



STATED MINUTES

City of Crosslake Planning and Zoning Commission

November 21, 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; Matt Kuker; Joel Knippel and Council Member Gary Heacox
2. Absent: None
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. 10-24-14 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 Brady & Angie Hatcher – Variance for road right-of-way setback
 - 6.2 Kirk Schnitker – Subdivision
 - 6.3 Commercial Ordinance Update
7. Adjournment

**Brady & Angie Hatcher
120071101W00009**

Michael Witt represented the applicants. Herkenhoff read the request into the record. Discussion concerned 11-18--14 on-site; impervious coverage of 19.5%; stormwater plan; when the garage was constructed; 1999 variance; height and width of the proposed dormers and proposed use of the upper level of the garage.

November 21, 2014 Action:

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

- 1. Road Right-of-Way setback of 13 feet where 35 feet is required to existing garage**

To construct:

- Two dormers to an existing garage**

Per the findings of fact as discussed, the on-site conducted on 11-18-14 and as shown on the certificate of survey received at the Planning & Zoning dated 10-23-14 located in part of Gov. Lot 1, Sec 07, City of Crosslake

Conditions:

- 1. If plumbing is added to the garage a compliance inspection will be required on the septic system**
- 2. Rain gutters be installed on the garage to address stormwater runoff**

Findings: See attached

All members voting “Aye”, Motion carried.



City of Crosslake

Summary of Record

Brady & Angie Hatcher – W 170 FT of E 255 FT of W 510 FT of Gov. Lot 1, Sec 07, City of Crosslake, 120071101W00009 at 12639 Anchor Point Road, Crosslake, MN 56442 on Rush Lake-GD

Request is a Variance for:

1. Road Right-of-Way setback of 13 feet where 35 feet is required to existing garage

To construct:

- Two dormers to existing garage

Chronology of events:

- October 14, 2014 – Development Review Team Meeting
- October 22, 2014 – Application submitted
- November 04, 2014 – Published in local newspaper
- November 04, 2014 – Notices sent out
- November 19, 2014 – Board on-site
- November 21, 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?

- **There is no change in impervious coverage of 19.5%**
- **There is a stormwater plan and no mow buffer in place**
- **This is an existing non-conforming garage located 13 feet from the road right-of-way of Anchor Point Road**
- **The Ordinance allows property owners to develop and improve their property**
- **It is an existing lot of record established prior to zoning regulations**

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?

- **There is no change in use of the property**
- **There is no change in the impervious coverage of 19.5%**
- **There are similar structures and land uses in the neighborhood with similar setbacks as noted during the Board of Adjustment on-site on 11-19-14**

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

Yes No

Why?

- **The existing garage was built in 1972 with an approved building permit**
- **The property had an approved variance in 1999 to change the roof pitch on the garage**
- **There are similar structures in the neighborhood with similar setbacks as noted during the Board of Adjustment on-site on 11-19-14**

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 existing garage was built in 1972 with an approved building permit
- The property had an approved variance in 1999 to change the roof pitch on the garage

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

Yes No

Why?

- The addition is a minimum expansion to an existing legal non-conforming dwelling for personal use
- There is no change in the footprint of the existing garage with the addition of dormers

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

1. Road Right-of-Way setback of 13 feet where 35 feet is required to the existing garage

To construct:

- Two dormers to existing garage

Per the findings of fact as discussed, the on-sites conducted on 11-21-14 and as shown on the certificate of survey received at the Planning & Zoning dated 10-23-14 located in the W 170 FT of E 255 FT of W 150 FT of Gov. Lot 1, Sec 07, City of Crosslake

Conditions:

1. If plumbing is added to the garage a compliance inspection will be required to determine if the septic system is sized correctly
2. Rain gutters be installed on the garage to address stormwater runoff

Findings: As listed above

All members voting "Aye", Motion carried.

Date: 12-19-14

Signature: _____



Chairman

**Kirk Schnitker
120294100CA00009**

Cindy Hidde represented the applicant. Herkenhoff read the request into the record. A letter dated 7-10-14 from the Crow Wing County Highway Department stated the application to install an entrance for the subdivision has been approved and the owner of the subdivision is required to provide and install a concrete culvert 18” in diameter. The existing approach for Tract C will have to be removed and the access will need to come from the newly established road. The City of Crosslake Planning and Zoning Department received one (1) letter of concern. Kirk Schnitker informed the board of his future plans for Tract C. Mike Reiner from Crosslake Roll-off asked if it would be possible to install a ditch along the proposed easement to help prevent stormwater runoff onto his property. Mark Melby, Crow Wing County Highway Department stated that if the proposed easement becomes a city street the Highway Department would like to see Crosslake Roll-Off use the city street and abandon their current access onto County Road 3. Discussion concerned surrounding zoning; access; screening; existing and proposed easements; stormwater runoff and future plans for Tract C

