concern is the significant increase in traffic along this portion of South Shore Drive, especially if the only access to the planned residential lots is South Shore Drive. The nearby public boat access already creates significant traffic on this portion of South Shore Drive. In fact, vehicles and boat trailers are at times parked along South Shore Drive from the public access all the way to our house. Third, this request by Gehrig Properties appears to be an inappropriate request for "spot zoning." Spot zoning has been defined as the "the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and the detriment of the other owners." Understanding Spot Zoning, Daniel Shapiro. There are several factors that a municipality can use in deciding whether rezoning of a small parcel of land to something different from the surrounding area is reasonable or inappropriate. These factors have been set forth in 3 Ziegler, Rathkopf's The Law of Zoning and Planning, p28-11, 4th ed. (1995). The factors are 1) Whether the rezoning promotes the community welfare; 2) Whether the rezoning is consistent with the Comprehensive land use or zoning plan; 3) Whether the rezoning is compatible with surrounding uses; 4) Whether the rezoning will likely result in substantial harm to neighboring properties; 5) Characteristics of the rezoned land, including parcel size, and other factors indicating that any reclassification should have embraced a larger area; 6) Availability and suitability of other lands already zoned to allow

the uses permitted by the rezoning; 7) Discriminatory benefit to the owner of the parcel rezoned; and 8) Relevant studies of advice generated by the professional planning staff. The application of these factors does not support the approval of the Gehrig Properties rezoning request. We are disappointed that the hearing on this matter is being held when many homeowners are away for the winter months. We would have attended in person to voice our concerns, but we are already gone for the winter. We hope that serious consideration is given to our concerns and that this rezoning request is denied.

Larry Remmen received an email from Shane Mechaley on November 15, 2022, which stated: We own the property at 602 South Shore Drive in Detroit Lakes. I'm unable to make the public hearing on 11/16/22 for the discussion of rezoning South Shore Drive. I see in the planning commission packet that the land directly across the street from me is proposed to be developed commercially (General Business). I am vehemently opposed to this. This quiet, family, residential area has no commercial vibe at all and developing this area for business would completely ruin the area. My understanding is that the corner is being considered for a convenience store/gas station. You have a beautiful, fun, brand new, family park right across the street from that. In addition to it being a safety concern for that park with the added traffic, trucks, etc., the entire quiet neighborhood vibe is gone. There are very good locations for gas stations but this one doesn't fit at all. There are far better locations for this. I have never objected to anything the city has done or allowed. I understand that the beautiful city of Detroit Lakes has to grow and expand but this is a terrible idea and I hope the proposal is outright rejected. Please keep family neighborhoods as family neighborhoods.

Larry Remmen received an email from Tina Skaurud on November 16, 2022, which stated: Please see the attached letter from Darold D Peterson concerning 557 South Shore Drive. This is to offer my objection to the planned service station with a car wash to be located at 557 South Shore Drive. The Activity resulting from the planned service station would tend to degrade property values of the nearby lake properties. The resulting increased traffic congestion, particularly on weekends would greatly diminish enjoyment of the lake life for many of the nearby property owners. We have paid Minnesota and Detroit Lakes taxes and specials for many years and nearby property owners and myself should be given your consideration of our concerns for the zoning changes. Respectfully Darold D Peterson, 576 South Shore Drive

Chuck Collins stated it is simple to see around the room that the majority of the people are not in favor and in favor of the gas station to make the decision.

John Lowry stated the support of the community as a whole should be considered and the majority should rule and the Comprehensive Plan was put together with that in mind. John stated the Comprehensive Plan identified the area as a commercial area.

Commissioner Nancy Haggart questioned if there were any letters that were in support of the commercial zoning. Larry Remmen stated typically he doesn't receive letters in support only those opposed and he had not received any letters. Commissioner Nancy Haggart questioned if there was any conditions for the rezoning. Larry Remmen stated there are not conditions for rezoning. Larry stated either it is changed or it remains without conditions. Commissioner

Nancy Haggart questioned if the rezoning was done due to the Comprehensive Plan. Larry Remmen stated the developer has requested the rezoning and fits with the Comprehensive Plan.

Fran Bassett, 658 South Shore Drive, stated she is opposed to the commercial development. Fran questioned if the City wants the area to be a commercial area. Larry Remmen stated it has been identified in the Comprehensive Plan as commercial. Fran Bassett stated the City is opposed the neighborhood. Commissioner Dan Wenner stated the City conduct a study and the Comprehensive Plan has been on the website for few years. Fran questioned why she wasn't notified for the hearing. Larry Remmen stated the mailings are done using the County records.

