

CITY OF EAST GULL LAKE
AGENDA
PLANNING AND ZONING COMMISSION
Tuesday, July 25, 2017 – 6:30 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Additions or Deletions to the Agenda /Adoption of Agenda
5. Approval of Minutes
 - a) June 27, 2017 Regular Meeting
6. Public Hearing
 - a) Variance 2017-39: 87-413-0160, 11616 PB Dr, Randy and Cindy Narlock
 - b) Final Plat THE HARBOR 2017-02D: 87-017-4101, Harstad Hills, Marty Harstad
7. Open Forum*
8. P&Z Administrator's Report
 - a) Statistics

New Permits:	
New Variances:	1
New Conditional Use:	0
Potential Permits:	3
Inspections:	
Completion Letters:	0
New Violations:	0
Total 2017 Permits to date:	46

- b) 2013, 2014 & 2015 Existing Permits Update
 - One remaining open 2013 permit: Owen Trout garage
 - One remaining open 2014 permits: Thomas Deans
 - Eight (8) remaining open 2015 permits
 - 32 open out of 86 total 2016 permits
9. Old Business
None
10. New Business
None
11. Adjournment

This agenda is not exclusive. Other business may be discussed as deemed necessary.

***OPEN FORUM** allows the public to speak to the Committee regarding issues that are not on the agenda.

Prepared by East Gull Lake Administrative Assistant
Kathy Schack

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

Tuesday, June 27, 2017 – 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, June 27, 2017 at City Hall.

II. Pledge of Allegiance

III. Roll Call

Present: Bruce Buxton (Chair), Commission: Marty Halvorson, Nate Tuomi, Eunice Wiebolt, Rocky Waldin
Absent: Paul Tollefson
Staff Present: City Administrator Mason, Administrative Assistant Schack
Council Liaison: Carol Demgen
Audience:

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

Motion by Commissioner Halvorson and seconded by Commissioner Wiebolt to approve the agenda as amended. Passed unanimously

V. Approval of Minutes

Commissioner Waldin noted a minor error of a misplaced sentence in the minutes from last month.

Motion by Commissioner Tuomi, second by Commissioner Waldin to approve the corrected minutes of the Tuesday, May 30, 2017 meeting.

VI. Public Hearings

None

VII. Open Forum

None

VIII. Planning and Zoning Administrator's Report

A. Statistics

New Permits:	11
New Variances:	0
New Conditional Use:	0
Potential Permits:	3
Inspections:	39
Completion Letters:	0
New Violations	3
Total 2017 Permits to date:	49

B. 2013, 2014 & 2015 Existing Permits Update

- One remaining open 2013 permit: Owen Trout garage
- One remaining open 2014 permit: Thomas Deans shed reconstruction
- 8 remaining open 2015 permits
- 32 open out of 86 total 2016 permits

Administrator Mason reviewed the inspections that took place during the last month.

Discussion ensued regarding the Trout project. It was noted that he is being fined for not completing the project in time. Chair Buxton noted that the fines will continue to grow and he suggested that we negotiate with Mr. Trout, stating that if he hires someone to complete the project the City would forgive some or all of the fines if it is done by a certain date. The City's goal is to have the project complete. It was stated that the incentive to complete the project could be: if it is done by July 21, 2017, all of the fine would be waived and if it is done by August 1, 2017 half would be waived. It was noted that the issue would be brought up to the City Council.

Administrator Mason noted that the HARBOR is going to the final platting stage will be addressed at the July 25, 2017 meeting. Discussion ensued regarding the progress.

IX. Old Business

A. Comprehensive Plan Update

Chair Buxton opened the discussion regarding the Comprehensive Plan.

- Stormwater issues were discussed. It was noted that water needs to be contained on each individual property whether or not the impervious is above 20%. Above 20% needs a stormwater plan done by a licensed engineer.
- Placement of the paragraphs and strategies for the "Look to the Future" section
- Date for the Public Hearing. It was decided to try to have the meeting on August 8, 2017 or August 15, 2017 from 6:30 pm. to 8:30 pm.

X. New Business

None

IX. Adjournment

Motion by Commissioner Halvorson and seconded by Commissioner Tuomi to adjourn. Passed unanimously.

Transcribed by East Gull Lake Administrative Assistant
Kathy Schack

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



City of East Gull Lake

Staff Report

To: Planning Commission

Prepared by: Administrative Assistant Schack

Date: July 25, 2017

Agenda Item: 6a

Subject: Variance 2017-39: 87-413-0160, 11616 PB Dr., Randy and Cindy Narlock

Report:

Staff recommends that the variance be approved based on the findings and conditions of the staff report.

Findings of Fact:

1. Home is built on a lot with 27,949 square feet and is developed currently with 5,594 Square feet of impervious or 20.01%
2. Lot is flat other than a large depression on the northwest corner of the golf course side
3. In March of 2017 the depression flooded to nearly 5 feet of water during a 3-inch rain event with frozen ground and nearly reached their home.
4. In order to meet the ordinance requirement of a 30-foot setback from the ROW which is 66 feet. The 10 x 12 shed would be in the flood plain area of the depression
5. Homeowners are requesting a variance to be 20 feet from the ROW to place their garden shed on blocks and accommodate their mower and snow blower
6. Impervious coverage would be 20.44% with the additional 120 square feet added.
7. A stormwater plan would not be needed as all water from lot goes towards the depression

Conditions:

1. The pre-built garden shed is to be placed on blocks with a 10-foot setback from the northern property line and a set back from the road ROW at 17 feet rather than 30 to be in a high and dry location.
2. The shed shall be painted to match the home.