November 21, 2014 Action:

Motion by Nevin; supported by Knippel to recommend to the Crosslake City Council to approve/table/deny the subdivision of parcel #120294100CA00009 involving 5.53 acres located in part of the E1/2 of NE1/4 of SE1/4, Sec 29, City of Crosslake

Per the findings of fact as discussed, the on-site conducted on 11-19-14 and as shown on the certificate of survey received at the Planning & Zoning dated 10-28-14

Findings: See attached

All members voting “Aye”, Motion carried.



City of Crosslake

Summary of Record

Kirk Schnitker – All of E1/2 of NE1/4 of NE1/4, Sec 29, City of Crosslake, 120294100CA0009 at 34309 County Road 3, Crosslake, MN 56442

Request:

- To subdivide parcel #120294100CA0009 into three parcels

Chronology of events:

- October 14, 2014 – Development Review Team Meeting
- October 28, 2014 – Application submitted
- November 04, 2014 – Published in local newspaper
- November 04, 2014 – Notices sent out
- November 19, 2014 – Planning Commission/Board of Adjustment on-site
- November 21, 2014 – Planning Commission Meeting – Decision made to recommend approval for the subdivision of parcel #120294100CA0009 into three parcels to the Crosslake City Council
- December 4, 2014 – Crosslake Parks, Recreation and Library – Staff recommendation for cash in lieu of land
- December 08, 2014 – Crosslake City Council Meeting – Decision to approve the subdivision of parcel #120294100CA0009 into three parcels

Packet Information:

- Public Hearing Notice
- Staff Report
- Land Use Map Amendment Application
- Development Review Team Minutes
- Submitted site plan

Correspondence:

- November 04, 2014 – Letter from Crow Wing County Highway Department
- November 18, 2014 – E-mail from Gary Nault

November 21-2014

Findings of Fact

Supporting/Denying a Metes and Bounds Subdivision

Findings should be made in either recommending for or against a preliminary plat, and should reference Chapter 44 of the City Ordinance. The following questions are to be considered, but are not limited to:

1. Does the proposed metes and bounds subdivision conform to the City's Comprehensive Plan?
Yes No
 - **Support the development of a strong, diversified and growing economic base and create a favorable climate for economic development and ongoing business activities**

- **Promote and encourage environmentally sound commercial and industrial development through design standards and good site planning**
2. Is the proposed metes and bounds subdivision consistent with the existing City Ordinance?
Specify the applicable sections of the ordinance.
Yes No
 - **The proposed lots meet or exceed the minimum lot size requirements for Limited Commercial**
 - **There is adequate ingress/egress onto County Road 3 with the proposed easement**
 3. Are there any other standards, rules or requirements that this plat must meet?
Yes No Specify other required standards.
 - **The access to County Road 3 needs to meet the requirements outlined in the County Highway Department letter dated 11-4-14**
 - **The proposed lots have adequate area for septic systems**
 - **Upon future development a NPDES Permit may be required**
 4. Is the proposed metes and bounds subdivision compatible with the present land uses in the area of the proposal?
Yes No Zoning District **Limited Commercial**
 - **It is consistent with the surrounding zoning and uses in the area**
 5. Does the proposed metes and bounds subdivision conform to all applicable performance standards in Article 4.5 of the Subdivision Ordinance?
Yes No
 - **The proposed lots meet or exceed the minimum lot size requirements for Limited Commercial**
 - **There is adequate ingress/egress onto County Road 3 with the proposed easement**
 6. Other issues pertinent to this matter.
 - **Work with the County Highway Department on any accesses to the property**
 - **Address the stormwater runoff**

Decision: Motion by Nevin; supported by Knippel to recommend to the Crosslake City Council to approve the subdivision of parcel #120294100CA0009 into three parcels involving 5.53 acres located in part of the E1/2 of NE1/4 of SE1/4, Sec 29, City of Crosslake

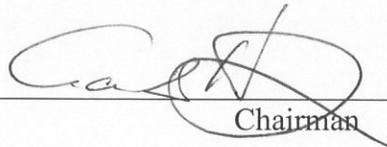
Per the findings of fact as discussed, the on-sites conducted on 11-19-14 and as shown on the certificate of survey received at the Planning & Zoning dated 10-28-14

Findings: As listed above

All members voting "Aye", Motion carried.

