

**CITY OF EAST GULL LAKE  
APPROVED MINUTES  
PLANNING AND ZONING COMMISSION  
May 29, 2007 – 6:30 PM**

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1. Call to Order

Chairperson Mason calls the meeting to order at 6:32 p.m.

2. Roll Call

All members present.

Chairperson Mason requests that Commissioner Halliwell regularly attend Planning Commission meetings to ensure he is aware of items being considered by the Commission.

3. Public Hearings

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Application 2007-08 for a Variance to Construct a Home Upon a Nonconforming Lot AND Application 2007-34 for a Conditional Use Permit for 21.8% Impervious Surface Coverage  
Jim Deanovic, Applicant and Thomas VanDyke, Property Owner

Chairperson Mason asks Staff for an update on these applications.

Zoning Administrator Schmidt explains that the City spoke with Mr. Penwell, Attorney on behalf of Mr. Deanovic and Mr. Gammello, Attorney on behalf of Mr. Van Dyke via conference call and both Attorneys requested that the Variance and Conditional Use Permit applications be tabled. He states that the City has an email from Mr. Deanovic waiving the 60-day review time limit.

**Motion by Commissioner Lang to table application 2007-08 for a Variance and application 2007-34 for a Conditional Use Permit.  
Motion seconded by Commissioner Anakkala.  
Motion passed unanimously.**

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Application 2007-24 for a Conditional Use Permit for a Type 3 Home Occupation Permit  
James Schuft, Property Owner

Zoning Administrator Schmidt reads the public notice and provides the background on the proposed application.

Commissioner Lang mentions that a reasonable sign should be allowed within residential districts.

Commissioner Lee stated that there shouldn't be an issue with a sign.

Mr. Schuft explains that he is seeking permission for a sign for his services.

Steve Collette, 1126 Poplar states that a person should be able to do what they wish with their property.

Chairperson Mason asks if the size of the sign could be limited.

Zoning Administrator Schmidt explains that the size of the sign is limited by the Ordinance.

**Motion by Commissioner Dunphy to recommend approval of application 2007-24 for a Conditional Use Permit for a Type III Home Occupation with the following conditions.**

- 1. All activities shall be clearly incidental to the use of the property for residential purposes.**
- 2. The applicant shall not direct customers or traffic to the subject property and shall provide sufficient measures to abate any customer traffic to the site.**
- 3. The applicant shall not have any employees on the premises.**
- 4. No sale of products, goods, or services shall be conducted on the premises.**
- 5. 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.**
- 6. The applicant shall obtain and subsequently renew a Home Occupation Permit issued by the City of East Gull Lake.**

**Motion seconded by Commissioner Lang.**

**Motion passed unanimously.**

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Application 2007-29 for a Conditional Use Permit for Grading in Excess of 50 Cubic Yards

East Pointe Association, Property Owner

Zoning Administrator Schmidt explains that he has spoken with Mr. Bob Hunstad, East Pointe Association President regarding this application and Mr. Hunstad has

provided the City with Final Plat materials which will be considered by the Commission at their June meeting. He requests that the Commission table application 2007-29 until the June meeting.

**Motion by Anakkala to table application 2007-29 for a Conditional Use Permit, seconded by Commissioner Dunphy.  
Motion passed unanimously.**

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Application for a Metes and Bounds Subdivision (No Public Hearing)  
Steve and Janell Madison  
Application 2007-28

Chairperson Mason asks if members of the Commission have any questions or comments on the application. He notes that there is not public hearing held for metes and bounds subdivision applications.

Chairperson Mason states he would like to add a condition that the garage be removed by the end of the year.

Ms. Madison mentions that they are building a new home on 1158 Green Gables Road and that they intend to remove the garage that encroaches on the property line.

**Motion by Commissioner Dunphy to approve application #2007-28 for a Metes and Bounds Subdivision with the following conditions:**

1. The lot split shall be filed with Cass County within one year of approval.
2. The nonconforming garage structure indicated on Tract B shall be removed by December 31, 2007.

