



STATED MINUTES

City of Crosslake Planning and Zoning Commission

October 24, 2014
9:00 A.M.

Crosslake City Hall
37028 County Road 66
Crosslake, MN 56442

1. Present:; Aaron Herzog, Chair; Dave Nevin, Vice-Chair; Mark Lafon; Joel Knippel and Council Member Gary Heacox
2. Absent: Matt Kuker
3. Staff: Chris Pence, Crow Wing County Land Services Supervisor, Paul Herkenhoff, Crow Wing County Survey/Planning Coordinator, Jon Kolstad, Crosslake Land Services Specialist, Sue Maske, Planning Assistant
4. 9-26-14 Minutes & Findings – **Motion by Nevin; supported by Knippel to approve the minutes & findings as written. All members voting “Aye”, Motion carried.**
5. Old Business
 - 5.1 None
6. New Business
 - 6.1 James & Jennifer Serakos – Variance for lake setback
 - 6.2 Crosslake Evangelical Lutheran Church – Variance for side yard setback and impervious coverage
 - 6.3 Commercial Ordinance Update
7. Adjournment

**James & Jennifer Serakos
1410200090BD009**

James & Jennifer Serakos were present. Herkenhoff read the request into the record. Discussion concerned 10-23-14 on-site; impervious coverage of 13.4%; stormwater plan; when the dwelling was constructed; size of the proposed addition; when the lot was created; topography and what portion of the dwelling will be removed.

October 24, 2014 Action:

Motion by Knippel; supported by Lafon to approve the variance for:

- 1. Lake setback of 40 feet where 75 feet is required to proposed dwelling**
- 2. Lake setback of 56 feet where 75 feet is required to proposed septic system**

To construct:

- 1,535 square foot two-story dwelling**
- Installation of septic system**

Per the findings of fact as discussed, the on-site conducted on 10-23-14 and as shown on the certificate of survey received at the Planning & Zoning dated 9-29-14 located in part of Outlot B, Arrowhead Point, Sec 30, City of Crosslake

Conditions:

- 1. A stormwater plan as required by the Ordinance be implemented**

Findings: See attached

All members voting “Aye”, Motion carried.



City of Crosslake

Summary of Record

James & Jennifer Serakos – Part of Outlot B, Arrowhead Point, Sec 30, City of Crosslake, 1410200090BD009 at 12418 Brookwood Circle, Crosslake, MN 56442 on Cross Lake-GD

Request is a Variance for:

1. Lake setback of 40 feet where 75 feet is required to proposed dwelling
2. Lake setback of 56 feet where 75 feet is required to proposed septic system

To construct:

- 1,535 square foot two-story dwelling
- Installation of septic system

Chronology of events:

- September 16, 2014 – Development Review Team Meeting
- September 23, 2014 – Application submitted
- October 07, 2014 – Published in local newspaper
- October 02, 2014 – Notices sent out
- October 23, 2014 – Board on-site
- October 24, 2014 – Board of Adjustment Meeting – Decision made to approve the variance for lake setback

Packet Information:

- Notice of Hearing
- Staff Report
- Variance application
- Practical difficulty statement
- Development Review Team Minutes
- Certificate of Survey

Correspondence:

- There was no correspondence received

October 24, 2014

FINDINGS OF FACT

SUPPORTING / DENYING A VARIANCE REQUEST

A Variance may be granted by the Board of Adjustment when it is found that strict enforcement of the Land Use Ordinance will result in a “practical difficulty” according to Minnesota Statute 394.27 Subdivision 7. The Board of Adjustment should weigh each of the following questions to determine if the applicant has established that there are “practical difficulties” in complying with regulations and standards set forth in the Land Use Ordinance.

1. Is the Variance request in harmony with the purposes and intent of the Ordinance?

Yes No

Why?

- **This is an existing non-conforming dwelling located 40 feet from the ordinary high water level of Cross Lake**
- **This is an existing lot of record in the plat of Arrowhead Point that was established in 1945**
- **The Ordinance allows property owners to develop and improve their property**
- **The impervious surface coverage is 13.4% which is below the 25% maximum allowed by Ordinance**

2. Is the Variance consistent with the Comprehensive Plan?

Yes No

Why?

- **Promote the development and implementation of a Crosslake Community Plan that effectively and efficiently plans for land use, community facilities, transportation, housing, economic development and environmental protection for Crosslake and the immediately surrounding area (pg. 39)**

3. Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?

Yes No

Why?

- **The addition does not encroach any further to the lake than the existing structure with no change to the existing footprint**
- **The addition is to the rear with a greater lake setback than the existing non-conforming structure constructed prior to any zoning regulations established in 1970**
- **There is a minimal increase in impervious coverage from 13.1% to 13.4%**

4. Does the need for a Variance involve more than economic considerations?

Yes No

Why?

