

**Florence Township Planning Commission  
Minutes - April 11th, 2022**

**Roll call:**

Ed Hruska, chair

Kristen Eide-Tollefson, secretary

Ryan Langhans

Heidi Hartzell

Ben Boege – excused absence

Present: MSA, Kate Eiyneck

Board of Supervisors, present for the hearings

A full room

**Call to Order 6:00**

- Pledge of Allegiance
  - Review and Approval of March Minutes
- Bill moves, Heidi seconds
- Open comment period - for any item not on the agenda

**MSA Update** - See attachments for staff findings and recommendations.

**Zoning Reviews of Permits**

1. Building Permit Zoning Review Request Applicant: Bolin Address of request: 29055 Garrard Ave. Reconstruction of Garage, in historical district, replacing an existing structure. This has been approved by the HPC.

Bill moves to accept staff report and recommendations and approve, Kristen seconds

2. Building Permit Zoning Review Request Applicant: Cox Address of request: XXX 33583 Highway 61 Blvd Frontenac, MN 55026 - New lot in R1, FT doesn't have a subdivision ordinance, reviewed for conformance. There is an existing non-conformity in front yard setback. MSA recommends approval, contingent on Goodhue County. Approved as a single family residence. It is tied into mobile home septic.

Heidi moves, Ryan seconds. With staff report and recommendations, permit is approved.

3. Building Permit Zoning Review Request Applicant: Grobe Address of request: 35522 Pepin Vista Ave, Lake City MN. Close to bluffs, 4 feet from toe.

Heidi moves, Ryan seconds. Staff report and recommendations accepted and approved for denial of garage addition and approval of shed addition. Mr. Grobe may take further action to request variance.

4. Building Permit Zoning Review Request Applicant: Munson Address of request:

34719 Wells Creek Ct. Detached garage/shed too close to bluff, MSA recommends denial of permit. Applicant may request an exception with proof that there is no other option, and provide a mitigation plan. Site visit – for porch addition?

There are erosion issues on the site already. Get a written mitigation plan beforehand. Drain tile, catch basin and fill to correct the water runoff. County came out to review the location and they said that it clears the county standard. Our new ordinance allows for possible administrative exceptions; may apply for a variance.

Table for more information. Kristen moves, Bill seconds (Board denied, as recommended by MSA, so he can reapply for variance)

5. Building Permit Zoning Review Request Applicant: Utley Address of request: XXXXX Airport Court, Frontenac MN. Platted as a buildable lot, which was configured non-conforming with current ordinance. But we want people to do the most reasonable things. This is 81 feet from toe of bluff, it could be moved further.

Ryan moves to approve, Bill seconds.

### **Preliminary Reviews or Inquiries / Violations**

Inquiries: Sven Livestalker

Missed the deadline, Claire has made contact for application.

Inquiries: Mikkil and Carol Gardner

Replacing a pergola. Contacted county, message copied to Ed. No footprint change, no need to get involved.

### **New Business**

**PUBLIC HEARING:** Request, submitted by Villa Maria Ventures to apply for a Conditional Use Permit to allow for a hotel with restaurant within the township's Commercial Recreation Zone. FT ordinance follows Goodhue's.

Mailed notice is required for 500 feet or 10 people. The list was provided to the clerk as well as the notice for publication. We have confirmation that the hearing was not noticed. Bill Bruce displayed on the screen at the front of the room, and read the application aloud.

**Presentation from MSA** – Summary. Application for Hotel and Restaurant. Action in 2018-19. CR Zone, Florence is not stricter. CUP application has expired, we are evaluating a new application. Previous use. Redevelopment with Restaurant and Retreat application for existing buildings on the site, with decrease in number of rooms, rezoned from A2 to commercial recreational. Conditional uses allowed are limited to (citation of ordinance). Any use not listed is prohibited.

Florence township can apply, reject - or place conditions on the application. Adopt

the staff report. Limited to the uses allowed in CR zone. All of those uses shall be conducted according to the plans submitted in the application.

Building permit approvals for Goodhue County prior to establishing the use. Any additional phases or development plans, will require amendment of permit. On the application there was some future planning and visions. The CUP findings of fact and recommendations are written to limit the permit to the uses allowed in CR zone.

View corridor on state park land would need to be in conformance with FT, Septic permitting - township has no plans to construct a township wide septic system, so proposer would have to work with Goodhue on this. Any additional building use and construction will be reviewed in final building process.