Staff Report

Application: Variance to place a 10 x 12 Garden shed 10 feet closer to right of way

Application #: 2017-39

Parcel number: 87-413-0160

Applicants: Randy and Cynthia Narlock

Directions to property: From County Road 77 and Pine Beach Drive intersection heading west turn on to Pine Beach Drive and proceed 1500 feet to the second right hand turn proceed to address of 11616 Pine Beach Drive

Proposed Findings/Conditions based on MN Statute and East Gull Lake (EGL) Land Use, Zoning and Subdivision Ordinance

MS 462.357 Subdivision 6 - Appeals and Adjustments – Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.
2. To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06 subdivision 14, when in harmony with the ordinance. The board of appeals and adjustment or the governing body as the case may be, may not permit a variance as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit a variance the temporary use of a one family as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to a must be directly related to and must bear a rough proportionality to the impact created by the variance.

East Gull Lake Land Use, Zoning and Subdivision Section 8.2-1 – This ordinance is adopted for the purpose of:

1. Protecting the public health, safety, comfort, convenience and general welfare.
2. Inaugurating and effectuating the goals of the Comprehensive Plan.
3. Promoting order in development by dividing the area of the City into zones and regulating therein the location, construction, reconstruction, alteration and use of the structures and the land.
4. Conserving the natural and scenic beauty and attractiveness of the City, for health and welfare of the public.
5. Providing for adequate light, air and access to property by regulating the use of the land and buildings and the bulk of structures in relation to surrounding properties.
6. Providing for the administration of the provisions of the ordinance and defining the authority and duties of the Administrator, Planning Commission, Board of Adjustment and City Council under this ordinance.

Practical Difficulty:

- * Practical is defined by Webster as: 1) pertaining to actual use and experience rather than theory, 2) trained by practice or experience, 3) useful and 4) manifested in practice.
- * Difficulty is defined by Webster as: 1) onerous, irksome, laborious, 2) troublesome, complicated and 3) trying, perverse.
- * Reasonable is defined by Merriam Webster as: 1) being in accordance with reason, 2) not extreme or excessive and 3) moderate, fair.
- * Reasonable is also defined by the Free Online Dictionary as: 1. capable of reasoning; rational, 2) governed by or being in accordance with reason or sound thinking, 3) being within the bounds of common sense and 4) not excessive or extreme; fair.

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:

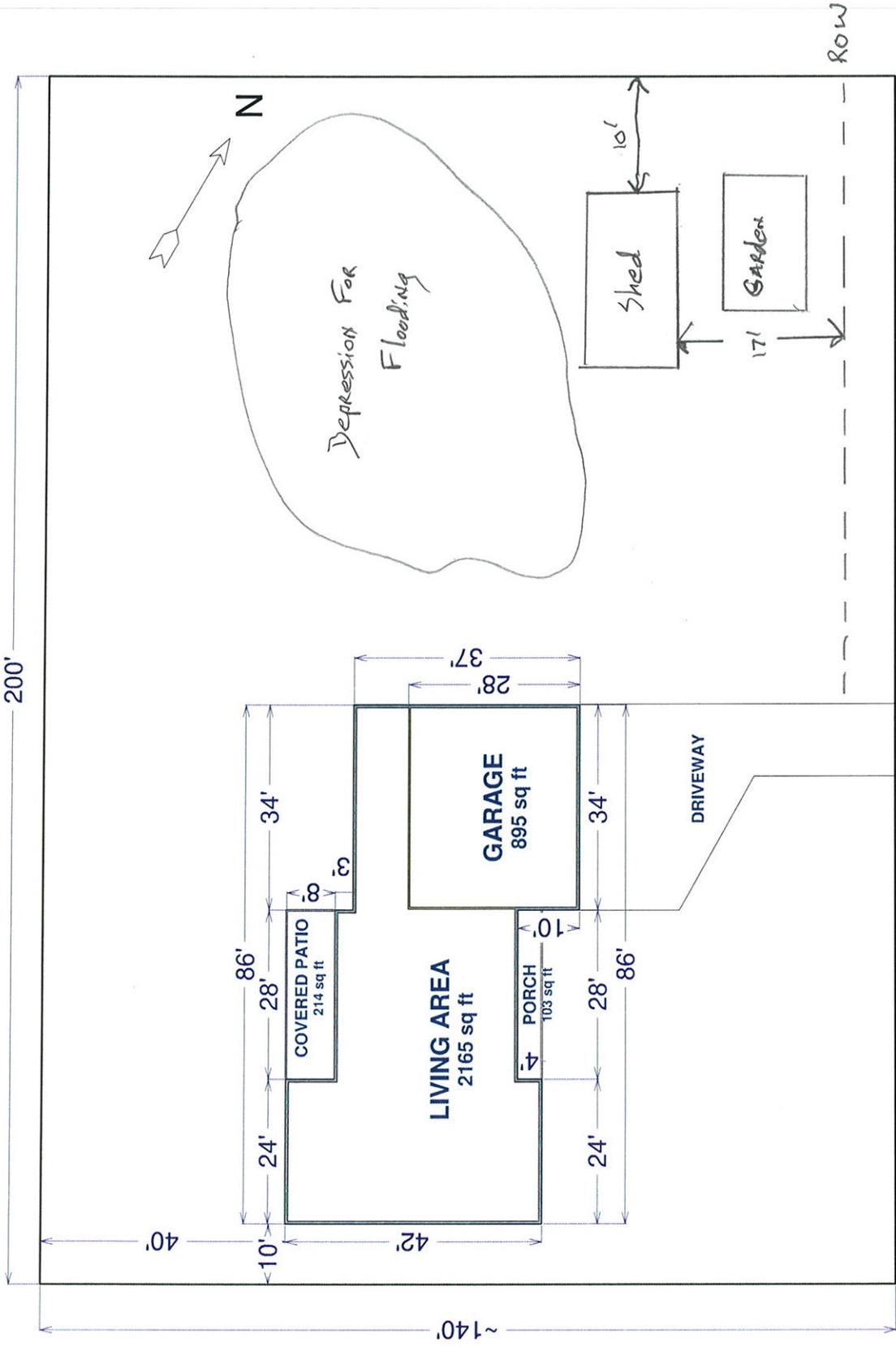
1. Home is built on a lot with 27,949 square feet and is developed currently with 5,594 Square feet of impervious or 20.01%
2. Lot is flat other than a large depression on the northwest corner of the golf course side
3. In March of 2017 the depression flooded to nearly 5 feet of water during a 3-inch rain event with frozen ground and nearly reached their home.
4. In order to meet the ordinance requirement of a 30-foot setback from the ROW which is 66 feet. The 10 x 12 shed would be in the flood plain area of the depression
5. Homeowners are requesting a variance to be 20 feet from the ROW to place their garden shed on blocks and accommodate their mower and snow blower
6. Impervious coverage would be 20.44% with the additional 120 square feet added.
7. A stormwater plan would not be needed as all water from lot goes towards the depression

