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CASS COUNTY, MINNESOTA
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KATHRYN M. NORBY
CASS COUNTY RECORDER

BY SF Dep TX#: 193993

**CITY OF EAST GULL LAKE, MINNESOTA
RESOLUTION NO. 12:01-23**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR
GLENN & DIANE ERLANDSON**

WHEREAS, Glenn & Diane Erlandson (“Applicant”) has submitted an application for a Conditional Use Permit to increase the impervious surface on the property from the ordinance required 20% to 24.93% at 1064 Green Gables Road in the City of East Gull Lake, Minnesota; and

WHEREAS, the property is legally described as follows:

Lot 17, HR WHITES 1st Subdivision of Gull Lake Shores, Section 16, Township 134, Range 29, Cass County, Minnesota

WHEREAS, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on November 28, 2023, and has recommended approval to the City Council; and

WHEREAS, the City Council for the City of East Gull Lake has considered the Planning Commission’s recommendation at its December 5, 2023 City Council Meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST GULL LAKE, CASS COUNTY, MINNESOTA, that it does hereby approve the request of the Applicant for a Conditional Use Permit, based upon the following findings pursuant to MN Statute and East Gull Lake (EGL) Land Use, Zoning and Subdivision Ordinance (Ordinance). The City Council’s Findings relating to the standards are as follows:

Section 8.10-5.4 lists the standards for approval of a Conditional Use Permit and also eight items the City should consider when granting a Conditional Use Permit.

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.
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.

Findings: Residential development of the site is reasonable and appropriate in the R3 District and is compatible with the adjoining neighborhood. Any conditions of approval relating to impervious surface and stormwater drainage will address concerns about health, safety, and welfare.



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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.

Findings: The redevelopment of the site is consistent with the development of other lots in the immediate area. The proposed house and attached garage should not adversely impact adjoining properties.

2. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Findings: The site plan is reasonable and should not impede the orderly development of adjoining vacant lots so long as the development meets conditions of approval.

3. The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

Findings: The lot is current developed and will be redeveloped with a new residence and attached garage. The cost of public facilities and services should be consistent with the current conditions.

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.

Findings: Access to the site will shift to the east. It is closer to the intersection of Shady Lane which may assist with sight distances and creates more of an intersection than the current condition.

5. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.

Findings: The site plan provides off-street parking and loading which is in part, what prompts the need for additional impervious surfaces.

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.

Findings: N/A

7. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.

Findings: 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.



Findings: 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. The applicant is required to provide spot elevations along the east property line to ensure there are no stormwater impacts on the adjoining property.

FURTHER BE IT RESOLVED, that the following conditions of approval of the Conditional Use Permit shall be met:

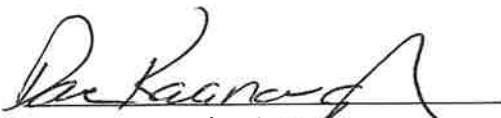
1. The applicant provide spot elevations along the northeast property line after construction of the stormwater system to ensure the catch basin grades are lower than the lot line elevations.
2. The proposed stormwater plan documented in the 10/24/2023 memo and revised in the 11/12/2023 memo shall be 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).
3. Erosion and sedimentcontrol 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.
4. The applicant shall remove the existing boat house.
5. 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.
6. 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.
7. Applicant will attach gutters to the buildings to direct water toward stormwater diversion areas.

Adopted by the East Gull Lake City Council this 5th day of December 2023.

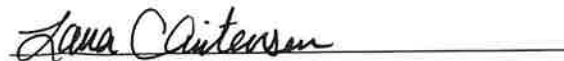
A vote being taken on the motion, the following members of the Council voted in favor of the motion to adopt the Resolution: Mayor Dave Kavanaugh, Councilors Ruttger, Demgen, Hoffmann, and Bergin.

And the following voted against: None

WHEREUPON said resolution was declared duly approved and adopted and was signed by the Mayor and attested to by the City Administrator.



Dave Kavanaugh, Mayor



Laura Christensen, City Administrator



State of Minnesota)
 SS
County of Cass)

I, the undersigned, being the duly qualified City Administrator of the City of East Gull Lake, Minnesota, hereby certify that I have carefully compared the foregoing Resolution 12:01-23 which is found in the minutes of the City Council of the City of East Gull Lake dated December 5, 2023.

And the same is a full, true, and complete copy of said Resolution 12:01-23 as found in the City records.

Witness my hand officially as such administrator December 5, 2023.

Laura Christensen
Laura Christensen, City Administrator
East Gull Lake, Minnesota

State of Minnesota)
 SS
County of Cass)

The foregoing instrument was acknowledged before me December 5, 2023 by Laura Christensen, City Administrator of the City of East Gull Lake, Minnesota.

Kathy Schack
Kathy Schack, Notary Public
My Commission Expires January 31, 2024