Commissioner Nancy Haggart stated she is confused by the whole rezoning of the project since the whole project isn't tied to together with the portion being annexed. Larry Remmen stated the zoning requesting is for the location within the City limits. Larry Remmen stated the next phase is for the land outside of the City limits. Larry stated the staff reflects the overall zoning once the property is annexed to the City. Commissioner Nancy Haggart questioned if the commercial area will be a larger area once the property is annexed. Larry Remmen stated the zoning being addressed is the zoning located in the City and not the land outside of the City. Larry Remmen stated the property that is being annexed will be dealt with at the City Council meeting on December 13, 2022. Commissioner Nancy Haggart questioned if the rezoning could be tabled until the land outside the City is annexed. Larry Remmen stated there is a 60 day timeline to address the request and an extension will be needed to requested.

Commissioner Dan Wenner questioned the timeframe for the annexation process. Larry Remmen stated the City takes 30 days prior to advertise for the hearing, 45 days for the City process, State takes approximately 60 days, for about a 75 to 90 day timeframe for the whole process of annexation.

Commissioner Chris Nord questioned if the property is rezoned commercial and the applicant wants to add a gas station would they have to apply for any permits. Larry Remmen stated a gas station is a permitted use in the "B-2" General Business District so they would not be required to get a Conditional Use Permit. Larry stated they would be required to follow all the setbacks, impervious surface requirements, and Minnesota Pollution Control Agency rules and regulations for underground tanks.

Commissioner Dan Wenner questioned if there would be enough room for a gas station to be located in the area being requested for commercial zoning. Larry Remmen stated there isn't enough room for a gas station in that little area. Commissioner Dan Wenner stated nothing can happen in the commercial zoning until the area that is being annexed is added.

Commissioner Liz Foster-Anderson questioned if there was any discussion of having the parcel include residential Lakefront Business versus commercial with consideration to the Planning District 7 in the Comprehensive Plan. Larry Remmen stated there was no discussion. Commissioner Liz Foster-Anderson questioned if there was any potential for the change of zoning to an RLB. Larry Remmen stated that decision would be up to the developer. Commissioner Liz Foster-Anderson stated a four plex, condos, apartments, and retail such as Zorbaz would be good examples of an RLB District. Commissioner Liz stated the developer

could have to come back at a later date and request a Conditional Use Permit for certain businesses to be included in the district. Larry Remmen stated there are different types of businesses allowed in LB District versus a B-2 District.

Larry Remmen stated there will another hearing conducted on December 13, 2022, at the City Council for the rezoning of the annexed parcel.

Carolyn Disse, 554 South Shore Drive, questioned if the South Shore park land was ever zoned as commercial. Larry Remmen stated that land was residential land and not commercial. Carolyn Disse questioned if there was any consideration given by the City to include commercial in the Lake Forest or Timber Creek areas. Larry Remmen stated there was no commercial plans for either. Carolyn stated this is the first ever commercial plans for the south side of the lake. Larry Remmen stated it is the first time commercial is being considered.

Jay Hanson stated he has maps that classify the land where the park is to be considered for commercial. Jay stated Marty Solmon wanted to include a steakhouse on the property. Larry Remmen stated he is not aware of any commercial property land in Marty's development on any recorders. Jay Hanson stated Marty Solmon's development has increased the neighbor of neighbors and now there is a proposed apartment.

Peggy Olson expressed concern about allowing the commercial zoning in the area since it will allow for further commercial development in the parcel that will be annexed. Peggy Olson stated they are opposed to the commercial zoning.

Commissioner Don Maristuen questioned the difference of Lakefront Business and B-2 district. Larry Remmen stated each has different uses that are allowed in the district.

John Lowry stated would like to have the residential zoning approved to be able to continue with the preliminary plat.

There being no further public comment, the public hearing was closed.

Dylan Ramstad Skoyles, Assistant City Attorney, recommended making two motions with the first being the approval and the second being the denial.

A motion was made by Commissioner Nancy Haggart, seconded by Commissioner Liz Foster-Anderson, and carried unanimously to approve the rezoning of the "R-A" Agriculture Residence to "R-2" One and Two Family Residential for the preliminary plat at 557 South Shore Drive.

A motion was made by Commissioner Nancy Haggart, seconded by Commissioner Don Maristuen, and carried unanimously to deny the rezoning of the "R-A" Agriculture Residence to "B-2" General Business District.

Commissioner Nancy Haggart stated until the plat and whole area is annexed into the City, she is opposed to the rezoning of the commercial district. Commissioner Nancy stated she would like to have the whole plan established for both parcels before completing the rezoning.

John Lowry questioned if the B-2 District is not compatible or whether the whole area needed to be annexed before changing the zoning. Commissioner Nancy Haggart stated felt the project was being rushed and there could be some business located in the area but would like to see further planning before considering the rezoning. Commissioner Nancy Haggart stated she would rather look at the whole plan and then decide.

