

**CITY OF EAST GULL LAKE
MEETING MINUTES
PLANNING AND ZONING COMMISSION
May 30, 2006 – 6:30 PM**

1. Call to Order – 6:30 PM
2. Roll Call

Commission: Rob Mason (Chairperson), Dennis Lang, Ken Anakkala, Peter Dunphy, Kevin Lee

Staff: Tim Schmidt

Council: Councilor Demgen, Councilor Carlson

3. Public Hearings

Variance for a Metes and Bounds Subdivision (Continuation), Application 04-38, Brent Gunsbury on behalf of Ronald and Patricia Manglesdorf

Schmidt reported that there was contact made with Brent Gunsbury who serves as a representative for the applicant. Schmidt reported that Mr. Gunsbury said he had no update on the application and asked that he be contacted via email with a courtesy copy sent to the applicant's attorney James Gammello.

Commissioner Mason asked that the application be tabled until all information required by the Planning Commission is submitted to the Zoning Administrator and that the item be removed from the regular agenda until that time.

Motion to table application #04-38 until all information required by the Planning Commission is submitted to the Zoning Administrator made by Commissioner Lang seconded by Commissioner Anakkala. The motion passed unanimously.

Conditional Use Permit for Type IV Home Occupation (Continuation), Application 06-08, Michael and Julie Degen

Applicants Mike and Julie Degen are present.

Mr. Schmidt read the new conditions placed on the Conditional Use Permit.

Chairperson Mason asks the public if there are any comments they may have regarding this application. He states that all comments must be relevant to the

application and must present new evidence or information on this application. Nathan Toumi, Gull River Road. Stated that employees of the business should be limited to the use of their own personal vehicles rather than business vehicles.

Commissioner Mason: Stated that vehicles could not be stored for an extended period of time.

Mr. Toumi noted the use of a van over a period of a few months and stated he would like to present pictures of leaves and wood recently dumped upon the applicant's property. He stated that he knowingly trespassed upon the Degen's property to obtain the pictures.

Chairperson Mason states that the photographs submitted show a pile of wood and brush which is old and grey with tall grass growth around it and the pile is clearly and obviously not blocking any watercourse or drainage area. He further states that the information is not relevant to this application and therefore would not be accepted as relevant comment.

Commissioner Anakkala noted that the subject of the meeting is for the CUP and not for these purposes.

Jim Eisler, Gull River Road. States that his concerns have been met by the proposed conditions.

A member of the public asked why this application is not a type 2 Home Occupation Permit application. Commissioner Mason explains that under a type 2 Home Occupation Permit the applicant would be limited to two employees and the applicant would like assurance that the property can be used for the proposed business use.

Commissioner Anakkala noted that the applicant met all of the requirements of the previous permit application. Noted that the City Council remanded the application back to the Planning Commission.

Commissioner Mason mentions that type 3 and 4 Home Occupation permits should be removed from the Ordinance.

Commissioner Dunphy enters the room.

Commissioner Anakkala comments on number five and states he believes that sales by telephone or other communications technology should be allowed.

Mr. Schmidt notes that the conditions placed on the Conditional Use Permit are specific to the physical property itself and do not regulate anything other than business use of the physical property itself.

Commissioner Lang noted vehicle trip concerns and that the conditions placed on the application would alleviate these concerns.

Commissioner Dunphy stated his previous community character incompatibility concerns and that he feels conditions are satisfactory.

Commissioner Dunphy explains that he will abstain from this vote because he was not present for most of the discussion.

Motion to approve the Conditional Use Permit with the conditions as presented by staff made by Commissioner Anakkala, seconded by Commissioner Lang. Motion passed with Commissioner Dunphy abstaining.

1. **No vehicles, trailers or equipment intended for business use shall be stored on-site.**
 2. **All activities including the use of vehicles and equipment shall be clearly incidental to the use of the property for residential purposes.**
 3. **Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. daily.**
 4. **The number of employees traveling to the site shall be limited to three daily, no more than three of which may transport business-related vehicles to the site.**
 5. **No sale of products, goods, or services shall be conducted on the premises.**
 6. **No noise, vibration, smoke, dust, fumes, litter or similar nuisances shall be created or allowed to continue other than that which is expected under normal residential use.**
 7. **The applicant shall renew the issued Home Occupation Permit annually from the year of issuance.**
 8. **A site inspection shall be conducted by the City annually to ensure compliance with the conditions of the Conditional Use Permit.**
4. Additions or Deletions to the Agenda

Commissioner Mason asks if there are any additions or deletions to the agenda. No additions or deletions are made.

