



CITY OF GEM LAKE
 Heritage Hall
 4200 Otter Lake Road | Gem Lake, MN 55110
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Planning Commission Meeting – January 14, 2025

Call to Order of Planning Commission Meeting

By Chair Joshua Patrick at 7: ____ p.m.

Call of Roll

Cummings ____ Farrell ____ Pratt ____ Wippich ____ Vacant ____

Approve and Accept Agenda and Minutes

- Accept the Agenda for the January 14, 2025, Planning Commission Meeting
- Approve the Minutes from November 12, 2024, Planning Commission Meeting

Public Hearings

- Special Home Occupation Request – 3907 Tessier Road

Old Business

- None

New Business

- Ordinance No. 131 – Consolidated Land Use Discussion

Open Items for Commission Members to Bring Up

Future Meetings

- Next City Council Meeting, Tuesday, January 21, 2025
- Next Planning Commission Meeting, Tuesday, February 11, 2025
 - Attendance Inquiry

Adjournment – The meeting adjourned at ____

**City of Gem Lake
Planning Commission Meeting – November 12, 2024
Meeting Minutes**

Planning Commission Member Don Cummings called the meeting to order at 7:00 p.m. Commission Members Art Pratt and Derek Wippich were present. Not present was Commission Member Stephanie Farrell and Commission Chair Joshua Patrick. Also present: City Planner Evan Monson, City Attorney Kevin Beck, and Acting City Clerk Melissa Lawrence.

November 12, 2024

A motion was introduced by Commissioner Pratt to accept the agenda, seconded by Commissioner Wippich. Motion carried 3-0.

Minutes

A motion was introduced by Commissioner Pratt, seconded by Commissioner Cummings to approve the September 10, 2024, Planning Commission Meeting minutes. Commissioner Wippich abstained because he was not in attendance at the September meeting. Motion carried 3-0.

Public Hearings

None

Old Business

None

New Business

Interim Chair Discussion

Acting City Clerk Melissa Lawrence started a discussion with the Commission regarding the open position on the Planning Commission beginning January 1, 2025. With Commission Chair Patrick leaving and joining the City Council, a position needs to be filled. With the Chair leaving, a member needs to be either be assigned as Interim Chair or take on the role. Mrs. Lawrence asked Commissioner Cummings if he would be comfortable taking the role because he has already held the position in the past. With the change from White Bear Township planning staff to a contracted staff through TKDA Commissioner Cummings felt that the current staff in place to help the Planning Commission do its job efficiently is more stable and he was willing to take on the role of Chair again for the 2025 year. Commissioner Pratt volunteered to hold the position of Vice Chair for the 2025 year in the case that the Chair is not available to attend the meeting.

Planning Commission roles are not permanent and will be discussed during the January meetings each year to elect a chairperson and vice chairperson. Once that has been determined the City Council will then adopt a resolution for all appointments of the City of Gem Lake at their January meeting. Acting City Clerk Melissa Lawrence will work on getting work out to the residents and businesses in Gem Lake notifying them of an opening on the Planning Commission and to submit applications.

Ordinance No. 67D and 18 Septic Discussion

City Planner Evan Monson summarized the proposed changes to Ordinance No. 67D. The original Ordinance No. 46 was adopted back in August 1983. Since then, several other Ordinances were adopted replacing Ordinance No. 46 with the latest version Ordinance No. 67D that was adopted in 2016. Ordinance No. 67D was reviewed in 2018 with the intention of adopting revisions. These changes were not officially adopted nor published. The MPCA requires all cities in the State to submit their ordinances regulating subsurface sewage treatment systems (SSTS) for review. Their review ensures all elements are included, and no State regulations are contradicted. Upon adoption of the ordinance by the City Council, the MPCA will be sent a copy for their record. In 2018, the City of Gem Lake submitted their Ordinance (67D) for review. The MPCA sent back edits and a list of missing elements; these updates were never adopted. Using the notes from the 2018 review, Staff updated 67D and sent the updated version back to the MPCA. After receiving another round of review, Ord. No. 67D has been revised to comply with current requirements.

