

**City of East Gull Lake  
Planning and Zoning  
Joint Special Meeting**

Tuesday, May 30, 2023 – 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, May 30, 2023 at Cragun’s Legacy Pavilion, 11496 East Gull Lake Dr.

**II. Pledge of Allegiance**

**III. Roll Call**

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

Staff Present: City Administrator Christensen, Administrative Assistant Schack

Council Liaison: Carol Demgen

Audience: See attached sign in sheets

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

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

**V. Approval of Minutes**

**Motion by Commissioner Halvorson, second by Commissioner Wiebolt to approve the minutes of the Tuesday, April 25, 2023 meeting. All present voted in favor thereof. Motion carried.**

**VI. Open Forum**

None

**VII. Public Hearings**

**A. 2022-75 Norway Ridge Preliminary Plat and Rezone continuation**

Chair Buxton noted this meeting is a continuation and that the public hearing portion was closed at the last meeting. He asked the applicant to explain the requested changes that were made to the submittal. It was noted that three buildings were eliminated from the plan to meet the requirements of the R1 zoning and additional request of changing the setbacks between the homes from seven to ten feet. The applicant noted that they are no longer requesting a zoning change. Discussion ensued regarding the sightline from County Road 77. Commissioner Tollefson stated he would like to require a berm be engineered to shield the development. It was noted that a berm would be more harmful to the existing plants and that those existing plants are buffer enough especially knowing they will continue to grow.

**Recommended Conditions: (See Attachment A)**

**Motion by Commissioner Bridges and seconded by Commissioner Wiebolt to recommend approval of the Norway Ridge Development Preliminary Plat 2022-75 subject to findings and conditions as presented by City staff. Commissioners Bridges, Wiebolt and Buxton voted in favor with Commissioners Halvorson and Tollefson voting against. Motion carried.**

**Motion by Commissioner Tollefson and seconded by Commissioner Halvorson to recommend requiring a berm be created to buffer CR 77 from the south end of the development. Commissioners Halvorson and Tollefson voted in favor with Commissioners Bridges, Wiebolt and Buxton voting against. Motion denied.**

**B. 2023-21 Hagemann Conditional Use Permit**

The staff report was given by Administrator Christensen noting the five recommended conditions.

Travis Miller addressed the commissioners reviewing the permit request. It was noted that the impervious coverage is nearing the maximum threshold and there should be some concession made to

allow for the impervious coverage that occurs during landscaping. Travis stated that the driveway could be decreased, the deck could be made smaller or there is a hot tub area that could be removed. He noted that he would talk to his client in order to make some necessary changes.

**Recommended Conditions:** If recommendation is made by the Board to approve variance, staff recommends the following conditions:

1. Prior to construction, a stormwater plan to contain a 25 year, 24 hour precipitation event as specified by the most recently published NOAA Atlas Point Precipitation Frequency Estimates must be approved by the City. This plan is to be implemented by the landowner(s) of the property in perpetuity (as long as the provisions of the related variance(s) and CUP(s) remain valid/applicable).
2. Erosion control measures must be implemented during construction of this project and maintained until vegetation is adequately established as to prevent runoff/sedimentation to adjacent properties, waterbodies/waterways and roadways.
3. Impacts to the shore impact zone must be avoided outside of the direct area of construction and minimized within the area of construction. Best management practices shall be used to ensure the integrity of the shore area be maintained.
4. Applicant/Landowner shall work with the City's Public Works Department regarding requirements of connection to municipal sewer.
5. Applicant/Landowner must complete and submit any other required applications relating to this project, remit associated fees and obtain approval (by permit) prior to construction. This includes, but may not be limited to, completion and submission of EGL Land-Use Application and approval of permit.
6. Applicant/Landowner must submit a complete landscaping plan to be approved prior to construction.

**Motion by Commissioner Tollefson and seconded by Commissioner Halvorson to recommend approval of Hagemann CUP 2023-21 subject to the findings and conditions as presented by City Staff with the additional conditions to complete and submit a landscape plan to be approved by the city prior to construction and the storm water plan be designed by a licensed engineer. All present voted in favor thereof. Motion carried.**

**C. 2023-22 Anderson Conditional Use Permit**

The staff report was presented by Administrator Christensen. The applicant and his builder addressed the commissioners, answering questions posed. It was noted that the garage would be built in a wetland area and the applicant is working with Cass County TEP. The commissioners asked if he would be willing to commit to signing a 15.99 waiver to postpone the decision until Cass County TEP makes its determination. The applicant stated he would be willing to do that. The commission then decided to table the application until the determination is made by Cass County TEP.

