

**CITY OF EAST GULL LAKE
MEETING MINUTES
PLANNING AND ZONING COMMISSION
SEPTEMBER 28, 2004 - 6:30 PM**

1. Call to Order – 6:30 PM

2. Roll Call

Commission: Dennis Lang, Kenneth Anakkala, Rob Mason (chairman), Craig Buchholz, Peter Dunphy

Council Liaison: Jim Erickson

Staff: Charles Marohn (Planning and Zoning Administrator)

3. Public Hearings

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

Marohn reports that the applicants have requested a tabling until October. They are working with Maddens and will possibly modify their proposal based on that discussion.

Motion to table the application made by Commissioner Buchholz, seconded by Commissioner Anakkala. Passed unanimously.

Conditional Use Permit for a Type IV Home Occupation (continuation), Application 04-74, Bruce Hines

Chairman Mason states that they have until October 1 to work out an agreement.

Motion to table the application made by Commissioner Lang, seconded by Commissioner Buchholz. Passed unanimously.

Variance for a Garage to Exceed the Maximum Allowable Size, Application 04-85, Jack O. Cooper III

Marohn reads the notice. States that the application has been improperly noticed so that there can be no action on the variance this month.

Applicant is not present. Jim Rardin is present representing the applicant. States that Mr. Cooper would like to build a garage and a guest house at 1,980 square feet. This is downsized from what they have requested. This would bring the elevation down.

Chairman Mason asks what the height is proposed.

Rardin states that it is 15-feet. It will be dug in on the back side.

Chairman Mason asks if it will be less than 15 feet from where it is dug in.

Rardin states that it will be.

Chairman Mason asks what the size of the current garage is.

Rardin says 1,600 square feet.

Chairman Mason asks the height of that building.

Rardin states that it is 13 feet. States that Cooper would not prefer the variance for the garage but the house and guest house combination. Would like a garage with a bathroom and sleeping room.

Chairman Mason states that we have received a letter from Rocky Waldin. Asks if we have received any other letters.

Marohn states that the city has not.

Commissioner Dunphy asks if we have an obligation to notify people who drive by, even if they are not within 350 feet.

Marohn states that there is no obligation to do so. If we want to we can, but we are not required to.

Rocky Waldin states that he and his mom are trustees in property to the north. What is being proposed here is similar to what happened over on Yellow Moccasin road. Disputes the staff finding of no impact to the neighborhood. States that it is a massive impact. It is a beautifully built structure, but it sticks out and looks like a parking lot.

Chairman Mason states that the piece of land now is bigger and is set back from the road.

Rocky states that the application refers to more land than what is there. The rest is being sold. The garage will face out on the road and will not be tucked in. The driveway will be even larger than the existing structure. Has a problem with the size. There is a three-stall garage already attached to the house. The driveway should be reoriented. There is no way to screen a driveway of that size.

Chairman Mason states that he doesn't think the driveway is that wide.

Rocky states that the driveway on Yellow Moccasin is 60 feet wide and flares out to 70 feet. This driveway would access right off of Pine Beach Peninsula separate from the other driveway.

Chairman Mason states that because he has 197 feet of frontage, within the allowable coverage he is allowed a house, a garage of 1,280 square feet and a guest house of 700 square feet. He is now proposing to build 1,980 square feet. There is some ambiguity in the ordinance as to whether they can be combined into one building. This is an opportunity to convince Mr. Cooper to not have a separate driveway but to have the access come off of the existing building and then provide some screening between the building and the road.

Rocky states that the building could be screened in that way and that would help. 1,980 is still a very large structure.

Chairman Mason states that Cooper has some large boats.

Rocky states that he has his stored off site. Cooper can do so as well. The fact that he has large boats is not a hardship.

Commissioner Dunphy states that he struggles with the application and thinks that there is no hardship. We have not added the buildings together in the past and thinks that would be a leap as well.

Commissioner Lang asks if he could make this into two parcels with two homes and two garages. What is the lesser of the evils. Would one building put together be worse than two buildings.

