



CITY OF SPRING PARK
PLANNING COMMISSION AGENDA
OCTOBER 16, 2019 – 6:00 PM
SPRING PARK CITY HALL

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPT AGENDA
5. APPROVAL OF MINUTES
 - a. Planning Commission Meeting Minutes from September 11, 2019
6. CONSIDERATION/DISCUSSION ITEMS
 - a. 4636 Shoreline Drive (Rembrandt Landscapes) Conditional Use Permit Application
 - i. Staff Presentation
 - ii. Public Hearing
 - iii. Discussion
 - iv. Recommendation
 - b. Short & Long Term Rental Licensing Discussion & Recommendation
 - i. Staff Presentation
 - ii. Discussion
 - iii. Recommendation
7. COMMUNICATIONS
8. MISCELLANEOUS
9. ADJOURNMENT



CITY OF SPRING PARK
 PLANNING COMMISSION MINUTES
 SEPTEMBER 11, 2019 – 6:00 PM
 SPRING PARK CITY HALL

1. CALL TO ORDER - The meeting was called to order by Acting Chair Mason at 6:05 p.m.
2. PLEDGE OF ALLEGIANCE – Acting Chair Mason led the audience in the Pledge of Allegiance.

3. ROLL CALL

Planning Commissioners Present: Michael Mason, Acting Chair; Max Avalos; Pete Kaczanowski; and Bruce Homan (arrived 6:10 p.m.)

Planning Commissioners Absent: Jeff Hoffman, Chair

Staff Present: Dan Tolsma, City Administrator; Al Brixius, City Planner; Scott Qualle, Building Official; David Anderson, Assistant City Attorney; and Theresa Schyma, City Clerk.

Others Present: Catherine Kane Palen, City Council Member/Planning Commission Ex-Officio and Pamela Horton, City Council Member/Planning Commission Ex-Officio Alternate

4. ADOPT AGENDA

M/Avalos, S/Kaczanowski to approve the agenda.

Motion carried 3-0

5. APPROVAL OF MINUTES

- a. Planning Commission Meeting Minutes from August 21, 2019

M/Avalos, S/Mason to approve the minutes.

Motion carried 3-0.

6. CONSIDERATION/DISCUSSION ITEMS

- a. Short & Long Term Rental Licensing Public Hearing & Discussion

City Planner Brixius provided a summary of the proposed ordinances including changes that have been made following previous discussions at the July 10 and August 21 Planning Commission meetings. He further discussed his conversations with Hennepin County's Environmental Health Program Manager regarding short-term and long-term rental properties in the county. The county encouraged regulating short-term rental properties on a local level since the county does not regulate these properties. He also discussed the misinformation that has been circulating regarding a supposed duplication of efforts with the county and state regulations for rental properties.

M/Avalos, S/Mason to open public hearing at 6:39 p.m.

Motion carried 4-0.

Tom Lhotka, 2450 Island Drive #307, stated he is against the proposed ordinance. He understands the importance of safety but stated inspections should be left up to property owners and renters on a case by case basis. He is concerned about privacy issues.

Robert Rich, 4626 West Arm Road, stated he is against the proposed ordinance and thinks there are better uses of city resources than this ordinance.

City Administrator Tolsma discussed ordinance process with the Planning Commission and City Council.

Tom Wallis, 2470 Island Drive, stated he is against the proposed ordinance. He believes the semi-annual inspections conducted by his landlords are sufficient and he is concerned about violations to his privacy and his fourth amendment rights.

K.D. Koecheler, 2450 Island Drive, stated she is against the proposed ordinance as it is an invasion of privacy. She has been a renter in Spring Park for over 24 years and believes that the landlords should be allowed to inspect the units but not the building inspector. She further believes that the cost of this ordinance is more than has been presented since the landlord will be forced to make repairs and the cost of those repairs will be passed on to the renters. She added that if this ordinance passes, she believes there will no longer be any affordable housing left in Spring Park.

Amanda Gorra, 8201 Stone Creek Drive, Chanhassen and part owner of Park Island Apartments, stated she is against the proposed ordinances because as they are being presented they need changes. She further asked for clarification on short-term rentals being allowed in Spring Park.

City Planner Brixius discussed the history and process of the proposed short-term rental ordinance.

Ms. Gorra said the complaints that the City has received are mainly for short-term rental properties so the City needs to further differentiate the differences between the two proposed ordinances. She stated that long-term rental housing is for homes not party houses. She added that technically the proposed licensing fee is correct for price per unit per month but it does not factor in the amount of money needed for a property owner to get administrative search warrant if necessary, having to pay caretakers to accompany inspectors, and also any costly fixes that are deemed necessary by the building inspector. She added that passing this ordinance would push out affordable housing landlords and believes re-inspection fees incentivize inspectors to find fault where there truly is no problem.

Steve Bedell, owner of a rental property at 4323 Shoreline Drive, stated he is against the proposed ordinance and believes there is a conflict with asking a rental property owner to hold their property to a higher standard than a homesteaded single family property owner. He further asked for the statistics regarding complaints.

City Planner Brixius responded that there is not a log of rental complaints because there is no ordinance for City staff to resolve the issues so they simply need to refer them elsewhere. However, complaints are definitely received by City staff regarding rental properties in Spring Park.

Acting Chair Mason responded that the reason for the ordinance is for basic health and safety.

City Planner Brixius added that the homesteaded owner of a single family home is putting themselves at risk in their own home; however, the situation is different when a tenant is unaware that they are putting themselves at risk when moving into a property that they are assuming is safe but has never been inspected and is unaware if the property has any major health and safety issues. He reiterated that the reasoning for proposed ordinance is to create minimum standards for health, safety, and welfare.

Josh Leddy, 4400 West Arm Road, supports the proposed short-term rental ordinance from a resident perspective but also as a business owner in Spring Park. He added that he does not want short-term rental properties to be classified as party houses. He stated there are not any local accommodations when friends and family are in town so visitors need to stay further away and spend a lot more money.

Fred Puzak, owner of 4400 West Arm Road, Lord Fletcher's Apartments, stated he is against the proposed ordinance because he has never had any complaints from his tenants. He believes the presented cost estimate is not realistic because landlords will need to factor in the costs to have caretakers accompany building inspectors. He also believes the City displays anti-tenant behavior in how they bill multi-family buildings for utilities and because renters need to pay for recycling services when single-family homeowners do not need to. He added that he believes the City is using a solution to try and find a problem which is government overreach.

Sarah Reinhardt, 4490 West Arm Road, stated she is not in favor of allowing short-term rental properties in Spring Park. She discussed specific goals in the City's Comprehensive Plan that are not in agreement with allowing short-term rental properties. She added that the City is already promoting Lake Minnetonka so it is not necessary to offer lodging for the entire lake community. She further stated that of the 14 cities on the lake, Spring Park is ninth in population so she is questioning why a city of this size is taking on the burden of short-term housing for the rest of the lake area since many other communities on the lake do not allow them. She stated that she likes her neighborhood and doesn't want short-term rental properties allowed in the R-1 District.