5. Approval of Minutes

Motion to approve the April 25, 2006 minutes made by Commissioner Anakkala, seconded by Commissioner Dunphy. The motion passed unanimously.

6. P&Z Administrators Report
- a. Permits
 - b. Correspondences
 - c. Potential Violations/Enforcement Action
 - d. Council Action

- e. Applicant Feedback Survey
- f. Variance/CUP Follow-up

Mr. Schmidt refers to the list of permits, correspondence and Council actions taken since the previous Planning Commission meeting.

Mr. Schmidt states that a letter has been sent to Mr. Robert Smith regarding a violation of a travel trailer being located upon a property without a principal structure for more than 14 days. Schmidt states he has not received a response to this letter as of the date of the meeting.

Commission Mason asks what the policy of the City is in addressing violations.

Schmidt states that the City does have a policy regarding violations enforcement and that the procedure is to send a letter stating the nature of the violation, supporting law or ordinance regarding the violation, the actions needed to correct the violation and a timeframe in which those actions must be completed.

Mr. Schmidt stated regarding this violation a letter was sent giving the party 14 days to correct the violation.

Commission Anakkala noted that violations should also be forwarded to homeowners associations. Discussion ensued as to the role of homeowners associations in enforcing violations.

Mr. Schmidt notes that Staff has contacted the Lindners, Craguns and Carol Ryan to determine compliance with their variances or Conditional Use Permits and set up potential inspection times. Mr. Schmidt asks the Planning Commission to appoint a member of the Commission to conduct site inspections with Staff and the possible dates for these inspections would be the 13th and 20th of June.

Commission Anakkala states he would be available for inspections. Commissioner Mason appoints Commissioner Anakkala to conduct site inspections with Staff.

7. Open Forum
No comments.

8. Old Business

- a. Private Boat Ramp Ordinance

Staff notes that the Private Boat Ramp Ordinance will be an item of discussion once the Comprehensive Plan is approved.

- b. Comprehensive Plan Updates

Mr. Schmidt notes that Chuck Marohn attended the comprehensive plan meeting on Saturday, June 3, 2006 at 9:00a.m. Discussion on the session ensued.

c. Other Business:
None reported.

9. New Business
 - a. Home Occupation Permit Annual Review

Mr. Schmidt stated that Staff was requested at the previous meeting to create changes to the Home Occupation provisions of the Ordinance to include annual review of Home Occupations. He states that a motion is needed by the Planning Commission to initiate an amendment to create a subsection G of Section 7.5(2) of the Zoning Ordinance creating an annual renewal period for Home Occupation Permits.

Motion to initiate an amendment to create subsection G of the Zoning Ordinance requiring the annual renewal of Home Occupation Permits by Commissioner Dunphy, seconded by Commissioner Lee with the understanding that a public hearing will be held prior to the adoption of any such amendment. Motion passed unanimously.

- b. Non-Waterfront Resort Ordinance Development

Mr. Schmidt noted that Staff has prepared a draft of the Off-Water Resort Overlay District and that this draft would be reviewed again by the Committee on June 6, 2006 with the draft provided to the public in next month's staff report and via the Website. He further states that the Planning Commission should approve a motion to initiate an amendment to create the Off-Water Resort Overlay District and conduct a public hearing at the next Planning Commission meeting.

Planning Commissioners share their concerns of creating this district including concerns over compatibility with adjacent property and environmental impacts.

Motion to initiate an amendment to create an Off-Water Resort Overlay District by Commissioner Dunphy, seconded by Commissioner Anakkala with the understanding that a public hearing will be held prior to the adoption of any such amendment. The motion passed unanimously.

- b. Commercial vehicle roadway use damage recovery.

Mr. Schmidt noted that staff is still researching this issue and that a progress report would be given at the June meeting.

10. **Motion to adjourn by Commissioner Anakkala, seconded by Commissioner Lee. The motion passed unanimously.**

Respectfully Submitted,

Timothy Schmidt
Planning and Zoning Administrator