**Public Discussion of the Rupp/Villa Maria LLC CUP application.** We have confirmation that notice did not get published, Bill Bruce summarized the plan, reading it aloud with the application up on the screen in front of the room. Note: These are notes, not a transcript. No recording device was available.

Steve Dietz – 28839 Lake Ave Way (N)

Three questions

1. How do you know that the restaurant and tavern are for the lodging people. Accessory uses are handled within the CUP application, once it becomes a facility. Is the primary use planned for guest or non-guest.
2. Clarification of view zone plan
3. Has township thought about the impact of this number of people utilizing the limited resources of the beach, how will they impact the resources

Conditions can be applied to the CUP.

Jan Bruce 2924 Wood Ave

Event planning for 500 people, will require a event permit. There are 3 wedding venues locations, if all 3 are in use, that could be 5-600 people. I would like clarification, particularly as it regards parking requirements.

Mr. Rupp: Tennis court overflow parking. Plan will show additional parking. I don't see other than a music event, festival then there might be more, there will need to be distant parking.

Steve Deitz again: Subtle lighting is important – The village is sandwiched tween two critical birding areas in the county on Sand Point which are disturbed by lighting. PC should require much greater information and clarification on the lighting plan.

Jeff Bolin Garard Avenue. Question (?)

Jan - Transfer of ownership, reformulation of LLC to a public benefits corporation. How will this affect the application

Mr. Rupp: is still the owner. He says that the community benefits corporation is being used, because it is crucial that the Villa plan play a community role. The CUP runs with the land.

Mr. Rupp — View corridor – background. Received the sisters’ archives. They said there is a 1962 document, for state park plans which indicate that they had ownership all the way to the lake, and used the beach there (?). So when they were selling land to the state park they said there was a provision that they could maintain the view to the river. But the document has yet to be found.

Kristen Eide-Tollefson submitted a written comment to the Planning Commission, stating her appreciation and strong support for the Villa plans, with concerns about the application, including:

- 1) Inclusion of a “huge pond” and view zone that would involve impacts not on Villa property;
- 2) The application, as ‘handwritten amendments’ on the expired Goodhue County application
- 3) The application cites a “township wide septic system” as the long term plan for meeting the Villa’s septic needs when there is no such system or plan for a township wide system
- 4) Inclusion of a plan for “condominium platting” to raise money and or funding for the project. The township does not allow condominiums or multi-unit buildings;
- 5) Believes that the application should be resubmitted on the township form, as required.

Mr. Rupp states that he wanted the Scope and Description to include his future plans and visions so that the township would know what he was thinking. As a major user, he says that perhaps he will be able to contribute to a township septic system someday.

Eide-Tollefson replies that it is equally important for a good working relationship that Mr. Rupp knows what the township can and cannot support. She reiterates appreciation for Mr. Rupp’s investment in the Villa, and that the township would like to support his plans in any way that we can within the scope and limits of our zoning and sensitive features ordinances.

Motion by Bill Bruce to move forward with the approval of the CUP as recommended, with the 10 conditions and additional language that Kate has provided. Heidi seconds. The motion passes.

### **Short term rental ordinance hearing:**

7:10 PUBLIC HEARING: Short Term Rental Ordinance Draft Language. Ed introduces and opens the public hearing. The PC requests commenters to identify, along with their comments, what the items are that they think need further discussion and working out.

Cathy Kouchich: 29402 Lake Ave

She comments first on Heidi Hartzell's conflict of interest, and reads the PC bylaws regarding same, that any member with a conflict of interest, not be involved in discussion or voting on the topic.

Short term rentals disrupt the ambiance of our village. People comment about our situation, living between two short term rentals. They are illegal in R1, and should be banned, but maybe it is too late for that to happen. And a ordinance has become necessary. The draft some good regulations.

1. Definitions - STR in FT limited to 3 or less bedrooms, does that eliminate 4?
2. Maximum rental should be no less than 7 days, 2 days invites events
3. No reference about events, other STR ordinances restrict events, and AirBNB and Verbo restrict events with non-renters who come and don't stay overnight.
4. IUP for annual review with neighbors to have notice and a say . How will permits be allocated.
5. Will existing rentals get first option?
6. Will the non-conforming operations be grandfathered forever? Will they have the first opportunity?

4d. Quiet time is listed as - 10 pm and 7 am - quiet time should be until 9 or 9:30 a.m. which is the DNR requirement for water vehicles

Pam Ponzer - 29476 Lake Ave Way.

