



## STATED MINUTES

### City of Crosslake Planning and Zoning Commission

February 28, 2014  
9:00 A.M.

Crosslake City Hall  
37028 County Road 66  
Crosslake, MN 56442

1. Present: Aaron Herzog, Chair; Dave Nevin; Joel Knippel; Mark Lafon; Matt Kuker, Council Liaison Mark Wessels and Brad Person, Attorney were in attendance
2. Absent: Scott Johnson
3. Staff: Chris Pence, Crow County Land Services Supervisor, Paul Herkenhoff, Crow Wing County Survey/Planning Coordinator, Sue Maske, Crow Wing County Planning Assistant, John Kolstad, Crosslake Planning & Zoning Land Services Specialist
4. 1-24-14 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 David & Donna Koenig - Variance for lake & road right-of-way setback
  - 6.2 City of Crosslake - Chapter 26 City Ordinance Land Use Revisions
  - 6.3 City of Crosslake - Land Use Map Amendments
  - 6.4 City of Crosslake - Administrative Changes to Chapter 44 Subdivision Ordinance
7. Adjournment

**David & Donna Koenig  
Parcel Number 1412000090CE009**

David Koenig & Dan Whirley, RemWhirl were present. Herkenhoff read the request into the record. The Planning & Zoning Office received three (3) letters in opposition. Dan Whirley went over the proposed plans. Tom Gust addressed concerns with what happens to the road when the property is connected to the city sewer and asked who would be responsible for the repairs to the private road during construction. Vicki Koehne addressed concerns with who is responsible for any damage done to the road during the construction of the new dwelling. Dan Miller, Contractor explained the process of connecting to the city sewer. Discussion concerned 2-17-14 on-site; impervious coverage of 13%; past permit history for neighboring properties; postponing for a revised plan; stormwater plan; connecting to city sewer; relocating the driveway; size of the building envelope; location of docks; landscaping plan; existing road maintenance agreement for Autumn Ridge Road; size of the proposed garage; use of the proposed lower level of the garage; material to be used under the proposed deck; using pervious material for the driveway and who is responsible for any damage to Autumn Ridge Road during construction.

**February 28, 2014 Action:**

**Motion by Lafon; supported by Kuker to table the application to allow the property owner time to make revision to their proposed plans. The application is to be back on the March 28, 2014 agenda**

**Findings:** See attached

**All members voting “Aye”, Motion carried.**

**Crosslake Planning & Zoning  
City of Crosslake, Chapter 26 City Ordinance  
Land Use Revisions - Part I Administration,  
Articles 1 through 5**

Pence went over the revisions to Chapter 26 of the City of Crosslake Land Use Ordinance, Part I Administration - Articles 1 through 5 from the public comments and the two open house meetings. No comments during the public hearing.

Staff recommendations for changes to Articles 1 through 5 listed below:

- Article 1 – No changes
- Article 2 – No changes
- Article 3 - 26-71. 8 added "that are found to have merit" to Administrative Fees (p. 17)
- Article 4 - 26-75. 4 changed may to will for refunds (p. 19)
- Article 5 - 26-137. 11 Changed one to five years for discontinued use (p. 24)
- Staff Recommends adding to 26-138. 1 "Expansions that meet setbacks and other provisions of this ordinance shall not require a variance." (p. 24)

**February 28, 2014 Action:**

**Motion by Kuker; supported by Knippel to recommend the Crosslake City Council approve the revisions to the Code of Ordinances for the City of Crosslake, Chapter 26 Land Use - Part I Administration, Articles 1 through 5 per staff recommendations.**

**All members voting "Aye", Motion carried.**

**Crosslake Planning & Zoning  
City of Crosslake, Chapter 26 City Ordinance  
Land Use Revisions - Part I Administration,  
Articles 6 through 9**

Pence went over the revisions to the Chapter 26 of the City of Crosslake Land Use Ordinance, Part I Administration - Articles 6 through 9 from the public comments and the two open house meetings. No comments during the public hearing.

Staff recommendations for changes to Articles 6 through 9 listed below:

- Article 6 - No changes
- Article 7 - 26-191 added CUP in shoreland sent to DNR (p. 29)
- Article 8 - 26-226. 1. f added extension of timeframe as a condition(p. 32)
- Article 8 - 26-227 extended timeframe out to 2 years (p. 32)
- Article 9 - Staff recommends delete all of Article 9 Park Dedication Fees language in this article and change to “Reserved” (p. 33-36)

**February 28, 2014 Action:**

**Motion by Kuker; supported by Knippel to recommend the Crosslake City Council approve the revisions to the Code of Ordinances for the City of Crosslake, Chapter 26 Land Use - Part I Administration, Articles 6 through 9 per staff recommendations.**