Planning Commission Direction: The commission can recommend approval of the variance, recommend denial of the variance, or ask the applicant for more time as the 60-day mandatory limit of

time has been reached per Mn State Statute. If the recommendation is for approval or denial, findings of fact should be cited.

Staff Recommendation: Staff recommends that the variance be approved based on the findings of this report. We also recommend the following conditions:

1. The pre-built garden shed is to be placed on blocks with a 10-foot setback from the northern property line and a set back from the road ROW at 17 feet rather than 30 to be in a high and dry location.
2. The shed shall be painted to match the home



SHEET
1



Drawn By:
Kevin Kleinschmidt
12/18/2015

Scale
1/8" = 1'

Randy and Cindy Narlock
Lot 15&16
Pine Beach Drive

PINE BEACH DRIVE



City Of East Gull Lake
10790 Squaw Point Road
East Gull Lake, MN 56401
218-828-9279

City of East Gull Lake

Staff Report

To: Planning Commission

Prepared by: Administrative Assistant Schack

Date: July 25, 2017

Agenda Item: 6b

Subject: Final Plat THE HARBOR 2017-02D: 87-017-4101, Harstad Hills,
Marty Harstad

Report:

City staff recommends approval of the final plat based on the findings of fact and subject to the conditions on the staff report.



City Of East Gull Lake

10790 Squaw Point Road
East Gull Lake, MN 56401
218-828-9279

Staff Report Final Plat THE HARBOR

Application: 2017-02D Final Plat approval for a PUD in the R-1, R-2 and R-3 Zoning District.

Applicant: Harstad Hills Inc., Mary Harstad

Property Description: Lot 48, GULL ACRES, according to the recorded plat thereof, Cass County, Minnesota.
AND

That part of the Northeast Quarter of the Southeast Quarter, Section 17, Township 134 North, Range 29 West, Cass County, Minnesota, lying North of said plat.

AND

That part of Government Lot 4, Section 17, Township 134 North, Range 29 West, Cass County, Minnesota, lying North of said plat.

EXCEPT

That part thereof heretofore conveyed to Lamont Sachs and Pearl Sachs by deed recorded in Book 129 of Deeds Page 629 and which is described as follow, to-wit: Commencing at the Southwest corner stake of Gull Acres, thence continue West in a straight line on an extension of the South line of Pear Street to the meander line of Gull Lake, thence continue along the meander line North to the Southwest corner of the Channel now a part of said Plat, thence continue East along the South line of said Channel to the Northwest corner of Lot 1 of said Plat, thence South along the West lot line of said Lot 1 and extension thereof to the point of beginning. Being part of Lot 4, Section 17, Township 134, Range 29, Cass County, Minnesota.

Purpose: Martin Harstad of Harstad Hills, Inc. is the owner of the property for this development. It will include 27 single family units, 27 boat slips on the existing channel to Gull Lake, and 27 storage units as part of an organized association. The 27 storage units will be located on adjoining property to be used by the members of the homeowner's association. The developer has also provided extensive information and worked with many MN State Agencies and Federal Agencies regarding current surveys, soil conditions, wetland delineation, archeological findings, historic data on the existing channel, existing easements, covenants, proposed extension of The Harbor Place Road, and engineered connections to the East Gull Lake Wastewater System.

