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CITY OF EAST GULL LAKE  
AGENDA  
PLANNING AND ZONING COMMISSION  
Tuesday, January 28, 2020 – 6:30 PM

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1. Call to Order
2. Pledge of Allegiance
3. Nominations and Appointments for 2020 Chairperson and Vice-Chairperson
4. Roll Call
5. Additions or Deletions to the Agenda /Adoption of Agenda
6. Approval of Minutes
  - a) November 26, 2019 Regular Meeting
7. Public Hearing
  - a) CUP 2020-01 – Bruce Buxton
8. Open Forum\*
9. P&Z Administrator’s Report
  - a) Statistics

New Permits:	1
New Variances:	0
New Conditional Use:	1
Potential Permits:	6
Inspections:	35
Completion Letters:	1
New Violations:	0
Total 2020 Permits to date:	1

- b) 2013 through 2018 Existing Permits Update
      - One remaining open 2013 permit: Owen Trout garage
      - One remaining open 2014 permit: Thomas Deans shed
      - One remaining open 2016 permit: Wavereck garage and rec area
      - Nine (9) open out of 76 total 2018 permits
      - 43 open out of 76 total 2019 permits
10. Old Business
  - Zoning discussion – hiring a consultant
11. New Business
  - None
12. 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

January 2, 2020

Rob Mason, City Administrator  
10790 Squaw Point Rd  
East Gull Lake, MN 56401

Dear Rob:

I will not be attending the January or February meetings of the Zoning and Planning Commission Meetings. I will be in Fountain Hills, AZ and can be reached on my Cell Phone at 612-708-1799.

I understand that you will be considering appointments for the Chair and Vice Chair of our Commission. I wish to put into nomination for the Chair Bruce Buxton. Bruce has served in that role and I believe he does an excellent job. The continuity of Chairmanship is important. In addition, I wish to nominate Eunice Wiebolt as Vice Chair. She has considerable experience and provides a compliment to Bruce.

Best wishes in the New Year and I will return in the beginning of March and attend that meeting.

Sincerely,



Marty Halvorson  
Commission member

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

Tuesday, November 26, 2019 – 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, November 26, 2019 at City Hall.

**II. Pledge of Allegiance**

**III. Roll Call**

Present: Bruce Buxton (Chair), Commission: Marty Halvorson, Eunice Wiebolt, Rocky Waldin

Absent: Paul Tollefson, Nate Tuomi

Staff Present: City Administrator Mason

Council Liaison: Carol Demgen

Audience: Andy Waletzko, John Sable, Julie Sable, Brenda VanOsdol, Wayne VanOsdol

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

Addition of short-term rentals discussion to the Administrator's Report and using Sourcewell as a facilitator for the zoning update to Old Business.

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

**V. Approval of Minutes**

**Motion by Commissioner Wiebolt, second by Commissioner Waldin to approve the minutes of the Tuesday, October 29, 2019 meeting. All present voted in favor thereof. Motion carried.**

**VI. Public Hearings**

**A. Conditional Use Permit (CUP) 2019-54A – Mark & Sarah Mangan**

Administrator Mason read the staff report regarding the CUP for the Mangan property. Chair Buxton asked the size of the new garage. It is 24x28. Andy Waletzko answered a few questions and made comments regarding the project. Commissioner Wiebolt asked about the pervious versus the impervious portion on the drawing. The driveway position was discussed noting it is difficult to turn around in. It was noted that the extra portion will also be an area for visitor's cars to park. The driveway being partially on the neighbor's property was discussed. The public hearing was closed and the motion was made to approve the CUP.

**Findings of Fact:**

1. Home was attached to the East Gull lake wastewater system in 2008.
2. A 32x32 storage garage was constructed with a permit in 1998 putting this lot over the current square feet allowed for an accessory structure; this construction date was before the 1,280 square foot limit of accessory structures was added to the city ordinance.
3. The 20 x 24 garage was older and existing which also had a 125 square foot impervious concrete apron on the lakeside which all had to be removed to allow access for the old home removal and reconstruction of a new home.
4. A permit was requested to build an additional 30 x 30 storage building on the same property on February 9,2004. This permit was denied by East Gull Lake by Community growth and was never built due to impervious and excessive accessory structures on the property.
5. The existing home or the proposed new home does not have an attached garage up to the 1,280 SQ. FT. allowed in the current ordinance rules. This is possibly due to the topography around the home and or personal preference due to it being a cabin compared to a year around home.