BUSINESS

Discuss Petition for annexation of 54.54 acres of property in Section 15 Township 138 Range 41 (South Shore Drive and 270th Avenue)

Larry Remmen reported a public hearing will be conducted at the December 13, 2022, City Council meeting which will be held at the 3rd Floor Jury Room of the Becker County Courthouse. Larry Remmen stated no action is required.

Variance/Conditional Use Status Report

Variance and Conditional Use Status Report was for information only.

ADJOURNMENT

There being no further business to bring before the Board the meeting was adjourned.

Respectfully submitted,
Jennifer Beck
Community Development Director

HEARING NOTICE

IN THE MATTER OF CONSIDERATION TO A NONCONFORMING USE EXPANSION PERMIT TO ALLOW A 16 X 21 FOOT ADDITION TO A HOME THAT HAS A CURRENT SETBACK OF 43 FEET FROM THE ORDINARY HIGH WATER MARK
AT 1886 BRAINARD BOULEVARD
(MICHAEL PETERSON)

APPLICANT: Michael Peterson
1180 Acron Way
Waconia, MN 55387

PROPERTY AFFECTED: 1886 Brainard Boulevard (PID #49-0053-504)

NOTICE IS HEREBY GIVEN that the Detroit Lakes Planning Commission will meet in the Council Chambers of the Community Room at the Detroit Lakes Police Department, 807 Summit Avenue on **Thursday, December 15, 2022, at 5:30pm** to give consideration to a Nonconforming Use Expansion Permit to allow a 16 x 21 foot addition to a home that has a current setback of 43 feet from the Ordinary High Water Mark at 1886 Brainard Boulevard.

Legal Description available upon request.

The Planning Commission will proceed on this matter pursuant to the Subdivision and Zoning Regulations of the City of Detroit Lakes. All persons who desire to be heard with reference to the above matter will be heard at this meeting or replies may be addressed to:

Larry Remmen, Community Development Director City of Detroit Lakes
PO Box 647
Detroit Lakes, MN 56502
lremmen@cityofdetroitlakes.com
218-846-7125

DATED at Detroit Lakes, Minnesota this 1st day of December 2022.



Larry Remmen, AICP
Community Development Director

Fritz 841-4242

Date & Time Submitted

11-14-22

again 11-28-22



City of Detroit Lakes

1025 Roosevelt Ave., P.O. Box 647 Detroit Lakes, MN 56502

APPLICATION FOR REZONING, CONDITIONAL USE PERMIT, OR VARIANCE

Name of Applicant:	Michael Peterson	Contact Number:	612-812-6046
Mailing Address:	1180 Acron Way	Email Address:	mmpeterson02@gmail.com
City, State, Zip:	Waconia MN 55387	Project Address:	1886 Brainard Blvd.
Parcel Number:	49-0053-504	City, State, Zip:	Detroit Lakes MN

ACTION REQUESTED

<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Rezoning
<input checked="" type="checkbox"/> Variance (page 2 Required)	<input checked="" type="checkbox"/> Non-conforming Use Expansion Permit
<input type="checkbox"/> Subdivision	

Size of Property (Dimensions)	
Current Zoning of Property	
Zoning District Requested	
Current Use of Property	
Number of Lots for Subdivision	

Description of Project: Restore / Repair existing house-garage
remove boat house and restore lakeshore to natural 290 SQ ft
remove concrete at bathhouse restore to natural 56 SQ ft

Explain how you wish to vary from the provision of the Ordinance: We would like to take
the 346 SQ. ft. of imperv. removed from Lake Shore and add 16x21
to roadside of Garage 336 SQ. ft.

Submit following items with application

1. Copy of Legal Description of Property - Abstract or Deed
2. Submit applicable maps or drawing
3. \$330.00 Application Fee (Does not apply to Subdivisions)
4. Subdivision Application Fee: \$75.00 per Lot, \$500 Minimum

The undersigned certifies that they are familiar with the application fees and other associated costs, and also with the procedural requirements of the City Code and other applicable ordinances.

