

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

1. Call to Order

Meeting called to order by Chairperson Mason at 6:30 p.m.

2. Roll Call

Members Present: Commissioner Dunphy, Commissioner Lee, Chairperson Mason, Commissioner Anakkala

Absent: Commissioner Lang

3. Public Hearings

Chairperson Mason notes that there are no public hearings scheduled for the evening, however there is a land use application which many people are in attendance to address.

4. Additions or Deletions to the Agenda

Chairperson Mason notes that the Planning Commission must appoint a Planning Commission Chairperson. Chairperson Mason requests nominations from the Commission.

Commissioner Anakkala states that he nominates Commissioner Mason.

Chairperson Mason asks for an additional nomination from the Commission.

No response is made.

Motion to appoint Rob Mason as Chairperson of the City of East Gull Lake Planning Commission made by Commissioner Anakkala, seconded by Commissioner Dunphy. Motion passed with Commissioner Mason abstaining.

5. Approval of Minutes

- a. November 28, 2006 Regular Meeting

Motion to approve the Minutes of the November 28, 2006 meeting of the Planning Commission made by Commissioner Dunphy, seconded by Commissioner Lee. Motion passed unanimously.

6. P&Z Administrator's Report

Zoning Administrator Schmidt provides an overview of permits issued since the previous meeting. He also reads the list of outstanding violations and inspections which will be made in the spring of 2007.

7. Open Forum

Commissioner Mason asks if anyone is present representing Mr. Annexstad.

Doug Kuepers, Owner of Kuepers Architects and Builders states that his company was chosen to design and build the Annexstad Home. He stated that they are here are behalf of the Annexstads. He stated that the Annexstads want to build the home for their family, friends and guests.

Giner Markum, 1727 Pine Top Trail

States that there is no way for anyone to know that this will be used for a single family use. States that she knows someone who works for the Annexstads and that these persons have told her that this home is intended to be used as a corporate retreat.

John Lange, 11605 Pine Beach Peninsula

States asks what the square footage of this home is.

Mr. Kuepers states that the main level is approximately 7,000 square feet.

John Simmons, Pine Beach Peninsula

Stated that what is being stated is not what is being proposed. Asked if there is going to be catering on site. Stated that a normal home would not have a catering area.

Commissioner Anakkala stated that any home could have a catering area.

Leah Heggerston, Kuepers Architects and Builders, stated that Mr. Annexstad spoke with the Mayor and Planning Commission Chair.

Mayor Kavanaugh stated that he wanted to clarify for the record that he did not speak with Mr. Annexstad.

Ms. Markum stated that a fishing guide would be contracted here and this wasn't normal.

Commissioner Anakkala stated that he does the same in Florida and this still can be done by anyone.

Ms. Markum stated that this is a different circumstance and they have been coming to the area for years and have not seen this.

Commissioner Mason stated that he personally spoke with Mr. Annexstad and that Federated Insurance has been coming to the area for years. Mr. Annexstad stated that he told him that the property will in fact be used for single family purposes and that what is proposed by Mr. Annexstad is no different from a similar use of a property of the peninsula by a law firm.

Mr. Simmons stated that the size is not an issue, but the use is an issue. He asked about the reason for all of the bathrooms.

Commissioner Dunphy stated that this home is consistent with the other homes on the Peninsula. Commissioner Dunphy stated that this application appears to meet the requirements of the ordinance.

Mr. Simmons stated he was contacted by three parties about rumors that this house will be used for a lot of customers and employees, staffing, catering, and there are signals that this isn't usual. He further stated that there are a lot of rumors about this property and they did not come from the Peninsula. He questioned what the City is going to do if Mr. Annexstad builds the home and use it for a corporate retreat and customers.

Commissioner Dunphy stated that any violation of the Ordinance would be followed up with as a legal matter.

Mr. Simmons stated section 1 of the ordinance. He stated that the use of this property is supposed to be clearly incidental to residential purposes. He asked what the City was going to do if this use does not happen.

Chairperson Mason stated that fact has become mixed with rumor here and that the City has to stick to the facts.