- **The addition is a minimum expansion to an existing legal non-conforming dwelling for personal use**
- **The proposed improvements are to the rear of an existing non-conforming structure with no change to the existing footprint**

5. Is the need for a Variance due to circumstances unique to the property and not created by the property owner?

Yes No

Why?

- **There are similar structures and land uses in the neighborhood with similar setbacks as noted during the Board of Adjustment on-site on 10-23-14**
- **It is an existing legal non-conforming dwelling built prior to any zoning regulations in 1970**

6. Will the issuance of a Variance maintain the essential character of the locality?

Yes No

Why?

- **There are similar structures in the neighborhood with similar setbacks as noted during the Board of Adjustment on-site on 10-23-14**
- **It is a minimal addition to the rear of an existing non-conforming structure**
- **There are similar land use patterns and use of property in the vicinity of the request**

Decision: Motion by Knippel; supported by Lafon to approve the variance for:

1. **Lake setback of 40 feet where 75 feet is required to the proposed dwelling**
2. **Lake setback of 56 feet where 75 feet is required to the proposed septic system**

To construct:

- **1,535 square foot two-story dwelling**
- **Installation of septic system**

Per the findings of fact as discussed, the on-sites conducted on 10-23-14 and as shown on the certificate of survey received at the Planning & Zoning dated 9-29-14 located in part of Outlot B, Arrowhead Point, Sec 30, City of Crosslake

Conditions:

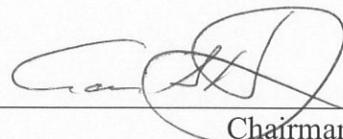
1. **A stormwater plan as required by the Ordinance be implemented**

Findings: As listed above

All members voting "Aye", Motion carried.

Date: 11-21-14

Signature: _____


Chairman

**Crosslake Evangelical Lutheran Church
120212100B00009**

Jeffrey Benson represented the applicant. Herkenhoff read the request into the record. Jeffrey Benson stated the church is trying to increase their parking by 30% to eliminate church parking along County Road 66. Discussion concerned 10-23-14 on-site; impervious coverage of 75%; past variances; number of existing parking spaces; length of the lease for the proposed parking area located on the neighboring property.

October 24, 2014 Action:

Motion by Knippel; supported by Nevin to approve the variance for:

- 1. Side Yard setback of '0' feet where 20 feet is required to Commercial Property for proposed parking lot addition**
- 2. Side Yard setback of '0' feet where 10 feet is required to Residential Property for proposed parking lot addition**
- 3. Impervious surface coverage of 75% where 69% is allowed with an approved 2006 variance**

To construct:

- 11,677 square foot addition to existing parking lot**

Per the findings of fact as discussed, the on-site conducted on 10-23-14 and as shown on the sketch of description received at the Planning & Zoning dated 9-26-14 located in part of NE1/4 of NW1/4, Sec 21, City of Crosslake

Findings: See attached

All members voting "Aye", Motion carried.



City of Crosslake

Summary of Record

Crosslake Evangelical Lutheran Church – Part of NE1/4 of NW1/4, Sec 21, City of Crosslake, 120212100B00009, 120212100AAB009 at 35960 County Road 66, Crosslake, MN 56442

Request is a Variance for:

1. Side Yard setback of '0' feet where 20 feet is required to Commercial property to proposed parking lot addition
2. Side Yard setback of '0' feet where 10 feet is required to Residential property to proposed parking lot addition
3. Impervious coverage of 75% where 50% is allowed

For:

- 11,677 square foot parking lot addition

Chronology of events:

- September 26, 2014 – Application submitted
- October 07, 2014 – Published in local newspaper
- October 02, 2014 – Notices sent out
- October 23, 2014 – Board on-site
- October 24, 2014 – Board of Adjustment Meeting – Decision made to approve the variance for side yard setback & impervious coverage

Packet Information:

- Notice of Hearing
- Staff Report
- Variance application
- Practical difficulty statement
- Certificate of Survey

Correspondence:

- There was no correspondence received

October 24, 2014

FINDINGS OF FACT

SUPPORTING / DENYING A VARIANCE REQUEST

A Variance may be granted by the Board of Adjustment when it is found that strict enforcement of the Land Use Ordinance will result in a "practical difficulty" according to Minnesota Statute 394.27 Subdivision 7. The Board of Adjustment should weigh each of the following questions to determine if the applicant has established that there are "practical difficulties" in complying with regulations and standards set forth in the Land Use Ordinance.

1. Is the Variance request in harmony with the purposes and intent of the Ordinance?

Yes No

Why?

- **The parking lot expansion is to help alleviate parking on County Road 66**
- **There will be no impact on snow removal and emergency vehicles**

2. Is the Variance consistent with the Comprehensive Plan?

Yes No

Why?