Randy Bickman, 4652 West Arm Road, stated he is opposed to the proposed ordinances especially since there are no complaint statistics to support the need for them. He presented the State's Landlord and Tenant Handbook and stated that everything in the proposed ordinances is already covered by this handbook. He stated he does not believe the presented cost of licensing is accurate and that fees will continue to increase.

Bud Groth, 4467 and 4469 Lafayette Lane, stated he supports both the proposed short-term rental and long-term rental ordinances. He added that the City needs to protect itself when it comes to

health and safety issues. He further stated that he enjoys using short-term rental properties when he is traveling and thinks they are an advantage for the City. He believes the proposed rules for short-term rentals are sufficient to protect the neighborhood.

Ian Maloney, 4710 West Arm Rd, stated he is against allowing short-term rental properties in the City. He likes his neighborhood because it is quiet and part of how they enjoy the lake. He believes allowing short-term rental properties in his neighborhood would increase noise and intrude on the neighborhood. He added that he does not believe that short-term renters are bad people but they are transient and do not consider the needs of the neighborhood when they are in town and wanting to make every minute count while they are on Lake Minnetonka. He further stated that he was told by a realtor that if there is a short-term rental property nearby that he would have to disclose that information if he decided to sell his property and that would hugely impact his ability to sell. He believes allowing short-term rental properties will change the makeup of the neighborhood and ruin his enjoyment of the lake.

Anton Reder, owner of 3946 and 3948 Shoreline Drive and current short-term rental operator, asked when the proposed ordinances are expected to be enacted because he is definitely not going to allow building inspectors into his home and will not pay the City any money towards licensing and inspections.

Gina Machenehl, 4400 West Arm Road, enjoys renting and has been living in Spring Park for 14 years. She wanted to know what kind of fees would be charged if an inspector got injured by a pet while inspecting her home.

Ms. Koecheler stated she would need to take off of work during an inspection because she would want to be present to ensure that her personal belongings don't go missing.

MaryAnne Koran, 4400 West Arm Road, stated she is against the proposed long-term rental ordinance. She believes landlords are already taking care of their properties and that any costs associated with passing this ordinance would ultimately be paid for by the tenants. She stated she is also concerned about the safety of animals during the proposed inspections.

Mr. Puzak stated that he believes the proposed inspections process is onerous and that red tape is being added for no reason. He encouraged the Planning Commission to reject the proposed ordinance for long-term rental licensing.

Joanna Widmer, 3882 Sunset Drive, stated she is against the proposed long-term ordinance since she owns a rental property next door to her home and she has never had an issue.

Mr. Groth stated there are currently only a handful of short-term rental properties in the City so maybe there really isn't a problem that the City is trying to solve.

Mr. Rich asked how many complaints the City receives per year because he agrees with previous comments that perhaps the City is trying to fix something that isn't broke.

City Administrator Tolsma reiterated that there is not a complaint log for rental properties because there is currently no ordinance in place that would allow City staff to resolve the issues. However, he stated that City staff receive approximately five to ten complaints per year but the caveat is that

many of the complaints are for serious issues. He further stated that currently short-term rental properties are not even allowed in the City.

Josh Clemons, 2486 Black Lake Road, stated he supports the proposed short-term rental ordinance because it gives options to families that are visiting the area. He believes that the success of short-term landlords is highly dependent on their ratings so they take care of the properties. He further stated that he understands the tenant concerns that have been raised tonight about affordable rent and privacy issues for long-term renters; however, he stated that he rented at Park Island Apartments for three years and experienced a lot of deferred maintenance and saw many violations while he lived there with his children. He added that he feels bad that the tenants have been stirred up by fear-mongering.

Mr. Puzak submitted a petition to City staff with the signatures of 28 of his residents who are strongly opposed to the rental licensing ordinance.

City Administrator Tolsma announced that three written comments were received from residents prior to the public hearing that were forwarded to the Planning Commission. Written comments were received from:

- Michael Schofield, 4400 West Arm Road
- Bob & Gloria Rich, 4626 West Arm Road
- Mark Melby, 4712 West Arm Road

M/Avalos, S/Mason to close the public hearing at 7:51 p.m.

Motion carried 4-0.

City Administrator Tolsma and Assistant City Attorney Anderson discussed the options available to the Planning Commission regarding the proposed ordinances.

Acting Chair Mason believes the comments from tonight should be considered.

Commissioner Avalos added that he would like Chair Hoffman to have the opportunity to be part of the final discussion. He further stated that he would like City Planner Brixius to address the ramifications of not adopting the long-term ordinance.

Commissioner Homan stated that the long-term ordinance cannot be a one-size-fits-all approach since the apartment buildings have different issues than single-family rentals. However, he stated that the Commission would not be fulfilling their obligation if they didn't address the conditions of long-term rentals in the City based on the visible evidence that some of the rental properties in Spring Park are rundown and the conditions are concerning.

Commissioner Avalos stated that the tenants that spoke tonight were not speaking out against their landlords; they were more concerned about privacy issues and rent increases.

City Building Official Qualle responded that sometimes tenants are afraid to complain in a public setting when they know their landlord is going to be in attendance.

Acting Chair Mason stated that the inspections are not about vanity; the inspections are for basic health and safety issues.

Acting Chair Mason asked if landlords are going to increase rent for tenants and accelerate the costs of licensing and repairs.

City Planner Brixius stated that the testimony of landlords from tonight's public hearing was that the inspections were going to mandate improvements and that the improvements are going to expand the cost per unit and that cost would be passed on to the renter. However, he added that in reality if those health and safety improvements aren't made then the building condition will continue to deteriorate. He stated that the City can only control the cost of inspection, not the cost of repairs.

Commissioner Homan asked if the proposed ordinances are trying to solve problems that don't exist.

City Planner Brixius responded that perhaps some of the testimony tonight may not be representative of the actual building conditions of rental properties in the City; there are clearly very rundown and potentially unsafe properties in the City.

City Administrator Tolsma stated that another aspect of the proposed ordinances is that, while the City can rely on complaints, isn't it part of the City's responsibility to know that the housing stock is safe? Just because the City doesn't receive a complaint from a person that is happy living in their current situation does not necessarily mean that their housing unit is habitable. Does the City want to have minimum safety standards throughout the City?

Commissioner Homan stated the proposed ordinances are setting a standard for the city. He then questioned if it is someone's right to put their own safety into question and live in a garage or in unsafe conditions if they so choose.

City Clerk Schyma responded that City staff sometimes need to consider worst case scenarios and in regards to this ordinance that is when children are living in unsafe conditions. An adult may have a choice to live in unsafe conditions but does a child have that same choice. She added that the proposed rental ordinances are policy decisions that the Planning Commission and City Council need to consider but there are children living in some of the properties that appear very rundown and unsafe.

Council Member Kane Palen stated that sometimes life can get busy and you don't notice things that aren't basic safety measures when moving into a new rental property. She added that protecting the safety of children in the City is important.