Mr. Simmons stated that if this property is to be used for family that is fine with him and the residents on the Peninsula, but questioned if this doesn't occur is the City going to follow up with a violation.

Commissioner Anakkala stated that this would have to be proven and that the City would follow up with it once it is proven.

Mr. Simmons asked if the City is going to follow up with a violation if it becomes known that this home is going to be used for entertaining clients.

Commissioner Anakkala stated no, not necessarily.

Ms. Markum asked why the City can't be proactive here.

Mr. Kuepers stated that he does not use his home all of the time and that homes are often times used for purposes such as these.

Ms. Markum said they are worried that this will be used for corporate functions.

John Valen, Attorney representing the Carr family, stated that the use is the key here and that there are many different uses that are conditionally permitted or otherwise permitted. He stated that the City has an obligation to obtain some sort of guarantee from Mr. Annexstad. He said that the application has some features that cause additional inquiry.

Chairperson Mason stated that we have a signed application and that we are getting homes on this lake that are similar to larger homes in other areas and on other lakes.

Commissioner Dunphy stated that we could research additional requirements or guarantees to ensure that people state the use of their home on the application form.

Mr. Kuepers asked if it is the size of the home that is concerning people.

Mr. Simmons stated that there may be a conflict with this application, because people at Federated Insurance play golf at Maddens.

Commissioner Dunphy stated this should not be an issue with this application.

Mr. Simmons stated he spoke with Mr. Annexstad and that Mr. Annexstad stated to him that he wanted him on their side. He said he didn't feel comfortable with meeting individually with Mr. Annexstad.

Commissioner Dunphy stated said that many rumors could be cleared up with a conversation with Mr. Annexstad.

Mr. Simmons stated that if he came up to the lake and was like most of the people on the peninsula he would be happy with that, but if he comes only a couple times a year, that would be a problem. He stated that he doesn't want 18 cars there.

ChairpersonMason stated that he wants to separate fact from rumor and clarify that the City won't be monitoring the site, or any other, on an ongoing basis.

Commissioner Anakkala stated that this person has made an application and that he deserves for his application to be approved as a single family residences.

Mr. Simmons stated that one of his friends told him that he wouldn't be at the site more than three times a year.

Commissioner Anakkala stated that it is important that this application be approved and that we treat everyone fairly.

Chairperson Mason stated that the City must proceed with the review of this application based on the current Ordinance. He further stated that this topic would be better addressed in a comprehensive plan or ordinance revision rather than in this meeting room.

Mr. Simmons stated that a property cannot be used by more than two employees and stated home occupation uses.

Commissioner Dunphy stated that the home occupation provisions are not applicable to this application because this is not a home occupation use. He further stated that this appears to be consistent with single family use as defined by the Ordinance.

Mr. Simmons stated that the Pine Beach Association is still concerned over this use.

Chairperson Mason asks if there is anyone else who would like to speak.

Chairperson Mason asks Zoning Administrator Schmidt if the City could request a letter from Mr. Annexstad.

Mr. Simmons asked if this is being built for entertaining purposes or for residence issues.

Chairperson Mason states that the use proposed by the applicant on the application form is for a single family residence.

Mr. Valen states that he stated that the City has an obligation to inquire further into this use. He further stated that if an application raises flags then the City has to look into it further.

Commissioner Anakkala stated that any clarification on the use of this application should be a request, not a requirement.

Mr. Valen states that there is a misconception that discrimination is illegal and this is not the case. If there is something that raises flags then the City is obligated to follow up.

Commissioner Dunphy stated that there are several homes in the area that are the same size and character of this property. Multiple bedrooms, bathrooms, kitchens, and others.

Ms. Markum stated that people are still concerned about the use of this property and the problem with this proposed use is that there are summer homes and some of them are closed up for the winter.

Mr. Simmons stated that he wanted to clarify that he was asked to endorse this project.

Commissioner Anakkala stated that Mr. Simmons closed conversation with Mr. Annexstad.

Mr. Simmons stated that he asked and Mr. Annexstad stated that the property would be used to entertain business clients. He stated that Mr. Kuepers should know the dimensions of this site plan.

Chairperson Mason stated that the City can request a letter from Mr. Annexstad.

