



Staff Report

Application #: 2016-49 - Conditional Use Permit (CUP)

Parcel number: 87-376-0134

Applicants:

George Carney Family on property described as:

Those parts and portions of Lots 2 & 3 in Pine Beach, a recorded plat in Cass County, Minnesota, said plat being a portion of Section 19-137-29, described as follows: Commencing at the SE corner of that certain tract identified as "the Northerly 25' of Tract A-19" described in a deed from Pine Beach Corp. to J. T. Mayall and Irene M. Mayall recorded in Book 93 of Deeds, Page 527, said point being marked by an iron pipe; thence South 55 degrees 45 minutes West, 223 feet along the southerly line of said tract to the shore to place of beginning; thence South 29 degrees 07 minutes East 100 feet along said shore; thence South 21 degrees 40 minutes E 25 feet continuing along said shore; thence North 65 degrees 50 minutes East 10 feet to an iron pipe; thence continuing North 65 degrees 50 minutes East 429 feet to an iron pin; thence North 71 degrees 27 minutes West 212.5 feet to an iron pin; thence South 61 degrees 59 minutes West 10 feet to the place of beginning on the shore of Gull Lake.

And

That part of Lots 3 & 17 in Pine Beach, according to the plat thereof on file in the office of Register of Deeds of Cass County, Minnesota, described as follows: Beginning at the Southwesterly corner of that tract of land deeded and recorded in Book 105 of deeds, page 248; said point being on the shore of Gull Lake; thence North 65 degrees 50 minutes East 439 feet along the Southerly line of said tract to an iron pin; thence South 75 degrees 38 minutes East 127.5 feet to an iron pin; thence South 19 degrees 00 minutes West 85 feet to an iron pin; thence South 67 degrees 51 minutes West 484.8 feet to the shore of Gull Lake; thence North 17 degrees 05 minutes West 50 feet along said shore; thence North 21 degrees 40 minutes West 75 feet continuing along said shore to the place of beginning.

Directions to property: From City Hall proceed south over the Gull Lake dam and proceed south on Cass County 70 to Cass County 77, Turn right and proceed ½ mile west to the Pine Beach Peninsula Road, take a right and proceed through Madden's Resort and continue on the Pine Beach Peninsula road for 1/3 of a mile to Yellow Moccasin Trail and turn left, proceed 300 feet west to Mallard Lane and take a right, the next left is 10875 Mallard Lane.

A conditional use permit is required based upon moving more than 50 cubic yards of dirt.

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. Pictures taken during recent significant storm events clearly show the problem areas that need to be corrected.
2. Recent history of the family contacting the city in regard to the problem resulted in a berm being created by permit in 2013.
3. Property was in the heart of the area that lost thousands of trees that were removed over the last year.
4. Current Impervious coverage for the 140,137 sq ft (3.2Acre) parcel is 6.7%
5. Property has 300 feet of prime low elevation lakeshore.
6. Recent damage to a neighboring lot resulted in a CUP for over 700 Cu Ft of soil being added to make up for lost soil when tree stumps were removed.

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. Property owners and the contractors follow the recommendations of the engineer prepared stormwater plan.
2. Silt fencing is to be installed on all lakeshore and adjoining properties for soil protection.
3. Keep fill and silt fence at least 4 feet from the adjoining property owner's lot lines as surveyed.
- 4.
5. Keeping the roads clean should be a priority of the contractor and required by the owner in any contracts that they be brushed regularly