Date: 12-19-14

Signature: _____



Chairman

Joint meeting between the City Council and the Planning Commission/Board of Adjustment on the Commercial Ordinance Update

Present: John Sumption, Sumption Environmental; Daryl Schneider, Mayor; Council Members: Gary Heacox, Steve Roe, Mark Wessels, Brad Person, City Attorney; Planning Commission/Board of Adjustment Members: Aaron Herzog, Matt Kuker, Dave Nevin, Mark Lafon, Joel Knippel; Staff: Chris Pence, Crow Wing County Land Services Supervisor, Paul Herkenhoff, Crow Wing County Survey/Planning Coordinator, Susan Maske, Crow Wing County Planning Assistant, Jon Kolstad, Crosslake Land Services Specialist, Cheryl Stuckmeyer, Technical/Administrative Specialist; Dave Fischer, Camp Knutson; Patty Norgaard, Crosslake Economic Development Authority; Cindy Myogeto, Crosslake Chamber; David Schrupp; Dan Determan, Echo Journal and Kate Perkins, Northland Press

Mr. Pence explained that the reason for the joint meeting was to go through the proposed amendments to the Crosslake Commercial Uses and Standards in the Land Use Ordinance. Mr. Pence went through the proposed time line for the ordinance amendments, with the draft version of the ordinance going to the City Council on December 8, 2014 to be approved for public comment. The comment period would run through January 2015. The final version would go before the Planning Commission/Board of Adjustment in March 2015 and then to the City Council in April 2015 for final approval.

Mr. Sumption stated that after public comments and the city Attorney's review of the draft version, the following changes were made:

Article 10 – Land Use Classification List

Sec 26-281 – added “PP” – means a use requiring a permit with Performance Standards

Sec 26-282 – added the requirements for the Administration of Permits with Performance Standards

Article 13 – Commercial District Standards

Sec 26-375 – added the Commercial Goals from the Comprehensive Plan

Sec 26-376 – added the specific articles for each plan submission requirement

Sec 26-377 – added in the table the difference between lot line and road right-of-way setbacks for residential and commercial

Sec 26-378 – defined the structure lot line setback for residential and commercial and setback between buildings and road right-of-way setbacks for county roads and city streets

Sec 26-379 – cleaned up the language and changed the setbacks to match the setbacks in Sec 26-378

Added Table 26-379A – showing the 30 foot setback requirement for buildings on corner lots

Article 23 – Home Occupation/Home Business Standards

Sec 26-634 – added performance standards

Sec 26-635 – added performance standards

(Continued on page 5)

Commercial Ordinance Update Continued:

Article 26 – Parking and Off Street Loading Standards

Sec 26-671 – established a date of March 1, 2015 and removed the language in number 3

Sec 26-672 – added Alternative Parking Standards, Application for alternative parking standards, Alternative parking performance standards and size requirement for a parking Space

Table 26-672A – Minimum required parking spaces was changed to align with uses outlined in Land Use Table and removed old language

Matt Kuker asked if the alternative parking standards would run with the title rather than the property owner

Article 28 – Landscaping, Screening and Lighting Standards

Sec 26-737 – added clarification to minimum planning requirements for existing trees, selection of materials, variety of species, minimum plant numbers

Mr. Kuker suggested that there be a statement added to the ordinance that all planting should be salt resistant

Sec 26-738 – added screening design standards, placement and screening of mechanical equipment, service, loading and storage standards and screening between adjacent commercial uses

Sec 26-739 – added height restrictions for commercial and maximum lighting levels for commercial and residential

Mr. Roe asked the question how staff measure foot candles for lighting

Article 29 – Commercial and Residential Architectural Standards –

Sec 26-746 – added #2 Intent section

Sec 26-750 – added Allowable Commercial Construction Materials by Land Use

Mr. Nevin suggested that language should be put in the ordinance that would only allow earth tone colors on buildings in residential districts

Article 30 – Outdoor Storage and Sales

Sec 26-762 – defined purpose

Sec 26-763 – added Application Information

Sec 26-764 – clarified language and added Exceptions

Sec 26-766 – added #2 Transient merchant sales definition and performance standards

Article 32 – Resort Standards – language clarification

Article 33 – Signs – language cleanup and clarification

Matters not on the Agenda:

1. Mr. Nevin asked if staff could report to the board on how many complaints have been received at the Planning and Zoning Office and what the nature of the complaints were. Mr. Pence stated that due to the sensitive information in an enforcement file he would prefer to report to the board on the number of complaints and how they were resolved.

Motion by Nevin; supported by Lafon to adjourn at 11:50 A.M.

All members voting “Aye”, Motion carried.

Respectfully yours,

Susan Maske

Susan Maske
Crow Wing County Planning Assistant