

CITY OF BATTLE LAKE
PLANNING COMMISSION

The Battle Lake Planning Commission met Tuesday, September 7, 2021. The meeting was called to order at 7:00 p.m. by Chair Don Maslow. Present were Commissioners Dawn Swisher, Richard Bullard, John Salveold, Steve Seufert and Rezin Everts. Absent was Greg Maynard. Also present was Val Martin, Clerk/Treasurer/Zoning Officer.

Bullard made a motion to approve the agenda. Seufert seconded. MCU

Swisher made a motion to approve the minutes. Everts seconded. MCU

Gloria Axelson, Grandma's Storage located at 107 EDA Drive is requesting a Conditional Use Permit:

The request is as follows: To build a 28 x 80 storage building by constructing a building pad and apron area. Will remove trees, strip topsoil, fill stripped area with gravel fill and place Class 5 gravel on 24 x 80 driving area. Total cubic yards of fill will be 820. The Conditional Use Permit is needed as the amount of fill is over 600 cubic yards. The existing storm water pond will be increased in size to accommodate the additional impervious surface.

John Christensen was in attendance to present the application. Since the application was submitted, the area where the building will be located has been changed. After evaluating the property, Christensen said it made more sense to have the new building located on the south side of the property and utilize the newly vacated street that was deeded to property owners a couple of years ago. They would like to have it thirteen feet into that area, still leaving the room needed for the utility easement. Doors would be located on the north side of the building. The stormwater pond will easily accommodate the new structure.

Gary Kelm, property owner next to Axelson's property, was in attendance and concerned about additional stormwater to the stormwater basin. Christensen said they could add a basin/swale on the south, east and west sides of the building. This would catch the majority of the water and any overflow would be directed to the stormwater pond on Axelson's property. Kelm was also worried about tree removal as it acts as a buffer to the storage buildings.

Planning Commission went through the Findings of Fact:

Will the requested use create an unreasonably excessive burden on existing streets or other utilities? *No, it will not. No water and sewer services are available there and the traffic increase would be minimal.*

Is the requested use in any way incompatible with surrounding areas? *It is not. It will be the same use as the other buildings on the property.*

Will the intended use have an appearance that will unreasonably adversely affect nearby properties? *It will not – the building will blend with the other commercial buildings in that area.*

Will the intended use create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness for nearby property owners? *No – It is in a commercially zoned area with similar buildings*

Is the intended use in the opinion of the Planning Commission, reasonably related to the existing land use and environment? *Yes, it is in a commercially zoned located with buildings that are similar in use and appearance.*

Is the intended use consistent with Battle Lake Land Use ordinances? *Yes*

Is the intended Use compatible with the Battle Lake Comprehensive Plan? *Yes*

Based on the Findings on Fact, Seufert made a motion to recommend approval of the CUP to the City Council with the following conditions:

No trees will be removed from the existing stormwater basin.

Contractor needs to create a drainage basin on the south, west, and east sides of the new building.

Bullard seconded with Everts abstaining due to a possible conflict of interest. Motion carried.

The Planning Commission reviewed some suggested changes to the zoning ordinances related to accessory structures, outside building appearance and short-term rentals. Some of the discussion and possible additions to the zoning ordinances included the following:

Accessory Structure in Residential Zoning:

No more than 2 detached accessory structures are permitted on a parcel occupied by a single-family detached dwelling.

On parcels less than 90,000 square feet occupied by a single-family dwelling the cumulative square feet of accessory structures and attached garages shall not exceed 1,800 square feet.

On parcels greater than 90,000 square feet in the Residential Zoning District that are occupied by a dwelling unit the cumulative square feet of accessory structures and attached garages shall not exceed 2% of the total parcel area up to a maximum of 3,600 square feet.

On parcels occupied by dwelling units no attached garage or accessory structure shall exceed 1,200 square feet in area. No accessory structure shall be constructed on a parcel without a principal structure. **Could be part of covenants in a new development. Is this important to keep?**

The maximum roofline height of an accessory building in a Residential District shall not exceed 26 feet. **Currently 35 in Shoreland and 25 elsewhere**

No accessory structure shall be constructed on a riparian lot without a principal structure.

All accessory structures shall be built in the rear or side yard. **If included, need a definition of rear yard, specifically in shoreland management area.**

~~No accessory building shall be taller than the primary building.~~

Construction Materials

Single-family dwelling roofs shall be shingled with asphalt, wood, tiles, metal (with concealed fasteners) or other comparable materials.

Building materials shall be attractive in appearance, of a durable finish, and be of a quality that is compatible and harmonious with adjacent structures. All buildings shall be of good aesthetic and architectural quality, to ensure they will maintain and enhance the property values of the neighboring properties.

Single-family dwellings, garages, and accessory structures over 120 square feet of floor space or over 120 square feet of roof and roof overhang shall be constructed of materials similar in quality and appearance to that of the main dwelling structure on the lot.

~~Within all residential districts, galvanized sheet metal, corrugated sheet metal, asbestos, and iron whether or not they are colored shall not be used as a major exterior wall covering on buildings over 120 square feet of floor space or over 120 square feet of roof and roof overhang.~~

~~Horizontal steel siding having a width not exceeding 10 inches, if it is affixed without exposed fasteners, is allowed.~~

Buildings constructed of canvas, fabric or straw ~~sh~~ not be permitted.

Building exteriors must be finished within one year of starting construction.

Vacation Rentals.

Vacation rentals shall comply with this Section and other applicable provisions of this Ordinance. Subd. 1. Permit. No person shall rent, or offer for rent, a single-family dwelling as a vacation home or for any other purpose for a period of 30 days or less without first ~~obtaining an interim use permit from the City.~~ **Registering with the City.**

~~Subd. 2. Occupant Limitation. The rental shall be limited to no more than two persons per bedroom plus two additional persons per building, not to exceed a maximum of twelve (12) persons.~~

Subd. 3. Parking. All parking associated with the rental must be accommodated on the property, no on street parking is allowed.

~~Subd. 4. Signs. On premise signs are prohibited.~~ **Regulated in the sign ordinance.**

Subd. 5. Legal Requirements. The owner shall comply with all applicable federal, state, and local laws, rules, regulations, and ordinances related to the rental. A violation of such legal requirements, or of any condition imposed on the interim use permit, shall constitute sufficient grounds on which to revoke the permit.

Some discussion about short term rentals included:

- County requires registration with Public Health, but they haven't been able to keep up with the number of rentals they have.
- These properties have a higher tax rate (25% more) than residential.
- We don't want to discourage them but want to get ahead of any possible issues, so we have ground to fall back on if there are problems down the road.
- There are very few regulations for these short-term rentals unlike resorts and hotels.
- Is there a fire code limit? Martin will do some checking.
- Do we want a permit process – consensus to require a one-time registration.

Adjourn 8:27 p.m.

Valerie Martin, Zoning Officer/Secretary