

PLANNING AND ZONING COMMISSION

4:00 P.M.

Wednesday, August 7, 2024

Present: Steve VanHouse
Richard DeRosier – left at 4:50 p.m.
Nelson French
Wade LeBlanc
Mike Johnson

Absent: Gary Thompson

Lana Fralich, City Administrator
Tim Costley, City Attorney
Julie Jensen
Wendy Jensen
Paul Jensen
Muffy Hoffman
Chuck Rathbone

VanHouse called the meeting to order at 4:12 p.m.

Agenda – Motion by LeBlanc, second Johnson to approve the Agenda with the addition of Cannabis Zoning. MOTION CARRIED.

Approval of Minutes- Motion by LeBlanc, second French to approve July 3, 2024 regular meeting.. MOTION CARRIED.

Zoning Administrators Report – None at this time.

Communications – None at this time.

OLD BUSINESS

Accept or Deny Conditional Use Permit, Section 1242.05 Request from Bay Area Historical Society to Lease a Room at Mary MacDonald Center for Archival Storage of Community Held Artifacts that Relate to the History of Silver Bay and Surrounding Area, as a Workroom, and for Storage of Excess Visitor Center Merchandise.

Public hearing was held prior to the meeting relating to a Conditional Use Permit request from Bay Area Historical Society to lease a room at Mary MacDonald Center for archival storage of community held artifacts, use as a workroom, and storage of excess visitor center merchandise. Consensus of Commission was that the application request falls within Mary MacDonald uses and meets conditional use criteria. There was no further discussion. Motion by DeRosier, second French to make recommendation to City Council to accept the Conditional Use permit request from Bay Area Historical Society. MOTION CARRIED.

Accept or Deny Variance Application from the City of Silver Bay Library of Front and Side Setbacks of the Existing Library as Needed to Comply with Regulatory Funding Requirements for the Library Project- Application request from the Silver Bay Library for a variance of the front setback for a portion of the existing library building and a side setback on the NW (Banks Blvd) side of the library is needed to comply with regulatory funding requirements for the Library Project.

Before moving to discussion on the Variance request, City Attorney Costley explained to the Commission that the request will go to the Council and be split into 2 separate legal parcels pursuant to our procedure under our zoning codes, record a variance and lot split with the County. When the Library was built, the North corner is non-compliant and we cannot change that, it currently doesn't comply with current setbacks. The request must be consistent with comprehensive plan and it must meet standard of variance called "Practical Difficulties Standard", which means the proposed use would be used in a reasonable manner not permitted by the zoning ordinances; it is already being used in that manner. The plight of the landowner is due to circumstances unique to the property and not created by the landowner, which could be problematic due to the city causing the problem by owning the property, building the library, and zoning is not consistent. Third standard to grant the variance is that it will not alter the essential character of the locality.

Chair VanHouse has reviewed and met with Zoning Administrator, and stated that this was consistent with Comprehensive Plan, it is a needed part of the city, cannot change where the library was built, and would be a very hardship on the city and taxpayers to request building be moved. It does nothing for the aesthetics or for safety to that area.

Member LeBlanc noted the new construction is not anywhere near where variance is requested.

Member French stated he concurs with what Member VanHouse said, specifically that it is consistent with Comprehensive Plan and would hate to cause library any undue hardship by asking them to move that corner. It is reasonable to grant variance and important to be done to allow funding to be provided for the project.

Member DeRosier stated the request fits with the Comprehensive Plan, if we had been unfortunate enough to not get funding to help with this project, this project would have never raised its head, the building has been there for years and we are moving ahead.

Member LeBlanc stated request is consistent with Comprehensive Plan and agrees with everything that was previously said.

Member Johnson agrees with everything that has been said by Commission members.

Motion by DeRosier, second Johnson to recommend to Council the approval of variance request by City of Silver Bay Library. MOTION CARRIED

Golf Course Subdivision- The preliminary plan review done by Bolton & Menk was tabled from previous meeting. French has met with Zoning Administrator in an effort to create zoning that would fit with the community, he presented proposed residential subdivision zoning plans. Commission reviewed the proposed creation of Section 1210.14 Golf Course Residential zone. Discussion followed regarding modifications from the current Forest Reserve District, sewer/wells, preservation of trees, lot sizes, setbacks, short-term rentals, height restrictions, secondary buildings, and home use occupation. Julie Jensen asked why short-term housing is being considered when Boathouse Bay is being built and if they are allowed will there be a public meeting regarding that. VanHouse stated that he feels the majority of the homes built in the Golf Course area will be rented out, but they don't have to be. LeBlanc stated there are only six short-term rentals allowed in the city proper. Discussion followed regarding how short-term rental ordinance was created, increasing the tax base, and preserving the integrity of Silver Bay. Julie Jensen asked if there had been a study regarding short-term rentals driving people out of the city. VanHouse clarified the proposed new zone is a draft only that needs review, public hearings, and approval. Further discussion regarding determining number of short-term rentals allowed, if the golf course management agrees to create housing in the area, the length of time this subject has had discussion on and the need to make a decision to either move forward cautiously or not. City Attorney Costley will review and make the necessary changes to amending Forest Reserve District, creating Golf Course Residential Zone and short-term rentals. Chuck Rathbone asked why the hurry to push project through, VanHouse replied that the project came to EDA and has been in planning for three years. Motion by French, second LeBlanc to move forward with setting a Public Hearing on Wednesday, September 4th at 4:00 p.m. to take public comment on establishing a new residential zoning district, amending current Forest Reserve District, and to modify short-term rental of intended uses. MOTION CARRIED. Discussion regarding setting special meeting to meet with Bolton & Menk to discuss preliminary plat, City Administrator Fralich advised to hold off on special meeting until all information is available.

NEW BUSINESS –

Cannabis- City Administrator has met with Lake County, City Attorney and other communities regarding Cannabis. She is requesting to start discussion soon relating to cannabis zoning. The County is allowed one license per 12,500 people. City Council has made its intent to look into doing a municipal store, that Planning & Zoning needs to prepare for possible businesses owning cannabis store by deciding where a retail store can be located, and have zoning in place by end of year. Cannabis discussion will be placed on the September 4th agenda.

Motion by Johnson, second French to adjourn at 5:25 p.m. MOTION CARRIED.

Minutes taken by Lisa Christenson