**All members voting “Aye”, Motion carried.**

**Crosslake Planning & Zoning  
City of Crosslake, Chapter 26 City Ordinance  
Land Use Revisions - Part II Land Use Districts,  
Article 10**

Pence went over the revisions to the Chapter 26 of the City of Crosslake Land Use Ordinance, Part II Land Use Districts - Article 10 from the public comments and the two open house meetings. There was discussion on removing “CU” in the Downtown Commercial District and adding “P” in Commercial/Light Industrial for the manufacturing of furniture and adding outdoor wood burning furnaces as a permitted use in all Land Use Districts. Cynthia Holden asked what impact the outdoor wood furnace standard would have on fire pits and fireplaces. She also stated she is opposed to the outdoor wood furnace restrictions. Dean Eggena asked what good are the restrictions on outdoor wood furnaces as people with fireplaces and wood stoves in their homes do not have any restrictions. He suggested that outdoor wood furnaces should be handled through the nuisance ordinance as the proposed restrictions could cause tension between neighbors. Attorney Brad Persons asked what the current lot size is need for an outdoor wood furnace and if a permit is required what type of site plan would be required and what would the fee be. John Andrews stated that there are two outdoor wood furnaces located in garages in the City of Crosslake. After a lengthy discussion on outdoor wood furnaces the board unanimously agreed to have separate motion regarding adding outdoor wood furnaces to the Land Use Table or treat them as a nuisance.

Staff recommendations for changes to Articles 1 through 5 listed below:

- Article 10 - 26-281 (Land Use TABLE page 39 to 41)

**February 28, 2014 Action:**

**Motion by Kuker; supported by Knippel to recommend the Crosslake City Council approve the revisions to the Code of Ordinances for the City of Crosslake, Chapter 26 Land Use - Part II Land Use Districts, Article 10 per staff recommendations and recommended the removal of “CU” in the Downtown Commercial District for the manufacturing of furniture.**

**All members voting “Aye”, Motion carried.**

**Motion by Nevin; supported by Knippel to treat outdoor wood furnaces as a nuisance and not a permitted use.**

**All members voting “Aye”, Motion carried.**

**Crosslake Planning & Zoning  
City of Crosslake, Chapter 26 City Ordinance  
Land Use Revisions - Part II Land Use Districts,  
Article 11**

Pence went over the revisions to Chapter 26 of the City of Crosslake Land Use Ordinance, Part I Administration – Article 11 from the public comments and the two open house meetings. Mark Lafon requested changing the language in 26-322-1 from “14 continuous days to 14 total days”. Mark Wessels asked for clarification on the language in 26-308-6 regarding elevations above flood plain. Steve Roe stated that he did not know if a tent, RV, motor home, boat or a boat trailer could be classified as a structure. Mr. Pence read the definition of a structure & temporary structure into the record. John Moengen asked for clarification on Article 26-322-1 when a recreational vehicle is used while a permanent structure is being constructed. Staff recommendations for changes to Article 11 are listed below:

- Article 11 - 26-308. 6 changed wording to meet State standards agreed upon with DNR regarding RFPE (p. 44)
- Article 11 - 26-311. 2 added a walkway shall be no wider than the existing structure (p. 46)
- Article 11 - 26-313 added that stairways, lifts and landing will meet side-yard setbacks (p. 47)
- Article 11 - 26-314 changed Guest to Auxiliary throughout. (P.47)
- Staff Recommendation to Article 11, Sec 26-312 Patios: Change 180 sq ft to 250 sq ft and allow up to 400 sq ft with a Stormwater Management Plan. (p.46)

**February 28, 2014 Action:**

**Motion by Nevin; supported by Lafon to recommend the Crosslake City Council approve the revisions to the Code of Ordinances for the City of Crosslake, Chapter 26 Land Use - Part II Land Use Districts, Article 11 per staff recommendations.**

**All members voting “Aye”, Motion carried.**

**Crosslake Planning & Zoning  
City of Crosslake, Chapter 26 City Ordinance  
Land Use Revisions - Part II Land Use Districts,  
Articles 12 through 18**

Pence went over the revisions to the Chapter 26 of the City of Crosslake Land Use Ordinance, Part II Land Use Districts - Articles 12 through 14 from the public comments and the two open house meetings. There was discussion regarding the location and length of time campaign signs are allowed to be up. Mr. Pence informed the board that campaign signs are regulated through State and Federal guidelines. Mark Lafon asked that in the future the board should look at adding language pertaining to allowing signs that could be attached to a flat bed truck. There was lengthy discussion on what the minimum lot size requirement should be for Commercial/Light Industrial. The current minimum lot size requirement is 20,000 square feet and the proposed minimum lot size requirement is 40,000 square feet. Dean Eggena stated that the City of Crosslake change the lot size requirement for Commercial/Light Industrial from 40,000 square feet to 20,000 square feet in 2008 and asked to have the minimum lot size stay at 20,000 square feet. He stated that lot sizes of 20,000 square feet would be more affordable to the residents for Crosslake who do not have the area to store their toys on their property. Mark Wessels stated he believes that there is a market in Crosslake for storage units as people do not have the room on their property to construct a storage building. After some discussion the board unanimously agreed to leave the minimum lot size for Commercial/Light Industrial to 20,000 square feet.