City Planner Brixius reminded the Planning Commission that at some point a decision will need to be made.

Mr. Clemons added that the Commission is really considering the first shot at this ordinance; there is nothing saying that it cannot be amended at a later date to deal with situations as they arise.

M/Mason, S/Kaczanowski to table the discussion regarding short-term and long-term rental licensing to the October 9, 2019 Planning Commission meeting.

Motion carried 4-0.

7. COMMUNICATIONS

City Administrator Tolsma provided an update on the plaques at the City's two parks.

The Planning commission requested an update on forfeited properties at a future meeting.

8. MISCELLANEOUS – None.

9. ADJOURNMENT

M/Avalos, S/Homan to adjourn the Planning Commission Meeting at 8:36 p.m.

Motion carried 4-0.

Date Approved: October 16, 2019

Dan Tolsma, City Administrator

Theresa Schyma, City Clerk



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PLANNING REPORT

TO: Dan Tolsma
FROM: Alan Brixius / Ryan Saltis
DATE: October 10, 2019
RE: Rembrandt Landscapes Site/Building Plan Review with CUP for Outdoor Storage and Outdoor Sales
FILE NO: 175.01 19.05

BACKGROUND

Rembrandt Landscapes has submitted an application for a building/site plan review and a Conditional Use Permit for outdoor sales displays and outdoor storage for property located at 4636 Shoreline Drive. The proposed site plan is for outdoor storage and outdoor sales of landscaping materials. The proposal includes the installation of concrete storage bays surrounding the perimeter of the southeast section of the property and a paved surface for added parking stalls.

The site is zoned C-1, General Commercial. Under the C-1 zoning district retail sales and service businesses are permitted uses and outdoor storage and outdoor sales are allowed as conditional uses. The site currently has a building on the west side of the property that will be used as Rembrandt's office/retail space and indoor storage. The site is adjacent to Shoreline Drive to the south, C-1 zoning to the east and west, and the Dakota Rail Trail to the north.

Attached for reference:

- Exhibit A: Site Plans
- Exhibit B: Site Survey
- Exhibit C: Building Blueprints
- Exhibit D: Building and Outdoor Storage Elevations

ANALYSIS

Zoning.

The subject site is zoned C-1, General Commercial. Within the C-1 zoning district, outdoor storage and outdoor sales are allowed by conditional use with conditions outlined in the city's zoning ordinance:

(2) Accessory **outdoor sales/rental displays** subject to the following conditions:

- a. Submission of a site plan for review and approval of the zoning administrator that illustrates the size and location of the sales/rental display area and shows compliance with zoning performance standards.

Staff Comment: Rembrandt Landscapes has submitted site plans to city staff on 9-16-19 for review. The site plans illustrate that the proposed outdoor sales/display area are located within an excavated portion of the property on east of the building. The landscape material storage bays running parallel to Shoreline Drive. This location has been excavated and lies well below the street grade. This lower elevation serves to visually screen the outdoor sales displays and outdoor storage uses.

- b. Outdoor sales/rental displays shall be accessory to the principal use and building on the site. The sales/rental display area shall be defined on the site in a measurable form so the zoning administrator may verify the size of the approved sale/rental display area.

Staff Comment: The outdoor sales/rental displays are accessory to the principal use and building on the site. The principal building shall be used as retail and office space with indoor storage on the lower level. The outdoor sales will include storage bays for several different landscaping materials and plants.

- c. Outdoor sales/rental display areas shall have a paved surface consisting of asphalt, cobblestone, paver block, or concrete. Pervious pavement materials may be permitted subject to review and approval by the city engineer. No sales/rental display shall be located in a landscaped area of the site as defined in subsection [42-64\(j\)\(5\)f.2.](#) of this article.

Staff Comment: The existing hard pack and concrete will be used for the outdoor sales display areas for the time being. The applicant has expressed interest in future paving of the storage and sale area.

- d. Outdoor sales/rental display areas shall not be located within a public right-of-way.

Staff Comment: The outdoor sales display areas are separated from Shoreline Drive by landscape buffers such as trees and shrubs as well as the site grade that lies lower than the street grade. The display areas are not located within this public right-of-way.

- e. Outdoor sales/rental display areas shall be located on the site in a manner that does not interfere with on-site parking or traffic circulation.

Staff Comment: Additional on-site parking will be added to the property in the center of the lot and along the east side of the building. With the proposed parking in the center of the surface lot, along with 24-foot separation between the parking area near the east side of the building, the site plans display proper spacing that will allow vehicles and machinery to move safely around the site.

- f. Outdoor sales/rental display areas shall be screened from view of abutting R residential zoning districts in compliance with subsection [42-64\(j\)](#) of this article. Screening shall not be required where the sales/rental display area is located on the street side of the site.

Staff Comment: The outdoor sales display areas do not abut any residential zoning districts. The outdoor sales display area is screened from view by landscape buffers from Shoreline Drive to the south of the site, commercial areas to the east and west and the Dakota Rail Trail to the north. Trees, shrubs and other landscaping that surrounds the perimeter of the property. Significant differences in grade elevation also provide screening for the outdoor sales display areas and outdoor storage. The applicants plan shows new plantings to be added to the property. The landscape plan must be revised to identify the location, number, type and size of trees or shrubs to be added to the site.

- g. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with subsection [42-63\(h\)](#) of this article.

Staff Comment: A lighting plan shall be required to be submitted for review and approval if the business is proposing any exterior lighting of the parking and lower surface lot. The lighting plan shall be in compliance with city code subsection [42-63\(h\)](#) *Exterior lighting*, which provides regulations for light intensity, location of exterior lights, and performance standards based on zoning. All lighting shall be 90 degree cutoff light fixtures with shielded light sources.

- h. Adequate parking remains after establishing the sales/rental display area to meet the requirements of [section 42-67](#) of this chapter.

Staff Comment: Based on the uses and square footage of the building and display areas on site, the required parking will be 22 spaces. The site plan illustrates a total of 27 parking stalls comprising of 5 angled stalls located on the south side of the building, 6 stalls to the east of the building, and 16 on the interior of the proposed outdoor storage area.

The parking stall dimensions proposed on the site plans are 8'9" in width and 16' in length. Subsection 42-67(g)(5)a. of city code requires a minimum of 18' stall length for parking spaces. Stall numbers 5 and 6 on the site plans located east of the building appear that the dimensions are short and may need to be removed of the site plans. The applicant must submit a revised site plan that shows the proper stall dimensions to comply with city code. All parking stalls must be striped on site with the proper dimensions. Without immediate paving the applicant must outline a means for delineation the parking stalls on site.

The parking lay out within the storage area has the end stalls facing the sides of interior stalls. Curb stops will be needed to avoid cars encroaching into the interior stalls or hitting the cars occupying these spaces.

(3) **Outdoor storage as an accessory use provided that:**

- a. Outdoor storage shall not be located between a building façade and any street right-of-way.

