

STAFF REPORT

Application: Conditional Use Application for a Planned Unit Development

Applicant: Nathan Tabaka

Background Information: The applicant is applying for a Conditional Use Permit for a commercial Planned Unit Development. The property currently is developed as Girl Lake Resort. The applicant is proposing to redevelop the resort by removing most of the buildings and replacing them with newer, larger structures. The property is located at 262 Birch Lane on Girl Lake. The applicant is proposing a house, 21 cabins, two garages, and a shed. Five of the existing units are to remain with 16 proposed updated units. There are currently 14 cabins on the property.

The applicant has provided the following information for base density calculations:

Base Density Calculations	
A) Average Living Area	1,500 sq. ft.
B) Floor Area Ratio	0.075
C) Multiply A x B	441,748 x 0.075 = 33,131
D) Divide C / A = Units Allowed	33,131 / 1,500 = 22
Existing Units to Remain	5
Additional Units Proposed	16

A		
House	2,524 sq. ft.	Existing/No changes
Cabin 1	1,520 sq. ft.	Reconstruct
Cabin 2	1,520 sq. ft.	Reconstruct
Cabin 3	1,545 sq. ft.	Existing/No changes
Cabin 4	1,520 sq. ft.	Reconstruct
Cabin 5	1,520 sq. ft.	Reconstruct
Cabin 6	1,602 sq. ft.	Existing/No changes
Cabin 7	1,520 sq. ft.	Reconstruct
Cabin 8	2,113 sq. ft.	Existing/No changes
Cabin 9 & 10	2,496 sq. ft.	Reconstruct
Cabin 11	1,520 sq. ft.	Reconstruct
Cabin 12	2,112 sq. ft.	Existing/No changes
Cabin 13	1,520 sq. ft.	Reconstruct
Cabin 14	1,520 sq. ft.	Reconstruct
Cabin 15	1,520 sq. ft.	Reconstruct
Cabin 16	1,520 sq. ft.	Reconstruct
Cabin 17	1,520 sq. ft.	Reconstruct
Cabin 18	1,520 sq. ft.	Reconstruct
Cabin 19	1,520 sq. ft.	New
Cabin 20	1,520 sq. ft.	New

Cabin 21	1,520 sq. ft.	New
Total Area	35192	
Average Area	1676	
Average size used for calculation	1500	

B
Number taken from chart as shown in Section 5.9 of Subdivision Ordinance for the City of Longville

C	
	Area (sq. ft.)
Tier 1 (above OHW)	471065
Wetland 1	-23128
Wetland 2	-6189
Useable Area	441748

The applicant has indicated to Staff that he would like to have the option of moving cabins nine and ten to the location of where the house is and then moving cabin 21 to the cabin 9 & 10 location. He has not made this decision yet but would like review of both options.

Applicable Statutes/Ordinances: When considering a Planning Unit Development, there are essentially three sets of criteria that must be analyzed:

1. The criteria for the underlying zoning district (Commercial Waterfront)
2. The Planned Unit Development criteria
3. The Conditional Use criteria

Underlying Zoning District

The purpose of the Commercial Waterfront District is to establish and maintain a commercial, recreationally orientated land use District within the shoreland area comprised of resorts, restaurants, marinas and similar water oriented uses compatible with the natural resources of lakes and streams. A Commercial PUD is allowed as a Conditional Use in the Commercial Waterfront District.

9.5 Commercial Waterfront. (CW)

	<u>RD</u>
	<u>Lake</u>
Setback, OHW – feet, minimum	100
Distance between buildings – feet, minimum	20
Impervious coverage – maximum	25%

Planned Unit Development Criteria

5.6 Design Criteria for existing PUD's

1. All existing PUD's shall meet the design criteria for a new PUD, where possible.
2. Additional development within an existing PUD shall not bring the PUD further out of compliance with the basic design criteria.
3. Allowances for density increases shall only be made in existing PUD's where new development within the PUD meets the design criteria and specific density increase criteria and the new development serves to bring the entire

PUD closer to conforming to the design criteria.

