CITY OF FIFTY LAKES

MINUTES OF THE PLANNING COMMISSION

FEBRUARY 25, 2025 6:00 PM

1. **Call to order:** 6:00 pm
2. **Roll Call:**

Planning Commission: Bob Stancer, Don Reierson, and Gary Oster (via Interactive Technology, out of country). Fred Strohmeier, absent; Mike Milbrath, absent.

Staff: Bethany Soderlund, Zoning Specialist; Jessica Istvanovich, Deputy Clerk.

City Council: Gary Staples, Mayor; Juan Cabrera, Council Liaison

1. **Election of Officers**: Mr. Reierson nominated Bob Stancer for Chairperson and Gary Oster as Vice-Chairperson.

**MOTION MADE BY MR. REIERSON AND SECONDED BY MR. STANCER TO ELECT BOB STANCER AS CHAIRPERSON AND GARY OSTER AS VICE-CHAIRPERSON.** When polled: Mr. Stancer, aye; Mr. Reierson, aye; Mr. Oster, aye. Motion carried. (Mr. Strohmeier, absent; Mr. Milbrath, absent)

1. **Public Hearings:** 
   1. **Variance Application (VAR-01-25)** to expand a pre-existing dwelling and encroach the ordinance high water (OHW) level setback for a swelling addition within the Shoreland Residential (SR) zoning district. The subject property is located at 16969 North Eagle Lake Rd. PIN 22130559. The applicants/ property owners are Michael & Joan Petersen.

**MOTION MADE BY MR. REIERSON AND SECONDED BY MR. STANCER TO APPROVE VARIANCE APPLICATION VAR-01-25 WITH 11 (ELEVEN) FINDINGS OF FACTS AND 3 (THREE) CONDTION AS DISCUSSED:**

**Findings of Fact:**

1. The subject property is located at 16969 North Eagle Lake Road and is zoned “Shoreland Residential” (Eagle Lake- Recreational Development).
2. The variance request is to construct a 24’ x 31’ (744 sf) dwelling addition within the OHW level setback.
3. The variance request includes adding an 8’ x 8’ area to the existing deck within the OHW setback. The proposed deck addition does not extend towards the lake any further than the existing deck.
4. The subject property contains a limited building envelope. Any expansion to the pre-existing dwelling requires a variance.
5. The existing and proposed impervious surface coverage of the property is 14.9% (15% allowed).
6. The DNR has been notified of the request.
7. Will granting the variance put property to use in a reasonable manner not permitted by the zoning ordinance?
   1. Yes, the applicant is proposing to continue the use of the property as a single family residential dwelling and the property provides limited option for building.
8. Does the property have unique circumstances that were not created by the landowner?
   1. Yes, the property is a non-conforming legal lot of record, has a small building envelop, and is consistent with neighboring cabin setbacks.
9. If the variance is granted, will the essential character of the locality remain consistent?
   1. Yes, constructing the addition will not alter the essential character of the neighborhood. The improvement will be visible from the lake and right-of-way; however the proposed size of the dwelling (and addition) is consistent with other dwellings in the vicinity of he subject property.
10. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with the purpose and intent of the City of Fifty Lakes ordinances?
    1. Yes, the request, with conditions, is consistent with the purpose and intent of the zoning ordinance and the following goal in the comprehensive plan, “To preserve the natural character and environmental quality of the lakeshore and still allow reasonable use for property owners and the public.”
11. Has the variance request been made based on reasons other than economic considerations alone?
    1. Yes, the request has been made on factors other than economic considerations.

**Conditions of Approval:**

1. All construction shall be in substantial conformance with the presented plan as shown. Deviations from the presented plan will require modified approval by the Planning Commission.
2. The existing screening / vegetative buffer located between the dwelling and the lake shall remain in place in perpetuity.
3. Gutters/downspouts shall be installed on the west side of the dwelling addition and shall be directed away from the lake to a swale/rain garden.

When polled: Mr. Stancer, aye; Mr. Reierson, aye; Mr. Oster, aye. Motion carried. Motion carried.

(Mr. Strohmeier, absent; Mr. Milbrath, absent)

* 1. **Ordinance Amendment 2025-1 (OA-02-25)** for the creation of a Public & Parks (PP) Zoning District within the city of Fifty Lakes. Applicant: The City of Fifty Lakes

Ms. Soderlund presented the purpose and intent of this Ordinance is to amend the City Land Use Ordinance, Chapter 4 – Section 4.02.09 Public & Parks District, Chapter 4 – 4.03 Land Use Table, and Chapter 5 - Section 5.14 Public & Parks (PP).