The PUD proposes to construct 27 single family lots units on 53.8 acres, of which 18.76 acres will be association common space, 6.28 acres will be single family lot area, average lot size will be 10,132 sq. ft., Outlot area is 19.02 acres, 4.29 acres for 27 storage units, street dedication is 3.11 acres, park dedication is 2.59 acres for trail access and utility easements to adjoining properties. Site density will be 0.54 units per acre. Wetland Delineation was completed by Mr. Ben Meister Certification # 1031 on October 21, 2013. Wetland fill as referenced in the grading, a drainage and erosion control plan for up to 5,432 sq. ft. on four different sites has been purchased from the land bank and was used to make some alterations to some smaller existing wetlands on the property as allowed by permit of the Cass County Soil and Water Conservation District.

All structures will be served by city sewer and by two redundant private water wells throughout the site with all improvements paid for by the applicant. The common areas will be owned by the homeowner's association and will have a pool and tot lot for child relatives of the residents. A 24-hour, 10 year stormwater management system has been installed to treat rainwater and runoff based on PUD Standards 8.7-1 section E 4. The entire site is proposed to have 7.65% impervious coverage when fully developed.

Applicable Statutes: The subdivision requirements are listed in Sections 7.1 and Section 8 of the Land Use Ordinance. Section 8, Planned Unit Developments, controls the lot size and density requirements.

The Final plat shall comply with the following subdivision standards (Section 8.4):

1. Each lot shall be served by the public sewer.
2. Commonly owned property or green space used for access in a planned unit development shall have a minimum of 33 feet of frontage on a public right of way.
3. Proposed streets shall conform to the Comprehensive Plan of the City, County, and State highway plans and existing boundary conditions.
 - a. All streets within the subdivision shall be constructed by the sub-divider. Local streets and collector streets shall be constructed according with the established minimum standards.
 - b. Please refer to Section 8.4 of the Ordinance for specific street layout requirements.
4. Easements shall be provided for public utilities or drainage where required by the Planning Commission and shall be the following widths at a minimum:
 - a. Watermain – 20 feet
 - b. Sanitary Sewer – 40 feet
 - c. Storm Sewer – 20 feet
 - d. Electrical, telephone or cable television – 10 feet
 - e. Drainageway – 10 feet

Findings of Fact:

1. The property is properly zoned for residential PUD use.
2. As a PUD, lot size dimensions are not factored in. Instead, overall density and density by tier is considered. This proposal meets the required density, which was approved under the PUD application.
3. All properties are connected to the City sewer system.
4. There are 27 non-riparian lots included within the PUD.
5. The proposed subdivision includes one extension of “The Harbor Place Road” and will be engineered according to City Specifications and turned over to the public when complete.
6. The lot lines are at standard angles where possible and contain no unwarranted jogs or bends.
7. Because it is a PUD subdivision, 33 feet of public access for each lot is provided for.
8. Easements for public utilities and drainage are provided for in the Final Plat.
9. No lots will require a variance for development based on the conditions of the PUD approval.
10. The proposal includes a small increase in City road maintenance costs, yet will increase city tax revenue. A cost-benefit analysis indicates no excessive long-term cost for the East Gull Lake taxpayer from this development.
11. The development includes a 100-year, 24 hour stormwater management system. A professionally prepared stormwater management plan has been submitted and will be maintained in the future.
12. Wetland mitigation credits have been to be purchased and are recorded with Cass County
13. The applicant has submitted:
 - a. Covenants for the Home Owners’ Association
 - b. Articles of Incorporation
 - c. Bylaws for The Harbor at East Gull Lake
 - d. Landscape plan
 - e. Storm water pollution prevention plan
 - f. Sanitary sewer and water main plans
 - g. Drainage Reports
 - h. Survey Plans and Elevations
 - i. Final Soil Reports
 - j. Wetland delineation data
 - k. Archeological report for historic activity
 - l. Possible floor plans and design criteria
 - m. Design and landscape plan for Storage Unit site
 - n. MN DNR public waters works permit number 1960 - 0398 for additional excavation for the Boat Harbor

14. Work has been completed in the expansion of the marina to 376-foot-long and 30-foot-wide addition to the channel and dredging to a depth of 5 feet with a retaining wall and 27 slips is based on the Amended Public Water Work Permit number 1960-0398 issued by the Minnesota Department of Natural Resources expires on 12-31-2019.
15. Since approval of the Preliminary plat the developer has donated 23 acres located on the south and east side of the existing channel to the City of East Gull Lake for public use in the future. The Final Plat also includes an additional ?? acres of parkland that affectively separates the development from the shoreline of Gull Lake and prevents any encroachment on the lakeshore by the homeowner's association in the future.
16. The Final Plat technically includes the land under the Channel, so the City shall not be responsible for future maintenance and dredging of the channel.

