



## Staff Report

**Application #:** 2019-02 Conditional Use Permit (CUP)

**Parcel numbers:** 87-017-2405

**Applicant:** Chris Foy on property described as:

All that part of the unplatted portion of Government Lot 3, Section 17, Township 134, Range 29, except that part of said Government Lot 3 described as follows:

Commencing at the point of intersection of the East line of Lot 25, Block 1, Squaw Point and the centerline of Squaw Point Road in accordance with a survey by Thomas R. Magnan, RLS #15234, dated July 30, 1985 and in accordance with survey by Thomas P. Thiessen, RLS #16097, dated May 31, 1991; thence North 85 degrees 15 minutes 56 seconds East, assumed bearing, 81.31 feet along said centerline; thence South 83 degrees 47 minutes 21 seconds East 74.69 feet along said centerline; thence South 79 degrees 29 minutes 18 seconds East 159.48 feet along said centerline; thence South 14 degrees 56 minutes 03 seconds West 110.00 feet; thence North 75 degrees 03 minutes 57 seconds West 172.33 feet to the point of beginning of the tract to be described; thence North 16 degrees 36 minutes 37 seconds East 101.62 feet; thence North 07 degrees 11 minutes 07 seconds West 120 feet, more or less, to the shoreline of Gull Lake; thence Westerly 123 feet, more or less, along said shoreline to its intersection with the East line of said Lot 25, Block 1, Squaw Point; thence South 06 degrees 03 minutes 34 seconds West 158 feet, more or less, along said East line of Lot 25 to its intersection with a line which bears North 75 degrees 03 minutes 57 seconds West from the point of beginning; thence South 75 degrees 03 minutes 57 seconds East 127.84 feet to the point of beginning.

AND ALSO EXCEPT

That part of Government Lot 3 described as follows: Commencing at the point of intersection of the East line of Lot 25, Block 1, Squaw Point and the centerline of Squaw, Point Road in accordance with a survey by Thomas R. Magnan RLS #15234, dated July 30, 1985; and in accordance with a survey by Thomas P. Thiessen, RLS #16097, dated May 31, 1991; thence North 85 degrees 15 minutes 56 seconds East, assumed bearing, 81.33 feet along said centerline; thence South 83 degrees 47 minutes 21 seconds East 74.69 feet along said centerline; thence South 79 degrees 29 minutes 18 seconds East 159.48 feet along said centerline; thence South 14 degrees 56 minutes 03 seconds West 110.00 feet; thence North 75 degrees 03 minutes 57 seconds West 76.38 feet; thence North 16 degrees 36 minutes 37 seconds East 104.37 feet to the point of beginning of the tract to be described; thence South 16 degrees 36 minutes 37 seconds West 104.37 feet; thence North 75 degrees 03 minutes 57 seconds West 95.95 feet; thence North 16 degrees 36 minutes 37 seconds East 101.62 feet; thence North 07 degrees 11 minutes 07 seconds West 120 feet, more or less, to the shoreline of Gull Lake; thence Easterly 90 feet, more or less, along said shoreline to its intersection with a line which bears North 07 degrees 11 minutes 07 seconds West from the point of beginning, thence South 07 degrees 11 minutes 07 seconds East 162 feet, more or less, to the point of beginning.

AND ALSO EXCEPT

The East 125 feet of said Government Lot 3, Section 17, Township 134, Range 29.

AND ALSO EXCEPT

That part of Government Lot 3, Section 17, Township 134, Range 29 described as follows: Commencing at the point of intersection of the east line of Lot 25, Block 1, Squaw Point, according to the recorded plat thereof, on file in the Cass County, Minnesota, Recorder's Office and the centerline of Squaw Point Road in accordance with a survey by Thomas R. Magnan RLS #15234, dated July 30, 1985; and in accordance with a survey by Thomas P. Thiessen, RLS #16097, dated May 31, 1991; thence North 85

degrees 15 minutes 56 seconds East, assumed bearing, 81.31 feet along said centerline; thence South 83 degrees 47 minutes 21 seconds East 74.69 feet along said centerline; thence South 79 degrees 29 minutes 18 seconds East 159.48 feet along said centerline; thence South 14 degrees 56 minutes 03 seconds West 110.00 feet; thence North 75 degrees 03 minutes 57 seconds West 76.38 feet; thence North 16 degrees 36 minutes 37 seconds East 104.37 feet to the point of beginning of the tract to be described; thence South 16 degrees 36 minutes 37 seconds West 104.37 feet; thence South 75 degrees 03 minutes 57 seconds East 60.03 feet; thence North 16 degrees 36 minutes 37 seconds East 109.69 feet; thence North 04 degrees 49 minutes 28 seconds West 185 feet, more or less, to the shoreline of Gull Lake; thence westerly along said shoreline to its intersection with a line which bears North 07 degrees 11 minutes 07 seconds West from the point of beginning, thence South 07 degrees 11 minutes 07 seconds East 164 feet, more or less, to the point of beginning.