Print Name:	Gerald F "Fritz" Zirbel Zirbel Const. LLC #2209
Signature:	<i>Gerald F. Zirbel</i>
Date:	Nov 14-2022

Detroit Lakes, MN



Legend

Churches

1. Berean Baptist
2. Christian Fellowship
3. Community Alliance
4. Congregational United
5. Faith Lutheran
6. First Baptist
7. First Lutheran
8. Grace Lutheran
9. Jesus Christ of Latter-Day Saints
10. Jesus is Real Outreach Center
11. Jevovah's Witnesses
12. Lakes Area Vineyard
13. Mt. Olive Lutheran
14. Refuge
15. St. Luke's Episcopal
16. St. Mary's Catholic
17. Seventh Day Adventist
18. Trinity Lutheran
19. True Life Assembly of God
20. United Methodist
21. Zion Lutheran - Child Care Sup

Hotels

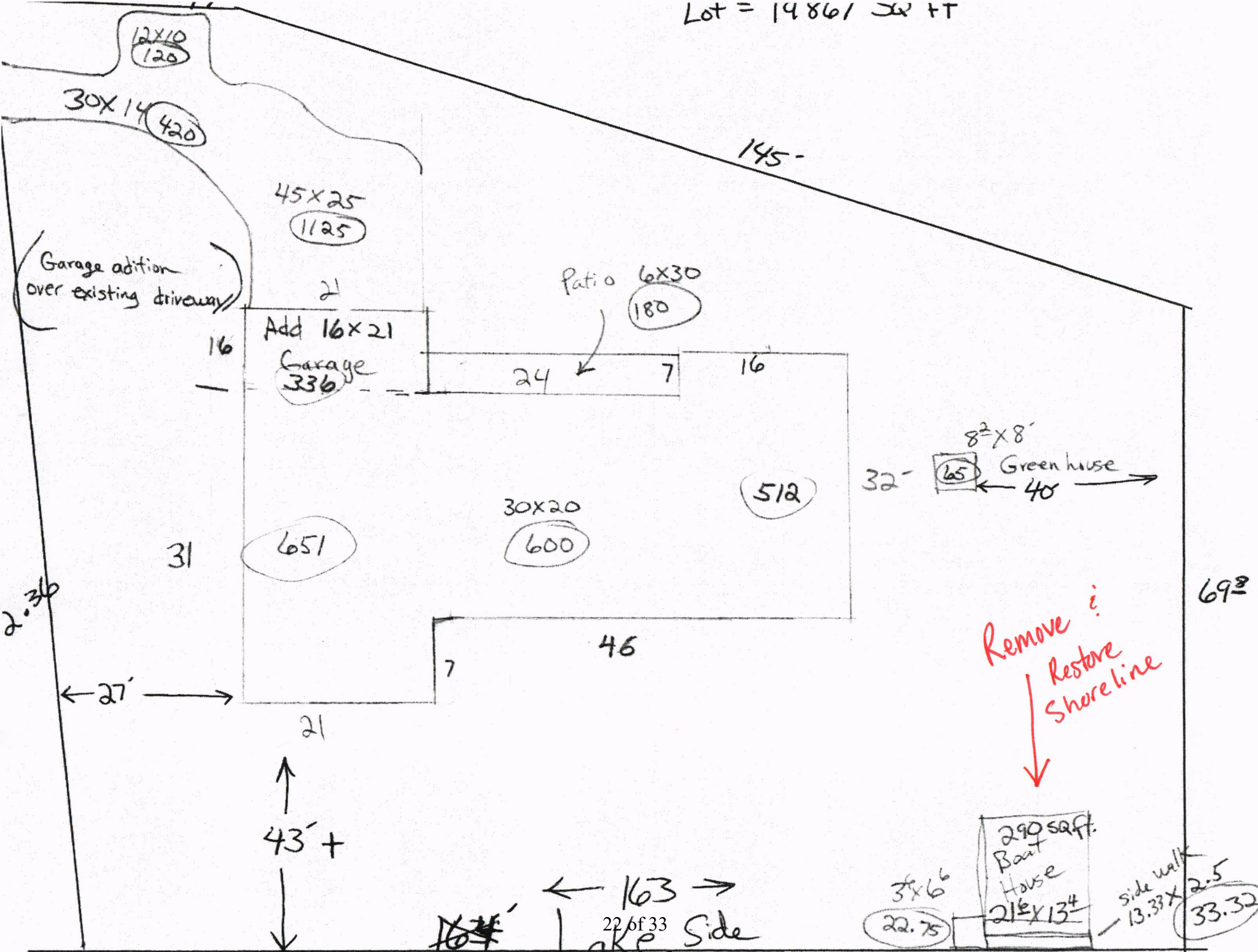
1. American Inn
2. American Best Value Inn
3. Budget Host

Notes

49-0053-504
 MICHAEL PETERSON
 1886 BRAINARD BLVD

58.4 0 29.18 58.4 Feet

Lot = 14861 sq ft





Zirbel Construction - Peterson - 1886 Brainard Blvd.