The following provisions apply within the Longville Subdivision Ordinance regarding Commercial Planned Unit Developments:

5.3 Criteria for Evaluation.

Before recommending the approval of the Preliminary Development Plan and Conditional Use Permit for a Planned Unit Development, the Planning Commission shall find that the following criteria are satisfied:

1. The Planned Unit Development shall generally conform to the regulations of the land use district in which it is proposed to be located, provided that any exceptions to the standard requirements of the land use and subdivision regulations are justified by the design of the development.
2. The planned development or unit thereof is of sufficient size, composition and arrangement that its construction, marketing and operation are feasible as a complete unit without dependence upon any subsequent unit.
3. The planned development will not create an excessive burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the planned development.
4. The minimum area of land to be included in the Planned Unit Development shall be as designated in the land use district in which it is proposed to be located.
5. All streets within the Planned Unit Development, whether public or private, shall be constructed to meet the specifications in this City of Longville Subdivision and Platting Ordinance.

5.4 Suitability.

The City must consider the following criteria in the examination of a parcel for suitability as a P.U.D.:

1. Existing recreational use of the surface waters and likely increases in use associated with planned unit developments;
2. Physical and aesthetic impacts of increased density;
3. Suitability of lands for the planned unit development approach;
4. Level of current development in the area; and
5. Amounts and types of ownership of undeveloped lands.
6. Size of the parcel and amount, if any, of shoreline.

5.5 Design Criteria for all new PUD'S

1. **Minimum Size.** Planned unit developments shall contain a minimum of three units or sites.
2. **Buffer.** A 50-foot vegetative buffer will be maintained or established along the boundary of the PUD. There shall be no units or impervious coverage within this buffer with the exception of access roads or utilities. The buffer will serve to screen the adjacent parcels and the lake, where applicable, from the units within the PUD. The screening will contain both low growing (e.g. brush) and high growing (e.g. trees) vegetation. Adjacent parcels and the lake, where applicable, shall be a minimum of 50% screened, as measured by the Zoning Administrator, from the adjacent parcel or the lake during leaf-on conditions. An earthen berm may be used where, in the opinion of the Planning Commission, the existing vegetation cannot be enhanced to meet the 50% screening criteria. Use of a berm shall not preclude the maintaining of a 50-foot buffer or the installation of

- screening as part of the berm.
3. Open Space. At least 25% of the total project area must be preserved in open space.
 - A. Open space shall be left in its natural state and shall be contiguous.
 - B. Dwelling units or sites, road right-of-way, land covered by road surfaces, parking areas, stormwater basins, collection and treatment areas, structures and landscaped areas which are routinely maintained are developed areas and shall not be included in the computation of minimum open space.
 - C. Open space shall include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
 - D. The 50-foot buffer shall be included as open space, minus areas used as accesses.
 - E. Where a wildlife corridor is present, open space shall be designed to include the corridor.
 - F. The appearance of open space areas shall be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means acceptable to the City.
 - G. At least 50% of the shore impact zone must be maintained as open space.
 4. Common Space. At least 50% of the project must be included as common space.
 - A. Open space shall be counted as common space.
 - B. Common space may include any outdoor recreational facilities for use by owners of the dwelling units or sites, or the public.
 - C. Common space may include areas used for stormwater retention or management and areas used for sanitary sewer collection or disposal. Where common space includes sanitary sewage treatment systems, the use of the space shall be restricted where necessary to avoid adverse impacts on the systems.
 - D. All of the shore impact zones must be included as common space.
 - E. Common space must not include commercial facilities or uses, but may contain water-oriented facilities.
 - F. The appearance and use of common space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means acceptable to the City.
 5. Stormwater Management.
 - A. All PUD's must develop and maintain a stormwater management plan indefinitely.
 - B. Capacities of existing drainage ways shall be maintained.
 - C. Unless specifically allowed by the City, inlets and outlets to adjacent parcels shall be maintained. Flows from outlets shall be maintained unless allowed by the City.
 - D. All PUD's shall contain the 10-year, 24-hour storm event within the development.
 - E. Runoff from the parcel shall not be concentrated unless part of a City stormwater management plan.
 6. Sanitary sewer and water supply standards.
 - A. Residential planned unit developments must be connected to publicly owned water supply and sewer systems, when available.