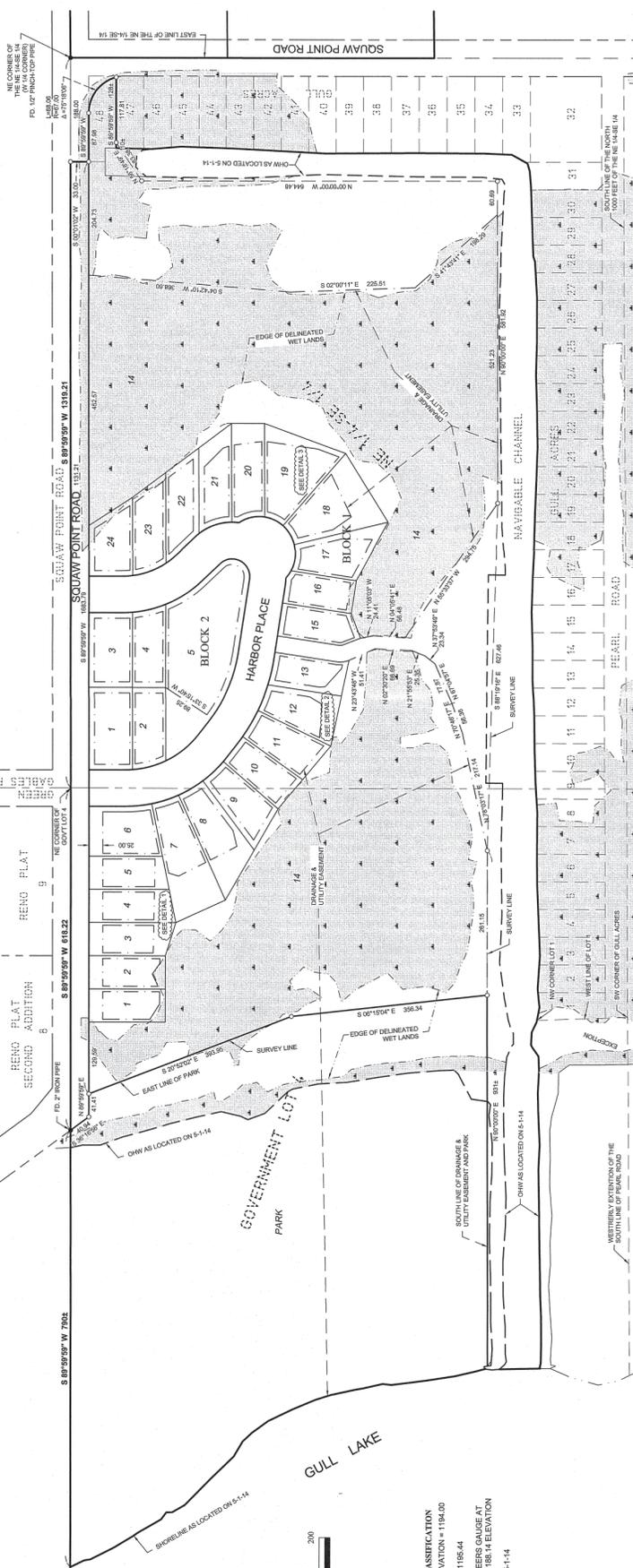
Planning Commission Direction: The Planning Commission can recommend approval of a Final plat, recommend denial, or table the request if additional information is needed. If the recommendation is for approval or denial, findings of fact should be cited.

Staff Recommendation: Based on the findings of fact, City staff recommends approval of the Final Plat subject to the following conditions:

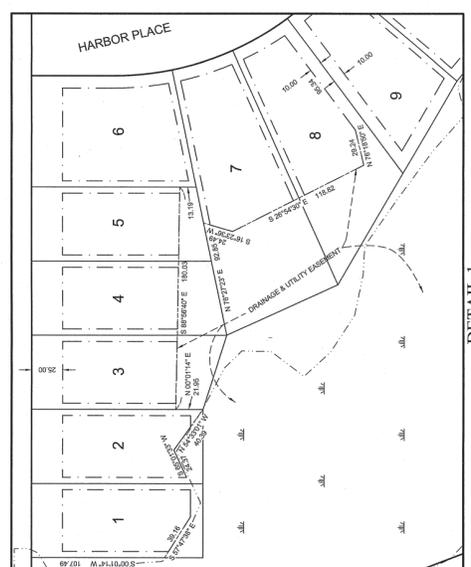
1. Acceptance of City Attorneys review comments:
 - a. Covenants for the Home Owners' Association,
 - b. The review shall be used to determine that the documents meet the requirements of the City's subdivision ordinances.
1. Acceptance of City Engineer review comments regarding the sewer connections and Water Wells to meet City and State Department of Health standards.
2. Upon completion of the extension of "The Harbor Place Road" to City Specifications and the completion of the Waste Water Collection system being completed according to the City Engineers Specifications, these public facilities will be turned over to the City of East Gull Lake for future maintenance.
3. Developers Agreement must have the list of things yet to be completed as part of the projects preliminary and final plat requirements to ensure compliance with the relevant ordinances and statutes.
4. Any future significant changes to the Property Owners Association Covenants shall be submitted to the City for approval as a modification to the Conditional Use Permit. Significant changes will be submitted to the City Planning and Zoning Administrator.
5. Developer will grant easements on Squaw Point Road
6. Developer shall pay costs incurred by the City Attorney, Engineer and staff required to verify improvements are installed as required by approvals.
7. Developer must comply with Applicable Statutes and Ordinances: The subdivision requirements are listed in Sections 7.1 and Section 8 of the Land Use Ordinance. Section 8, Planned Unit Developments, controls the lot size and density requirements.
8. Compliance with sections 8.5, 8.6, 8.7, and 8.8 describe survey standards, street improvement standards, sanitary provision standards, and water supply standards respectively. Those provisions are not listed here but can be found in the Ordinance.
9. A landscape berm where possible to be maintained or established along the boundary of the PUD and a public road. The buffer shall be included as open space, minus areas used as accesses.
10. The sub-divider shall plan for the retention of natural stormwater/snowmelt drainage patterns in the design of the proposed subdivision. The sub-divider shall be responsible to provide adequate drainage facilities for his development and upstream properties.
 - a. All natural drainage ways draining properties upstream from the subject property shall be preserved, and no structures shall be less than one foot above the water level in the drainage way created by a storm of a 100-year, 24-hour rain event. No filling of areas inundated by the 100 year ,24-hour rain event should be allowed except by Conditional Use Permit.
 - b. All streets, building sites and subsurface sanitary sites shall be drained to a natural drainage way. The sub-divider shall provide adequate grading or drainage structured so no inundation or ponding will occur from a storm of a 5-year, 24-hour rain event.