Staff Comment: The site plan meets this condition.

- b. The outdoor storage area is fenced around its full perimeter.

Staff Comment: A fence is not proposed around the entire outdoor storage area. Due to the elevation grade change as well as the landscaping buffers of trees and shrubs surrounding the perimeter of the site, a fence will not be required around the entire proposed outdoor storage area. There is an existing fence along Shoreline drive. This fence shall remain and be maintained in good condition. Access gates will be needed north of the existing building to regulate vehicle access and movement into the storage area. Site plans will need to be altered to illustrate the location access gates. Applicant must provide a fence and gate detail along with the revised site plan.

- c. The outdoor storage area shall be screened from view of neighboring residential uses, residential districts, and/or the public right-of-way and public waters in compliance with subsection [42-64\(j\)](#) of this chapter.

Staff Comment: All outdoor storage will be screened by landscaping that surrounds the property and the significant change in grade between Shoreline Drive and the storage area. The applicant has provided a landscape plan showing additional screen plantings. This plan must be revised to show the location, number, type and size of new landscaping.

- d. Outdoor storage items shall not be stacked to a height that exceeds required fencing and screening.

Staff Comment: Outdoor storage is intended to be located at east side of the property. Due to the grade change from street level to the proposed outdoor storage area, items that are stored on the property will be visually screened from Shoreline Drive or neighboring properties.

- e. Outdoor storage areas shall comply with all required shoreland setbacks.

Staff Comment: This requirement is not applicable to this site.

- f. Outdoor storage areas shall be paved or surfaced with crushed stone to control dust. Permitted paving surfaces include asphalt, cobblestone, paver block, or concrete. Pervious pavement materials may be permitted subject to review and approval by the city engineer.

Staff Comment: Outdoor storage is expected to be located on existing hard pack and concrete. The applicant has provided a paving plan, but does not anticipate this will be an immediate improvement. The hard pack is adequate for the outdoor storage/ sales area provided the following conditions are met.

1. The applicant shall submit a grading, drainage and storm water management plan that can be approved by the City Engineer and the Minnehaha Watershed District.

2. The applicant provides a means for delineating the required number of parking stall in their proper dimensions on the site.

- g. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with subsection [42-67\(h\)](#) of this chapter.

Staff Comment: A lighting plan will be required if the applicant proposes exterior lighting of the parking area, lower lot, or outdoor storage areas.

- h. The outdoor storage area does not take up parking spaces required for compliance with [section 42-67](#) of this chapter.

Staff Comment: All outdoor storage will be located around the south and east perimeter of the property and shall not be allowed in required parking spaces on site. The site plans provide a total of 27 parking stalls on site with a requirement of 22 stalls for the site.

- i. The applicant shall include a list of items that will be stored outdoors as part of the conditional use permit. Storage of debris, trash, garbage, junk, hazardous waste, or items not related to the principal use of the site is prohibited.

Staff Comment: The applicant shall provide a list of all equipment and vehicles, materials, and plants that will be stored on the site and their locations to ensure that the lower surface lot offers proper maneuvering space for larger trucks. Specific landscaping materials shall be provided that are contained in the storage bays.

Setbacks.

The required setbacks in the C-1, General Commercial District are “No less than ten feet where abutting a local street or a residential district. No less than ten feet where abutting a county road or highway.” Based on the County Interactive map and site inspection the site improvement meet the required 10 foot setback from Shoreline Drive.

The site plan appears to extend beyond the property lines to the north of the site and intrude on the Dakota Rail Trail. This may be acceptable with evidence that the property holds a lease with the county for the use of portions of the trail property. Applicant must provide evidence of the Hennepin County Lease or easement for the use of their property or the site plan must be revised to illustrates that all uses and proposed improvements fall within the site’s property lines.

Impervious Surfaces.

Coverage shall not exceed 75 percent of the lot. Any improvements made that will result in increased rate of runoff entering a public water shall have structures and practices in compliance with the City’s Storm water Management Plan set in place for collection. Grading plans and stormwater management plans are needed for the

site. The drainage plan will need to consider any outdoor plants storage or sales area and their irrigation in the runoff estimates. All development plans shall require review and approval by the city engineer and the Minnehaha Creek Watershed District.

Building Materials.

The exterior building elevation plans submitted will not be an immediate change but will be included in future updated plans. The applicant will need to identify the exterior wall and roof materials of the new building façade. Materials used shall comply with **Sec. 42-355. – Exterior building elevations.**

- (b) *Principal building elevations.* The exterior wall surface of a commercial building abutting a public right-of-way or residentially zoned property shall be a combination of building materials including brick, stone, rock-faced block, decorated concrete panels, stucco, wood, concrete siding, E.I.F.S., replicants glass or metal panels. Metal panels shall not encompass more than 50 percent of the building elevation of the building abutting a public right-of-way or residential zoned property. Metal panels may be used on other exterior wall surfaces.

RECOMMENDATION

Based on our review of the plans submitted on behalf of Rembrandt Landscapes dated September 16, 2019, staff recommends approval of Site and Building plans and a Conditional Use Permit for outdoor sales/rental displays and outdoor storage with the following conditions:

1. Site plans shall submit a revised site plan that illustrates the following:
 - a. The site plan shall illustrate a minimum of 22 parking stalls on site that are dimensioned to be a minimum 8'9" x 18' with a 24' wide drive aisle.
 - b. The site plan will outline how these parking stalls will be striped or delineated on the site.
 - c. The site plan shall illustrate the location and size of the storage areas for business vehicles, equipment, plants on the site and demonstrate traffic circulation through the site.
 - d. Applicant shall provide a list of equipment, landscaping material and plants to be stored on the site. No storage of hazardous material, junk, refuse, inoperable equipment, or vehicles or equipment directly to the operation of the business shall be stored on the site.
 - e. Storage or sales shall not occupy required parking area and shall be limited to the size and location identified on the site plan.

- f. The revised site plan shall illustrate the location of a fence and gate at the west end of the property to control access to the outdoor storage/ sales area. Applicant shall submit a detail of the fence and gate for city staff approval.
 - g. The fence along the south edge of the outdoor storage area shall remain and kept in good repair.
2. A grading /drainage and storm water management plan shall be submitted that addresses the following:
 - a. The grading plan shall show any changes in site grades.
 - b. The storage bins that contain dirt, sand or any erodible materials must show how these materials will not wash into the parking area or into storm water areas.
 - c. The grading and drainage plan shall illustrate proposed drainage patterns.
 - d. The applicant shall submit storm water runoff calculation for the site assuming the outdoor storage / sales / parking area will be paved. These calculations must include runoff estimates from irrigation of the plants stored on this site.
 - e. Proposed storm water retention and treatment improvements.
 - f. The grading/ drainage and storm water management plans must meet the standards of the city and Minnehaha Watershed District and will be subject to the review and approval of the City Engineer and Watershed District.
3. Building improvements. The applicant shall secure submit plans and secure required building permit for any and all interior or exterior building modifications for the change of use. Any exterior changes to the building shall comply with the commercial building architectural guidelines outlined in the Spring Park Comprehensive plan. For all exterior improvements the applicant shall submit the wall and roof materials must be submitted for the proposed building façade.
4. If the business is proposing any exterior lighting changes or the introduction of new exterior lighting for the parking and lower lot; a lighting plan shall be submitted that that shows the light locations, and photometric levels across the lot and at property lines. All exterior light shall be 90-degree cutoff light fixtures with shielded light sources.
5. The Applicant shall provide proof of a Hennepin County lease agreement or license to use the county right of way along the Dakota Rail Trail. If this cannot be provided, all site uses and improvement s must be located on the subject site.
6. Applicant shall provide a revised Landscape plan that illustrates the location, number, type and size of all new landscape plantings.
7. The aforementioned items shall be submitted and approved prior to taking building or site occupancy.