6. Preconstruction impervious coverage currently was 26.9% and there were also pre-existing large areas of gravel rock on the ground in various places that were not counted in the impervious calculations behind the small garage but was being removed in favor of grass in the future.
7. Removal of the existing 986 SQ. FT. of asphalt and replacement of this with a pervious surface that will add additional storage capacity to the infiltration basin. This will allow it to contain a 10-year 24-hour storm event which would help to improve the impervious to 24.5% with credit being given for the pervious surface.
8. Total removal of the asphalt turnaround area was considered, however due to the hilly topography and the area left to turnaround when leaving the garage, it is very difficult. It was instead decided to redo it in a pervious product to help this problem.
9. A pre-existing non-conforming deck and hot tub on the lakeside was removed which had encroached on the 50-foot setback. The new home design conforms to the 50-foot setback.
10. They are also removing a small fish cleaning house at the lakeside and a wood storage area between the two garages that will decrease impervious coverage in the shoreline area.

**Conditions:**

1. Make sure all structures to be removed are completed before final approval letter is sent.
2. Use best management practices to assure no run off from construction enters Lake Sylvan.
3. Remind the home owners of the responsibility to maintain the pervious asphalt area surface in perpetuity to maintain the effectiveness of the product.

**Motion by Commissioner Halvorson and seconded by Commissioner Wiebolt to recommend approval of CUP 2019-54A subject to the findings and conditions as presented by City Staff. Commissioners Halvorson, Wiebolt and Walden voted in favor thereof, with Chair Buxton abstaining. Motion carried.**

**VII. Open Forum**

None

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

**A. Statistics**

New Permits:	0
New Variances:	0
New Conditional Use:	0
Potential Permits:	6
Inspections	38
Completion Letters:	1
New Violations	1
Total 2019 Permits to date:	74

**B. 2013 – 2018 Existing Permits Update**

- One remaining open 2013 permit: Owen Trout garage
- One remaining open 2014 permit: Thomas Deans shed
- One remaining open 2016 permit: Waverick garage
- Nine open out of 84 total 2018 permits

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

Discussion ensued regarding short-term rentals. Administrator Mason noted that Lake Shore only has two registered short-term renters so far. He noted there are 10 short-term rentals being advertised at this time in East Gull Lake. Chair Buxton noted his concern regarding single family residential homes being changed to commercial due to short-term rental mixed in with residential neighborhoods. It was noted that the state wants to increase their tax base but in turn it will affect the zoning within the city.

**IX. Old Business**

**A. Using Sourcewell as a Facilitator for the Zoning Update**

Administrator Mason noted the Planning Commission is struggling with the completion of the update of the Zoning Ordinance. He noted Sourcewell is a business in Staples that has a section that deals with planning for cities. He noted Lake Shore has contracted with Sourcewell for zoning services to complete an updated zoning ordinance. Chair Buxton noted the City needs someone with planning experience to help complete the update of our zoning ordinance. He also noted that just because he stated that the zoning for the resorts be the same, doesn't mean that is the correct assumption. He stated that the City needs to be careful that with someone else working on the zoning, care needs to be taken to keep the intent desired by the City Planning Commission. He noted that the City also needs to update the zoning map during this process.

**X. New Business**

**A. Vanosdol Violation – After-the-fact Permit conditions not met; damage to neighbor's property**

Administrator Mason noted a concerned resident called and he visited the VanOsdol property on October 11, 2019. Discussion ensued regarding the violation. Mr. VanOsdol and Mr. Sable both addressed the Commission. Chair Buxton noted that the Commission is not prepared to make any decisions at this point in time, noting the property is stabilized for the winter. It was noted that a plan should be submitted by next April for the restoration process.