- c. Natural or manmade storage areas shall be utilized where needed and shall be designated by drainage and utility easement by the sub-divider. No storage area shall be considered part of the minimum lot area requirement. All storage areas shall be vegetated and designed to lower naturally after a storm.
 - d. All drainage structures provided shall be sufficient in size to pass a 5-year, 24-hour storm to a natural drainage way and to pass a 100-year, 24-hour storm along a drainage way.
 - e. All area disturbed by grading, street construction or structure installation shall be covered with a three-inch natural topsoil and seeded. Drainage ways over two percent tin gradient shall, at a minimum, be sodded.
 - f. All parking areas, heavy use areas, storage areas and impervious area shall be diverted to a basin designed to allow entrapment of silt and nutrient prior to discharge to natural drainage way or public water.
 - g. Erosion control measures shall be provided where necessary in the opinion of the City Engineer and in accordance of the MPCA requirements.
11. Minor issues with ROW involving the Squaw Point Road Corner potential realignment will be discussed and worked out with the developer at no cost to the City.
 12. All infrastructure and general association improvements must be installed prior to obtaining a certificate of occupancy for any of the residential units. This would include the pool area, pool house, tot lot, screening along Squaw Point Road and Poplar Drive, landscaping to the channel, channel and docking improvements.
 13. All mail delivery shall be done to a centralized location on Green Gables Road as approved by the US Postal Service.
 14. All exterior lighting shall be directed downward and shall not illuminate adjacent parcels are directly or indirectly.
 15. All PUD's shall meet the following building standards:
 - a. Parking and driving areas must be paved
 - b. All buildings shall be earth tone in color and shall be designed, constructed and positioned to be compatible, in color, character and mass, with the surrounding land use.
-

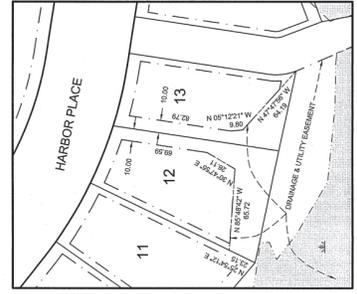
THE HARBOR AT EAST GULL LAKE



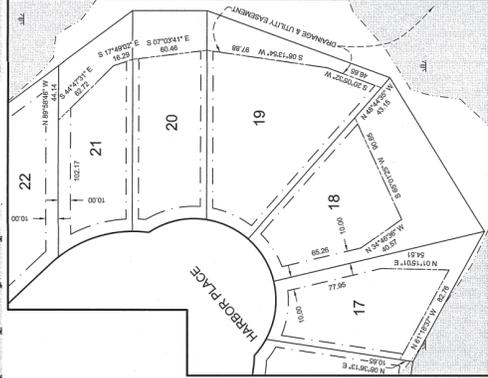
GULL LAKE
 GENERAL DEVELOPMENT CLASSIFICATION
 NORMAL RESERVOIR POOL ELEVATION = 1194.00
 HIGHEST KNOWN ELEVATION = 1186.44
 BENCHMARK CORPS OF ENGINEERS GAUGE AT
 GULL LAKE ON USG GAUGE - 1188.14 ELEVATION
 LAKE ELEVATION = 1183.38 ON S-1-14
 BASED ON NGVD 29 DATUM



DETAIL 1
 SCALE: 1"=50'



DETAIL 2
 SCALE: 1"=50'



DETAIL 3
 SCALE: 1"=50'