Cc. Theresa Schyma
Brian Hare
Scott Qualle
Matthew Kallas

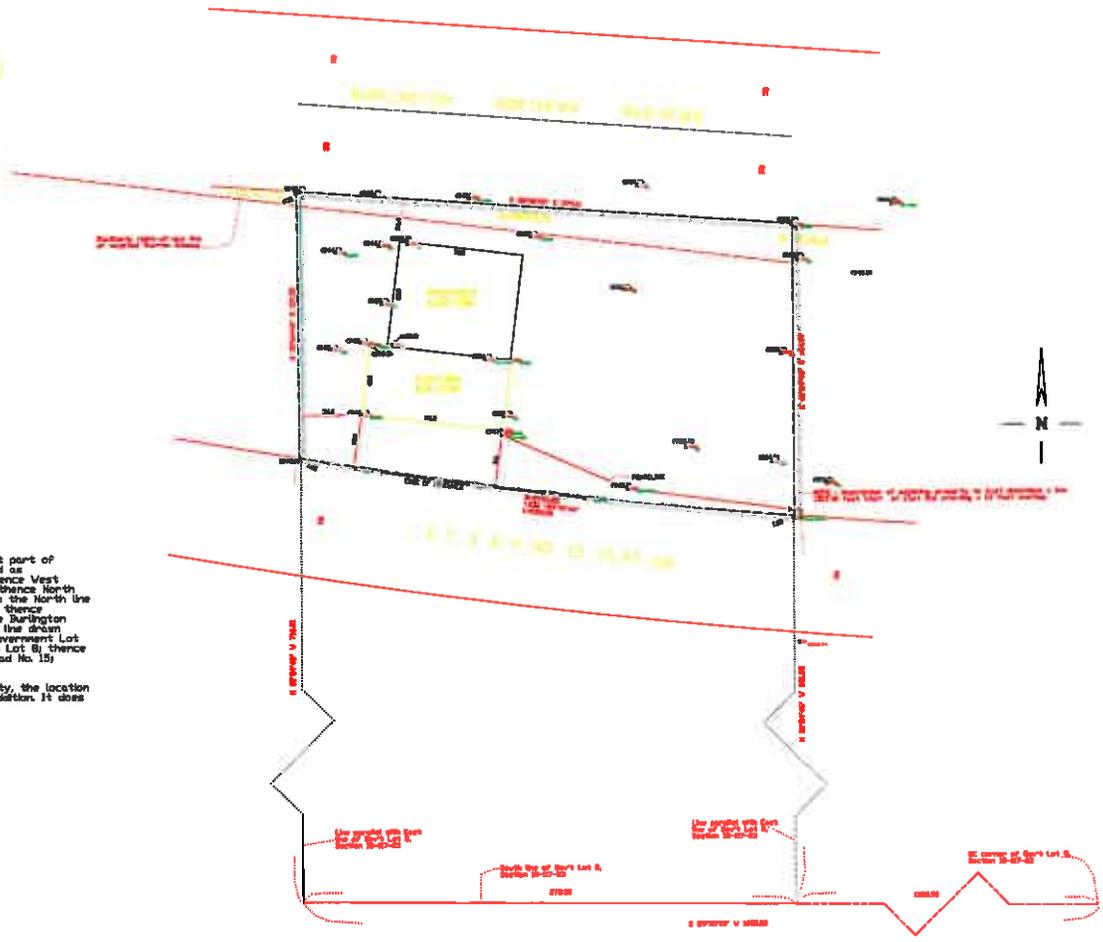


1 Overall Site Map
Scale: 1/16" = 1'-0"

DESIGNED BY Matt Koller	DATE 8-18-10	SCALE AS SHOWN	 REMBRANDT LANDSCAPES OF LIGNUM IN MANITOBA
ADDRESS 4636 Shoreline Drive	PROJECT NO. 1000000000	DATE 8-18-10	
CLIENT Building 002 new contours	PROJECT NO. 1000000000	DATE 8-18-10	SCALE 1/16" = 1'-0"

A

**CERTIFICATE OF SURVEY FOR
MARC MILLET
IN DISTRICT 8, SEC. 18-17-10
KENNEDY COUNTY, MINNESOTA**



LEGAL DESCRIPTION OF PREMISES

That part of Government Lot 8, section 18, Township 117, Range 23 and that part of vacated Varven Avenue dedicated in Townships of Langdon Park, all described as follows: Commencing at the Southeast corner of said Government Lot 8; thence West along the South line of said Government Lot 8 a distance of 1326.30 feet; thence North parallel with the East line of said Government Lot 8 to an intersection with the North line of County Road No. 15 said intersection being the actual point of beginning; thence North, parallel with said East line to the Southern right-of-way line of the Burlington Northern, Inc.; thence West along said Southern right-of-way line to a line drawn North, parallel with said East line from a point on the South line of said Government Lot 8 distant 1605.00 feet West from the Southeast corner of said Government Lot 8; thence South along the last described parallel line to the North line of County Road No. 15; thence East along said North line to the point of beginning.

This survey intends to show the boundaries of the above described property, the location of an existing building thereon, and the proposed location of a proposed addition. It does not purport to show any other improvements or encroachments.