**IX. Adjournment**

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

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

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**To:** Planning Commission  
**Prepared by:** Administrative Assistant Schack  
**Date:** January 28, 2020  
**Agenda Item:** 7a.  
**Subject:** CUP 2020-01 – Bruce Buxton

### Report:

An application was submitted to request a CUP to add an additional 1,230 square feet to an existing garage structure of 730 square feet.

#### Staff Findings of Fact:

1. Garage on the East parcel was built with a variance # 2008-58 in June of 2009 on a separate PID and recorded to Cass County in 2009 and 2010.
2. Both Parcels were merged into one PID 87-009-3412 in December of 2019.
3. Current ordinance allows 1,280 Square feet of attached accessory space and 1,280 square feet of detached accessory space on a parcel if impervious coverage allows.
4. Larger accessory spaces are allowed by CUP if the impervious coverage is less than 25% on the buildable space.
5. Current impervious on the parcel is 5% and proposed impervious will be 10.05% with the new building and driveway.
6. No Living quarters are planned at this time within the structure.
7. Height of the building will be one story and 20 feet to the peak with 12-foot sidewalls.
8. Property set back is greater than 40 feet from the road right of way and greater than 50 feet from the adjoining property owner.

#### Conditions:

1. This parcel may not be split in the future.
2. Best management practices will be used to prevent any soil erosion into the adjoining wetlands.
3. A stormwater management system with a swale on Buxton's property and a culvert which was previously installed by the City to direct water into the culvert that crosses the Mill's property will be maintained to operate as it has for years. There will be some minor grading after the building is erected to ensure the drainage continues toward the existing swale to the north of the proposed building.



## Staff Report

**Application #:** Conditional Use Permit (CUP) 2019-01

**Parcel number:** 87-009-3412

**Applicants:**

Bruce and Kathy Buxton on property described as; H R WHITE FIRST SUBDIVISION OF GULL LAKE SHORES LOT 18; And That part of government lot four (4), section sixteen (16) and that part of government lot one (1), section nine (9), all in township one hundred thirty-four north (134), range twenty-nine (29) west of the fifth principle meridian, Cass County, Minnesota described as follows: commencing at the point on the south line of said lot 4 which is 1796.0 feet east of the southwest corner of lot 5, said section 16, said point being on the easterly line of a 66 foot wide road easement; thence North 10 degrees 54 minutes 37 seconds East 1118.06 feet along said easterly line of the road; thence North 22 degrees 42 minutes 47 seconds East 145.00 feet along said road line; thence North 82 degrees 17 minutes 13 seconds west 68.32 feet; thence North 78 degrees 57 minutes 16 seconds west 71.72 feet to the point of beginning; thence North 78 degrees 57 minutes 16 seconds west 165.00 feet to the easterly line of a 66 foot wide road easement; thence North 14 degrees 19 minutes west 167.87 feet along the easterly line of said road easement; thence north 56 degrees 10 minutes east 91.66 feet along the southerly line of the public road; thence North 84 degrees 22 minutes east 102.50 feet along the southerly line of said public road; thence South 32 degrees 53 minutes 39 seconds east 167.87 feet; thence South 29 degrees 55 minutes 03 seconds west 132.00 feet to the point of beginning., PID# 87-009-3412, located at 1054 Green Gables Road, East Gull Lake, MN 56401. An application was submitted to request a CUP to add an additional 1,230 square feet to an existing garage structure of 730 square feet. The property is in the R- 3 zoning district and contains 1.57 acres or 68,706 square feet, riparian to Gull Lake (General Development) GD.

**Directions to property:** From City Hall proceed North on Squaw Point Road to Green Gables Road, take a right and proceed 9/10 of a mile to Shady Lane. Building site is on the corner on the east side of Green Gables Road at the address of 1054.