Mr. Simmons said that would help.

Chairperson Mason said that rumors should not be used in considering this application. He further stated that residents should attend comprehensive planning meetings to discuss property use such as this. He further stated that Lake Minnetoka has larger homes than those found within the area and that this application may be one of several similar in the future.

Chairperson Mason requests that Staff send a letter to Mr. Annexstad asking for verification of the information included on the application form by signing the "Signature of Property Owner" signature line and that staff issue a Land Use Permit according to the requirements of the Ordinance once that information is received.

Chairperson Mason asked if anyone else has comments on this proposal.

Chairperson Mason asked if there are any other open forum topics to address.

Chairperson Mason stated that we will now open for discussion on the application for a Variance for a Metes and Bounds Subdivision by Manglesdorf, applicant.

8. Old Business
 - a. Discussion on Variance for a Metes and Bounds Subdivision; Manglesdorf, applicant

Chairperson Mason opens discussion on the Manglesdorf application by asking representatives of the applicant to update the Commission.

Mr. Gammello, Attorney for the applicant, stated that they would like to update the Commission on what they have done and show the Commission the engineering and work that has been done to date. He explained the reason this has been prolonged is that they are working with drainage, roadway vacation issues and meeting with the neighborhood and the City Council and as a result of the Council meeting, a committee was appointed to work with them. He further stated that they would update the Commission on the specific steps they have taken.

Commissioner Anakkala stated that he would like some information ahead of time so the Planning Commission has sufficient time for review.

Commissioner Dunphy asked what has happened in regards to the roadway vacation.

Mr. Gammello stated that concerns are currently being addressed including drainage, utility corridor, and the proposed trails. He explained that the applicant hired an engineer to work with drainage issues and had asked for the City's roadway policy and after he received information from the council, he and the project team then met with neighbors affected by this project. He also explained that they have asked the Council for a special meeting to commence the drainage improvement project and that they would like to come to the Commission prior to requesting that of the council.

Commissioner Anakkala stated he thought that the drainage improvements were to be worked out by the applicant.

Mr. Gammello stated that their goal is to terminate public responsibility on a portion of this road and decide costs from there. He further stated it has taken a while to complete this analysis and that the applicant does expect the City to provide a portion of the public costs.

Mr. Ramerth, Professional Engineer for the applicant, stated that there is a perception that this project is causing the drainage issues, but that in reality the Manglesdorf's are looking to resolve an existing problem. He provided an overview of the map which showed a portion causing drainage to the Sylvan area and the properties to the lakeside. He also presented map information including swales on the property, the flow of water within the project area. He stated that current flow affects residents downstream including the Manglesdorfs and that the existing problem is contained to the City right of way. He explained that he met with adjacent property owners to give information out and come to a peaceful resolution. He explained their approach was first was to address Manglesdorf's property, then to address this as a neighborhood wide meeting. He stated that they had recently talked to a neighbor and other neighbors about the issues that exist today.

Commissioner Anakkala stated there was a berm on the bottom of the hill that became a problem after the Manglesdorf's home was built and the driveway was built.

Chairperson Mason stated that, one way or another, drainage will have to be addressed.

Mr. Ramerth said that at one time many years ago this property was vacant and that fill was taken from the top and placed on the bottom.

Chairperson Mason said this filled a swamp on the Dirkswager property.

Mr. Ramerth stated yes. He explained that this predated wetland regulations and that this gives an opportunity to construct a pond on the north end. He further stated that to resolve this situation, the hill would have to be taken down and also that the vacation of the roadway would allow for reduced standards.

Commissioner Anakkala asked where the utility easement and trail would be and where the proposed sewer would go. He stated that traffic would be minimal.

Mr. Gammello stated that sewer at this time would be unfeasible.

Chairperson Mason stated that an easement would be used for future connection to the system when the remainder of the Sylvan Shores area is developed.

Mr. Gammello stated that they haven't done any work on the site at this point, but that a utility easement could be granted.

Commissioner Dunphy asks where the property drops off.

Mr. Ramerth stated that it would be near Mason's property.

Chairperson Mason stated that there should be some privacy in that area and that it could be feasible.