- o : Iron marker found
- o : Iron marker set
- ele : Existing spot elevation, mean sea level datum
- Bearings shown are based upon an assumed datum

445 N. VILLOV DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435

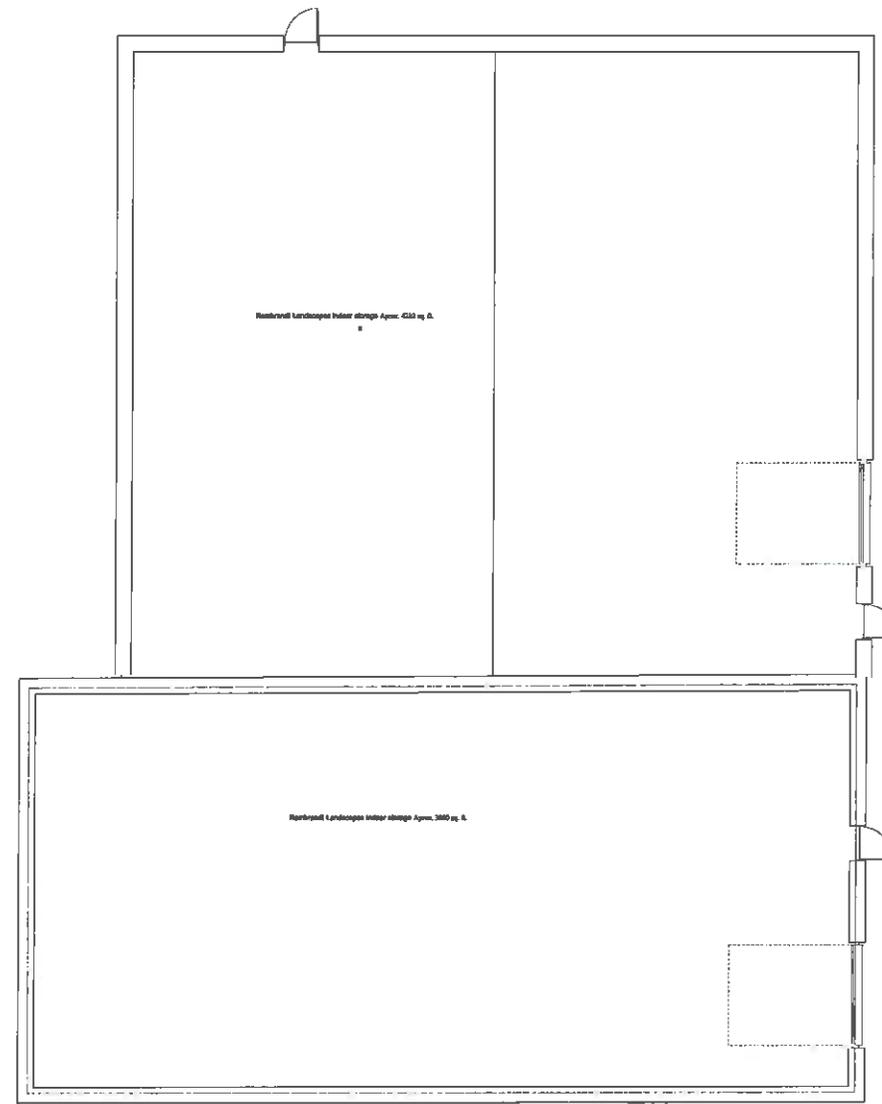
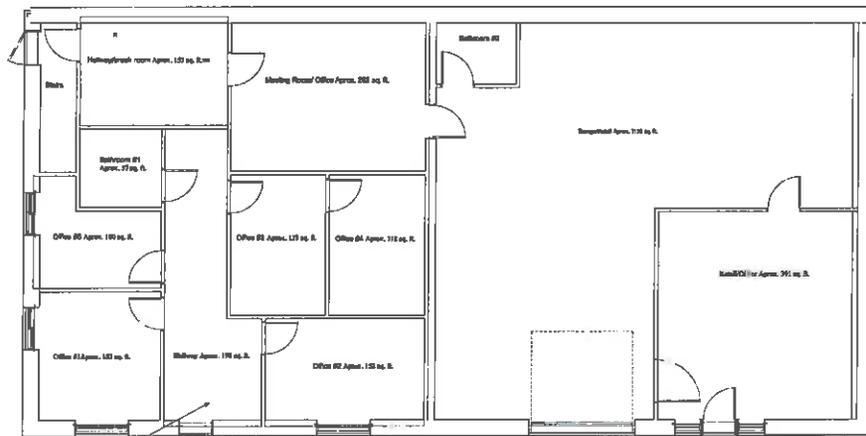
REVISIONS
DATE: 08-10-10

1 Site Survey
Scale: 1/32" = 1'-0"

DESIGNED BY Matt Kufus	DATE 9-16-10
ADDRESS 4636 Shoreline Drive	
CITY/TOWNSHIP Langdon Park	
COUNTY Kennedy	
STATE Minnesota	
PROJECT Building 658 new addition	



B



Rembrandt Landscapes
Rembrandt Office

1 Main Floor Office/Retail Space
Scale: 3/16" = 1'-0"

2 Lower Level Building Line
Scale: 3/16" = 1'-0"

Prepared by Matt Kallas	DATE 6-16-10	SCALE 3/16" = 1'-0"	 REBRANDT LANDSCAPES <small>RE-DESIGNED BY T. M. B. L. A. N.</small>
Address: 4636 Shoreline Drive	Drawn by	Checked by	
Client/Project Building 002 new construction	DATE 6-16-10	SCALE 3/16" = 1'-0"	SHEET 004-5 OF 6



1 Front Perspective
Scale: 3/8" = 1'-0"



2 Street View Landscaping Detail
Scale: 3/16" = 1'-0"



3 Storage Area Perspective
Scale: 1/8" = 1'-0"

DESIGNED BY	Matt Kallas	DATE	9-18-19
ADDRESS	4836 Sherwin Drive	CITY	ROSELAND, NJ
PROJECT NO.	2019090001	SCALE	AS SHOWN
DATE PLOTTED	9/18/19 10:44 AM	PLOTTED BY	AMK
REVISIONS		DATE	
Building 002 new concrete adobe		9/18/19	AMK



U



1 Storage/Parking Perspective existing crushed stone surface
Scale: 1/2" = 1'-0"



2 Storage Area Perspective
Scale: 3/16" = 1'-0"

Designer Matt Kofas	 REMBRANDT LANDSCAPES <small>OF PALM BEACH COUNTY, FLORIDA</small>
Date: 9-16-19	
Address: 4636 Shoreline Drive	<small>1000 S. Dixie Highway, Suite 100 Palm Beach Gardens, FL 33418 Tel: 561-991-1111 www.rembrandtlandscapes.com</small>
Project No.	
Client Name	<small>1000 S. Dixie Highway, Suite 100 Palm Beach Gardens, FL 33418 Tel: 561-991-1111 www.rembrandtlandscapes.com</small>
Project Description Building 002 new outdoor storage	<small>1000 S. Dixie Highway, Suite 100 Palm Beach Gardens, FL 33418 Tel: 561-991-1111 www.rembrandtlandscapes.com</small>



NORTHWEST ASSOCIATED CONSULTANTS, INC.

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422
Telephone: 763.957.1100 Website: www.nacplanning.com

PLANNING REPORT

TO: Dan Tolsma
FROM: Al Brixius / Ryan Saltis
DATE: October 10, 2019
RE: Rental Housing
FILE NO: 175.01 18.18

BACKGROUND

A public hearing was held in September regarding long-term and short-term rental housing in Spring Park. This was the third and final public hearing held for this topic. There were a mix of old and new concerns by community members which were brought up to city staff and the planning commission. These concerns were taken into account with further research conducted and are outlined in the analysis section below.