Section 4 of the ordinance. Any use not expressly permitted, is prohibited. Bed and Breakfasts are allowed 8.1 K. Customary home occupations are allowed carried on in the main structure, 25% of residence. Not be conducted without a conditional use permit. B&B's are permitted.

Why are we bending over backwards to make it possible. STRs are highly regulated in many other communities. We have a huge resort coming in, how much of our community are we turning over. I don't think the ordinance is legal so I don't want to address it further.

Mitch Johnson - same address - Does not appear that it is legal to have short term rentals, so regardless, should the township decide to legalize, there are rules that other communities have painstakingly formulated. We need to learn from what they have done. Examples:

- Stillwater – defines commercial as rental that is not owners primary residence.
- Afton does not allow any events and
- With respect to events, Airbnb has a party ban on all rentals, and took the terms out of their rentals.

- Roseville and Crow Wing county have 7-30 day requirements for rental. are a problem. If you have longer longer events, families - extending the time solves this and lots of communities are going in this direction
- Prior Lake specifies 60 days, St. Louis Park, Edina can't rent for less than a month.
- Spring Lake park, requires STRs be sited away from quiet neighborhoods.

We learned today that Villa Maria is happening, so STRs shouldn't be happening in our residential area. There are parks here in town for events, Sportsman's Club. The draft ordinance needs work – and what I am getting to here mostly is that the stay period needs to be extended

Lindsay Buyse 28900 Wood Avenue, resident with STR whole house rental at 29023 Westervelt Way We live here too. We don't want to cause problems, but it works out nice with 2-4 people. We are checking on them and keep it a nice place. I do know there are problems on the beach, but we really do monitor. So if you keep the size small and the numbers down, both ways – with families coming in. I totally understand the issues and want to preserve what we have here. What you've got written up here is a good way to monitor so if there are problems you can take away a permit. It's worked well for us.

Lynn Staker 2903 Lake Ave. A model for what we could be using for short term rental, Linda is a good model. That's the model we want for our town and community. The idea of being a resident and caring about your community is critical. So many people think you should have no STRs. What we really want and need is open, honest, non-deceptive communication. Thanks to the commission and those who have worked to draft this ordinance, in the spirit of cooperation rather than win lose. An additional step is required. Once a property owner has correctly submitted an application, notice should be nailed to neighbors, and posted on the website, including the next scheduled agenda for discussion. If there are not concerns, the PC would proceed with next steps for licensure. Such a public meeting could help work through concerns on the front end rather than waiting until problems occur. Set up a time for neighbors to talk with one another. We need to be good neighbors to one another. To stop STRs not my intent. Good neighbors, with open, honest early communication versus rumors is what we need (**clapping**).

Jay Kouchich. Issue I have is section 3c authorization - minimum distance 1000 feet....We currently live sandwiched between 2 STRs, one in violation of both ordinances, Their neglect and numerous complaints brought to TB and VRBO. Should not be grandfathered in, but subject to new STR rules under consideration for adoption.

Ellen Stewart – 287333 Manypenny Avenue (reading her letter). 5 is too many STRs in the historic district, especially when this is added to additional 15 (sic). See her letter in the record. What we want is a culture of respect, to which absentee buyers are antithetical.

Jane Lorentzen 29065 Wood Ave. - I have read more STR ordinances, than I would ever think I would have. This is better than most I have read. There are a lot of protections for residences in the community. I hold Linda up as a positive example – of a good neighbor. As we are so polarized, this is perhaps a good

middle ground. Ordinances are living documents and we are going to have to come back to this. So I am hoping for regular (review) and revisions.

The two problems I see that will cause us trouble:

- You can't tell how many can be renting a property. Definition of family in 2c. is confusing. We don't need to go into such detail, but people need to know what the limits are.
- And the other thing I want to say is that I am concerned about not trying to stop events. Airbnb say that 90% of complaints are about events. In 2021, they started a community integrity program, and ended up asking that all parties that do STRs eliminate events. I think limiting events is probably the most critical piece that is missing from this ordinance.

Pam Miller – 29065 LeRoy Ave. I don't live near any STRs at this time. Others have spoken to my concerns and I agree with those I have heard. But as a retired newspaper person, I need to address the conflict of interest and Heidi's involvement in STRs. (Addressing Heidi) I would plead with you to abstain from any vote on this issue. But even with a lawyer, anyone who looked at your social media site, would see this conflict. So I would respectfully ask that you abstain.

