

**City of Gem Lake**  
**Planning Commission Meeting – November 3, 2021**  
**Meeting Minutes**

Planning Commission Member Joshua Patrick called the meeting to order at 7:02 p.m. Commission Members Stephanie Farrell, Art Pratt and Derek Wippich were present. Also present: Planning and Zoning Director Evan Monson, City Attorney Patrick Kelly, Mayor Gretchen Artig-Swomley, Councilmember Jim Lindner and Jeff and Ramsey James. Commission Chair Don Cummings was absent.

**Approval of Minutes**

Commission Member Pratt introduced a motion to approve the minutes of the August 3, 2021 Planning Commission Meeting. Commission Member Wippich seconded the motion. All in favor, motion approved.

**Public Hearings**

- **Interim Use Permit for John Birkeland**

Commission Member Patrick informed those in attendance that he would be chairing the meeting, due to Commission Chair Cummings being out of town. He pointed out that there would be one public hearing tonight, dealing with the request for an Interim Use Permit (IUP) to accommodate a parking area for CarFit Auto. The other matter that was to require a public hearing, will be discussed as a regular agenda item, as the application for an accessory structure was deemed incomplete at this time.

Commission Member Patrick then gave a history of the request for an Interim Use Permit by John Birkeland for CarFit. The dealership lost its overflow parking when the adjacent lot was sold to Hy-Vee. Birkeland, who owns the property on which the car dealership sits, requested and was granted an IUP in January of 2019, but took no action to build the requested parking lot for his tenant. That IUP then expired. Birkeland is asking for the same permit with the same specifications.

Commission Member Pratt motioned to open the public hearing on the IUP for Birkeland. Commission Member Farrell seconded the motion. All in favor, motion approved.

Monson gave a brief report on his findings regarding this request. He said he had concerns as to feedback from the homeowners in the vicinity and wondered if the item should be tabled. Commission Members Wippich and Pratt felt the request had been previously approved and should be approved again with appropriate conditions decided by the commission. Commission Member Wippich stated that all three homes were owned by Birkeland and two were occupied by family members. There was no public input at the hearing portion of the meeting. Mayor Artig-Swomley explained that Birkeland was unable to attend the public hearing.

Commission Member Farrell introduced a motion to close the public hearing on the IUP request. Commission Member Pratt seconded the motion. All in favor, motion approved.

The commission proceeded to discuss the matter in some detail. It was felt that the time factor for the IUP should be made clear. Monson said the maximum allowable period allowed for an IUP would be five years. Also, Commission Member Wippich felt it was important that the commission be clear that the parking lot was for car storage. Actual sales would have to take place on the CarFit lot. This was also a requirement when the original IUP was granted. It was further agreed that all other permits required would be the responsibility of Birkeland, such as the paving permit, etc.

Commission Member Farrell introduced a motion to approve the IUP request for a maximum of five years for Birkeland's parking lot, based on the lot being used for car storage, not sales and the obtaining of all necessary permits by Birkeland for the construction of his project. Commission Member Wippich seconded the motion, all in favor, motion passed.

## **New Business**

- **Conditional Use Permits Request by 3825 Scheuneman Road**

Monson presented a written report and gave a brief summary on the request for an accessory structure at 3825 Scheuneman Road that had been submitted by homeowners Jeff and Ramsey James. He said the application was deemed incomplete, so no public hearing could be held tonight. He had been in discussion with the homeowners at this address to discuss the project with them. They were able to be present at tonight's meeting.

According to Monson's report, the structure, a large, two-story garage, would require a variance due to issues with height and with set-backs. The height of the proposed structure was 28 feet, 2 inches tall, versus the permitted height in that zoning area of 25 feet. The proposed plans also called for the structure to be too close to both the back and side set-backs on the property. He explained that Minnesota law requires adherence to rules about hardship in order to grant a variance. A hardship would be something like an unusual feature of the property that prevented a normal building to be constructed. He said no hardship could be identified here, so a variance request would likely have to be denied.

He also stated that the footprint of the structure was larger than the ordinance allowed for. However, two similar requests had been approved in Gem Lake through Conditional Use Permits to allow for larger garages. Submitted plans for this structure show a 1440 square foot footprint, versus the allowed 1,000 feet. This aspect of the requested structure would require a CUP to be approved.

He suggested Jeff and Ramsey James revise their request and plans and resubmit them, showing a reduced height and proper set-backs. The request would then go through a review by him, followed by a public hearing for a Conditional Use Permit and a review by the Planning Commission. Depending on how quickly the homeowners could accomplish this task, the matter could possibly be reviewed at the December 7, 2021 Planning Commission Meeting.

Ramsey James asked if an additional permit fee would be required and the answer was no.

## **Open Issues Related to Home Occupation Ordinance**

Commission Member Patrick gave a brief update on the commission's work to update the home occupation ordinance. Considerable progress has been made and the commission hopes to wrap up this project in the next few months. A report was prepared by the former planning director, now retired, which set the stage for the discussion to date. Monson offered whatever additional help the commission felt was needed.

The commission is also looking at the list of permitted uses in the Gateway District in anticipation of future development.

## **Next Meetings/Workshop**

The next City Council Meeting is scheduled for November 16, 2021 at Heritage Hall. The next Planning Commission meeting is scheduled for December 7, 2021 and will probably include a public hearing on the accessory structure request discussed this evening.

## **Adjournment**

Being there no further business, following a motion from Commission Member Pratt, seconded by Commission Member Farrell, the meeting adjourned at 7:58 p.m.

*Respectfully submitted, Gretchen Artig-Swomley*