

**CITY OF EAST GULL LAKE  
MINUTES  
PLANNING AND ZONING COMMISSION  
SEPTEMBER 27, 2005 – 6:30 PM**

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1. Call to Order – 6:30
2. Roll Call

**Planning Commission: Dennis Lang, Ken Anakkala, Rob Mason (Chairman), Kevin Lee, Peter Dunphy**

**Staff: James Lehnhoff (Zoning Administrator)**

3. Public Hearings

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

Chairman Mason briefly explains the background of the application.

Administrator Lehnhoff explains why we are tabling and that the developers contract is being drafted by the attorneys. The applicants have requested the tabling.

**Commissioner Anakkala motions to table the application. Commissioner Lang seconds the motion. The motion passed unanimously.**

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**Conditional Use Application to Exceed the 20 Percent  
Impervious Coverage Limit in the R3 Zone. (Continuation)  
Application 05-33  
Vern Winslow & Gull Sands Association**

Chairman Mason reads the item on the agenda and explains the background.

Administrator Lehnhoff recommends denying the permit application since the applicants have not submitted a stormwater management plan or a survey with accurate impervious surface calculations.

Chairman Mason asks if there are any questions.

**Commissioner Lang motions to deny the conditional use permit to exceed the 20 percent impervious coverage limit in the R3 Zone based on the lack of information for impervious coverage and stormwater management plan. Commissioner Dunphy seconds the motion. The motion passed unanimously.**

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**Final Plat of Kavanaughs Sylvan Lake Resort  
Application 05-62  
Cedar Resort Properties, LLC**

Administrator Lehnhoff reads the public notice.

Chairman Mason asks if there is anything additional to add. Any questions? Has the applicant reviewed the report?

John Kavanaugh indicates that he has seen the staff report and understands the conditions.

Administrator Lehnhoff states that the City attorney has reviewed the legal documents. Explains the platting procedure. Recommends approving the application with the conditions. The remaining conditions will not affect the design of the plat and are simply a check off list for the City. The applicant has indicated that the plat check and title opinion are forthcoming.

Chairman Mason asks if we can take comments? Asks if there are any letters?

Administrator Lehnhoff states it is a public hearing and we can take public comments. No letters have been submitted.

John Kavanaugh states that we can't file the plat until the title opinion is completed. The court is completing the title opinion.

Chairman Mason states that if there are no other questions then we are looking for a motion.

**Commissioner Dunphy motions to approve the final plat with conditions. Commissioner Lee seconds the motion. The motion passed unanimously.**

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**Conditional Use Application for Grading in Excess of 50 Cubic Yards Outside of the Shore Impact Zone  
Application 05-63  
Sylvan Beach Association**

Chairman Mason reads background. The president of the Sylvan Beach Association is in the audience. Do you have anything more to add than what is in the staff report?

The Association President states that there are no problems with the application review.

Chairman Mason asks if we need to read public notice? Asks for public comments.

Administrator Lehnhoff states that no letters have been submitted.

Chairman Mason asks for questions.

Commissioner Anakkala asks about condition one that requires excess fill to be removed from the city. The condition is not clear.

Administrator Lehnhoff explains it. Perhaps we should use: any excess material shall not be dumped onto City property without prior approval.

**Commissioner Anakkala motions to approve the application with the conditions based on the findings of fact as presented. Commissioner Lang seconds the motion. The motion passed unanimously.**

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**Rezoning Application to Change Ernie's on Gull Lake  
from R3 to Commercial Waterfront.  
City of East Gull Lake**

Chairman Mason reads background. Rezoning from R-3 to Commercial Waterfront to fix an incorrect zoning classification. The public hearing is open.

Administrator Lehnhoff states we did not receive any comments from Ernie's. There use fits the zone.

Chairman Mason states this rezoning is due to an oversight. Any questions from the audience? Any committee members?

**Commissioner Dunphy motions to approve the rezoning. Commissioner Lee seconds the motion. The motion passed unanimously.**

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**Rezoning Application to Change The Pointe Resort from  
R3 to Commercial Waterfront  
City of East Gull Lake**

Chairman Mason reads the background. The public hearing is open.