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

 BEING 6 FEET IN WIDTH AND ADDING DOUBLE LINES
 FROM LOT LINES UNLESS OTHERWISE SHOWN ON THIS PLAN

DENOTES DELINEATED WETLAND AS PER
 MAP CENTERED WITH AND DELINEATED FOR THIS
 PROJECT BY THE CONSULTING ENGINEER

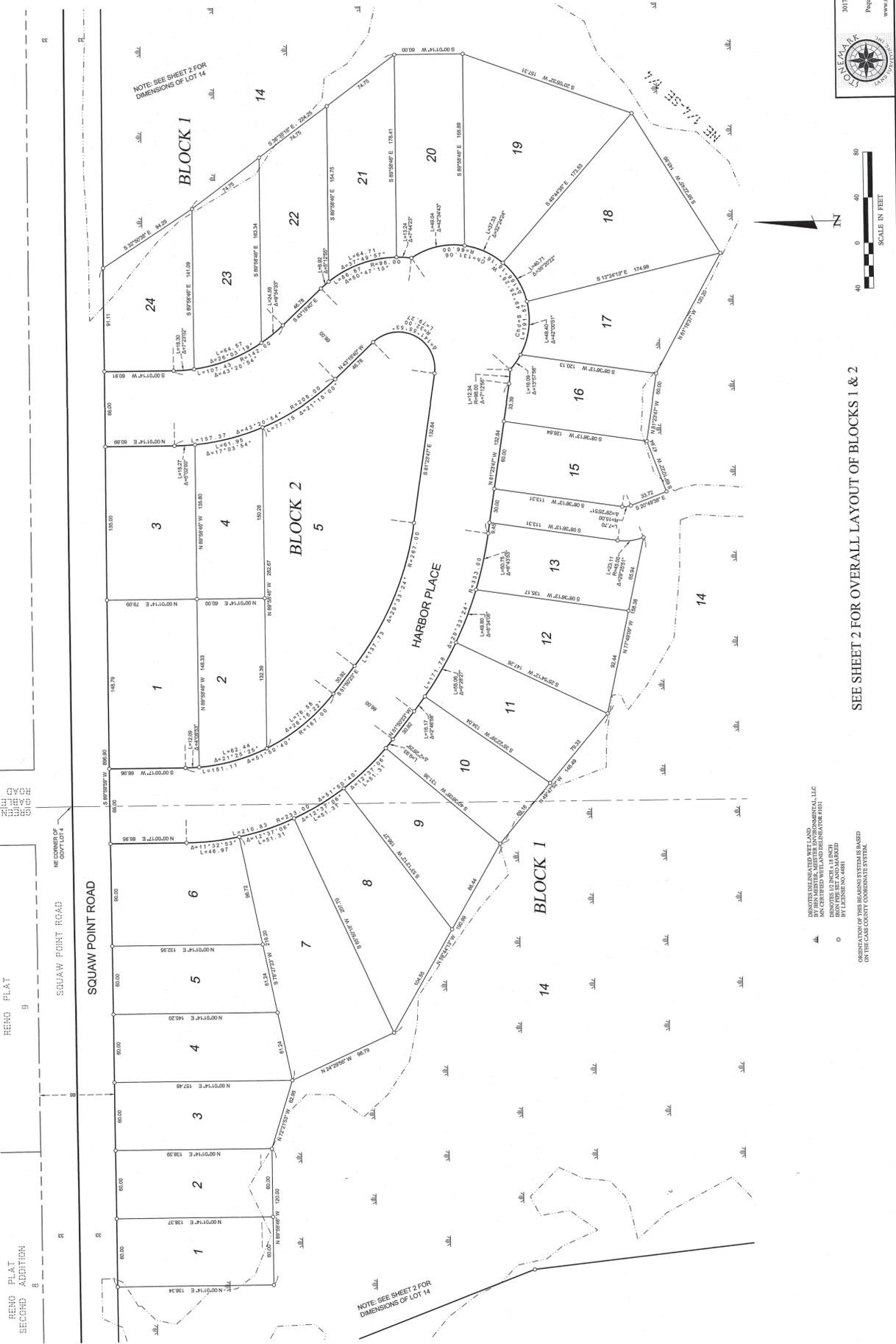
 DENOTES MONUMENT FOUND AS NOTED

 DENOTES MONUMENT NOT FOUND
 BY LICENSED SURVEYOR
 ON THIS CASE COUNTY COORDINATE SYSTEM

SEE SHEET 3 OF 3 FOR LOT
 & BLOCK DIMENSIONS

30TH ONE Highway #371
 Poplar Lake, MN 56472
 www.aceadvisors.com

THE HARBOR AT EAST GULL LAKE



NOTES: UNIMPROVED WETLANDS
BY 1981 ACTS, MEASURED BY PLANIMETER
DIMENSIONS IN INCHES, 1/4 INCH
EQUIVAL TO 1/8 INCH ON PLAN
BY LICENSED SURVEYOR

CONVERSION OF THE BEASONS SYSTEM IS BASED
ON THE KANSAS COUNTY COORDINATE SYSTEM

SEE SHEET 2 FOR OVERALL LAYOUT OF BLOCKS 1 & 2

30176 Old Highway #171
Scale 2
P.O. Box 121
Pawnee, KS 66401
216-558-4940
www.southlandsurvey.com

Memo

To: Rob Mason and East Gull Lake Planning Commission
From: Tom Pearson
Date: July 20, 2017
Re: Harbor at East Gull Lake Final Plat Approval Hearing (Set for PC Hearing on July 25, 2017 at 6:30 p.m.)

Rob and Planning Commission Members:

As part of the final plat approval request made by the Applicant for the Harbor at East Gull Lake, I have been asked to review the following The Harbor at East Gull Lake governance documents:

- Declaration of Covenants, Conditions, Restrictions and Easements;
- Association Bylaws; and
- Articles of Incorporation.

I have also reviewed the Staff Report (in draft form) prepared by Rob Mason. My comments upon review are as follows:

1. The governance documents, including the Declaration, Bylaws and Articles of Incorporation appear to be in good order and I have no objection generally to any of these drafts. They appear to satisfy the City's applicable Zoning Ordinance requirements.

2. I request that the Declaration be revised, at section 16.6 to include language at the very end of that provision as follows:

“the City Zoning Ordinance and other City rules and regulations are superior in priority to the rules and regulations herein and in other Association governance documents. To the extent that the rules and regulations of the Association, the provisions of this Declaration or any other Association governance documents conflict with City ordinances or rules and regulations, the City ordinances and rules and regulations shall control.”

3. I have reviewed Rob's draft Staff Report individually and also in conference with Rob. I find Rob's Staff Report to be complete and comprehensive, including the Findings of Fact and also the Staff's Recommendations section of that draft Staff Report.

