

**City of East Gull Lake
Planning and Zoning
Regular Meeting**

Tuesday, September 27, 2022 – 6:30 PM

I. Call to order

Chairman Bruce Buxton called to order the regular meeting of the City of East Gull Lake Planning and Zoning Commission at 6:30 PM on Tuesday, September 27, 2022 at City Hall.

II. Pledge of Allegiance

III. Roll Call

Present: Bruce Buxton (Chair), Commission: Marty Halvorson, Rocky Waldin, Alternate Gene Bridges

Absent: Commissioners Tollefson and Wiebolt

Staff Present: City Administrator Christensen, Administrative Assistant Schack

Council Liaison: Carol Demgen

Audience: Jane Fritscher, Jenna Ude, Travis Miller, David Ude, Don Gylling, Jim Mullaney, Kevin Yeager, Curt Nielsen, Carolyn Carter, Bernie McDonough, Ben Thuringer, Steve Boe

IV. Adoption of Agenda/Additions or Deletions to the Agenda

Addition: 8b

Motion by Commissioner Halvorson and seconded by Commissioner Bridges to approve the agenda as presented. All present voted in favor thereof. Motion carried.

V. Approval of Minutes

Motion by Commissioner Waldin, second by Commissioner Halvorson to approve the minutes of the Tuesday, August 31, 2021 meeting. All present voted in favor thereof. Motion carried.

VI. Open Forum

None

VII. Public Hearings

A. 2022-56 Remmick CUP

Administrator Christensen explained the parameters of the project. One question was asked regarding the transport of the fill. Public hearing was closed for discussion.

Findings of Fact:

1. Applicant proposes to import 266 cubic yards of fill outside of the shore impact zone (greater than 50% of 50 feet from the Ordinary High Water Level) to elevate area of yard up to two feet in height.
2. Applicant proposes elevated area will not direct any water off the property.
3. Staff reached out to Kelly Condiff, Cass County Wetland Conservation Act (WCA) Local Government Unit (LGU) regarding wetland determination of proposed fill area. Mr. Condiff indicated the proposed plan would be allowable without any impacts. Mr. Condiff indicated the Technical Evaluation Panel (TEP) had no issue with the plan as proposed.

Conditions:

1. A stormwater management plan demonstrating containment of a 25-year, 24-hour storm event on property based on current NOAA Atlas estimates shall be included with the Land-Use Application. Upon approval, this plan shall be implemented commencing at this time of or before the installment of fill.
2. Erosion control measures be implemented before, during and after construction until vegetation/grass is fully established.
3. Historic ice ridge is to remain and shall not be removed unless permitted by the city.

Motion by Commissioner Waldin and seconded by Commissioner Bridges to recommend approval of 2022-56 Remmick CUP subject to the findings and conditions as presented by City Staff. All present voted in favor thereof. Motion carried.

B. 2022-64 Ude Variance

Administrator Christensen explained the parameters of the project. Resident comments were heard by the Commission. Public hearing was closed for discussion.

Findings of Fact:

1. Current site plan places structure into designated bluff approximately 15 feet.
2. Total lot area including roadways: 34,838 square feet
3. Lot width at OHW: 100 square feet
4. Proposed structure size: 1,203 square feet and greater than 15 feet in height
5. Concrete apron (419 square feet) proposed in front of structure. Applicant indicated principal dwelling will be torn down and reconstructed on lakeside of property. If constructed to current plans, this principal dwelling may provide screening of structure from public waters and adjacent shorelands, but not adjacent parcels.
6. As indicated by applicant, principal use of structure will be for living quarters while construction takes place on principal dwelling.

Conditions:

1. A stormwater management plan demonstrating containment of a 25-year, 24-hour storm event on property based on current NOAA Atlas estimates at time of approval be implemented.
2. Structure be moved outside of designated bluff, maintain set back from Pike Bay Road and minimize the encroachment into the road right of way on Scenic Drive.
- ~~3. Structure size, shape and/or orientation be adjusted to fit within road Right of Way (ROW) setbacks.~~
4. No parking outside of the garage will be allowed long Pike Bay Road.

Motion by Commissioner Bridges and seconded by Commissioner Halvorson to recommend approval of 2022-64 Ude Variance subject to the findings and conditions as presented by City Staff with the additional language of maintaining set back from Pike Bay Road and minimize the encroachment into the road right of way on Scenic Drive, eliminating condition 3 and adding the condition for no parking to be allowed outside of the garage along Pike Bay Road. All present voted in favor thereof. Motion carried.

C. 2022-65 Mullaney CUP

Administrator Christensen explained the parameters of the project. Mr. Mullaney addressed the Commission stating the reason he built the fence. Mr. Sickmann addressed the Commission in opposition of the fence. Discussion ensued regarding the height of the fence. Public hearing was closed for discussion.

Findings of Fact:

1. Fences not exceeding 60 inches in height may be constructed on a property line except within the Waterfront setback area of R-2, R-3 or CW District. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road.
2. Fences not meeting the requirements of 6.4 (1) shall require a Conditional Use Permit.
3. Fences shall not be erected where they create a visual safety hazard in the opinion of the Zoning Administrator.
4. Fences shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick, or smooth wire.
5. Fence exceeds 60 inches in height and is constructed outside of the waterfront setback area of the R-3 zoning district and consists of wood fencing material.

Conditions:

1. Vegetative screening be maintained on lakeside and roadside of property to adequately block view of fence from road and lake.

Motion by Commissioner Waldin and seconded by Commissioner Bridges to recommend denial of 2022-65 Mullaney CUP. All present voted in favor thereof. Motion carried.

VIII. Planning and Zoning Administrator's Report

A. Statistics

New Permits:	5
New Variances:	1
New Conditional Use:	1
Completion Letters:	1
New Violations:	0
Total 2021 Permits to date:	71

B. Prior Years' Existing Permits Update

- 42 open out of 108 total 2021 permits
- 4 open out of 96 total 2020 permits

Administrator Christensen noted approximately 50 inspections took place during the last month.

C. Application #2022-XX, New Construction, Steve Boe, PID 87-384-0115

It was noted that the city attorney recommended the application can be treated as an over-the-counter permit and the structure be viewed as a principal structure.

IX. Old Business

A. Sketch Plan Review – Handahl, 903 Green Gables Road, 87-343-0030

Discussion ensued regarding the direction that should be taken to complete the project.

B. Ordinance amendment discussion; Accessory structures

Administrator Christensen noted that Mr. Balstad was given glowing review.

C. Land-Use Committee Update

Two memos were given, one from SEH and one from Kimley-Horn. Recommendation to the Council would be to apply in June for MNDOT grant funding toward completing an Airport Layout Plan.

X. New Business

A. Application #2022-56, Lot Split, Nancy Carlson, PID 87-016-4201

Administrator Christensen reviewed the application. Discussion ensued regarding easements for the roadways.

Motion by Commissioner Bridges and seconded by Commissioner Halvorson to approve the lot split subject to requiring verification of the 33 foot easement for the roads. All present voted in favor thereof. Motion carried.

IX. Adjournment

Motion by Commissioner Halvorson and seconded by Commissioner Waldin to adjourn. All present voted in favor thereof. Motion carried.

These minutes are paraphrased and are not written word for word.