Existing House + Garage	1763	SQ ft
Boat House	290	SQ. ft
Green House	65	SQ ft
Side walk + Patio "Concrete"	236 ⁰⁷	80 ft
Drive way + Parking "class 5"	1959	SQ. ft.
Imperv. Total Existing	4,313 ⁰⁷	
Lot Size	19,867.00	
Now =	22.21	%

Request Boat House + side walk
at Lake out + add 16x21
to Garage

total	3967
Lot size	19867

Request = 20%

December 1, 2022

STAFF REPORT

**IN THE MATTER OF CONSIDERATION TO A NONCONFORMING USE EXPANSION
PERMIT TO ALLOW A 16 X 21 FOOT ADDITION TO A HOME WITH A CURRENT
SETBACK OF 43 FEET FROM THE ORDINARY HIGH WATER MARK
AT 1886 BRAINARD BOULEVARD
(MICHAEL PETERSON)**

Michael Peterson has requested a Nonconforming Use Expansion Permit to allow a 16 x 21 foot addition (336 square feet) to a home at 1886 Brainard Boulevard. The home has a setback from the lake of 43 feet. The addition to the home is on the roadside of the property away from the lake. The addition is setback 74 feet from the Ordinary High Water Mark. The zoning ordinance allows a Nonconforming Use Expansion Permit and the proposed addition will meet all of the other zoning requirements. The applicant will also remove a boat house and 56 square feet of concrete near the shore which eliminates a Nonconforming Use on the property.

I recommend approval of the Nonconforming Use Expansion Permit as requested.

**VARIANCE/CONDITIONAL USE PERMIT
LAND DISTURBANCE PERMIT
STORMWATER MITIGATION PERMIT
STATUS REPORT
NOVEMBER 7, 2022**

• **Boys and Girls Club of Detroit Lakes: 150 Richwood Road 12-12-17**

Request: Request for a variance to build a 40 foot high building and a parking variance to allow 53 parking spaces to meet the parking requirement

Status: The City Council hereby approves the requested variance, subject to the following conditions:

1. That the facility be constructed as shown on the approved site plan;
2. That the building be setback 30 feet from all lot lines;
3. That a landscape buffer at least 6 feet high be provided between the North and East lot lines and the building;
4. That the developer obtain a Land Disturbance Permit from the City prior issuance of a building permit.

• **Tomlinson Schultz Partners, LLC: 839 South Shore Drive 1-9-18**

Request: Request for a Conditional Use Permit to allow a Planned Unit Development of 15 Twin Homes (30 Units Total)

Status: The City Council hereby approved the requested Conditional Use Permit, subject to the following conditions:

1. That the project not exceed 15 Twin Homes or 30 units total;
2. That the property be platted to show the proposed lot layout and provide for dedication of utility easements;
3. That the Developer apply for a Land Disturbance Permit from the City and sign a Stormwater Facilities Maintenance Agreement prior to issuance of a building permit;
4. That the Developer obtain any permits required from the Pelican River Watershed District or the Minnesota Pollution Control Agency;
5. That the owner provide a development schedule for the project;
6. That the property owner association documents or deed restrictions provide that 50% of the land area preserved as open space of 20% of the land area be preserved as useable open space as required by the Shoreland Ordinance;
7. That 2 parking spaces be provided per unit and ½ space per unit be provided for guest parking;
8. That a Property Owner's Association documents requiring mandatory membership be approved by the City prior to issuance of a building permit;
9. That all buildings be setback at least 25 feet from the private drive;
10. That the private drive be not less than a 22 foot wide paved surface and off-street parking is constructed as shown on the site plan;
11. That the project be constructed generally as shown on the approved site plan accept as noted in condition #14;
12. That connection to City sewer and water is required;
13. That the impervious surface coverage in the Shoreland District not exceed 25%;
14. All units must not exceed a height of 25 feet;

15. No other accessory structures shall be added to the property that are in addition to the approved site plan.

• **Broadway Welding: 1090 Legion Road 05-14-2019 Extended 1 Year 05-14-2023**

Request: Request for a non-conforming use permit to allow construction of a 35,000 square foot addition to an existing industrial building with a 17 foot side yard setback

Status: The City Council hereby approved the requested non-conforming use permit, subject to the condition:

1. Constructed as shown on the approved site plan.

• **Broadway Welding: 1090 Legion Road 05-14-2019 Extended 1 Year 05-14-2023**

Request: Request for a variance from the Airport Zoning requirement to allow an 110,500 square foot building on a 5.56 acre lot in land use safety zone B of the Airport

Status: The City Council hereby approved the requested variance, subject to the following conditions:

1. That the project be constructed as shown on the approved site plan.
2. That at least 15% of the lot be landscaped.
3. That the number of employees on the largest shift not exceed 83 people.
4. That the owner obtain a Land Disturbance Permit from the City of Detroit Lakes prior to issuance of a building permit.
5. That the owner obtain a Pelican River Watershed District permit prior to issuance of a building permit.
6. That the owner obtain an NPDES permit from the Minnesota Pollution Control Agency prior to issuance of a building permit.
7. That the owner provide the City with a survey of the property prior to issuance of a building permit.
8. That the owner provide the City with any road right of way easements deemed necessary by the City.