AND ALSO EXCEPT

That part of Government Lot 3, Section 17, Township 134, Range 29 described as follows: Commencing at the point of intersection of the east line of Lot 25, Block 1, Squaw Point, according to the recorded plat thereof, on file in the Cass County, Minnesota, Recorder's Office and the centerline of Squaw Point Road in accordance with a survey by Thomas R. Magnan RLS #15234, dated July 30, 1985; and in accordance with a survey by Thomas P. Thiessen, RLS #16097, dated May 31, 1991; thence North 85 degrees 15 minutes 56 seconds East, assumed bearing, 81.31 feet along said centerline; thence South 83 degrees 47 minutes 21 seconds East 74.69 feet along said centerline; thence South 79 degrees 29 minutes 18 seconds East 159.48 feet along said centerline; thence South 14 degrees 56 minutes 03 seconds West 110.00 feet; thence North 75 degrees 03 minutes 57 seconds West 16.35 feet to the point of beginning of the tract to be described; thence South 16 degrees 36 minutes 37 seconds West 207.02 feet; thence North 75 degrees 03 minutes 57 seconds West 245.45 feet to said east line of Lot 25; thence North 06 degrees 03 minutes 27 seconds East 209.44 feet along said east line of Lot 25 to its intersection with a line which bears North 75 degrees 03 minutes 57 seconds West from the point of beginning, thence South 75 degrees 03 minutes 57 seconds East 283.82 feet to the point of beginning.

**Directions to property:** From City Hall proceed along Squaw Point Road north and west for ½ mile to 10424 Squaw Point Road. Take a left to go south in the parking lot to the marina location.

Located at 10424 Squaw Point Rd., East Gull Lake, MN 56401. An application was submitted to request a CUP to the City of East Gull Lake. The property is located in the Commercial Waterfront Zoning district and contains approximately nine acres. A conditional use permit is required based upon adding to an existing marina in a Commercial Waterfront Zone. MN DNR has already given their approval for the expansion.

***EGL Comprehensive Plan Policies:***

1. Protect the area's lakes from damage and degradation.
2. Maintain and support the resort community in the City.
3. Preserve and enhance the scenic beauty and natural plant communities of the area.
4. Work to improve recreation opportunities for residents and visitors throughout the City.
5. Strengthen the bond that make the people who live in, work in, and visit East Gull Lake identify with the community.

**Staff Findings of Fact:**

1. MN DNR has authorized a permit expansion from 32 existing mooring areas on the south side of the point to 60 mooring areas
2. A marina is defined by 7 watercraft or more by city ordinance page 216 #128
3. Marinas are allowed by CUP in the Commercial Waterfront Zone page 248 Zoning District Use Table

4. The additional mooring areas are replacing the location where the Destiny Cruise Boat was parked by permanent docking for the last 4 seasons and construction barges also were parked in this location
5. Destiny Cruise boat has been sold and permanent dock will be removed in the spring
6. Parking locations are available from cruise boat
7. Owner will put a gate on the boat launch to control the access
8. Parking lot may be improved in the future to be asphalt.

**Planning Commission Direction:** The commission can recommend approval of the conditional use permit, recommend denial of the conditional use permit or table the request if additional information is needed. If the recommendation is for approval or denial, findings of fact should be cited.

**Staff Recommendation:** Staff recommends that the Conditional Use Permit be approved based on the findings of fact listed above. We also recommend the following conditions:

1. Applicant must abide by all conditions identified in the MN DNR permit number 2013-1682
2. Should parking lot be improved with asphalt, a stormwater management plan shall be presented to the City to avoid direct run-off into Gull Lake
3. Rental slips may be daily, weekly or seasonal rental per DNR permit
4. Only a single watercraft lift with canopy is allowed per mooring slip
5. Signs and maps must be posted reminding boaters to remain at idle speed when entering and exiting mooring area.