- B. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
 - C. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
7. Erosion Control.
- A. All PUD's must develop and maintain an erosion control throughout construction activities.
 - B. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other techniques must be used to minimize erosion.
 - C. Steps shall be taken to insure that disturbed ground is restored or stabilized as soon as possible after being disturbed.
8. Exterior lighting. All exterior lighting shall be directed downward. Lighting shall not illuminate adjacent parcels, either directly or indirectly.
9. Shore Recreation Facilities. Shore recreation facilities, including but not limited to swimming areas, docks and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
10. Building standards. Units must be clustered in one or more groups and located on suitable areas of the development. All structures within a PUD must meet the minimum standards:
- A. New multifamily dwellings of 4 units or larger shall be designed by an architect.
 - B. New multifamily building shall have two-hour fire rated party walls and floors.
 - C. New multi-family buildings shall have a 45-decibel rating between units.
 - D. Water systems must be winterized.
 - E. Parking and driving areas must be paved.
 - F. All buildings shall be earth tone in color and shall be designed, constructed and positioned to be compatible, in color, character and mass, with the surrounding land use.

Conditional Use Criteria

- 3. The Planning and Zoning Commission shall decide the issue with consideration to the following:
 - A. The following must be met:
 - 1. The use or development is an appropriate conditional use in the land use zone.
 - 2. The use or development, with conditions, conforms to the comprehensive land use plan.

3. The use with condition is compatible with the existing neighborhood.
 4. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
- B. The following must be considered:
5. The conditional use should not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purpose permitted on those properties, nor substantially diminish or impair values in the immediate vicinity.
 6. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 7. The conditional requirements at public cost for public facilities and services will not be detrimental to the economic welfare of the community.
 8. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.
 9. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
 10. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.
 11. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
 12. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

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

Existing PUD Evaluation

1. The existing PUD meets the design criteria for a new PUD, except for the following:
 - a. The OHW setback is 100 feet. There are 19 existing dwelling units. Of those, 17 do not conform to the required setback.
 - b. The impervious coverage on the property is not known.
 - c. The required 50-foot buffer is not being met. There are units currently within this buffer and there is little or no screening provided.
 - d. Stormwater management systems have not been provided.
2. Additional development proposed within the PUD, namely the reconstruction of 14 units and the construction of three additional units, will not bring the PUD further out of compliance with the items noted in Finding of Fact 1.
3. The three units added beyond the existing density, with conditions, will meet the design criteria and specific density requirements.

Additions to Existing PUD (units 19, 20 and 21)

4. The additions to the PUD conform to the requirements of the Commercial Waterfront zoning district.
 - a. All three units exceed the 100-foot minimum setback.
 - a. The impervious coverage on the property is not known.
 - b. All of the units are separated by more than 20 feet.
 - c. There is no stormwater management for the existing resort. Drainage is currently allowed to run into the lake and wetlands from the property.
5. The resort has been functioning for many years. It will continue to function in the same manner with the additions, which are sufficient to sustain the operation.
6. The property exceeds the 10 acres requires for a Planned Unit Development.
7. The streets serving the units are existing and no improvements are proposed. They do not currently meet the design standards of the City.
8. The existing resort is in operation with shoreline recreational facilities. Those facilities are not being changed as part of this conditional use permit. The addition of three units is not anticipated to alter the usage patterns of these facilities.
9. The three additional units are set back substantially from the surface water and should not be visible from the lake.
10. The land is suitable for a PUD and has operated as a resort for many years.
11. The property is on an isolated peninsula. The development will have little or no impact on any of the nearby properties.
12. There are no undeveloped lands in the vicinity of the PUD.
13. The property is greater than 10 acres and has more than 1,800 feet of shoreline. The property is suitable for development as a PUD.
14. The PUD contains 22 units, more than the required minimum of three.
15. The required 50-foot buffer is not in place for the new units. Conditions are designed to address this deficiency.
16. Drainage improvements are not provided for the new units. Conditions to the approval will address the impacts of stormwater drainage on these properties.
17. The proposed additional units will all be connected to the existing sanitary sewer.
18. The new units, and replacement units, are to be constructed over time. Review of erosion control systems will take place with each application.
19. No exterior lighting has been indicated. Conditions are added to the PUD permit to address lighting concerns.
20. No additional shoreline recreation facilities are proposed as part of this development.
21. None of the additional buildings are multi-family.
22. Parking areas are not paved. This is deemed acceptable in the opinion of the City of Longville and is consistent with the historic character of the resort.
23. The new structures are all to have their water systems winterized. This is a condition of the PUD.
24. Earth tone colors are required. Verification of the color scheme shall take place when a land use permit is applied for.