**Motion second by Commissioner Lang.  
Motion passed unanimously.**

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4. Additions or Deletions to the Agenda
5. Approval of Minutes
  - a. April 24, 2007 Regular Meeting

**Motion by Commissioner Anakkala to approve the April 24, 2007 meeting minutes as presented, seconded by Commissioner Lang.  
Motion passed unanimously.**

6. P&Z Administrator's Report

Schmidt provides an overview of permits issued, correspondence and actions taken by Staff since receiving the complaint of drainage issues at the property located on Birch Road. He explained that he had met with Mr. Mathison on April 24, 2007 and reviewed potential drainage improvements which included the installation of gutters to direct rainwater to drainage basins constructed by the property owner under a Conditional Use Permit issued in 2005 and potentially deepen those basins. He further explains that this is the first step toward a resolution with Mr. Mathison and notes that if the improvements are found to not fully address these drainage issues, then additional action may be needed.

Zoning Administrator Schmidt explains the actions made by the City Council at their May 1, 2007 regularly scheduled meeting.

7. Open Forum

Steve Collete asks about a proposed trail on Poplar Drive.

Chairperson Mason provides an overview of trails. He stated that the trails are being constructed at no cost to the City and asks Staff about the City's park dedication policies.

Zoning Administrator Schmidt provides an overview of the City's park dedication fee.

8. Old Business

- a. Review of the comprehensive plan revisions

Zoning Administrator Schmidt provides the Commission with a review of the changes of the comprehensive plan by the City Council.

**Motion by Commissioner Anakkala to approve the City of East Gull Lake Comprehensive Plan as revised by the City Council, second by Commissioner Lang. Motion passed unanimously.**

Commissioner Lang leaves the meeting at 7:35 p.m.

9. New Business

- a. Ordinance Amendments
  1. Definition of Single-Family
  2. Regulation of Corporate Retreats

Zoning Administrator Schmidt provides a research memo related to the regulation of single-family dwellings and the regulation of corporate retreats.

Commissioner Dunphy does not have an issue with the current Ordinance, however would be willing to consider a CUP for structure size.

Commissioner Anakkala does not have an issue with the current Ordinance as the use of property for non-rental purposes is difficult to regulate. He notes that the ownership of property should be immaterial to the City.

Chairperson Mason said such a regulation would be unenforceable and discussed an example of allowing the use of property by a corporation. He states that he would not like to see the transient use aspect of the property.

Zoning Administrator Schmidt discusses example regulations such as relating transient use, not including use by the property owner, to commercial use such as bed and breakfast.

Commissioner Mason notes that the City could define uses based on use of property for compensation purposes by persons who do not reside on the property and states he agrees that the City should require a CUP for any structure greater than 8,000 sq. ft.

3. Review and revise home occupation provisions including removal of Type 4 Home Occupation uses.

Zoning Administrator Schmidt notes that the City has options for further restricting home occupation use and that the correct solution should be to create and define a threshold for what is allowed as a home occupation and exclude all uses beyond that.

Commission further discusses home occupation use.

4. Create standardized appeals process.
5. Revise/clarify what materials what systems, etc., are used within the impervious surface coverage calculation. – Completed.
6. Review and revise violations procedure and process.
7. Review and revise Section 3.0 Definitions.
8. Review and revise or remove 4.3(4) related to property within the Sylvan Shores Development Area.
9. Review and revise Section 4.7 related to existing water oriented accessory structures.
10. Review and revise Section 4.10 related to additions to principal structures.
11. Review and revise Section 10.7 related to Zoning Permits.
12. Review and revise Section 8.4(6) related to 33' ROW requirement for Metes and Bounds Subdivisions.
13. Review and revise Section 5.7 Commercial District provisions to ensure consistency with comp plan.
14. Review and revise accessory structure size maximum of 1,280 sq. ft.

15. Review and revise accessory structure height maximum to R-1 zoning district.
  16. Review and revise permitted, conditional, accessory and excluded uses of Section 5.5.
10. Adjourn – This agenda is not exclusive. Other business may be discussed as deemed necessary.

**Motion by Commissioner Anakkala to adjourn the meeting at 9:00 p.m., seconded by Commissioner Dunphy. Motion passed unanimously.**