

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

Tuesday, August 29, 2023 – 6:30 PM

I. Call to order

Chairman Eunice Weibolt called to order the regular meeting of the City of East Gull Lake Planning and Zoning Commission at 6:30 PM on Tuesday, August 29, 2023 at City Hall.

II. Pledge of Allegiance

III. Roll Call

Present: Eunice Weibolt (Chair), Commission: Marty Halvorson, Paul Tollefson, Rocky Waldin, Gene Bridges, Alternate Albie Kuschel
Staff Present: City Administrator Christensen, Administrative Assistant Schack
Council Liaison: Carol Demgen
Audience: See Attached

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

Motion by Commissioner Halvorson and seconded by Commissioner Waldin 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, July 25, 2023 meeting. All present voted in favor thereof. Motion carried.

VI. Open Forum

Sharron Gibbons, 11071 PBP Road supplied comments to improve communications with the public.
Albie Kuschel addressed the Commission requesting information regarding parcels rezoned to rec. More research is needed.

VII. Public Hearings

A. CUP 2023-34 – Kevin Close

Administrator Christensen reviewed the staff report for the project. Paul Maki addressed the Commission. It was noted that the project is a good design and would not be disturbing much of the property.

Findings:

PART 1

IMPERVIOUS SURFACE

As described in Section 8.4-5, 6 of the EGL Land Use, Zoning and Subdivision Ordinance:

Developed Lots of Record: (Riparian)

1. 20% Impervious will be changed to 80% Green Space.
2. 25% Impervious will be changed to 75% Green Space with a storm water management plan handling 25-year/24-hour storm [precipitation event] on site. ***

As described in Section 8.5-5, 7B. of the EGL Land Use, Zoning and Subdivision Ordinance:

- B. Impervious Coverage. Impervious coverage may be increased by 5% through a Conditional Use permit if the following is provided:
 1. A stormwater retention plan showing containment of the 5-year, 24-hour [25-year, 24-hour] storm [precipitation] event on the parcel.***

2. Direct runoff of stormwater to adjacent water bodies, including wetlands and adjacent parcels, shall be eliminated through the use of berms or other permanent means.

- Lakeside (riparian) portion of parcel is 45,800 square feet; Total area of parcel is 75,781 square feet.
- Parcel 87-337-0091 is a developed lot of record proposed to contain a total of 21.8% impervious surface on the riparian portion of the property.
- A stormwater plan proposing containment of a 25-year, 24-hour precipitation event has been submitted as a part of this application.
- Direct runoff of stormwater to adjacent water bodies and adjacent parcels is proposed to be reduced by means of collection areas as demonstrated in the stormwater plan.

PART 2

SETBACKS

As described in Section 8.5-5, 6 of the EGL Land Use, Zoning and Subdivision Ordinance:

- Minimum right-of-way, collector, and arterial street setback – 30 feet
- Approximate proposed street setback – 255 feet
Minimum OHW setback – 50 feet (excluding walks, steps on grade, etc.)
- Approximate proposed OHW setback – 8 feet
Minimum bluff setback – 30 feet
- Approximate proposed bluff setback – No bluff indicated on property
Minimum side setback – 10 feet
- Approximate proposed side setback – 10 feet and 128 feet, 5 inches

As described in Section 8.5-1, 6C. of the EGL Land Use, Zoning and Subdivision Ordinance:

There shall be no impervious coverage within 50 feet of the OHW except walks and steps on grade less than four feet wide as provided for in this Ordinance.

- A lift system with landings not exceeding 4 feet in width and 32 square feet can be inferred as applicable to this provision.

PART 3

STAIRWAYS, LIFTS AND LANDINGS

Section 8.5-5, 7G. of the EGL Land Use, Zoning and Subdivision Ordinance specifies:

- G. Stairways, lifts, and landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
 - a. Stairways and lifts must not exceed 4 feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and Planned Unit Developments.
 - Width of lift is proposed to be 4 feet.
 - b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area.
 - Two 8 feet by 4 feet (totaling 32 square feet) landing areas are proposed.
 - c. Canopies or roofs are not allowed on stairways, lifts, or landings.
 - No canopies or roofs are proposed on lift.
 - d. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
 - The lift is proposed to be constructed on posts above ground.
 - e. Stairways, lifts, and landing[s] must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
 - Lift is located on a steep, vegetated slope.
 - f. Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (1) to (5) are complied with.

PART 4
USE

As described in Section 8.10-5, 4 of the EGL Land Use, Zoning and Subdivision Ordinance:

4. The Planning and Zoning Commission shall decide the issue with consideration to the following:

A. The following must be met:

1. The use or development is an appropriate conditional use in the Land Use zone.
 - A lift system to access the lake from a steep slope is a reasonable use of property. It is common for property owners in the R-3 zoning district with steep slopes and bluffs to have systems of a similar nature.
 - The proposal will not create a Land Use not permitted in the zone.
2. The use or development, with conditions, conforms to the comprehensive Land Use plan.
 - Pages 6, 10 and 11 of the EGL Comprehensive Plan recognize the increase in reconstruction of lakeshore properties and indicate the city has implemented requirements concerning impervious surface coverage, stormwater run-off and maintenance of natural vegetative shoreline to prevent erosion.
3. The use with condition is compatible with the existing neighborhood.
 - The proposed project with condition(s) would be compatible with the residential use of the existing neighborhood.
4. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance, or prosperity of the City.
 - Pending adequate planning, construction and implementation of stormwater retention and erosion control measures, the proposal with condition(s) would not negatively impact the surrounding existing residential neighborhood or City.