Ordinance No. 108 which regulates the annual inspection of septic systems in Gem Lake was incorporated into Ordinance No. 67D. This incorporation was part of the changes in 2018 that never got adopted and published.

Commissioner Pratt introduced a motion to recommend approval of the draft ordinance with the suggested updates to the City Council, seconded by Commissioner Wippich. Motion carried 3-0.

Ordinance No. 111 Solicitors Discussion

City Planner Evan Monson summarized the proposed changes to Ordinance No. 111. Ordinance No. 111 was adopted on October 19, 2009, and has not been amended since. Referencing the League of Minnesota Cities (LMC) model ordinance some definitions were updated. The listed prohibited activities had no suggested changes. The listed requirements for obtaining a city license had no suggested changes. The main changes that took place were regarding the definitions and to consider keeping or removing “**Professional fundraisers not exempt**. A professional fundraiser working on behalf of an otherwise exempt group or person shall not be exempt from the licensing requirements of this ordinance.” The fees listed on the fee schedule were also suggested to be looked at for any changes.

Commissioner Wippich introduced a motion to recommend approval of the suggested definition changes to the City Council, seconded by Commissioner Cummings. Motion carried 3-0.

Ordinance No. 83 Housing Maintenance and Occupancy Code Discussion

Acting City Clerk Melissa Lawrence summarized the proposed changes to Ordinance No. 83. The City Council wanted to get language added to the ordinance regarding fees for reinspection, the amount of police calls to a property being taken into consideration when approving a rental license renewal, and the occupancy limit for all properties in Gem Lake. The Commission discussed the changes and Commissioner Wippich wondered if it would be better to have a standalone rental ordinance. City Planner Evan Monson and Acting City Clerk Melissa Lawrence both agreed that it wouldn't make sense to create a standalone ordinance because it would be a lot of repeat information as other items in the ordinance relate to rental licenses.

Commissioner Cummings introduced a motion to recommend approval to the City Council, seconded by Commissioner Pratt. Motion carried 3-0.

Open Items for Commission Members to Bring Up

Commissioner Cummings shared that the Villas was experience a noise disturbance recently. One of the residents went to the City of Vadnais Heights to inform them of what was going on in the middle of the night with an oxygen delivery to a nearby business. The City of Vadnais Heights was very quick with their response to address the situation, and the vendor apologized. Commissioner Cummings just wanted to share a story that ended in a positive way with a surrounding City.

Future Meetings

City Council Meeting, Tuesday, November 19, 2024, at Heritage Hall, and Planning Commission Meeting, Tuesday, December 10, 2024, at Heritage Hall.

Attendance Inquiry

Commissioner Cummings surveyed the Commission to see if any of the members would have any issues attending the December 10, 2024, meeting. At that time Commissioner Wippich is the only one that may not be able to attend.

Adjournment

There being no further business, following a motion from Commissioner Cummings, seconded by Commission Wippich, the meeting adjourned at 7:56 p.m.

Respectfully submitted, Melissa Lawrence

Memorandum

To: Gem Lake Planning Commission	Project Reference: Special Home Occupation – 3907 Tessier Road
Copies To: Melissa Lawrence, Clerk	
Sarah Ernhart, Applicant	
From: Evan Monson, Planner	TKDA Project No.: 21076.000
	Client No.:
Date: January 8, 2025	

SUBJECT: Special Home Occupation License request for an in-home photography business

MEETING DATE: January 14, 2025

LOCATION: 3907 Tessier Road (Parcel ID 283022140008)

APPLICANT/OWNER: Sarah Ernhart

ZONING: Low Density Single Family Residential (RO)

ITEMS REVIEWED: Application and plans received on 12/18/2024

DESCRIPTION OF THE REQUEST

The applicant is proposing to use their detached garage as part of a home occupation. The plans submitted by the applicant call for utilizing their existing detached garage as a home photo studio for a pet photography business; the applicant currently runs the business out of a commercial space in Minneapolis.

The applicant states in their narrative that the driveway serving the detached garage can accommodate at least four cars, while the 'main' driveway on the property can accommodate five to six cars. Customers per day on-site vary; the applicant anticipates at most four customers on-site in a day and having an average of two on-site customers per week. Most sessions are scheduled for Saturdays between noon and 5pm, with occasional appointments after 5pm.