• **Broadway Welding: 1090 Legion Road 05-14-2019 Extended 1 Year 05-14-2023**

Request: Request for a variance to allow paving of 71 parking spaces for a 110,500 square foot manufacturing facility

Status: The City Council hereby approved the requested variance, subject to the following conditions:

1. That the project be constructed as shown on the approved site plan.
2. That at least 15% of the lot be landscaped.
3. That the number of employees on the largest shift not exceed 83 people.
4. That the owner obtain a Land Disturbance Permit from the City of Detroit Lakes prior to issuance of a building permit.
5. That the owner obtain a Pelican River Watershed District permit prior to issuance of a building permit.
6. That the owner obtain an NPDES permit from the Minnesota Pollution Control Agency prior to issuance of a building permit.

- **Lakeview on Detroit: 1106 – 1110 West Lake Drive & 1390 County Road 6 03-10-2020**

Request: Request for a conditional use permit to allow the conversion of residential properties to a 10 unit Planned Unit Development in the Shoreland District

Status: The City Council hereby approved the requested conditional use permit, subject to the following conditions:

1. That development in the Shoreland District be limited to 10 units and 30% impervious surface coverage;
2. That the owner provide any utility easements required by the City;
3. That the Developer obtain a Land Disturbance Permit and a mitigation permit from the City prior to issuance of a building permit;
4. That the Developer obtain any permits required from the Pelican River Watershed District;
5. That the project be constructed as shown on the approved site plan with an exception that for utility installation some garage locations may change;
6. That the property owner association documents or deed restrictions provide that 50% of the land area preserved as open space and 20% of the land area be preserved as usable open space;
7. That 2 parking spaces be provided per unit and ½ space per unit be provided for guest parking;
8. That the drive be at least 22 feet wide and parking be allowed on one side only and one side be signed no parking;
9. That property owners association documents requiring mandatory membership be approved by the City prior to issuance of a building permit;
10. That the project is allowed 10 boat slips on Detroit Lake;
11. That no parking of vehicles is allowed on the property on the lake side of West Lake Drive.

- **Long Pine Estates: 915 – 1035 Village Lane 05-12-2020**

Request: Request for a conditional use permit to allow a 22 twin home Planned Unit Development

Status: The City Council approved the conditional use permit, subject to the following conditions:

1. That development in the Shoreland District be limited to 22 units and 50% impervious surface coverage;
2. That the owner provide any utility easements required by the City;
3. That the Developer obtain a Land Disturbance Permit and a mitigation permit from the City prior to issuance of a building permit;
4. That the Developer obtain any permits required from the Pelican River Watershed District;
5. That the project be constructed as shown on the approved site plan;

6. That the property owner association documents or deed restrictions provide that 50% of the land area preserved as open space and 20% of the land area be preserved as usable open space;
7. That 2 parking spaces be provided per unit and ½ space per unit be provided for guest parking;
8. That the drive be at least 24 feet wide and units be setback at least 25 feet from the drives;
9. That a property owners association documents requiring mandatory membership be approved by the City prior to issuance of a building permit.

- **James & Paula Schulz: 1235 Shorewood Drive 08-10-2020 Extended 1 Year 08-10-2022**

Request: Request for a variance to allow a 10-foot easterly rear yard setback instead of a 30-foot rear yard setback to expand an existing garage approximately 13 ½ feet southerly and adding an approximately 17-foot-wide garage stall on the easterly side of existing garage

Status: The City Council approved the variance, subject to the following conditions:

1. That the project be constructed as shown on the approved site plan;
2. That the property not exceed the 25% impervious surface coverage.

- **Leighton Broadcasting: 804 Randolph Road 06-08-2021**

Request: Request for a variance to allow from the tower setback requirements to construct a 100 foot tower in the side yard

Status: The City Council approved the variance.

- **MOKE Properties: 1415 US Highway 10 West 07-13-2021**

Request: Request for a conditional use permit to allow a car wash in a “B-3” District

Status: The City Council approved the conditional use permit, subject to the following conditions:

1. The architectural appearance and functional plan of the building and site shall not be dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
2. Magazining or stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum 30 minute period and shall be subject to the approval of the City Engineer.
3. At the boundaries of a residential district, a strip of not less than five (5) feet shall be landscaped and screened in compliance with Section 3, Subd. 2G, of this ordinance.
4. Each light standard island and all islands in the parking lot landscaped or covered.
5. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with Section 3, Subd. 2G, of this ordinance.
6. The entire area other than occupied by the building or plantings shall be surfaced with material which will control dust and drainage which is subject to the approval of the City Engineer.
7. The entire area shall have a drainage system which is subject to the approval of the City Engineer.

8. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 3, Subd. 2H, of this ordinance.
9. Vehicular access points shall be limited, shall create a minimum conflict with through traffic movement and shall be subject to the approval of the City Engineer.
10. All signing and informational or visual communication devices shall be in compliance with the sign ordinance.
11. Provisions are made to control and reduce noise.
12. That the project satisfactorily meets the following provisions.
 - A. Relationship to municipal comprehensive plan.
 - B. The geographical area involved.
 - C. The character of the surrounding area.
 - D. The demonstrated need for such use.
13. That the project be constructed as shown on the approved site plan.
14. That the owner obtain a Pelican River Watershed District Permit if required prior to issuance of a building permit.
15. That the owner obtain a Land Disturbance Permit if required prior to issuance of a building permit for construction of a car wash.

- **Mike Whitmore: 1239 Long Beach Drive 09-14-2021**

Request: Request for a non-conforming use to allow a 10 x 12 addition to a deck with a 37 foot setback from the Ordinary High Water Mark

Status: The City Council approved the non-conforming use permit

- **John Flynn: 739 North Shore Drive 01-11-2022**

Request: Request for a variance to allow 46% impervious surface coverage and a 55 foot setback from the Ordinary High Water Mark to allow construction of a second story addition to a home

Status: The City Council approved the variance subject to the following conditions:

1. That the addition be constructed as shown on the approved site plan.
2. That the owner treat a 1.1 inch rainfall on a 4 to 1 basis for all impervious surface over 25%.
3. That the owner obtain a Pelican River Watershed District Permit prior to issuance of a building permit.

- **AK Properties: 2359 US Highway 10 West (2-08-2022)**

Request: Request for a conditional use permit to convert a resort to a residential PUD (Planned Unit Development)

Status: The City Council approved the Conditional Use Permit subject to the following conditions:

1. That the development be comprised of 18 residential units and 12 storage units as shown on the approved site plan.
2. That the property be platted into a CIC plat and provide all required utility easements.
3. That the owner obtain any required permits from the Pelican River Watershed District.

4. That the project not exceed 30% impervious surface coverage.
5. That the owner sign a Developers Agreement relative to installation of public sanitary sewer and watermains.
6. Mandatory membership in a homeowners association is required and the association documents must stipulate that 50% of the project area must be maintained as open space in perpetuity.
7. That docking cannot exceed 18 slips for watercraft.
8. That connection to City sewer and water is required.

- **Tanner and Stephanie Goodrich: 611 North Shore Drive (3-08-2022)**

Request: Request for a variance to allow a 71 foot, a 58 foot, and a 50 foot setback from the Ordinary High Water mark to allow additions to a home

Status: The City Council approved the variance subject to the following conditions:

1. That the additions be constructed as shown on the approved site plan.
2. That the 96 square foot shed be removed.
3. That the owners obtain the required Pelican River Watershed District Permit prior to obtaining a building permit for the project.

- **James Benedict: 1209 West Lake Drive (4-12-2022)**

Request: Request for a variance to allow a 15 foot setback from the road right of way to construct a 12 x 12 shed

Status: The City Council approved the variance subject to the following condition:

1. That the shed be 12 feet by 12 feet and constructed as shown on the approved site plan.

- **The Refuge: 921 8th Street SE (06-14-2022)**

Request: Request for a Conditional Use Permit to allow the operation of a State licensed substance use disorder treatment facility serving up to 28 individuals including a 2,200 square foot building addition

Status: The City Council approved the Conditional Use Permit subject to the following conditions:

1. That the facility house no more than 28 individuals;
2. That the owner obtain the appropriate State license to operate a substance use disorder treatment facility;
3. That the owner meet all of the on-site parking requirements for the facility;
4. That all of the design, operating and licensing requirements of appropriate Federal, State, and local agencies are met.
5. That the 2,200 square foot addition with a 3 foot side yard setback be constructed as shown on the approved site plan.

- **Charles Shaffer: 2131 Memory Lane (11-07-2022)**

Request: Request for a Conditional Use Permit to allow a guest cottage

Status: The City Council approved the Conditional Use Permit subject to the following conditions:

1. The lot meet or exceed the requirements for a duplex lot.
2. The guest cottage not cover more than 700 square feet or be more than 15 feet high.
3. That the guest cottage be located as shown on the approved site plan.
4. That the guest cottage meet the same setbacks as the principal structure.
5. That the property not exceed the 25% impervious surface requirement or obtain a mitigation permit for up to 30% impervious surface coverage.
6. That the guest cottage be connected to City sewer and water.

