

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

Tuesday, September 26, 2023 – 6:30 PM

I. Call to order

Chair Eunice Wiebolt called to order the regular meeting of the City of East Gull Lake Planning and Zoning Commission at 6:30 PM on Tuesday, September 26, 2023 at City Hall.

II. Pledge of Allegiance

III. Roll Call

Present: Eunice Wiebolt (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 Waldin 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 Halvorson, second by Commissioner Waldin to approve the minutes of the Tuesday, August 29, 2023 meeting. All present voted in favor thereof. Motion carried.

VI. Open Forum

Brian Stephens addressed the Commission regarding the proposal of his project which will need a Variance due to the setbacks. It was noted that the city would be willing to give suggestions other than allowing infringement into the setback.

VII. Public Hearings

A. Helgeson CUP 2023-38

Administrator Christensen read the proposal:

Craig Helgeson, the applicant, is requesting approval of a Conditional Use Permit (CUP) to construct a detached accessory structure and access driveway on the developed property which increases the impervious coverage on the site above the ordinance permitted 20%. The site currently has a home with an attached garage. The site survey provided also indicates there is a looped driveway, sidewalks, deck, retaining walls, and patio with firepit. The site currently has impervious coverage of 20.2% and the new 920 square foot detached garage with driveway extension will bring the impervious coverage up to 23.9%, prompting the need for a Conditional Use Permit.

Curtis Sanow, Widseth, addressed the Commission for the Helgeson's explaining the project. It was noted that WSB reviewed and approved the stormwater plan. The stormwater plan was discussed with Curtis showing on the plan where the drainage is being retained.

Conditions:

- A. 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).
- B. Erosion and sediment control measures must be shown on the stormwater plan and 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.

- C. The applicant must submit final plans addressing the issues raised by the City Engineer in their memo dated 09/14/2023.
- D. 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.
- E. The applicant shall provide building elevations to ensure the building height is at 24' or owner prior to issuance of a Land Use Permit.
- F. 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.
- G. The exterior of the accessory structure shall generally match the exterior color of the principal structure with similar siding and roofing.
- H. The accessory structure shall be sufficiently screened to prevent view from public waters.

Motion by Commissioner Tollefson and seconded by Commissioner Halvorson to recommend approval of CUP 2023-38 subject to the findings and conditions prepared by WSB and presented by City Staff. All present voted in favor thereof. Motion carried.

B. Wilson CUP 2023-41

Administrator Christensen read the proposal:

Blair and Carol Wilson have requested a Conditional Use Permit (CUP) to construct a 1,680 square foot accessory structure and access driveway off the new Gull Lake Lane. A CUP is required based upon total accessory structure size exceeding 1,280 square feet in the R-3 Shoreline Residential, Medium Density zoning district.

Ian Wilson addressed the Commission regarding the proposal.

Conditions:

- A. 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.
- B. 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.
- C. The existing accessory structure designated as "HOUSE" on the Certificate of Survey dated 6/25/19 is to be removed and existing driveway off of (the old) Gull Lake Lane is to be turned to permeable vegetated area/lawn per city approval/standards by 6/30/2025.
- D. Adequate vegetative screening of the proposed accessory structure from Gull Lake shall remain as long as the provisions of the related CUP remain valid/applicable.
- E. The exterior of the accessory structure shall generally match the exterior color of the principal structure which currently exists on the property.
- F. The proposed accessory structure shall be guttered, and stormwater directed away from adjacent properties and road to open lawn areas.
- G. 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 Halvorson and seconded by Commissioner Bridges to recommend approval of CUP 2023-41 subject to the findings and conditions as presented by City Staff. All present voted in favor thereof. Motion carried.