Conditional Use Permit

25. A PUD is permitted as a Conditional Use within the Commercial Waterfront District.

26. The proposed PUD, with conditions, conforms to the Comprehensive Land Use Plan.
27. The proposed use, with conditions, is compatible with the existing neighborhood as all adjacent lands are currently developed.
28. The proposed use, with conditions, does not seem as though it would be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.
29. The proposed use does not seem to be injurious to the use and enjoyment of other properties in the immediate vicinity nor will it substantially diminish or impair values in the immediate vicinity.
30. The surrounding properties are all predominately developed.
31. There should not be any further costs for public facilities or services. There have not been any further public services proposed for the PUD.
32. The streets serving the units are existing and no improvements are proposed.
33. The applicant has not indicated parking areas on the survey. But has indicated that adequate parking is supplied.
34. The applicant has indicated that loud noises, inappropriate behavior and unlawful boating practices are not tolerated. It does not seem as if the proposed use will constitute any major nuisances.

Planning Commission Direction: The Planning Commission may approve the conditional use application, deny the application, or table the application if the Commission should need additional information from the applicant. If the Commission should approve or deny the request, the Commission should state the findings which support either of these actions.

Staff Recommendation: We are sensitive to the fact that a lot of effort has gone into preparing the survey that accompanied the application. We are also well aware that this is a resort that has been in operation for a long time and there is no desire to subject them to a multitude of regulation simply because they are seeking to upgrade the property.

We also understand the spirit and intent of state rules governing this type of a project. Those rules would provide for:

- Replacement of existing structures, with modest improvements.
- The construction of fully-conforming additional units.
- The restoration of areas found to be deficient from current standards.
- Actions taken to mitigate any situation that is not compliant with current standards.

This project replaces a number of old cabins with nice, modern cabins. That is a good thing. The fact that the new cabins are much larger and very close to the lake is something that the City is obligated to address.

We are recommending that the application be approved, with consideration given to the following conditions:

1. The Fire Chief shall review the driveways for safe access to all units. Modifications to the driveway layout, configuration, width and grade shall be made according to the Chief's feedback.
2. The new units shall not be constructed any closer to the lake than the unit they are replacing.

3. As each unit is constructed, the property owner shall provide additional screening in the vicinity of the unit. The screening shall include:
 - a. Foundation plantings and other shrubs near the structure to break up the outline of the structure, as viewed from the water.
 - b. An additional five trees between the cabin and lake for each new cabin constructed. These can be placed so as to increase the overall screening while not negatively impacting views from the cabins.
4. The buildings shall be earth tone in color so that, from a distance, the colors blend in with the natural landscape surrounding the resort.
5. Within 12 months of this approval, the applicant shall indicate areas on the property designated for shoreline recreation facilities. These areas shall constitute no more than 50% of the shoreline perimeter and shore impact zone area on the property.
6. Within 12 months of this approval, the applicant shall prepare and present to the Planning Commission a plan for restoration of those shoreline areas not designated for shoreline recreation facilities. Once accepted by the City, the plan shall be fully implemented.
7. Instead of requiring additional stormwater improvements as part of the Conditional Use Permit, the applicant shall include design for stormwater improvements with each cabin to be constructed. The improvements, once approved along with the land use permit for construction of the cabin, shall be fully implemented. Improvements shall include (at a minimum):
 - a. Redirection of stormwater generated from the new cabin away from the lake. This can be done through guttering or other means.
 - b. The creation of a rain garden, or other acceptable mechanism, to collect stormwater and provide an opportunity for it to filter into the ground.
8. Erosion control devices shall be properly installed and maintained with the construction of each cabin, to prevent erosion into the lake. The applicant shall notify the City when the erosion control devices have been installed. Construction shall not begin until erosion control devices have been properly installed.
9. All exterior lighting used on the new units shall be downward directions and hooded so as to the light from being seen beyond the limits of the property.
10. The property owner shall pay any sanitary sewer connection charges for the additional three units, once connected to the system.
11. Within nine months, the applicant shall update the submitted site plan to show designated parking spaces within the resort. Parking shall be outside of the shore impact zone and, to the greatest extent possible, outside of the shoreline setback. Where parking is not outside of the setback, no more than two stalls per unit will be allowed. Overflow parking shall be designated outside of the shoreline setback.