LAND DISTURBANCE PERMITS

- **Land Disturbance Permit** 2016-01 Antler Ridge: County Highway 22 Solmon Tract
- **Land Disturbance Permit** 2017-05 Airport: Airport Rd
- **Land Disturbance Permit** 2017-08 B&W Properties of DL, LLC: 1048 West Lake Drive
- **Land Disturbance Permit** 2018-01 839 South Shore
- **Land Disturbance Permit** 2018-03 Long Pine Estates First Addition
- **Land Disturbance Permit** 2018-06 Lake Forest 7th Addition
- **Land Disturbance Permit** 2020-01 Detroit Lakes High School: 1301 Roosevelt Ave
- **Land Disturbance Permit** 2020-02 EVCO Petroleum: 1321 11th Street SE
- **Land Disturbance Permit** 2020-03 Lakes Area Property Group, LLC (Strive Properties): 1852 and 1854 Nodaway Drive
- **Land Disturbance Permit** 2020-04 Long Pine Estates Phase II: 1798 Brainerd Blvd
- **Land Disturbance Permit** 2020-05 Lakeview on Detroit Development: 1106 West Lake Drive
- **Land Disturbance Permit** 2020-06 Friesen's Inc: 1389 Cormorant Avenue
- **Land Disturbance Permit** 2020-07 ALDIs, Inc: 1305 US Highway 10 West
- **Land Disturbance Permit** 2021-01 Joseph Crary: 2696 Long Lake Road
- **Land Disturbance Permit** 2021-02 Lake Forest 8th Addition: SE of South Shore Drive & 270th Avenue
- **Land Disturbance Permit** 2021-03 HRA of Detroit Lakes: 1111 Washington Avenue
- **Land Disturbance Permit** 2021-04 R & G Subaru: 1140 Highway 59 South
- **Land Disturbance Permit** 2021-05 Mary Ann Apartments LLP: 1473 Legion Lake Road
- **Land Disturbance Permit** 2021-06 Wold RV Sales: 2221 Highway 10 West
- **Land Disturbance Permit** 2021-07 The Storage Place: 1200 8th Street SE
- **Land Disturbance Permit** 2021-08 Lakeshirts Warehouse: 903 8th Street South East
- **Land Disturbance Permit** 2021-09 Becker County Public Works Facility: 1771 North Tower Road
- **Land Disturbance Permit** 2021-10 John Bergquist: 2447 Long Lake Road
- **Land Disturbance Permit** 2022-01 Lakecrest Estates: 2359 US Hwy 10 W
- **Land Disturbance Permit** 2022-02 Accessories Unlimited LLC: 1147, 1446, 1457, and 1456 Eagle Street
- **Land Disturbance Permit** 2022-03 Long Pine Estates Third Addition: 1884 & 1885 Longview Drive
- **Land Disturbance Permit** 2022-04 Zips Car Wash: 1415 US Highway 10 W

STORMWATER MITIGATION PERMIT

- M2019-03 DeWayne and Mona Streyle: 904 South Shore Drive
- M2019-04 Tyler Brandt: 940 South Shore Drive
- M2019-07 Bradley Richards: 1085 Villa Lane
- M2020-01 Kevin and Joy Reski: 1558 East Shore Drive
- M2020-02 Timothy and Lori Sayler: 812 South Shore Drive
- M2020-03 Lakes Area Properties, LLC (Strive Properties, LLC): 1852 and 1854 Nodaway Dr.
- M2020-04 Lakeview on Detroit (Jay Schurman): 1106 West Lake Drive
- M2020-05 Chad Weatherman: 911 North Shore Drive
- M2020-06 Duane and Susan Gunderson: 663 Lake Forest Circle
- M2020-07 Dennis Smith: 1346 East Shore Drive
- M2021-01 Mark and Cindy Fritz: 1492 East Shore Drive
- M2021-02 Glenn Disse: 1844 Nodaway Drive
- M2021-04 Nathan & Gretchen Hunter: 624 Shorewood Drive
- M2021-05 Steven & Rebecca Kraljic: 1298 South Shore Drive
- M2021-06 Lakes Area Landscaping/David & Mary Maring: 560 South Shore Drive
- M2022-01 Jim Kalberer: 734 South Shore Drive
- M2022-02 Josh Herzog: 1010 Villa Lane
- M2022-03 Ron Schultz: 1052 South Shore Drive
- M2022-04 Timothy & Angela Oehlke: 1836 East Shore Drive
- M2022-05 Daniel Porter: 632 Shorewood Drive