Home Occupations in the city are regulated by Ordinance 134. The ordinance breaks home occupations into three tiers: occupations that require no license or permit, occupations that require a license, and occupations that require a conditional use permit (CUP). Due to the applicant's home occupation having occasional on-site customers, the request requires a home occupation license. Licenses under Ordinance 134 are reviewed by the Planning Commission and approved or denied by the City Council.

PROPERTY INFORMATION

Description: The subject property is located at the intersection of Goose Lake Road/CSAH 14 and Tessier Road. The site slopes to the north/northwest, with trees and vegetation located throughout. The subject property includes a house with an attached garage and two detached accessory structures (three-car garage and a shed). The detached garage has its own driveway. The development surrounding the subject property consists of single-family residences.

Land Use: Single Family Detached Dwelling



Figure 1: Aerial of the site, from Ramsey County GIS.

EVALUATION OF REQUEST

Applicant's Narrative

The applicant submitted a narrative, included in the meeting packet, explaining the proposed home occupation.

Ordinance Criteria

Home occupations are regulated under Ordinance No. 134. The ordinance splits home occupations into three types or categories: home occupations that require no permit or license, home occupations that require a license, and home occupations that require a conditional use permit (CUP). The categories are based on the 'intensity' of the proposed use; home occupations that are indoors, generate no traffic, and create no nuisances or noises as detected from the street or adjacent properties are the least intensive use, and therefore do not require a permit or license.

The second category (home occupations that require a license) applies to a home occupation that does one (or more) of the following:

1. Occupations that have one non-resident employee working on-site at one time.
2. Occupations that require parking of light commercial vehicles, or trailers with a maximum one-ton payload capacity.
3. Occupations that result in manufacturing, processing, or assembly of products on-site.
4. Occupations that result in customers coming to the residence, such as selling of crafts or baked goods, providing teaching or tutoring to multiple students.
5. Occupations that result in deliveries of goods to the residence.

The applicant's proposed home occupation would result in customers coming to the property; therefore, it requires a license from the city.

Ordinance No. 134, Section 4 outlines requirements for home occupations that require a license or CUP, which are shown below in italics with staff's comments following.

1. *No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood. The need for off-street parking shall not exceed more than three off-street parking spaces for the home occupation at any given time, in addition to the parking spaces required by the residents.*
Per the submittal, the applicant anticipates at most four customers on-site in a day and having an average of two on-site customers per week. Provided there are less than three customer vehicles on-site at one time, this requirement would be met.
2. *No more than one non-resident employee shall be allowed to work on the premises at one time. Nonresident employees who work off the premises may be allowed to visit the premises. If an on-site employee is parking on site, off-site employees shall not leave their vehicles on site. If there is no on-site employee vehicle parked on site, one off-site employee vehicle may be parked on site.*
The applicant can have up to one non-resident employee allowed to work on the premises at one time.
3. *No vehicle associated with the home occupation, including customers or employees, shall be parked on the street or block sidewalks or public easements. Private vehicles used by the residents shall not be included in this subsection.*
The applicant has parking available on-site on the existing driveway by the detached garage.
4. *An area equivalent to no more than 50 percent of each level of the house, including the basement and garage, shall be used in the conduct of a home occupation.*
Per the submittal, the applicant proposes to conduct the home occupation in the detached garage (which has a size of 832 SF).
5. *No equipment or process shall be used in such home occupation which creates noise, vibration, light, glare, fumes, smoke, dust, odors or electrical interference detectable to the normal senses off the premises. If electrical interference occurs, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.*
Per the submittal, the applicant's proposed home occupation would appear to meet these requirements.
6. *Storage of materials and goods outdoors is prohibited.*
There is no outdoor storage proposed.
7. *There shall be no fire, safety or health hazards created by the Home Occupation.*
Per the submittal, the applicant's proposed home occupation would appear to meet these requirements.