Marohn states that all of the other structures on the property would need to be removed if a 700 foot guest house is built.

Rardin states that the buildings will all be removed.

Commissioner Anakkala states that Cooper was insistent that he wanted to keep that building.

Rardin states that it will come down if it costs him the garage.

Commissioner Anakkala asks if it is acceptable to have it moved back further from the road.

Rardin states that it is set back 45 feet already. If they come in from the north side of the garage, a lot more trees will need to be cut down.

Commissioner Lang asks where the trees are.

Rocky states it is pretty sparce.

Rardin states it is pretty heavily treed.

Chairman Mason asks if there are any other comments. Asks the Commission for discussion on the combination of garage and guest house.

Commissioner Dunphy states that he does not understand why we are not strictly interpreting the ordinance. He was not around when the ordinance is created, but is worried about the large size of the building. There is a lot of storage here with what is allowed under the ordinance. This is a big property, but it is narrow and this is a big house going up. There are a few nice trees, but most would probably come down with the building.

Commissioner Lang asks how many trees are going to come down.

Rardin states 10 trees of 8-inches or larger will come down for the garage.

Commissioner Anakkala states that he is not opposed to the size of the building with the guest house being added to it. The lot is quite a bit bigger than what is standard. Questions how we arrived at 1,280 square feet in the first place. It is an arbitrary number. A three stall garage years ago might be fine, but we are building four and five stall garages today. We need to take a look at the ordinance and why we have arrived at a square footage. It should be based on the size of the lot. If your lot is bigger, you should be able to have a bigger garage.

Commissioner Lang asks where we came up with 1,280.

Marohn states that is before he was here.

Rocky states that this is fairly common in other areas.

Commissioner Buchholz states that if we are going to change the ordinance, that is not going to happen for this. Is in agreement that we could change the dimensions for the lot size, but that does not solve this. Thinks it is better to have one building of larger size than the two buildings of the same cumulative size.

Chairman Mason states that we could screen the building and have the driveway be more tasteful.

Rardin states that he does not have a problem with that but thinks there will be more impact that way. There will be a big opening that way.

Chairman Mason asks if they could see it staked. There should be a way to work it out to keep the maximum amount of screening.

Marohn explains that the Commission needs to make a determination on whether the accessory structure height of 13 feet or the guest quarters height of 15 feet would apply.

Chairman Mason asks if they can make it at 13 foot height.

Rardin states that it will be close but they can. States that with 15 feet it will be home free.

Chairman Mason states that the question is if we allow a 1,980 foot structure with a 700 square foot guest quarters inside. Chairman Mason asks how many favor this interpretation. Four in favor and one opposed.

Commissioner Dunphy states that he opposed because we have not given this enough thought. It needs more neighborhood input. This is a larger structure than we have allowed before. This seems like a pretty quick decision.

Commissioner Lang states that they could build two buildings.

Commissioner Dunphy states that they would possibly be spread out then. This is just too fast to make a decision that will have implications.

Commissioner Anakkala states that he could do this to his house, which is a bad option, and he is not going to do that to keep it nice.

Chairman Mason states that with the vote, the interpretation of the ordinance is that the combined building would be allowed. The building should be staked and there should be some screening of the structure. We need to meet out there and see where the driveway is going to go.

Marohn asks about the height.

Chairman Mason states that the height would still be 13 feet. That is sufficient.

Commissioner Anakkala states that keeping to 13 feet meets the intent.

Conditional Use Permit to Exceed 20% Impervious Surface by 4.4%, Application 04-89, Bill and Carol Ryan

Marohn reads the notice.

Mr. and Mrs. Ryan are present. Have read the staff report. Do not have any problems or comments on the report.

Chairman Mason asks if there are any members of the public to comment. None made. Asks if there are any questions from the Planning Commission. None made. Calls for a motion.

