

**City of Gem Lake  
Planning Commission Meeting – November 9, 2022  
Meeting Minutes**

Planning Commission Chair Joshua Patrick called the meeting to order at 7:00 p.m. Commission Members Stephanie Farrell, Don Cummings, Derek Wippich and Art Pratt were present. Also present: City Attorney Patrick Kelly, City Planner Evan Monson, Acting City Clerk Melissa Lawrence and Resident Mike Murzyn.

**November 9, 2022 Agenda**

A motion was made by Commissioner Pratt to accept the agenda, seconded by Commissioner Cummings. Voice vote taken, all voted yes, motion passes, agenda accepted.

**Minutes**

A motion was made by Commissioner Pratt, seconded by Commissioner Cummings to approve the October 11, 2022, Planning Commission Meeting minutes. Voice vote taken, all voted yes, motion passes, minutes are approved.

**Public Hearings**

**Variance Request for a 100ft pool setback at 10 Hillary Farm Lane**

The property owner is proposing to build an in-ground pool in the backyard of their property. Their lot is a lakeshore lot, located on the east side of Gem Lake. The owner's residence is located near the middle of the property, and at a distance of approximately 154 feet from the ordinary high water level (OHWL) of the lake. The pool would be placed just west of the house, and at a setback of 128.4 feet from the lake at the nearest point.

Due to the lot's proximity to the lake, it is within the Shoreland Overlay, which is further detailed in Section 21 of the city's Consolidated Land Use Ordinance. The setback from the lake (as measured from the OHWL) shall be at a minimum of 150 feet. The proposed pool would encroach within this setback by 21.6 feet, hence the variance request.

Commissioner Wippich had a couple questions directed towards the applicant Mike Murzyn, City Attorney Patrick Kelly and the City Planner Evan Monson.

Q1: Do you know what the DNR mandate is?

Mr. Monson: The DNR has been notified, but I have not received any communication from them yet.

Q2: Will the area that that the pool is planned to be built going to be altered in any way?

Mr. Murzyn: Nothing is being altered, just disturbed like it previously was when the house was being built.

Q3: What's the hardship?

Mr. Monson: The lay of the land and how close it is to Gem Lake and that pools are not allowed to be located in the front yard.

Q4: Over the years the term "variance" has changed, can you please define it?

Mr. Kelly: It can be defined as practical difficulties. What can be done to help prove a variance is needed is to make sure that specific findings to the application make it unique.

Q5: Has this project been discussed with the neighbors and Home Owners Association?

Mr. Murzyn: It has been discussed with house 11, but it has not been discussed with house 9 yet. Any requests need to be approved by the Home Owners Association and we are currently working on getting that approval.

Commissioner Cummings had a question directed towards the applicant Mike Murzyn.

Q1: Is there going to be some sort of natural screening put up around the pool to soften the view?

Mr. Murzyn: At this time nothing has been finalized, but we have a good idea on the landscaping we would like to go around it. If it becomes a condition that a certain type of screening will be required we will take that into consideration when planning the landscaping around the pool.

City Planner Evan Monson recommends approval based on the recommendations prepared by himself which include:

1. The applicant is permitted to build the proposed pool and impervious surfaces at a setback of 128.4 feet from the OHWL of the lake, as shown in the plans submitted to the city and reviewed with the request.
2. The applicant is required to acquire all necessary permits and approvals from the city for the proposed project.
3. The applicant is required to adhere to all applicable local, State, or Federal regulations.
4. The applicant is required to acquire any other applicable local, State, or Federal permits for this request.

Commissioner Cummings introduced a motion to open the public hearing on the matter at 7:21 p.m., Commissioner Pratt seconded the motion. All in favor, motion carried.

Commission Chair Patrick asked those in attendance three (3) times if anyone had any input on the matter. The public had no comment.

Commissioner Wippich introduced a motion to close the public hearing on the matter at 7:23 p.m., Commissioner Pratt seconded the motion. All in favor, motion carried.

Commissioner Wippich introduced a motion to recommend approval to the City Council subject to the conditions suggested by City Planner Evan Monson and other state agencies and to let the Home Owners Association govern the landscaping portion, seconded by Commissioner Pratt. Voice vote taken, all voted yes, motion passes, Variance request will be forwarded to the City Council for approval.

## **Old Business**

### **Discussion of Permitted Uses in the Consolidated Land Use Ordinance**

At this time the Commission is comfortable with their discussed at the last Planning Commission meeting on October 11. The process will continue to be handled on a case by case basis. No Commissioner had any extra input on the topic.

### **Discussion of Metropolitan Council 2040 System Statement**

Acting City Clerk Melissa Lawrence shared that the Mayor did reach out to the Met Council and invited them to a meeting to help explain the statement to the Commission and Council and that request made the Met Council a little concerned. They let the Mayor know that they would be willing to have a one on one meeting if necessary, but don't find it necessary to come in and attend a meeting to discuss the statement.

Commissioner Cummings shared that the Commission should come up with a formal statement at some point regarding the topic and to show that the City is still not in support of the Purple Line Bus Route.

## **New Business**

No new business to discuss.

## **Future Meetings**

City Council Meeting, Tuesday, November 15, 2022 at Heritage Hall, and Planning Commission Meeting, Tuesday, December 13, 2022 at Heritage Hall.

**Attendance Inquiry**

Commissioner Chair Patrick surveyed the Commission to see if any of the members would have any issues attending the December 13, 2022 meeting. At this time Commissioner Wippich is the only one that may not be in attendance, and will not know until closer to the date.

**Adjournment**

Being there no further business, following a motion from Commissioner Wippich, seconded by Commissioner Cummings, the meeting adjourned at 7:37 p.m.

*Respectfully submitted, Melissa Lawrence*