It is very important, if we do go ahead, to expand the number of days for minimum rental from 2 to 3 or 6 or 7. And also a rider that would ban parties. Careless drive by events, inviting friends to come, is a bad idea. Thank you for listening, and Heidi for considering my request. We strongly need to avoid conflicts of interest, especially financial ones.

Lynn (Schmidt?) 1037 West St. LC, Duplex by Staehli Park, STR owner for 40 years. Some of our longer term renters ended up buying property in Florence Township. Its how they get to know the area. In the long term, I want my kids to be able to continue this. We have never had issues. I get the need for rules, not everyone is the same. They are all different. I have one room with 2 sets of bunks that fit 4 people. From the beginning, my first meeting was in September, here we are finally getting some information. But we didn't have a chance to provide input. (Reply: That's what the public hearing is for – the input) My issues are:

- Minimum night stay – 1 night golfers
- Only members of the same family (???)

LC has rules, I agree with theirs - and I have a friend who is trying to do an STR in LC. I truly feel there are two sides here, we should have been able to work together better than we did.

- Who is going to enforce these regulations. Will the STR police go around every weekend, a big job for somebody.
- I guess what I would like to see happen is some of these items are revised, with input from some of us owners. Florence Township is bigger than just Old Frontenac, or New Frontenac. I don't know that it [the number of STRs] should necessarily be limited.

Randy Koplín (STR owner)- Speaking on behalf of mother Vivian. Our family has owned property on (South) Lake Ave for 70 years. When my mom bought it was all cabins. It was paid off over 50 years and my dad last year decided to bring septic and well up to code, then he passed and we got into STRs to try to keep the cabin, taxes 4500/yr non-homestead. There were only 2 year-round residents when my parents bought it.

- [Re: complaining on parking], we did haul in gravel and add off street parking in.
- We require age of 25 or over to try to limit behavior problems.
- Call me right away if there are problems – I am trying to be as good a neighbor as I can.

This is a good compromise. Regulation would be good because if there are problems we can work together to resolve them.

Also my questions:

- I question limit two per bedroom, what about a child in crib? So that is one concern.
- Then no campers, I understand, but I hope they can reword that - because my sister and brother in law like to stay there. So that was one other concern I had.
- The insurance thing, I don't like that being open ended, that they would determine the amount, and list the township as an insured party. Questioning that.
- I think that is it. I am open to the regulations and everything else because I would like to be a good neighbor and continue with the rental. I appreciate all the work everyone has done. Hopefully we can work together instead of fight.
- We have some people coming back for multiple weekends. 2 day is nice for us.

Cathy Kouchich (comment from neighbor)- Randy has been responsive to any complaints we have had.  
Keys: Accountability and compromise (Ed)

Jan Bruce - 2924 Wood Ave. I agree that more than 2 day rental will make things easier, but I am questioning the 120 days a calendar year, as problematic for over the winter. And not clear.

Paul Thompson 36117 hwy 61. Own rules we have our own rules and people have to sign for those rules. Be respectful to neighbors is one of them. With the Airbnb/VRBO systems, we can see who they are and we can let them in or we don't have to. We rent a lot for 2-3 nights, golfers, people for bike trails, park, everything. They don't want to come down and spend 7 nights. We're usually on the one side of the duplex, and they are on the other side. We have nothing but 5 stars on our site.

Jane - 28929 Wood. The numbers in here – the distance of no less than 1000 feet. If Linda has one, 1000 foot diameter, what if others want to establish an STR in the future. The house has to be 3 bedroom or smaller, so 4-5 bedroom could not be a VRBO. Do we know how many there are now? Are we looking at a total of 10 in the whole township? There are some STRs who are not using the venues (Airbnb/VRBO).

- One family per home? So 2-3 couples can't rent? That seems a little odd.



Linda Buyse - 80% of mine are 2 couples Friday-Sunday. A few come for a week, but that is limited and mostly a family. Which kid do you leave home? Where did all of this come from, if the people who have short term rentals didn't have input into this. This one family thing, it seems odd.

[Elaine Eerleberg?]

- If you look across ordinances, they lower the numbers over time. Or ban them.
- It seems that a majority have been run successfully and we have a couple bad eggs. Putting in a bunch of regulations that would make it difficult for others. Is this the answer?

What are we concerned with

Parties

Noise

So we set some guidelines, if the rules are broken 1,2,3 strikes and they get it pulled, and we move on.