A conditional use permit is required based upon adding 1,230 square feet on to a 730 square foot existing garage and exceeding the 1,280 square feet limit on an accessory structure based on the use chart in the East Gull Lake City Code. The current accessory structure was built with an approved variance #2008 – 58 and recorded to Cass County on June 17,2010. At that time, it was built on a separate PID from the primary structure and it required a variance to be built. In December of 2019 the Buxton's combined the two PID's into one PID lot. The portion of the lot that is on the East side of Green Gables Road (which is where the addition will be added) is on approximately 1.1 acres of property based on the survey provided. Total Accessory space for the entire parcel will be 2,536 square feet or 24 square feet less than two garages at 1,280 square feet = 2,560 which is allowed.

*Proposed findings/conditions based upon MS 462.3595 and the EGL Land Use, Zoning and Subdivision Ordinance 8.10-5.*

**MS 462.3595**

**Subdivision 1. Authority.** The governing body may by ordinance designate certain types of developments, including planned unit developments, and certain land development activities as

conditional uses under zoning regulations. Conditional uses may be approved by the governing body or other designated authority by a showing by the applicant that the standards and criteria stated in the ordinance will be satisfied. The standards and criteria shall include both general requirements for all conditional uses, and insofar as practicable, requirements specific to each designated conditional use. Subdivision 3. Duration. A conditional use permit shall remain in effect as long as the conditions agreed upon are observed, but nothing in this section shall prevent the municipality from enacting or amending official controls to change the status of conditional uses.

#### **EGL Section 8.10-5**

3. In permitting a new conditional use or alteration of an existing the conditional use, the Planning Commission may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission considers necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to the following:

- A. Increasing the required lot size or yard dimension. **(the setback from the side lot line has been increased to more than 40 feet at the closest corner and 75 feet at the other corner of the building.)**
  - B. Limiting the height, size or location of buildings. **(the proposed height is 4 feet lower than the maximum allowed on the property.)**
  - C. Controlling the location and number of vehicle access points. **(there is only one access existing and proposed at the site.)**
  - D. Increasing the street width.
  - E. Increasing or decreasing the number of required off street parking spaces. **(the driveway has sufficient area to park several cars, if needed for a special event at our house.)**
  - F. Limiting the number, size, location or lighting of signs. **(no signs exist or are proposed.)**
  - G. Requiring berming, fencing, screening, landscaping or other facilities to protect adjacent or nearby property. **(After the storm of 2015, 2016, additional willow trees were installed near the southern property line to provide additional screening due to the loss of trees. They were chosen because they absorb a lot of moisture.**
  - H. Designating sites for open space.
4. The Planning and Zoning Commission shall decide the issue with consideration of the following:
- A. The following must be met:
    1. The use or development is an appropriate conditional use in the Land Use Zone.
    2. The use or development, with conditions, conforms to the Comprehensive Land Use Plan.
    3. The use with conditions is compatible with 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.
  - 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.
    2. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
    3. The conditional use requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
    4. The conditional 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.

5. Adequate measures have been taken to provide sufficient off-street parking and loading space to the proposed use.
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.
7. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
8. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

