

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

Tuesday, April 27, 2021 – 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, April 27, 2021 at City Hall.

II. Pledge of Allegiance

III. Roll Call

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

Staff Present: City Administrator Mason, Administrative Assistant Schack

Council Liaison: Carol Demgen

Audience: Craig Campbell, Tom Williams, Gary Scheeler, Todd Russell, Rod Sande, Pat O'Brien, Denis Villella, Kristina Caneff, Paul Maki, DJ Hedstrom, Scott Thome, Jeremy Velasco

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

Motion by Commissioner Wiebolt and seconded by Commissioner Halvorson 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 Wiebolt to approve the minutes of the Tuesday, March 30, 2021 meeting. All present voted in favor thereof. Motion carried.

VI. Open Forum

Jeremy Velasco addressed the Commissioners regarding erecting some storage areas to clean up and organize the area around his shop. He would like to build a storage shed for salt and sand mixture and open boxes for landscaping materials. The Planning Commission members suggested some plans to screen property and apply for a CUP when entire plan is thought out.

VII. Public Hearings

A. 2021-08 Villella Zoning Change, Preliminary Plat, Variance: Convert 4-plex rental unit (CW-Commercial Waterfront) into a residential condominium (R3-Shoreline Residential/Medium Density) with four (4) individually owned residences

Administrator Mason read the Staff Report for the Villella Zoning Change, Preliminary Plat and Variance. Denis Villella addressed the Commission stating the request was covered well by Administrator Mason.

Motion by Commissioner Waldin and seconded by Commissioner Halvorson to recommend approval of the rezoning of the Denis Villella property, PID 87-017-2408 from Commercial Waterfront to Shoreline Residential – Medium Density (R3) as presented. All present voted in favor thereof. Motion carried.

Motion by Commissioner Halvorson and seconded by Commissioner Wiebolt to recommend approval of Variance 2021-08 for Denis Villella to allow a PUD on this property which is less than 10 acres. All present voted in favor thereof. Motion carried.

Findings of Fact:

1. Original Building was built by Tuomi construction with a partnership between Fred Wickman and Ron Nieman in June of 1985 as a 4-plex resort unit

2. 4 plex building is currently zoned CW (Commercial Waterfront) for resort use
3. Since Dennis Villella has owned the 4-plex, it has mainly been long term rentals
4. A 1,280 SQ. FT. 4-plex Garage units was added by Variance in October of 2005. Variance was approved but not recorded by the City.
5. It would be in the best interest of the City and the neighborhood to eliminate the commercial waterfront zone so multiple short-term rentals are not allowed in the summer due to very little parking and the small size of the lot.
6. Having a strong HOA (Homeowners Owners Association) will improve the ability to maintain the building and the grounds.
7. Parking and storage are very limited and conditions must be established for vehicles and recreational equipment storage on property.
8. Docking and storage of watercraft has 123 foot of frontage on the lakeside, currently one dock exists with one boat lift.
9. Current impervious coverage is near the maximum limit at 24.7% and a stormwater management is currently in place on the west side of the garage for 884.7 cubic feet of water in a ponding area.

Conditions:

1. Zoning should be changed from Commercial Waterfront to Residential Lakeshore
2. Rental ordinance of a limit of four (4) per year should be added to the covenants so future owners are aware of City Ordinance
3. No additional Impervious coverage can be added of any type unless other existing impervious is removed since it is very near the 25% limit
4. Parking allowed on the asphalt pavement surface only and not on any green space. This is mentioned in the covenants provided. See 2.11 under covenants
5. Dock space and boat lifts will be maintained with a 10-foot setback from the property lines per City Ordinance. There will also be a limit of 4 lifts of any type per City Ordinance
6. CIC plat will be recorded at Cass County prior to any sales of property.
7. Bylaws and Covenants must be updated and reviewed by Villella's attorney and provided to the City Attorney for review prior to final plat approval
8. All professional fees for City Attorney will be paid before completion of the final plat process in May.

Motion by Commissioner Wiebolt and seconded by Commissioner Halvorson to recommend approval of Preliminary CIC Plat to divide the property into 4 individual units with the remaining property being shared subject to the findings and conditions as amended. All present voted in favor thereof. Motion carried.

B. 2021-13 Russell CUP: Construct a new 1,248 sq ft 1.5 story 3-stall detached garage with guest quarters in upper level

Administrator Mason read the Staff Report for the Russell CUP. Paul Maki addressed the Commission with more explanation of the project.

