

## City of Independence

### *Request for an Interim Use Permit for the Property located at 2319 S Lake Shore Drive*

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<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	February 16, 2016
<i>Applicant:</i>	Bob and Greg Gehrman
<i>Owner:</i>	Gehrman Family Ltd. Partnership
<i>Location:</i>	2319 South Lake Shore Dr.

#### ***Request:***

Bob and Greg Gehrman on behalf of the Gehrman Family Ltd Partnership, (Applicants/Owners) request that the City consider the following actions for the property located at 2319 South Lake Shore Dr., Independence, MN (PID No. 24-118-24-12-0003):

- a. An Interim Use Permit to allow two temporary accessory buildings to be located on the property without a principle structure and in support of the maple syrup harvesting operations on the property.

#### ***Property/Site Information:***

The owner's property is located at 2319 South Lake Shore Dr. which is on the west side of South Lake Shore Dr. and north of Perkinsville Road. The property is approximately 10 acres.

Property Information: 2319 South Lake Shore Dr.

Zoning: *Rural Residential*

Comprehensive Plan: *Rural Residential*

Acreage: *9.74 acres*



***Discussion:***

The applicants are seeking an Interim Use Permit to allow two temporary accessory structures to be located on the property for use with their production and harvesting of maple syrup. Maple syrup production or harvesting for personal use is not specifically defined in the City's ordinance; however, it would typically be interpreted to fall under the permitted use of the property. The applicants have historically harvested and produced maple syrup on this property. Last year the applicants brought two accessory structures onto the property. The City notified the owners that they could not have accessory structures on the property without a principle structure. The owners asked if it would be possible to ask the City to consider allowing two 120 sf temporary accessory structures on the property without a principle structure. Staff reviewed the ordinance and determined that the City could either amend the ordinance to include language allowing a maximum size accessory structure without a principle structure (i.e. shed or similar building 120 SF or less) or grant an interim use permit specific to this request which would allow the temporary buildings to be located on the property. The City could define a date certain for the cessation of the interim use which would be until the maple syrup harvesting is no longer done on the property or the property is sold or subdivided, whichever occurs first.

The subject property is approximately 10 acres in total size. There is a small pond on the property and the remainder is heavily wooded. The property is located in a primarily residential neighborhood. The property does have the potential to be subdivided into two lots. The two buildings that were brought onto the property would house the stove used to boil down the sap and tools associated with the harvesting of the syrup. The applicants have stated that they are not commercially producing syrup on this property.

From the site visit performed by staff, the buildings are located in a manner that is not readily visible from the surrounding properties. The applicant is in the process of making an electrical connection to the property and would also like to improve the driveway coming into the property.

The City has the following criteria for granting an Interim Use Permit:

1. The use is deemed temporary and the use conforms to the development and performance standards of the zoning regulations.
2. The date or event that will terminate the use can be identified with certainty.
3. Allowing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
4. The user agrees to any conditions that the city council deems appropriate for allowing the use.
5. The use meets the standards set forth in subsection 520.11 governing conditional use permits.

The City will need to determine if the applicants request meets the aforementioned conditions and restrictions. In making a determination, the following information should be considered:

- The City has historically had issues with allowing permanent accessory structures on a property prior to the construction of a principal structure. The principle use of all residential and agriculture properties in the City is residential. Allowing a temporary accessory structure with a maximum size may help to mitigate potential issues typically associated with a permanent accessory structure.
- Conversion of the temporary structures to permanent structures would need to be annually monitored. The applicant is seeking to install electric service to the property.
- The applicant has stated that they would like to bring in a temporary recreational vehicle, mobile home or camper during the maple syrup harvesting season. The City typically permits temporary recreational vehicles or campers as a conditional use within the Rural Residential zoning district and only during the construction of a principle structure (six months maximum). Staff is looking for direction from the City relating to whether or not a temporary recreational vehicle, mobile home or camper should be temporarily allowed on the property.
- The applicant has established some form of an entrance into the site from the South Lake Shore Dr. The applicant will need to obtain a permit from the City for the driveway access. The City has noted that the existing location conflicts with an existing culvert and will need to be moved north. Due to the nature of the maple syrup operation, there is a possibility that mud and other debris could be tracked onto the City's street from the site. The City should consider requiring the applicant to establish an actual driveway entrance (gravel surface) onto the public right of way. The City could also consider requiring a condition that the applicant shall agree to keep all mud and debris off of the City's street or reimburse the City for all costs associated with cleaning the street.

- The City does have limitations on noise associated with activities on a property hours of operation as follows:

*Any obnoxious or disruptive noises and annoying vibrations, including those associated with construction activities, in a rural residential zone between the hours of 10:00 p.m. and 6:30 a.m. (Added, Ord. 2003-05)*

The City will need to determine if this current provision is adequate to mitigate any potential impacts to the surrounding properties or if additional measures or restrictions should be considered.

- The applicant replaced an existing culvert and graded some area around an existing wetland. Due to the time frame that the work occurred, the site could not be fully inspected by the City and or DNR. The applicant was notified that further inspection of the culvert replacement and grading would be reviewed by the City and DNR in the spring. Any required mitigation or restoration required as a result of the inspection should be made a condition of the interim use permit approval if recommended.

#### ***Neighbor Comments:***

The City has not received any written comments regarding the proposed interim use permit.

#### ***Recommendation:***

Staff is seeking a recommendation from the Planning Commission for the request for an Interim Use Permit. If the Planning Commission recommends approval, the following findings and conditions:

1. The proposed Interim Use Permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The Interim Use Permit will expire upon the sale of the property, the subdivision of the property or the cessation of the maple syrup production by the current owner (Gehrman LTD Partnership), whichever occurs first.
3. There shall be no permanent outdoor storage of equipment, vehicles or other tools on the property.
4. Two (2) temporary buildings which do not exceed 120 SF in size shall be permitted on the property. The buildings shall not be permanently secured to the ground or connected to utilities. Upon cessation of the interim use permit, the structures shall be removed within three (3) months .
5. No commercial production of maple syrup (for the purpose of selling) or retail sales of the maple syrup shall be permitted on the property.
6. The property shall be kept in a neat and organized fashion so as to reduce any visual nuisances from the adjacent properties.
7. The applicant shall not remove or damage any existing healthy trees on the property.
8. The applicant shall comply with any requirements for restoration or mitigation resulting from the

review of the culvert replacement and site grading that was done in 2015.

9. The applicant shall improve the driveway entrance utilizing gravel or paved surface so as to not track mud or other debris onto the City's street. No additional driveways shall be permitted in association with the interim use permit.
10. The applicant shall pay for all costs associated with the review and recording of the interim use permit and its resolution.

***Attachments:***

1. Property Pictures
2. Sketch of Property (A)
3. Sketch of Property (B)
4. Application

**Attachment #1**

*2319 South Lakeshore Dr. (View looking west)*