**Motion by Commissioner Waldin and seconded by Commissioner Wiebolt to recommend tabling of Anderson CUP 2023-22 until the determination is made by Cass County TEP regarding building within the wetlands. All present voted in favor thereof. Motion carried.**

**D. 2023-20 Helipad Ordinance Amendment**

A presentation from Doug Schieffer was given in support of his proposal to land helicopters within city limits, noting that it would be more desirable than landing on the water. He stated that he is fully prepared to land on the water if that is his only option. Many comments were made both for and against changing the ordinance. Those comments can be heard on the tape of the meeting and all correspondence is available at City Hall.

**Motion by Commissioner Waldin and seconded by Commissioner Wiebolt to recommend denial of Ordinance Amendment 2023-20 to allow helipad use within city limits other than at the city airport. Commissioners Waldin, Wiebolt and Buxton voted in favor with Commissioners Halvorson and Tollefson voting against. Motion carried.**

Discussion then ensued regarding the ability to construct hangars on the city airport property. It was stated that this was the best solution to the issue. The audience was encouraged to let the City Council know how they felt on the issue.

**Motion by Commissioner Tollefson, second by Commissioner Halvorson to reaffirm the recommendation passed at the last planning commission to allow building hangars on the city airport. All present voted in favor thereof. Motion passed unanimously.**

**VIII. Planning and Zoning Administrator’s Report**

**A. Statistics**

New Permits:	11
New Variances:	0
New Conditional Use:	2
Inspections:	0
Completion Letters:	0
New Violations:	0
Total 2023 Permits to date:	31

**B. Prior Years’ Existing Permits Update**

- 62 open out of 83 total 2022 permits
- 34 open out of 108 total 2021 permits
- 2 open out of 96 total 2020 permits

**IX. Old Business**

None

**X. New Business**

None

**IX. Adjournment**

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

These minutes are paraphrased and are not written word for word. The recording is available to hear all aspects of the meeting and testimony given.

## Attachment A

**Staff Recommendation:** If the Planning Commission is to approve this application, City Staff recommends consideration of the following conditions:

1. All applicable permits shall be secured by applicant/owner. It shall be the applicant/owner's responsibility to secure necessary concurrent permits such as Pollution Control Agency, State Waste Disposal Permits, Health Department Permits, DNR Planned Unit Development Permits, Corps of Engineers Permits, DNR Public Water Permits and DNR Water Appropriation Permits. Approval by the City does not imply approval by other agencies.
2. Final plat/PUD plans are to reflect PUD Allowed Density exhibit by shifting Block 7 Lots 11-15 slightly south and Block 6 Lot 11 slightly south or conform to EGL Ordinance in another layout variation.
3. Applicant/owner shall provide to the City easement to allow 66 feet road right-of-way for Green Hill Road.
4. All construction shall remain outside of the bluff impact zone.
5. Proposed perimeter fence shall be relocated outside the new Green Hill Road right-of-way.
6. Details of proposed fencing is to be submitted prior to Final Plat/CUP approval.
7. The building height of the clubhouse, and any other structure located in the development, shall not exceed a height of 30 feet as defined by EGL Ordinance.
8. The development can contain one storage building up to 1,280 square feet (footprint) for the storage, operation, and maintenance equipment per the HOA. The building exterior shall match the materials of the dwellings in the development. Appropriate permit(s) shall be obtained from the City prior to construction of this structure.
9. Appropriate permits, along with remittance of associated fees, shall be obtained from the City for grading, utilities, and roadway work.
10. Appropriate permits, along with remittance of associated fees, shall be obtained from the City prior to construction of each structure.
11. At time of permit application for structures utilizing municipal sewer services, applicant/owner shall remit associated Sewer Access Connection fees.
12. Permit, along with remittance of associated fee(s), shall be obtained from the City prior to implementation of monument sign.
13. Details of proposed municipal sewer and water system connections and extensions, existing and proposed, with grades shown, shall be included in the final design. This includes information regarding adequacy of domestic water supply. These plans will be reviewed and signed off on by City hired consultant prior of consideration of approval by the City. Cost of this review will be burdened by the applicant/owner.
14. All roadway and drainage plans shall be professionally reviewed and signed off on by City hired consultant. Cost of this review will be burdened by the applicant/owner.
15. All roads within the development shall be privately owned and maintained by the owner/entity.
16. Owner/entity shall be the sole owner of the stormwater utilities including ditches, swales, culverts, storm sewers, and all other infrastructure necessary for the conveyance of stormwater on the site.
17. Access road connecting County Road 77, White Pine Road SW and Gull Lake Drive SW must be planned and constructed with approval by Cass County Engineer and other applicable entities prior to the vacation of Gull Lake Road.
18. All infrastructure costs, including the required new access road and sewer main, shall be burdened by the applicant/owner. Before any construction shall commence on any improvements that are going to be maintained by the City, the applicant/owner shall post with the City a Performance Bond or other financial security satisfactory to the City in the amount of 125% of the total cost of the improvement as estimated by the City's duly appointed engineer giving the City the ability to remove or complete the construction with the security if the developer defaults. For PUD's, the developer shall also post with the City a Performance Bond or other financial security satisfactory to the City in the amount of 100% of the total cost of the construction of common items that are included in the development as estimated by the City's duly appointed engineer giving the City the ability to remove or complete the construction with the security if the developer defaults.
19. Applicant/owner shall pay for park dedication fees as required by EGL Ordinance.
20. Open space areas shall be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means acceptable to the City.
21. Applicant/owner shall apply for an NPDES permit and operate and maintain the SWMPP plan as required by MPCA prior to and during construction.
22. Applicant/owner shall meet EGL Ordinance defined minimum design layout standards prior to approval of Final Plat/Conditional Use Permit. The City, or hired consultant on behalf of the City, will review this submittal during the final design phase.
23. Applicant/owner shall meet EGL Ordinance defined survey standards prior to approval of Final Plat/Conditional Use Permit. The City, or hired consultant on behalf of the City, will review this submittal during the final design phase.