ANALYSIS

Residents questioned why a long-term rental housing ordinance is needed in Spring Park City Code if the owner/landlord already inspects the rental building and units.

- It is currently unknown to the city how often rental properties are inspected, if at all, and who conducts these inspections, whether it is the owner/ landlord or a hired inspection agency.
- The city does not have any information as to what standards are being used by private inspectors.
- Within the proposed housing code, uniform standards are set for who inspects rental properties (MNSPECT) and how often (2 or 4 years depending on the assigned tier of a property). This creates a uniform approach and gives tenants protection knowing that they are renting a unit that is safe, secure and sanitary.

- Apartment rental buildings in Spring Park are only increasing in age and as a result, maintenance and upkeep will also increase. Concerns of physical conditions also rise as properties and units get older.
- Without uniform standards for what is suitable to live in, landlords may unknowingly ignore concerns or risks within a rental unit.
- The term "Fit to live in" is an undefined term that is currently determined by the landlord. This is problematic due to relying on a person's judgement rather than following a set of standards.
- Cheap rent in the city should not be determined by a higher risk level to health or endangerment of safety resulting from a lack of maintenance on a building or unit.

The table below illustrates the current apartment rental stock in Spring Park, when they were built and how long the buildings have been operating:

Spring Park Rental Properties			
Address	Year Built	Age	Building Name
2470 Island Drive	1978	41 Years	Park Island West Apartments
2450 Island Drive	1974	45 Years	Park Island Apartments
2380 Island Drive	1969	50 Years	Spring Park Apartments
4601 Shoreline Drive	1984	35 Years	Parkshore Apartments
4400 West Arm Road	1972	47 Years	Lord Fletcher's Apartments
4177 Shoreline Drive	1967	52 Years	Minnetonka Edgewater Apartments
4201 Sunset Drive	2005	14 Years	The Mist Apartments
2400 Interlachen Road	1968	51 Years	Bayview Apartments

- The average age of an apartment building in Spring Park is 42 years old.

- It is unknown how many times inspections have been conducted on the building and each individual unit within the apartment building.
- By having one inspection service provider in the city, it will be known when these properties were inspected and will be universally reliable.

Privacy was also a concern with residents for inspections in long-term rental properties.

- Inspections of long-term rental buildings and individual units will be scheduled with cooperation of the owner/landlord. The landlord will then notify the tenant of when their unit will be inspected.
- Inspectors will not show up to inspect units at random or without permission. When renting an individual unit, there are rights that both the landlord and tenant must obey regarding privacy and access to that unit.
- As a tenant who pays rent to a landlord or owner, tenants do not have full privacy as if they were the owner of a house.
- According to the Landlords and Tenants Rights and Responsibilities Handbook provided by the State of Minnesota, owners or landlords of a property are only generally allowed to enter a tenant's unit for a "reasonable business purpose" after making good faith effort to give the tenant reasonable notice.

Examples of a reasonable business purpose include:

1. Showing the unit to prospective tenants
2. Showing the unit to a prospective buyer or business agent
3. Performing maintenance work
4. Showing the unit to state, county or local officials (i.e. fire, housing, health, or building inspectors) inspecting the property

According to the fourth example of a reasonable business purpose, tenants must allow local officials to enter their property.

- A tenant's right to prior notice may not be waived in any residential lease. However, the landlord may enter the unit without giving prior notice in the following situations:
 1. When immediate entry is necessary to prevent injury to persons or property because of conditions relating to maintenance, building security, or law enforcement.

2. When immediate entry is necessary to determine a tenant's safety.
 3. When immediate entry is necessary to comply with state law or local ordinances.
- An inspector will also be available for inspection of the property if the invitation of the tenant is to verify a complaint and issue a correction notice of a needed repair.

Short-term guests renting out houses with small lot sizes in Spring Park could potentially disrupt the quaint community feel, and cause disrupting behavior.

- This is the primary concern for neighboring residents of allowing short-term rental properties in Spring Park. With small lot sizes and with most residential areas being located on Lake Minnetonka, disturbances between neighbors may result.
- Renters of short-term vacation homes are most likely going to act differently than if they lived there or were renting for long periods of time.
- Disturbances at short-term rental properties will be handled primarily by law enforcement and city staff will be keeping track of these disturbances to determine the punishment.
- Law enforcement should be the first contact if renters show signs of disorderly behavior, as city staff cannot be available 24/7.
- While the rental duration will be short, the frequency of turnover is not regulated. The rental unit may be occupied by different tenants year-round.

Is every apartment going to be initially inspected for long term rental?

- Every apartment in Spring Park that is rented will initially be inspected.
- Inspections will be conducted to ensure the property is safe, sanitary and secure.
- The rental license inspection process is meant to protect both the property owner and the tenant.
- Tenants will rely on local housing inspection for the physical conditions of rental properties. Most tenants do not have former knowledge of how to inspect the utilities, the appliances, the electrical system, the plumbing, heating, and the lights before signing a lease to rent.

- Inspections will be charged to the landlord of the building, not individual tenants. It is then up to the landlord in whether they decide to charge individual tenants for the inspection service conducted by the city.

Do Hennepin County or the State of Minnesota have jurisdiction or ordinances on the rentals issued in Spring Park?

- Hennepin County and the State of Minnesota give jurisdiction to the city for inspections and regulations.
- Each city has its own zoning authority and ordinance governing activities associated with single family zoning areas within city limits. The city may prohibit short-term rentals, vacation homes or bed and breakfasts.
- Hennepin County and the State of Minnesota only inspect commercial lodging such as hotels, motels and half-way houses and do not inspect bed and breakfasts.

Is Spring Park the only city on Lake Minnetonka to allow short-term rental properties?

- Spring Park would be the first city located on Lake Minnetonka to allow short-term rental properties if the ordinance is adopted.
- Some cities such as Mound have prohibited short-term rental properties altogether and is written into City Code. Other cities do not have anything written in City Code regarding short-term rental properties.
- Although short-term rentals are prohibited in some lake communities, regulation is not a priority and properties located in these cities are still available for rent and can be found on vacation home rental websites.
- There are currently four properties in Spring Park that are operating as a short-term vacation rental. Without an ordinance change, this use is not identified as allowed in the residential zoning district and as such is prohibited per Section 42-9 of the zoning code.
- Short-term rentals are commercial uses within a residential district and transient lodging.

Can inspections occur after hours or on weekends?

- Inspections will mostly occur throughout the day from Mondays through Fridays.

- MNSPECT, the inspection service company that Spring Park plans to contract with, has set hours in which inspectors visit properties.
- MNSPECT is willing to consider after hours and weekend inspections at a higher rate of pay.

What about pets attacking inspectors?

- A landlord and inspector will schedule inspections allowing a reasonable amount of time for the notice of inspection to the tenants.
- All pets must be controlled on the property (kenned, leashed or removed from the property).
- Tenants will be held responsible for their pet when an inspection occurs due to the safety of the inspector.

Can we start logging all city complaints and keep for a specified time period?