B. The following must be considered:

1. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.
 - Pending adequate planning, construction and implementation of stormwater retention and erosion control measures, the proposal would not negatively impact the surrounding existing residential neighborhood or City.
2. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 - The neighboring parcels are currently not vacant and are residentially developed. The conditional use proposal is contained to parcel 87-337-0091.
3. The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 - N/A
4. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or indifference with traffic on surrounding public thoroughfares.**
 - The property contains a total of 5,223 square feet of bituminous driveway with attached and detached garages.
5. Adequate measures have been taken to provide sufficient off[-]street parking and loading space to serve the proposed use.
 - The property contains a total of 5,223 square feet of bituminous driveway with attached and detached garages.
6. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.
 - Pending adequate planning, construction and implementation of stormwater retention and erosion control measures, the proposal would not negatively impact the surrounding existing residential neighborhood or City.
7. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
 - The City is unaware of any natural, scenic, or historical features of major significance at this site.

8. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

Pending adequate planning, construction and implementation of stormwater retention and erosion control measures, the proposal would promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

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 reviewed and approved by the City’s designated engineer. 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 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.

Motion by Commissioner Waldin and seconded by Commissioner Halvorson to recommend approval of CUP 2023-24 subject to the findings and conditions as presented by City Staff. All present voted in favor thereof. Motion carried.

VIII. Planning and Zoning Administrator’s Report

A. Statistics

New Permits:	7
New Variances:	0
New Conditional Use:	1
Inspections:	0
Completion Letters:	0
New Violations:	0
Total 2023 Permits to date:	46

B. Prior Years’ Existing Permits Update

- 61 open out of 83 total 2022 permits
- 32 open out of 108 total 2021 permits
- 2 open out of 96 total 2020 permits

The Hageman project was discussed.

IX. Old Business

A. Kenbrook Sketch Plan

There was no representative to address the Commission. A sketch plan to create a deck addition to an existing non-conforming structure due to proximity of structure being closer than 50’ to the OHWL was discussed. It was noted that the non-conformity would be increased, so the Commission stated an application for Variance would most likely be denied.

B. Scherping Sketch Plan

Mr. Scherping addressed the Commission regarding desire to connect accessory structure to city sewer. The ordinance provisions define that any accessory structure with kitchen or bathroom facilities shall be considered a dwelling guest quarters. The minimum lot size for a guest quarters in the R-3 zone is 40,000sf. This property contains less than 40,000sf and therefore a Variance would need to be granted to allow this structure to hook onto city sewer. Mr. Scherping stated that the prior administrator, Rob Mason, gave him verbal approval. Commissioner Bridges volunteered to inquire with Mr. Mason regarding this verbal approval as there is no written record of this approval.

C. CUP Application 2023-29 – SBA Towers continuance

Attorney for SBA addressed the Commission regarding the CUP. It was noted that the matter was regulated federally and the 60 day rule had expired. SBA said they could move forward with the project without approval by the City, but still wanted approval of the CUP.

Motion by Commissioner Tollefson and seconded by Commissioner Halvorson to recommend tabling of CUP 2023-29 giving the next step to the city attorney. All present voted in favor thereof. Motion carried.

D. CUP Application 2023-22 – Tim Anderson continuance

Discussion ensued regarding the CUP.

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 submitted and 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 is to provide proof of compliance with wetland laws and regulations (WCA, etc.) prior to approval of Land-Use permit.
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.

Motion by Commissioner Waldin and seconded by Commissioner Bridges to recommend approval of CUP 2023-22 subject to the conditions as presented by City Staff. All present voted in favor thereof. Motion carried.

E. Short Term Rental working group update

Discussion ensued regarding the next step in the process. It was noted that a motion should be made to not allow short term rentals. Mitch Brock addressed the Commission regarding short term rentals stating the homeowner should be required to stay on the property if renting for less than thirty (30) days. Eric Peterson addressed the Commission noting they will comply with the city's requirements.

F. Ordinance revision update, moratorium recommendation

Commissioner Tollefson addressed the issue of a moratorium on any new PUDs.

Motion by Commissioner Tollefson and seconded by Commissioner Halvorson to recommend a moratorium on any new PUDs. All present voted in favor thereof. Motion carried.

X. New Business

A. Wilson Sketch Plan

The Wilson's were not able to attend so Administrator Christensen explained the proposal. It was noted that the proposal amounted to roughly 15% total impervious surface on the property. Members of the Planning Commission stated the requested size of the accessory building was too large and should not exceed 1680 sq ft. It should also be constructed to generally match the exterior of the existing principal dwelling. The Commission recommended the Wilson's move forward with a CUP application with the modifications as stated.

B. Lot Split Application 2023-32A – Dondelinger

Discussion ensued regarding the lot split.

Motion by Commissioner Waldin and seconded by Commissioner Halvorson to recommend approval of Lot Split 2023-32A. All present voted in favor thereof. Motion carried.

IX. Adjournment

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

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