24. Applicant/owner shall meet EGL Ordinance defined street improvement standards prior to approval of Final Plat/Conditional Use Permit. The City, or hired consultant on behalf of the City, will review this submittal during the final design phase.
25. Applicant/owner shall meet EGL Ordinance defined sanitary provision standards prior to approval of Final Plat/Conditional Use Permit. The City, or hired consultant on behalf of the City, will review this submittal during the final design phase.
26. Applicant/owner shall meet EGL Ordinance defined water supply standards prior to approval of Final Plat/Conditional Use Permit. The City, or hired consultant on behalf of the City, will review this submittal during the final design phase.
27. Applicant/owner shall meet EGL Ordinance defined drainage/grading standards prior to approval of Final Plat/Conditional Use Permit. The City, or hired consultant on behalf of the City, will review this submittal during the final design phase.
28. Applicant/owner shall submit to the City dedications to the public. The City's Attorney will request and review material related dedications to public at the time of Final Plat submittal.
29. Applicant shall provide evidence of authority to subdivide the parcel consisting of fee ownership or written concurrence of fee owners. This evidence shall be reviewed by the City's Attorney.
30. Applicant/owner shall meet EGL Ordinance defined performance standards.
31. No outside storage shall be permitted on the property.
32. Applicant/owner shall address all review comments as provided by WSB/City hired consultant, including stormwater management.
33. All structures, including dwellings and clubhouse, shall be constructed to meet the International Building Code.
34. Construction of all improvements to be eventually turned over to the City for their operation, use, and maintenance, shall be subject to the inspection of the City's duly appointed engineer with cost of inspection burdened by the applicant/owner.
35. All other improvements/infrastructure shall be owned and operated by the owner entity (HOA, etc.) and shall be inspected for compliance with the plans and specifications by the design engineer. These include, but are not limited to cluster access drives, storm sewer facilities, grading operations, clubhouse and water treatment buildings, water well and distribution system, interior trails, etc.
36. Easements shall be provided to the City as necessary for operations and maintenance of sewer system, including those needed on private access roads to cluster homes.
37. Easements shall be provided to the City as necessary for any trails, constructed to City requirements and agreed to be maintained by the City for public access.
38. Detailed plans for each home specific to this development, including floor plans, sidewalks, patios, and other landscaping items of an impervious nature shall be submitted to the City prior to Final Plat/CUP approval.
39. A minimum of 45% green space of individual lot areas shall be maintained.
40. Detailed plans for all amenities are to be submitted prior to Final Plat/CUP approval including clubhouse, swimming pool, patio, pickleball courts, firepits, and dog park amenities.
41. Appropriate CUP and any other permits shall be submitted to the City and approved by the City in conjunction with Final Plat approval.
42. Applicant shall submit a detailed geotechnical evaluation to the City and obtain approval by the City's duly appointed engineer during the final design phase of the project.
43. Screening effectiveness, as approved by the City in the final design of this project, shall be maintained in perpetuity, as long as the provisions of the approved PUD remain valid/applicable.