C. Velasco CUP 2023-43

Administrator Christensen read the proposal:

Jeremy Velasco, the applicant, is requesting approval of a Conditional Use Permit (CUP) to construct a detached accessory structure, with patio and driveway access on the developed site. The site currently has a home with an attached garage. A conditional use permit is required as the proposed detached garage is 1600 square feet; the ordinance requires a conditional use permit for any accessory structure over 1280 square feet. The site is unusual in

that there is a shared driveway that traverses along the south property line which also provides access to the property immediately to the south, at 803 Green Gables Road. The parcel is owned by Velasco Investments and is associated with the property owner at 787 Green Gables. There are no other lots gaining access from the private drive. The lot split creating the two parcels occurred in 2018.

The issue raised by the presence of the private drive is more related to impervious surfaces on the property. Because the private drive functions like a road, staff has not included the private drive section in the analysis and therefore the property is in compliance with the impervious surface requirements.

The other item of note is the split zoning on the property. It appears, based upon the location of the proposed accessory garage, the zoning for that portion of the site is R2. The northwestern portion of the site is zoned R3. The private drive easement is 20' in width and the applicant is proposing to set back the garage an additional 5' from the easement.

Conditions:

- A. Erosion and sediment control measures must be shown on the stormwater plan and 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.
- B. The applicant shall provide a revised site plan that depicts at least a 40' side yard setback on the north and south prior to issuance of a Land Use Permit.
- C. The applicant shall provide elevations of the proposed accessory garage to ensure the building generally matches the principal structure on the site and the accessory building height is 24' or lower.
- D. 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.
- E. The building may only be used for residential purposes (no commercial activity).
- F. The exterior of the accessory structure shall generally match the exterior color of the principal structure.
- G. The accessory structure shall be sufficiently screened to prevent view from public waters.

Motion by Commissioner Waldin and seconded by Commissioner Halvorson to recommend approval of CUP 2023-43 subject to the findings and conditions prepared by WSB and presented by City Staff. All present voted in favor thereof. Motion carried.

D. Scherping Variance 2023-44

Administrator Christensen read the proposal:

Rodney and Rebecca Scherping have requested a variance from the East Gull Lake (EGL) Land Use, Zoning and Subdivision Ordinance to install a bathroom in an existing accessory structure, which currently does not contain a bathroom or kitchen at 1072 Green Gables Road. A variance is required based upon the creation of guest quarters (dwelling) on a substandard parcel as specified in the EGL Land Use, Zoning and Subdivision Ordinance for parcels located in Shoreline Residential, Medium Density (R-3) zoning district. The minimum required lot size of a parcel with guest quarters is 40,000 square feet and the parcel is approximately 36,000 square feet. The applicant has requested to hook into municipal sewer.

Bridges addressed the Commission noting the previous administrator gave a verbal approval to the proposed project.

Condition:

- A. Applicant must connect to municipal wastewater per the Public Works Directors requirements and standards which may include engineered design and approval and MPCA approval. All costs associated with this connection, including, but not limited to fees, engineering costs and equipment will be burdened by the applicant/landowner.
- B. Applicant shall provide proposed adequate screening to the property to be approved by the City Administrator.

Motion by Commissioner Halvorson and seconded by Commissioner Tollefson to recommend approval of Variance 2023-44 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:	8
New Variances:	1
New Conditional Use:	3
Completion Letters:	1
New Violations:	0
Total 2023 Permits to date:	58

B. Prior Years’ Existing Permits Update

- 59 open out of 83 total 2022 permits
- 30 open out of 108 total 2021 permits
- 2 open out of 96 total 2020 permits

C. Inspections Report by WSB and City Administrator

Administrator Christensen noted WSB is doing several of the inspections and will be providing updates.

IX. Old Business

None

X. New Business

A. Kohorst project (2023-45)

Brad Kohorst addressed the Commission stating that they downsized so they would not have to go through the CUP process. He stated that he was not counting the deck, steps, and rocks as impervious. Discussion ensued regarding possibilities. It was noted that the city will stand at the 20% impervious. It was decided that they should come in with an adjusted plan at the next meeting.

B. Discuss Planned Unit Development Ordinance Language

Commissioner Tollefson had asked for discussion on this issue. It was noted that the moratorium ordinance drafting is in the city attorney’s hands. Discussion ensued regarding the timing of the attorney’s responses.

IX. Adjournment

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

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