Findings of Fact:

1. Considering the value and the amount of shoreline for this property, no garage space exists as it was a seasonal property for many years and the buildings were not insulated for year around use. A garage is a necessity in this environment for year around use and storage of typical lake equipment.
2. The existing boathouse/ guesthouse was built in the 1960's the boathouse was added on to in 1980's with additional guest quarters attached to the boathouse. The main house building was severely damaged in the storm of 2015 and took a long time to negotiate an insurance settlement to rebuild. Because no garage existed before, that amenity was not a consideration by the insurance company or the Carr family in the new construction.

3. The Russel property contains 520 lineal feet of shoreline and 84,627 square feet of property. One of the largest lots on the Pine Beach Peninsula.
4. The New garage site is located more than 200 feet away from the OHW of Gull Lake based on the scale of drawing to the garage deck. The foundation is also 11 feet from the adjoining property line and meets the setback required of 10 feet.
5. Impervious coverage is not an issue as it is proposed to be 16.9% total of the entire lot when the garage is complete.
6. The number of separate buildings on the parcel and the amount of accessory structure square footage becomes a problem and thus it requires the CUP to build the garage.

Conditions:

1. The wastewater system for the garage/guest house is required to be designed for year-round usage.
2. A stormwater retention area should be designed and shown to avoid overflow on the neighboring property as the property slopes that direction.

Motion by Commissioner Tollefson and seconded by Commissioner Waldin to recommend approval of CUP 2021-13 subject to the findings and conditions as presented. All present voted in favor thereof. Motion carried.

C. 2021-27 Campbell CUP: Construct new 1,400 square foot living quarters with 4,560 square foot shop and storage facility

Administrator Mason read the Staff Report for the Campbell CUP.

Findings of Fact:

1. The Campbell's have two parcels of land on each side of Green Gables Road- Lakeside is around 23,000 Square feet and roadside is around 53,202 Square feet. This allows both to be legal sized lots
2. The Lakeside home is 3,232 Square feet of impervious, a guest house of 660 Square feet on the lakeside.
3. The Landside lot has an existing 1,116 double garage and driveway that will be moved off property.
4. The Lakeside home and guest house will be removed in the future for a new home to be built after the landside living quarters and garage are built.
5. Existing impervious on the Lakeside lot is 6,299 SQ. FT. or 25.7% impervious from road to lake.
Review survey
6. Existing impervious on the landside is 3,595 SQ. FT. or 6.67% impervious from road to rear of the lot.
Review Survey.
7. The proposed new living quarters 1,400 SQ. FT., shop area 1,600 SQ. FT. and storage area 2,960 SQ. Ft. along with proposed pavement 3,280 SQ. FT. will be 9,240 SQ. Ft. or 17.1% impervious coverage
8. All planned construction meets the current lot setbacks and building was moved further away from the road in this design to shield it from view of the road.

Conditions:

1. In order to have three different living accommodations, a lot split will have to occur so we don't have three living accommodations on one parcel ID. This will be split and recorded with the CUP approval and before construction begins.
2. The new living quarters/shop/garage building should have similar design and finish standards that will match the new home to be built in the future.
3. A stormwater management plan will be designed and installed around the new building
4. Landscaping to be done on the road side to shield building from the road view planting a minimum of ten six-foot pine trees.

Motion by Commissioner Tollefson and seconded by Commissioner Halvorson to recommend approval of CUP 2021-27 subject to the findings and conditions as amended. All present voted in favor thereof. Motion carried.

VIII. Planning and Zoning Administrator's Report

A. Statistics

New Permits:	18
New Variances:	1
New Conditional Use:	2
Inspections:	36
Completion Letters:	0
New Residences 2021:	14
Total 2021 Permits to New Permits:	38
	18

B. Prior Years' Existing Permits Update

- One remaining open 2016 permit: Wavereck garage and rec area
- 5 open out of 84 total 2018 permits
- 9 open out of 74 total 2019 permits
- 50 open out of 96 total 2020 permits

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

Discussion ensued regarding after-the -fact building permits. It was noted that the City charges three times the normal permit fee for a project that was started without obtaining a permit. The Planning and Zoning Administrator's job is to determine intent of the project and if a land use permit would have been issued had the landowner applied for one. Fines and warnings may be issued and placed in their permanent city file. In some cases, the project may be required to be removed if it is a safety hazard or violates current City Ordinance.

IX. Old Business

X. New Business

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.