**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.

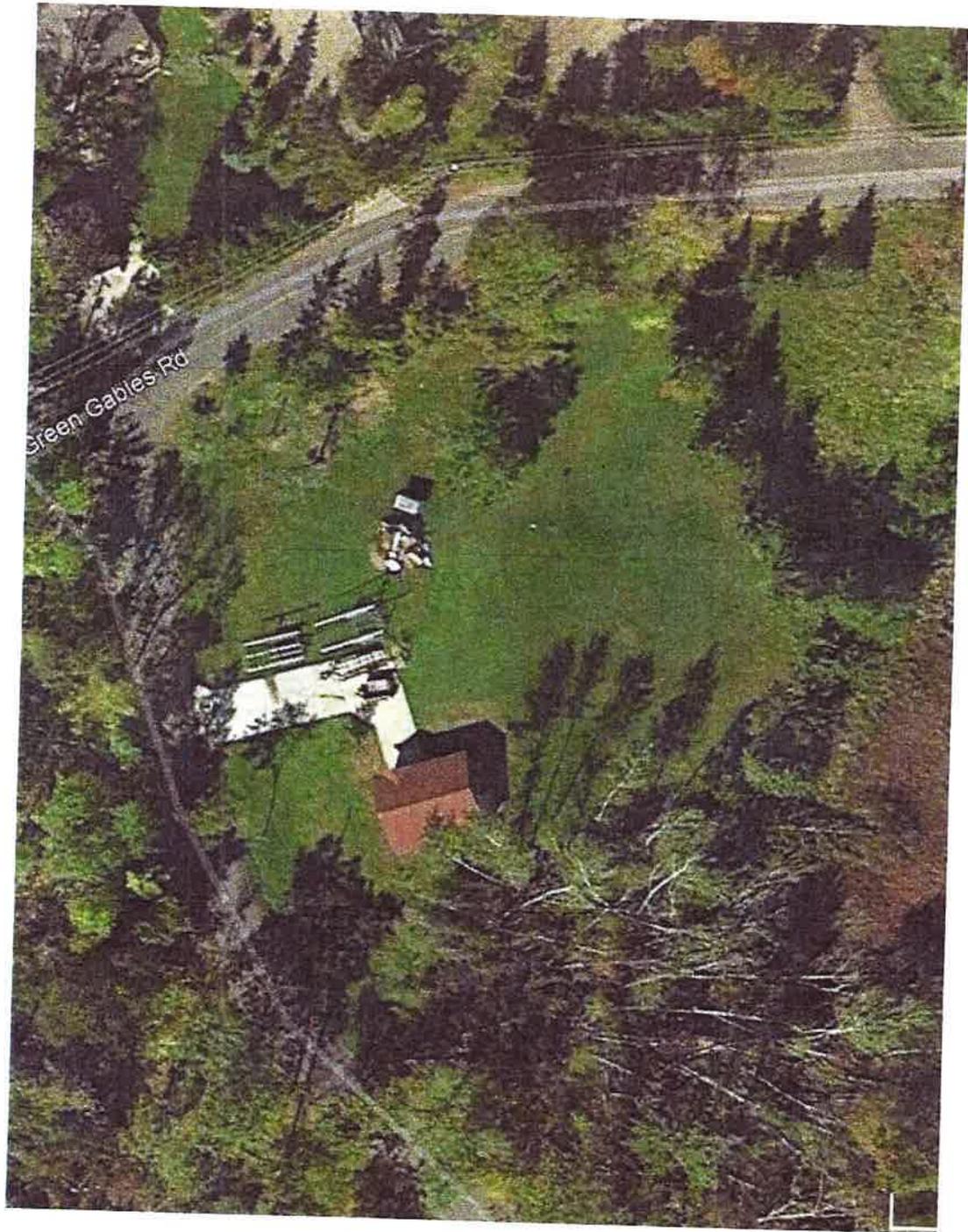
**Staff Findings of Fact:**

1. Garage on the East parcel was built with a variance # 2008-58 in June of 2009 on a separate PID and recorded to Cass County in 2009 and 2010.
2. Both Parcels were merged into one PID 87-009-3412 in December of 2019.
3. Current ordinance allows 1,280 Square feet of attached accessory space and 1,280 square feet of detached accessory space on a parcel if impervious coverage allows.
4. Larger accessory spaces are allowed by CUP if the impervious coverage is less than 25% on the buildable space.
5. Current impervious on the parcel is 5% and proposed impervious will be 10.05% with the new building and driveway.
6. No Living quarters are planned at this time within the structure.
7. Height of the building will be one story and 20 feet to the peak with 12-foot sidewalls.
8. Property set back is greater than 40 feet from the road right of way and greater than 50 feet from the adjoining property owner.

**Planning Commission Direction:** The commission can recommend approval of the conditional use permit, recommend denial of the conditional use permit 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:** Staff recommends that the Conditional Use Permit be approved based on the findings of fact listed above. We also recommend the following conditions:

1. This parcel may not be split in the future.
2. Best management practices will be used to prevent any soil erosion into the adjoining wetlands.
3. A stormwater management system with a swale on Buxton's property and a culvert which was previously installed by the City to direct water into the culvert that crosses the Mill's property will be maintained to operate as it has for years. There will be some minor grading after the building is erected to ensure the drainage continues toward the existing swale to the north of the proposed building.



Existing Conditions