**MOTION MADE BY MR. REIERSON AND SECONDED BY MR. STANCER TO RECOMMEND TO COUNCIL TO APPROVE ORDINANCE AMENDMENT 2025-1 (OA-02-25) AMENDING THE FIFTY LAKES LAND USE ORDINANCE REGARDING CHAPTER 4: LAND USE DISTRICTS AND PROVISIONS AND CHAPTER 5: LAND USE PROVISIONS AS PRESENTED.** When polled: Mr. Stancer, aye; Mr. Reierson, aye; Mr. Oster, aye. Motion carried. Motion carried.

(Mr. Strohmeier, absent; Mr. Milbrath, absent)

* 1. **Zoning Map Amendment (ZMA-03-25)** to re-zone three city-owned parcels from Commercial © zoning district to Public & Parks (PP) zoning district. The subject properties are located at 16785 County Road 1 (22250517), 40447 Town Hall Road (22250516), 40366 County Road 3 (22250500). Applicant: The City of Fifty Lakes.

**MOTION MADE BY MR. REIERSON AND SECONDED BY MR. STANCER TO RECOMMENT TO COUNCIL TO APPROVE ZONING MAP AMENDMENT (ZMA-03-25) WITH 10 (TEN) FINDING OF FACTS AS DISCUSSED:**

**Findings of Fact:**

1. The subject properties are located at 16785 County Road 1 (22250517), 40447 Town Hall Road (22250516), 40366 County Road 3 (22250500). The City of Fifty Lakes is requesting to rezone the approximately 6.7 acre area from “Commercial” to “Public & Parks”.
2. The area proposed to be rezoned contains city owned government buildings and facilities, a park, a Post Office, and The Fifty Lakes Bar & Bottle Shop.
3. The future land use map contained in the comprehensive plan identifies the subject property as Commercial. However, the comprehensive plan lists the definition of Commercial as, “A designation for property that is best suited for commercial development.” This definition is focused on commercial development and not the needs and necessary provisions that city owned facilities, parks, or enterprise funds require.
4. The reclassification is warranted due to the establishment of a Public & Parks (PP) land use district specifically created for city owned land.
5. The Public & Parks land use district is for the existing use of public land or for land properly suited for public facilities, parks and open spaces, and other locations for public or semi-public use. Such uses shall include, but not be limited to parks, nature areas, city buildings and facilities for public recreation.
6. The land use ordinance states that, “Public & Parks zoned properties are compatible with and can be established adjacent to every other zoning district, and any property that meets the purpose and intent of this zoning classification may be zoned public.”
7. The subject property is suitable for development in general conformance with the land use standards of the Public & Parks land use district.
8. The property located north is zoned Commercial, the property located west is zoned Commercial Mixed Use and the property located to the south and east is zoned Commercial.
9. Rezoning the property will not be detrimental to uses or property in the immediate vicinity of the subject property. The properties adjacent to the subject property are primarily utilized as commercial uses.
10. The rezoning of the property promotes the health, safety, and general welfare of the public.

When polled: Mr. Stancer, aye; Mr. Reierson, aye; Mr. Oster, aye. Motion carried. Motion carried.

(Mr. Strohmeier, absent; Mr. Milbrath, absent)

1. **Approval of Minutes:** 
   1. November 26, 2024 Planning Commission Meeting

**MOTION MADE BY MR. REIERSON AND SECONDED BY MR. STANCER TO APPROVE MINUTES FROM NOVEMBER 26, 2024 MEETING AS PRESENTED**. When polled: Mr. Stancer, aye; Mr. Reierson, aye; Mr. Oster, aye. Motion carried. Motion carried.

(Mr. Strohmeier, absent; Mr. Milbrath, absent)

1. **New Business: None.**
2. **P & Z Administrator’s Report:** Ms. Soderlund reported 3 approved land use permits and 2 pending as of the February meeting.

**MOTION BY MR. STANCER AND SECONDED BY MR. OSTER TO ADJOURN.** Meeting adjourned at 6:40 PM.

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Jessica Istvanovich, Deputy Clerk