4. There is likely to be the need for a Developer's Agreement involved in this final approval, which we can discuss more at length at your meeting on July 25. Generally, that Developer's Agreement would cover the completion of infrastructure required as part of the platting process that is not completed as of the time of the final plat consideration. At this time, those issues appear to be fairly limited and also fairly fluid in that some are literally being addressed as I write this Memo. A Developer's Agreement, if needed, will be drafted prior to the Council's consideration of the Planning Commission recommendation on the final plat application.

This concludes my remarks at this time. We can address questions related to this or any other questions that the Planning Commission has on any of the submitted documents or City Staff's comments or recommendations with respect to those submissions at the July 25th meeting. Thank you.

Sincerely yours,

Thomas C. Pearson

TCP/jdf

W:\TEXT\2007\020.140 EGL-Harbor at East Gull\MEMO-Mason & EGL Planning Comm. 07.20.17.doc



New Permits:

PERMIT #	PARCEL ID	LAST NAME	PROPERTY ADDRESS	DESCRIPTION	PERMIT TYPE	PERMIT FEE
1 2017-38	87-029-3301	Scheidecker	11543 Craguns Dr	Shoreline Restoration	LUA	\$150.00
2 2017-39	87-413-0160	Narlock	11616 Pine Beach Dr	Construct new shed on property	Variance	\$446.00
3 2017-39A	87-413-0160	Narlock	11616 Pine Beach Dr	Construct new shed on property	LUA	\$150.00
4 2017-40	87-376-0312	Hapka	11055 PBP Rd	construct screened porch in place of existing deck	LUA	\$150.00
						\$896.00

Potential Permits:

PARCEL ID	LAST NAME	FIRST NAME	PROPERTY ADDRESS	DESCRIPTION	PERMIT TYPE
1 87-029-1402	Shumaker	Steven & Monika	11359 E Steamboat Rd	Remodel existing home	LUA
2 87-379-0120	Amberg	Jean	1352 Pike Bay Rd	construct 10x12 shed	LUA
3 87-387-0250	Swanson	Jeffrey	11346 Birch Is Rd	tear down existing home and rebuild further from OHW	LUA
4					
5					

2013 Permits Update:

PERMIT NUMBER	PARCEL ID	LAST NAME	FIRST NAME	STATUS	PERMIT TYPE
2013-32	87-410-0400	Trout	Owen	Still needs siding; sent letter for completion requirement	LUA

2014 Permits Update:

PERMIT NUMBER	PARCEL ID	LAST NAME	FIRST NAME	STATUS	PERMIT TYPE
2014-38	87-376-0238	Deans	Thomas	landscape work done 2-23-16, still intends to build shed	LUA

Inspections/Site Visits:

PARCEL ID	LAST NAME	FIRST NAME	PROPERTY ADDRESS	COMMENTS/STATUS	DATE INSPECTED	PERMIT #
1 87-357-0138	Scheer	Wallace	10372 Squaw Pt Rd	review deck built on lakeside and another built over landside patio	06/23/17	2017-26
2 87-413-0270	Wagner	Mark	11699 Pine Beach Dr	reviewed garage permit and recommended footings for garage	06/23/17	2017-34
3 87-347-0120	Williams	Thomas	1092 Green Gables Rd	looked at the replacement top of boathouse	06/23/17	2014-05
4 87-376-0226	Foster	Chip	11060 PBP Rd	review massive rock work and talk to contractor	06/29/17	2015-39
5 87-376-0224	Fehr	Eric	10998 PBP Rd	review foundation work and call contractor for back fill info	06/29/17	2017-11
6 87-376-0226	Foster	Chip	11060 PBP Rd	check on compliance of discussion	06/30/17	2015-39
7 87-017-4101	Harstad	Marty	The Harbor	road ready for class v and Stormwater in place; Grading ready for landscape	07/05/17	2016-37
8 87-410-0400	Trout	Owen	11625 Oak Lane	Back of garage complete, discussed offer of City Council Aug 10 deadline	07/06/17	2013-32
9 87-340-0030	Loschko	Mark	10052 Birch Grove Rd	checked on progress, siding going on	07/06/17	2017-14
10 87-376-0226	Foster	Chip	11060 PBP Rd	check on compliance of discussion	07/10/17	2015-39
11 87-410-0400	Trout	Owen	11625 Oak Lane	Hand deliver letter to him	07/10/17	2013-32
12 87-413-0160	Narlock	Randy	11616 Pine Beach Dr	Check set back for shed, need CUP to be closer than 63 ft from center line	07/07/17	2017-39
13 87-410-0440	Ferry	Nick	11651 Oak Lane	Check on another shed set back; daughter of Randy Narlock	07/10/17	n/a
14 87-376-0224	Fehr	Eric	10998 PBP Rd	checking on garage placement and additional fill removal from road 3-4 feet	07/17/17	2017-11
15 87-376-0226	Foster	Chip	11060 PBP Rd	discussed with Chip completion details for landscaping	07/17/17	2015-39
16 87-410-0400	Trout	Owen	11625 Oak Lane	Took pictures of progress	07/18/17	2013-32
17 87-017-4101	Harstad	Marty	The Harbor	Curbing is in on one side	07/18/17	2016-37

City of East Gull Lake Zoning

-  CW - Commercial Waterfront
-  P - Park/City/Public
-  R1 - Wooded Residential
-  R2 - Residential
-  R3 - Shoreline Residential
-  ROW - Right of Way
-  Rec - Recreation