Motion made by Peter, seconded by Commissioner Buchholz, to recommend that the application be approved based on the following findings of fact:

- 1. Impervious coverage up to 25 percent is an appropriate conditional use in the R-2 zoning district.**
- 2. The proposed impervious coverage, with conditions, conforms to the comprehensive land use plan, which promotes the development of single-family residential properties. Loss of water quality and green space are listed as threats in the comprehensive plan, which will be addressed with the stormwater management plan.**
- 3. The proposed impervious coverage, with conditions, are compatible with the existing neighborhood, which consists of other residential properties.**
- 4. The proposed increased impervious coverage, with conditions, will not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.**
- 5. The proposed increased impervious coverage, with conditions, will not be injurious to the use and enjoyment of adjacent property for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity. A stormwater management plan will ensure that runoff will be retained on-site.**
- 6. The increased impervious coverage, with conditions, will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. The area is already developed as a residential area.**
- 7. The proposed additional impervious coverage will not require additional public facilities.**

8. **The proposed additional impervious coverage will not contribute to traffic congestion on surrounding thoroughfares or generate a need for additional parking.**
9. **The proposed additional impervious coverage will not produce offensive odor, fumes, dust, or vibration.**
10. **The proposed increased impervious coverage will not result in the destruction, loss or damage of a natural, scenic, or historical feature of major significance.**
11. **The proposed increased impervious coverage, with conditions to manage and retain stormwater and pool runoff on-site and BMPs for construction, will prevent and control pollution of the ground and surface waters including sedimentation and control of nutrients.**

With the following conditions be included in a motion to approve:

1. **The stormwater management plan shall be fully implemented.**
2. **Stormwater retention capacities shall be maintained in perpetuity.**

Motion approved unanimously.

Ordinance Amendment regarding Guest Quarters, City of East Gull Lake (continuation)

Marohn reviews the ordinance change.

Chairman Mason asks for public comments. None.

Motion by Commissioner Lang, seconded by Commissioner Buchholz, to recommend adoption of the following amendments to the Ordinance:

Section 3, Definition of Bedroom: Any room or unfinished area within a dwelling that might reasonably be used as a sleeping room.

Section 5.5 (7)

- A. **Guest Quarters, Bedroom Density. A guest quarters may be established on a property that does not contain the minimum lot and width requirements contained in Section 5.5 (6) providing all of the following are met:**
 1. **The guest quarters meets all of the requirements of Section 5.5 (7) A.**
 2. **The total number of bedrooms on the property does not exceed five.**
 3. **The impervious coverage requirements on the property are not exceeded.**
 4. **The structure in which the guest quarters is established conforms to all of the requirements of this Ordinance.**

Motion approved unanimously.

4. Additions or Deletions to the Agenda

5. Approval of Minutes

- a. August 2004 Minutes – **Motion to approve made by Commissioner Buchholz, seconded by Commissioner Anakkala. Passed unanimously.**

6. P&Z Administrator's Report

- a. Permits
- b. Correspondence
- c. Potential Violations/Enforcement Action
- d. Council Action
- e. Applicant Feedback Survey
- f. Variance/CUP Follow-up
- g. Phone Call Message Log
- h. Cragun's Legacy Change Orders

Alan Cibuzar and Matt McKinnon present to explain change of work order #22.

Motion to approve Change of Work Order #22 made by Commissioner Dunphy, seconded by Commissioner Buchholz. Passed unanimously.

7. Open Forum

Mike Thelen present.

Marohn indicates that Thelen wishes to sell his property and transfer his sandblasting business to the new owner.

Chairman Mason asks how long Thelen has not done sandblasting.

Thelen states eight months. The sandblasting business has never been a problem. The fiberglass business has been moved.

Jeffery Strobel, prospective buyer and business operator, states that most of the work is out in the field. States that there is an indoor blast room where some of the work is done.

Thelen states that this is a better operation than what he has. There would be very little noise outside except for the air compressor.

Chairman Mason states that he would like to have the conditions reviewed and make sure that everyone understands what they are.

Marohn states that he will put something in writing.

8. Old Business

- a. Craguns Legacy/Hines
- b. Discussion of Waterslides

9. New Business

10. Adjournment at 8:11 PM.

Respectfully Submitted,

Charles Marohn
Planning and Zoning Administrator