Janet Malotky 28839 Lake Ave Way – It sounds like the people who live here who have STRs are doing a good job, and maybe you could talk with each other. I would just say that it would be important to keep limits on STRs. Because the way you have community is to know each other and work together. Places like Grand Marais have lost their community and we don't want to have that. I am hearing what you are saying. 7 day limits, may not be necessary. But events, absentee owners, too many STRs [these need to be addressed]

Jamie Lorentzen 29065 Wood Ave. Ordinances are important. We have to have certain ordinances as a civil community. One of the things I have been hearing is the word NEIGHBOR. I am an old English teacher, derived, from the word for near - neighbors are near each other. We are a microcosm of America. I can look outside my back door and I can see incredibly different neighbors that make our community. And I know that I can go to any one of these neighbors and we can help solve these problems. The last thing I want is for this community... Even in these little towns with resorts, there are neighbors that get together to solve problems, if you are near each other. We need an ordinance to have a body of law, but I also know that those STR people in Florence Township who have lived and are right next to or near each other, are going to take on problems. Linda is the matriarch of STR owners. I listen to you. I can go to you if there are problems.... You know what I am talking about. Neighbors get together and solve problems. SO my problem is, this whole event started with an STR managed by someone who is not nearby, is not a neighbor. I am responsible to my other neighbors. And that is all I have to say.

Issue: Section 2. Definition of Family. This needs to be changed (several comments)

Linda Buyse: Majority of our rentals are 2 days, 60% are going to a wedding, or going to golf. Usually 2 couples. It is important to limit the number of people.

Linda Flies 28822 Lake Ave. Way (N) I don't like the idea of people coming in and buying a house with no connections to our community. Buying a home and just putting it on the internet is not being a neighbor. A neighbor should have some involvement. We have ordinances where we live (Chateau Frontenac), and someone can park with a motorhome and park for 3 days but then they have to leave. There are ways to do this. We just have to agree.

Jay Kouchich – we have a unique position of living between STRs. We have no private time for family and friends because each weekend there is someone partying next door. So, if you can relate to this, and how it has affected our lives, having STRs on both sides. We need to put in regulations in for no parties and limit noise.

Mark McCaughtry 34755 Wells Creek Court (former PC chair who did the first draft). I think you need some language clarifying no events. I like the idea of the neighbors thing, that we can agree on what is reasonable. It's the absentee landlord that is the problem. "No events allowed to be hosted by STR guests", the number of guests will be registered, not over and beyond, like the language in Vrbo. Parking restrictions will also help

Pam Pontzer. We had one next door to us and we never had a problem. It is the absentee landlord that is the problem.

Jan Bruce - One thing I noticed missing is some kind of marking of property boundaries. A map that is hung on the refrigerator in the rental unit, so visitors know what the boundaries are of the property you are staying in.

Randy Koplín: Talking about parties. Our agreement says no parties and events, so we can kick them out, because it's part of their agreement. So with open communication we can adjust our rules. We have made changes to our rules. Parking we did address - we are willing to work together.

Chris Grenseth 29392 Lake Avenue (STR). Grateful to be here tonight, again, to listen to the process and these things about people wanting to be great neighbors. Anyone who buys a home here should appreciate this. With so few being offered, there may be an issue with a neighbor who has to have an STR to keep their home. Some have reached out to me. (Example, someone going into long term care for limited amount of time) A person trying to do this well as a business may need more than 120 days. Possibly there are 2 different levels, an every day person – who needs from some reason or another to rent out part of/their home.

I commend again your work on this and those who have spoken tonight about doing it really well. Last, to sit in meetings, I am grateful to Heidi as an STR person. I haven't known what the process is to be heard, and the hurdles we've had along the way. Maybe you have reached out to some, maybe get more information coming to STRs, would go a long way to neighborhoods. It's our family cabin, not trying to be a full time STR. This (?) helps avoid so many pitfalls, this goes a long way.

Jamie - as far as neighbors are concerned... (addressing Grenseth, couldn't hear him)

Board questions? The public hearing is closed.

Bill moves to table. We will bring this to next meeting at May 9th with identification of issues to be discussed.

**Old Business**

- Review and discussion of by-laws, proposed amendments and existing member regulations.

Motion to move bylaws from old business to the table. Bill moves, Heidi seconds.

**Other Business/ Tabled items**

Bill moves to adjourn, Ryan seconds.

**Adjournment 7:45**

**Next meeting: Monday, May 9th, 6:00 PM**