Mr. Gammello stated that the applicant had agreed to the trail and utility easement.

Mr. Ramerth stated that a 66 foot easement would be sufficient for future utility connections.

Mr. Gammello stated that we would not want easements within the building areas.

Mr. Ramerth said that the easement would be sufficient for a directional bore.

Mr. Ramerth stated that the neighborhood was concerned about association costs and they were looking for a long term solution without those costs. He explained that their thoughts on the best solution would be to narrow the roadway to 12 feet and install catch basins which would then be channeled to the pond. He further stated they could design to the 25 year event which would contain a maximum of 1.5 feet of water.

Commissioner Anakkala asked what concerns of north property owner would be.

Mr. Ramerth stated that concerns were mostly on the infiltration basins.

Commissioner Dunphy asked what the liability of the City would be if the ponds are filled.

Mr. Ramerth said that the basins would be dry.

Commissioner Anakkala asked if the road would be pitched to the north.

Mr. Ramerth showed the drainage patterns and road pitching.

Chairperson Mason asked what could be done to improve safety. He explained that the road can be dangerous in the winter and that the pitching of the road would help.

Mr. Ramerth explained the alterations to be made and listed the property owners they had met with.

Mr. Ramerth stated that they will need direction from the City as to the assessment procedures to follow and that there are several possible options.

Commissioner Anakkala questioned placement of a culvert on the site.

Mr. Ramerth showed the improvements that would be made to address this issue. He stated that they felt that this is the next step before going to the Council

Mr. Gammello explained that they will ask the Council to approve the drainage improvement project and then vacate the roadway, and will then come to the Commission with the specific site proposal. He asked about application materials needed.

Chairperson Mason stated that it will be necessary to delineate top of bluff, show easements, proposed lots and drainage improvements.

Mr. Ramerth stated that would be provided.

Mr. Gammello stated that ultimately the City will have to prepare numbers and will have to agree on those numbers.

Mr. Ramerth stated that a Variance will be required to address the top of bluff.

Commissioner Anakkala stated that the building would have to be built considerably lower than the bluff line.

Mr. Ramerth stated that there would likely be a walkout right up to the building line.

Mr. Gammello stated that they would be looking for direction from the City; however the application has not changed from having two homes.

Zoning Administrator Schmidt stated that the applicant should present to the City the best possible scenario for reducing impacts on the bluff.

Chairperson Mason stated that his preference would be for the applicant to propose one nice home rather than two homes.

Commissioner Lee asked if the City is obligated to provide use of this property.

Mr. Gammello stated that there are differing opinions on that topic.

Chairperson Mason stated that the intent of the language within the Ordinance stating that preexisting lots within the Sylvan Shores area are buildable without Variance was specific to the Sylvan Shores addition to the City and not to this area.

Mr. Gammello stated that it should be possible to address issues within this project area and that it is not relevant whether one or two are lots are allowed.

Chairperson Mason stated that he wants what is best for the neighborhood in this area.

Councilor Carlson asked what the timeframe would be for this project.

Mr. Gammello stated that the applicant does not have any specific timeframe.

Mr. Gunsbury, Bercher Design representing the applicant, stated that it is not their desire to hold this off for another two years and that if this is resolved soon that they would begin the project spring or summer.

Chairperson Mason asked about the resolution of the drainage issues for two additional homes rather than one.

Mr. Ramerth stated that this has been done and provided an overview of drainage improvements made to the area.

Chairperson Mason stated that the driveway situation is going to be unique and that he would like to see the applicant also consider one nice home versus two separate homes.

Commissioner Anakkala states that the structures are nearly 100% within the bluff setback area.

Mr. Gammello stated that it is much more feasible to construct two.

Mr. Gammello clarified the survey requirements to be required by the Commission which include a trail easement, utility easement, and proposed drainage improvements.

9. New Business

Chairperson Mason asks if there is any new business to consider.

Mayor Kavanaugh stated that City Council had appointed Ike Haliwell as an alternate to the Commission.

10. Adjourn

Motion by Commissioner Anakkala to adjourn the meeting at 9:30 p.m., seconded by Commissioner Lee. Motion passed unanimously.