8. *Any noncompliance with this subsection shall constitute grounds for the denial or revocation of the home occupation license.*
9. *The City Council may waive any of these requirements if the home occupation is located at least 350 feet from a residential lot line.*
N/A, the proposed home occupation would be within 350 feet of a neighboring residential lot line.
10. *The City Council may add any additional requirements that it deems necessary to ensure that the operation of the home occupation will be compatible with nearby land uses.*

Staff finds that based on the information submitted by the applicant, the proposed home occupation would meet the requirements of Ordinance No. 134, Section 4.

ACTION

The Planning Commission has the following options:

1. Recommend approval of the request by the City Council, with or without conditions.
2. Recommend denial of the request by the City Council, with findings for denial.
3. Table the request for further review/study.

RECOMMENDATION

Staff recommends the commissioners recommend approval of the requested Special Home Occupation for 3907 Tessier Road, with the following conditions:

1. The applicant's Home Occupation shall adhere to the requirements of Ordinance No. 134.
2. The applicant's Home Occupation shall adhere to other applicable local, State, and Federal requirements.
3. The applicant shall pay all fees and escrows associated with this request.

EPM:jdc



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Special Home Occupation Permit Application

A Special Home Occupation may be granted or denied by the City Council after recommendation by the Planning Commission in accordance with City Ordinance No. 134 Home Occupations.

Choose: New Request Renewal

Applicant Information

Applicant: _____

Address: _____

City: _____ State: _____ Zip: _____

Cell Phone: _____ Email: _____

Property Information

Property Owner: _____

Address: _____

City: _____ State: _____ Zip: _____

Cell Phone: _____ Email: _____

Current Zoning: _____ Current Use: _____

Description of Home Occupation Requested:

Business Plan

Operating Hours: _____

Number of Customers Per Day: _____ Number of Customers Per Week: _____


Parking Management Plan: _____

Marketing Materials: _____

Insurance (Attach a copy of proof of suitable insurance policy with the application)

Insurance Company: _____ Policy No: _____

It is the policy of the City of Gem Lake that all identifiable costs associated with Special Home Occupations within the City shall be the sole responsibility of the owner of said property. The costs shall include but are not limited to the following: City planning review costs (reports, meetings, site review); engineering review costs; legal costs (preparation of hearing notices, legal research, certification costs); publication costs (notice of hearing); reapportionment of assessments (engineers report); mailings and Ownership Reports (ownership/encumbrance). Prior to the final approval by the City Council, all City expenses to date shall be paid by the owner. Subsequent expenses not paid at the time of final approval (due to billings by consultants, etc.) shall be due upon receipt of a billing from the City.

Applicant Signature:  _____ Date: _____

3907 Tessier Rd, Gem Lake MN 55110

I'm requesting a Special Home Occupation License to utilize our detached 3-car garage as a home photo studio. I run a low-volume pet photography business, with typically 60-80 sessions annually, many of which take place off-site at clients' homes, parks, and other locations.

I typically have between 20 and 40 studio sessions per year, one client per day. Recently, I've introduced "mini session" days, allowing up to four clients to book shorter sessions on a single day. These are usually on Saturdays, once or twice per month. During slower periods, there may be weeks where no studio sessions are scheduled at all.

Most photography sessions last between 30-60 minutes, and typically involve one or two dogs per client. There is rarely any barking, and most dogs don't make any noise at all. Most sessions are scheduled between 12pm-5pm, although on occasion some clients need to come in the evenings, as late as 7pm.

The garage is approximately 30'x24' with its own driveway and parking area that can fit at least four vehicles. Additionally, our main driveway can accommodate 5-6 cars. The only occasion where there may be more than one extra car on site is if there is a brief overlap with mini session time slots, or if a client meets their spouse separately, but this is infrequent.

After over a year of searching for a suitable property, we found this garage to be ideal with its tall ceilings, heating and insulation, ample parking, and separation from the main living area. Having operated my business in commercial spaces for the past 12 years, I am excited to transition back to a home-based studio in a city that supports home occupations in accessory buildings.

This is a quiet, professional business with minimal traffic, and I am happy to answer any questions or provide further details as needed.

Thank you for considering my request. Please find an aerial view of the property on the next page with the detached garage circled in yellow.



Sarah Ernhart
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info@sarahbethphotography.com
<https://sarahbethphotography.com/>

3907 Tessier Rd, Gem Lake MN 55110



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