- **Promote the development and implementation of a Crosslake Community Plan that effectively and efficiently plans for land use, community facilities, transportation, housing, economic development and environmental protection for Crosslake and the immediately surrounding area (pg. 39)**

3. Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?

Yes No

Why?

- **It will provide additional parking for people attending the church and eliminating parking along County Road 66**
- **There is a stormwater management plan proposed**

4. Does the need for a Variance involve more than economic considerations?

Yes No

Why?

- **It will provide additional parking for people attending the church and eliminating parking along County Road 66**

5. Is the need for a Variance due to circumstances unique to the property and not created by the property owner?

Yes No

Why?

- **The church has been in this location since 1948 and currently does not have enough parking to accommodate the number of people attending this church**

6. Will the issuance of a Variance maintain the essential character of the locality?

Yes No

Why?

- **The property is well screened from neighboring residences**
- **It will provide additional parking for people attending the church and eliminating parking along County Road 66**

Decision: Motion by Knippel; supported by Nevin to approve the variance for:

1. **Side Yard setback of '0' feet where 20 feet is required to Commercial property to proposed parking lot addition**
2. **Side Yard setback of '0' feet where 10 feet is required to Residential property to proposed parking lot addition**
3. **Impervious coverage of 75% where 69% is allowed by an approved 2006 variance**

For:

- **11,677 square foot parking lot addition**

Per the findings of fact as discussed, the on-sites conducted on 10-23-14 and as shown on the site plans received at the Planning & Zoning dated 9-26-14 located in part of NE1/4 of NW1/4, Sec 21, City of Crosslake

Findings: As listed above

All members voting "Aye", Motion carried.

Date: 11-21-14

Signature: _____


Chairman

Open Forum

Carl Steenberg spoke to the board regarding the 5 acres piece of property he purchased about a year ago for a retirement project. When he originally purchased the property he talked to the Planning and Zoning Department about subdividing the property into 4 parcels. Since he purchased the property, the Crosslake Ordinance was revised and the land use classification was changed to Rural Residential 5 which limits him to the number of proposed parcels. He attended a DRT meeting to discuss the possibility of obtaining a variance from the current lot size requirement of 5 acres to 3 smaller parcels. He was concerned about fees for the subdivision and asked if the board could waive some of the fees. Mr. Herzog informed him that the board does not have the ability to waive fees. Any reduction in fees would have to be done by the City Council. Mr. Pence outlined the different options Mr. Steenberg has for the subdivision of his property. Mark Wessels, City Council Member stated that the revisions to the ordinance created the need for a variance to subdivide.

Commercial Ordinance Update

John Sumption from Sumption Environmental talked to the board regarding the City of Crosslake Commercial Land Use updates to Article 10 – Land Use Classification List, Article 13 – Commercial District Standards, Article 26 – Parking and Off Street Loading Standards, Article 28 – Commercial Landscaping, Screening and Lighting Standards, Article 29 – Commercial and Residential Architectural Standards, Article 30- Outdoor Storage and Sales, Article 33 – Signs and Article 43 - Definitions. He stated that there were good responses from the people who attended the Citizen Comment Meeting on 10-14-14, which was about 24 people including staff. Mr. Sumption stated he has an upcoming meeting with the City Council and the City Attorney. He stated that he has done research in other municipalities commercial ordinance and standards. Mr. Sumption stated he will have the commercial ordinance draft ready for the board to review and comment on by the November meeting. Mr. Pence stated that the commercial ordinance revisions would follow the same procedure that they used for the revisions to Chapter 26 Land Use of the Code of Ordinances for the City of Crosslake. Mr. Pence stated he would like to have the revised commercial ordinance ready for the Planning Commission to be approved in March and to the City Council for approval in April. Mr. Sumption went through the City of Crosslake Comprehensive Plan Goals he will be following when updating the Commercial Ordinance. Patty Norgard from Economic Development Association stated that the on-line survey is hard for the public to do without reviewing the history of Crosslake first. She asked if the questions in the survey could be reworded to make it easier for the public to answer. Mr. Pence suggested that the board should consider enacting a time frame for existing property owners to comply with the new commercial revisions. Mr. Sumption asked the board about the main goal for updating the ordinance. Mr. Herzog stated it is for creating an enforceable ordinance. Mr. Lafon stated it is to bring existing businesses into compliance and that the city needs to defend the local businesses if interim uses permits are approved for transient vendors. Mr. Nevin stated that there is a need eliminate issues with commercial signage.

October 24, 2014 Planning & Zoning Commission Meeting

Matters not on the Agenda:

1. There were no matters not on the agenda

Motion by Nevin; supported by Lafon to adjourn at 11:00 A.M.

All members voting “Aye”, Motion carried.

Respectfully yours,

Susan Maske

Susan Maske
Crow Wing County Planning Assistant