Administrator Lehnhoff states that the parcel number ending in 0152 needs to be removed from the rezoning. That parcel is not part of the resort and should stay in the R3 residential zoning classification.

Chairman Mason asks for questions from the audience.

**Commissioner Lang motions to approve the rezoning of the two parcels and excluding 0152. Commissioner Anakkala seconds the motion. The motion passed unanimously.**

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**Metes and Bounds Lot Split (Continuation)  
Application 05-46  
Roxanne M. Tuomi  
No Public Hearing**

Chairman Mason reads the background. Is there anything to add?

Administrator Lehnhoff explains that there is. Explains the different surveys. We have a survey of before and after the lot split and how the impervious coverage and accessory structure square footage

would change. It is open to interpretation if this lot split reduces the nonconformity. The lot currently exceeds the impervious coverage limit. The lot split would eliminate that nonconformity but create a new nonconformity due to the accessory structure square footage exceeding the 1280 square foot limit.

Chairman Mason asks Rivers if his house is on Lots 8 and 9?

Mr. Rivers states that it is.

Chairman Mason asks for other comments.

Mr. Rivers states that the impervious coverage will go down.

Commissioner Dunphy states that he has concerns about the precedent and about two accessory structures.

Chairman Mason reviews the accessory structure limit rule. You can have up to 1280 square feet of accessory structure space on lots less than five acres.

Administrator Lehnhoff explains that the Ordinance does not limit the number of accessory structures just the total square footage. The applicants can have more than one accessory structure, they just cannot exceed the 1280 square foot limit.

Commissioner Anakkala states that if we leave it alone we still have impervious coverage but we haven't changed the accessory structure square footage.

Chairman Mason asks when the garage was built. I think at the time you were proposing to buy the lot and build the garage. I think I may have been the only one here at that time. I recall us denying or not ruling on the application at that time. That is when you came about with the arrangement with Ms. Tuomi. I am uncomfortable with that arrangement. We have had a similar request from previous residents and those have been denied. We have to tell him no because he already has two accessory structures. Other comments? Any motions?

Administrator Lehnhoff states the Planning Commission can vote to approve, deny or table.

**Commissioner Anakkala motions to deny the metes and bounds lot split application based on the accessory structure non-conformity. Commissioner Lang seconds the motion. The motion passed unanimously.**

Chairman Mason states that we have tossed this around to see if there is any other way. If there was a lot that was 40,000 square feet, there would be a bathroom in it, you could call it a house. But there is not 40,000 square feet to buy. The only thing we can recommend is to continue to do what you are doing. You can appeal to the Council.

Administrator Lehnhoff states the metes and bounds information will be in the Council Report. The applicant has indicated a desire to appeal the decision.

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4. Additions or Deletions to the Agenda

Administrator Lehnhoff requests that Michael Priem be placed under new business.

5. Approval of Minutes
  - a. August 2005 Regular Meeting

Chairman Mason asks if anyone has any comments. I didn't see anything that jumped out at me.

Commissioner Dunphy asks about the recommendation procedure used for the Mangelsdorf discussion.

Administrator Lehnhoff reviews the process from the previous month. The City Council was just looking for a recommendation. The Planning Commission can not directly rule on a road vacation. The developers contract is being drafted.

Commissioner Lang asks if it will come back to the Planning Commission.

Administrator Lehnhoff said it can if the Council asks the Planning Commission review it.

Commissioner Anakkala asks if the variances will come back to the Planning Commission.

Administrator Lehnhoff indicates that it will.

Chairman Mason explains the developer's contract and what it deals with.

Commissioner Anakkala hopes that it will be a win-win situation.

Chairman Mason states we hope that the contract will deal with cost and liability. Hopefully it will put it on the developer. The attorney's will come back with the agreement.

Councilmember Carlson states it is probably worth a discussion at the Planning Commission.

Chairman Mason it would be nice for us to see it. It affects the next step, which is what they want to build on the top of that hill. It will determine what they can build.

Commissioner Anakkala states that they may cut up to 16 feet out of the hill.

Chairman Mason states that we should not discuss further. Hopefully we can look at the contract before it was approved.

**Commissioner Lee motions to approve the minutes as prepared. Commissioner Dunphy seconds the motion. The motion passed unanimously.**

6. P&Z Administrators Report
  - a. Permits

Administrator Lehnhoff states that we had quite a few correspondences this month.