- All complaints will be filed and kept in an electronic system to determine the amount of complaints that are attached to a property.
- With a certain amount of complaints, it will then be decided if there will be fines, suspension or license revocation.

A comment from the public hearing mentioned that it is unfair to renters that homeowners are not charged for inspections. Does this discriminate against renters?

- Landlords and Owners of properties are responsible for the maintenance and upkeep of their building or unit as well as the safety and security of their tenants.
- When you own a home, you are responsible for your own safety and security since the primary occupant of the property is yourself.
- In rental properties, the tenants have an expectation that the unit is a safe, sanitary and secure dwelling.
- Renters are reliant on the landlord for property maintenance. Tenants must abide by the landlord schedule for repair and response.

Costs for inspections

						Per Month Impact on	
	# of Units per Building	Cost per Building	Cost per unit	Total cost for facility	Total Cost per Unit	Tier Two Properties	Tier One Properties
SFD	1	\$0	\$125	\$125	\$125.00	\$5.21	\$2.60
Up to 4	2	\$100	\$75	\$250	\$125.00	\$5.21	\$2.60
	3	\$100	\$75	\$325	\$108.33	\$4.51	\$2.26
	4	\$100	\$75	\$400	\$100.00	\$4.17	\$2.08
S-25	5	\$250	\$50	\$500	\$100.00	\$4.17	\$2.08
	6	\$250	\$50	\$550	\$91.67	\$3.82	\$1.91
	7	\$250	\$50	\$600	\$85.71	\$3.57	\$1.79
	8	\$250	\$50	\$650	\$81.25	\$3.39	\$1.69
	9	\$250	\$50	\$700	\$77.78	\$3.24	\$1.62
	10	\$250	\$50	\$750	\$75.00	\$3.13	\$1.56
	11	\$250	\$50	\$800	\$72.73	\$3.03	\$1.52
	12	\$250	\$50	\$850	\$70.83	\$2.95	\$1.48
	13	\$250	\$50	\$900	\$69.23	\$2.88	\$1.44
	14	\$250	\$50	\$950	\$67.86	\$2.83	\$1.41
	15	\$250	\$50	\$1,000	\$66.67	\$2.78	\$1.39
	16	\$250	\$50	\$1,050	\$65.63	\$2.73	\$1.37
	17	\$250	\$50	\$1,100	\$64.71	\$2.70	\$1.35
	18	\$250	\$50	\$1,150	\$63.89	\$2.66	\$1.33
	19	\$250	\$50	\$1,200	\$63.16	\$2.63	\$1.32
	20	\$250	\$50	\$1,250	\$62.50	\$2.60	\$1.30
	21	\$250	\$50	\$1,300	\$61.90	\$2.58	\$1.29
	22	\$250	\$50	\$1,350	\$61.36	\$2.56	\$1.28
	23	\$250	\$50	\$1,400	\$60.87	\$2.54	\$1.27
	24	\$250	\$50	\$1,450	\$60.42	\$2.52	\$1.26
	25	\$250	\$50	\$1,500	\$60.00	\$2.50	\$1.25

	# of Units per Building	Cost per Building	Cost per unit	Total cost for facility	Total Cost per Unit	Per Month Impact on	
						Tier Two Properties	Tier One Properties
26 & up	26	\$400	\$45	\$1,570	\$60.38	\$2.52	\$1.26
	27	\$400	\$45	\$1,615	\$59.81	\$2.49	\$1.25
	28	\$400	\$45	\$1,660	\$59.29	\$2.47	\$1.24
	29	\$400	\$45	\$1,705	\$58.79	\$2.45	\$1.22
	30	\$400	\$45	\$1,750	\$58.33	\$2.43	\$1.22
	31	\$400	\$45	\$1,795	\$57.90	\$2.41	\$1.21
	32	\$400	\$45	\$1,840	\$57.50	\$2.40	\$1.20
	33	\$400	\$45	\$1,885	\$57.12	\$2.38	\$1.19
	34	\$400	\$45	\$1,930	\$56.76	\$2.37	\$1.18
	35	\$400	\$45	\$1,975	\$56.43	\$2.35	\$1.18
	36	\$400	\$45	\$2,020	\$56.11	\$2.34	\$1.17
	37	\$400	\$45	\$2,065	\$55.81	\$2.33	\$1.16
	38	\$400	\$45	\$2,110	\$55.53	\$2.31	\$1.16
	39	\$400	\$45	\$2,155	\$55.26	\$2.30	\$1.15
	40	\$400	\$45	\$2,200	\$55.00	\$2.29	\$1.15
	45	\$400	\$45	\$2,425	\$53.89	\$2.25	\$1.12
	42	\$400	\$45	\$2,290	\$54.52	\$2.27	\$1.14
	50	\$400	\$45	\$2,650	\$53.00	\$2.21	\$1.10
	55	\$400	\$45	\$2,875	\$52.27	\$2.18	\$1.09
	60	\$400	\$45	\$3,100	\$51.67	\$2.15	\$1.08
	65	\$400	\$45	\$3,325	\$51.15	\$2.13	\$1.07
	70	\$400	\$45	\$3,550	\$50.71	\$2.11	\$1.06
	75	\$400	\$45	\$3,775	\$50.33	\$2.10	\$1.05
	80	\$400	\$45	\$4,000	\$50.00	\$2.08	\$1.04
	85	\$400	\$45	\$4,225	\$49.71	\$2.07	\$1.04
	90	\$400	\$45	\$4,450	\$49.44	\$2.06	\$1.03
	100	\$400	\$45	\$4,900	\$49.00	\$2.04	\$1.02

Does a homeowner need to disclose that a short-term rental property is located near them when looking to sell their house?

- Before signing an agreement to sell or transfer residential real property, the seller shall make a written disclosure to the prospective buyer.
- A disclosure is a document provided by the seller that reveals various problems that could affect the property's value or desirability.

- According to Minnesota State Statutes Section 513.55 “General Disclosure Requirements”, a seller of their home must disclose all material facts of which the seller is aware that could adversely and significantly affect:
 1. An ordinary buyer’s use and enjoyment of the property; or
 2. Any intended use of the property of which the seller is aware.

The disclosure must be made in good faith and based upon the best of the seller’s knowledge at the time of the disclosure.

Intent and Purpose of adopting rental housing ordinances:

- To maintain the quality of the city’s aging rental housing stock
- To ensure that all rental dwellings are safe, sanitary, and secure
- To provide landlords with a Certificate of Property Maintenance, showing proof of property inspection
- To provide a single standard of maintenance through the International Property Maintenance Code
- To allow the city to respond to renter complaints or poor housing conditions

CONCLUSION

City staff has recognized questions and concerns regarding the long-term and short-term rental housing ordinances that were brought up over the three public hearings held in Spring Park. Following these public hearings, city staff has been active in researching more into these questions to find answers and present findings to the planning commission to better understand the ordinances and make changes based on the relevance to the Spring Park community.