Chairman Mason states that a copy of the Reedy letter is available for review.

- b. Correspondences
- c. Potential Violations/Enforcement Action

Administrator Lehnhoff explains the Linder variance.

Discussion on the Linder garage height. Planning Commission comes to a consensus that the height of the garage is fine. There are remaining issues, however.

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

7. Open Forum

Chuck Davis of C&M Contractors states we wanted to address a bluff issue that was brought up in the past for the Hegadus property.

Chairman Mason is this right across the street from the golf course?

Matt Davis states it is right next to the point townhomes.

Chuck Davis explains the background of what occurs on the site and the restoration.

Chairman Mason states that the topography is an issue there. There is a wetland and a huge berm down there.

Chuck Davis states that we are aware of that.

Chairman Mason asks if they are looking to develop it.

Chuck Davis states that they are.

Chairman Mason states we were concerned about the development of three parcels the last time this property was brought to us.

Administrator Lehnhoff explains some of the background.

Discussion on the status of the bluff.

Chuck Davis indicates that with the most recent survey, there is no bluff on the property. We will need to do a significant amount of grading to put in the driveway and a building site.

Chairman Mason asks Commissioner Dunphy if he has seen the lot.

Commissioner Dunphy states no.

Chairman Mason states we originally did not want to see three different properties. We see his intentions. Legally he could build down there. Whatever you do to Lot B will affect Lot A. States that whatever he is planning on, I would like to see how he would access Lot A.

Chuck Davis states that there is an easement for access.

Discussion on how to proceed. Hold a public meeting at the site.

Chuck Davis states they would like them to come out to visit the site.

Administrator Lehnhoff states that it would be good to public notice the meeting. We could meet the week of the 17<sup>th</sup> at the soonest.

Discussion on the driveway arrangement to control erosion and stormwater management. Chuck Davis states that they are preparing an erosion control plan, grading plan, and a stormwater management plan.

Chairman Mason states that it sounds like you have a plan to fix the situation. Work with staff to set up a site meeting for the week of the 17<sup>th</sup>.

Deny Vilella gives a handout to the planning commission. Explains he is interested in developing his resort into a condos.

Administrator Lehnhoff explains the process as R3 or as CW. To build the accessory structure in an R3 he would need a conditional use permit. In the CW zone, he would need a variance. As a resort, he should be in the CW zone. The issue of the garage is separate from the condo. Staff would need to review the proposal further before providing feedback.

Commissioner Lang asks if there would be any changes to the structures.

Deny Vilella indicates there will just be changes on the inside.

Commissioner Dunphy asks about the size of the accessory structure.

Administrator Lehnhoff states it is proposed to be 1152 square feet.

Chairman Mason states the need for a stormwater management plan. It is a challenge in that area of the City. Mr. Vilella should look at creative berming and it is not as extensive as you think.

8. Old Business

a. Discussion of Waterslides

Administrator Lehnhoff explains the definition. There is no urgency.

Chairman Mason asks to schedule the public hearing for an ordinance amendment when the schedule slow downs.

b. Stormwater Management Plans with Directions

c. Private Boat Ramp Ordinance

Administrator Lehnhoff explains the reason for the ordinance and that the proposal is a draft. We should review it with the DNR.

Commissioner Dunphy states that it could be a good use for grass pavers.

Discussion on pervious pavers.

d. Comprehensive Plan Update

9. New Business

a. Mr. Priem

Administrator Lehnhoff explains that Mr. Priem's boathouse was hit by lightning and caused damage. It is open to interpretation on how he can repair the boathouse. He can repair it, but one part of the Ordinance states that it should have a pitched roof but the new state regulations allow the replacement of non-conforming structures. Looking for direction from the Planning Commission.

Planning commission agrees that it is like for like with no intensification. Mr. Priem may repair his boathouse.

Administrator Lehnhoff explains the Olson's variance that was approved last year. Staff is not satisfied with his native grass plantings. Requests the Planning Commission to visit the property and give the thumbs up or down.

10. Adjourn

**Commissioner Dunphy motions to adjourn the meeting. Commissioner Anakkala seconds the motion. The motion passed unanimously.**

7:50 PM