Staff recommendations for changes to Articles 12 through 14 listed below:

- Article 12 – No changes
- Article 13 - 26-375. 2 removed the word good (p. 53)
- Article 13 - 26-380. 2 changed 40,000 sq ft to 20,000 sq ft (p. 55)
- Articles 14 – 18 - No changes

**February 28, 2014 Action:**

**Motion by Kuker; supported by Knippel to recommend the Crosslake City Council approve the revisions to the Code of Ordinances for the City of Crosslake, Chapter 26 Land Use - Part II Land Use Districts, Articles 12 through 18 per staff recommendations.**

**All members voting “Aye”, Motion carried.**

**Crosslake Planning & Zoning  
City of Crosslake, Chapter 26 City Ordinance  
Land Use Revisions - Part III Development  
Standards, Articles 19 through 21**

Pence went over the revisions to the Chapter 26 of the City of Crosslake Land Use Ordinance, Part III Development Standards - Articles 19 through 21 from the public comments and the two open house meetings. No comments during public hearing.

Staff recommendations for changes to Articles 19 through 21 listed below:

- Article 19 - 26-517. 2 added one fire pit under shoreland recreational use area (p. 70)
- Article 20 - 26-549. 6 excludes driveway from impervious if constructed with approved pervious material (p. 75)
- Article 20 - 26-549. 7 clarifies separation from saturated soils for 100% credit for engineered permeable surface. (p. 75)
- Article 20 - 26-551 added language to inform applicants of MN stormwater requirements. (p. 75)
- Article 21 – No changes

**Motion by Lafon; supported by Knippel to recommend the Crosslake City Council approve the revisions to the Code of Ordinances for the City of Crosslake, Chapter 26 Land Use - Part III Development Standards, Articles 19 through 21 per staff recommendations.**

**All members voting “Aye”, Motion carried.**

**Crosslake Planning & Zoning  
City of Crosslake, Chapter 26 City Ordinance  
Land Use Revisions - Part III Development  
Standards, Articles 22 through 26**

Pence went over the revisions to the Chapter 26 of the City of Crosslake Land Use Ordinance, Part III Development Standards - Articles 22 through 26 from the public comments and the two open house meetings. No comments during public hearing.

Staff recommendations for changes to Articles 22 through 26 listed below:

- Article 22 – No changes
- Article 23 - 26-635. B changed sign size from 24 to 12 sq ft (p. 85)  
\*Also change letters to numbers.
- Article 24 – No changes
- Article 25 - 26-656. 6 added language back in for temporary fences (p. 86)
- 26-659 Setback table changed fence setback to 0 ft and the property owner is required to mark property line prior to erecting fence.
- Article 26 – No changes

**Motion by Nevin; supported by Lafon to recommend the Crosslake City Council approve the revisions to the Code of Ordinances for the City of Crosslake, Chapter 26 Land Use - Part III Development Standards, Articles 22 through 26 per staff recommendations.**

**All members voting “Aye”, Motion carried.**

February 28, 2014 Planning & Zoning Commission Meeting

**Crosslake Planning & Zoning  
City of Crosslake, Chapter 26 City Ordinance  
Land Use Revisions - Part III Development  
Standards, Articles 27 through 30**

Pence went over the revisions to the Chapter 26 of the City of Crosslake Land Use Ordinance, Part III Development Standards - Articles 27 through 30 from the public comments and the two open house meetings. No comments during public hearing.

Staff recommendations for changes to Articles 27 through 30 listed below:

- Articles 27-29 – No changes
- Article 30 - Staff recommends Article 30, sec 26-762 (2): Change to Outdoor Storage: “Boats, trailers and recreational vehicles...” (p. 105)

**Motion by Kuker; supported by Knippel to recommend the Crosslake City Council approve the revisions to the Code of Ordinances for the City of Crosslake, Chapter 26 Land Use - Part III Development Standards, Articles 27 through 30 per staff recommendations.**

**All members voting “Aye”, Motion carried.**

**Crosslake Planning & Zoning  
City of Crosslake, Chapter 26 City Ordinance  
Land Use Revisions - Part III Development  
Standards, Article 31**

Pence went over the revisions to Chapter 26 of the City of Crosslake Land Use Ordinance, Part III Development Standards - Article 31 from the public comments and the two open house meetings. Mr. Pence informed the board that the Crow Wing County Board of Commissioners just approved the new Subsurface Sewage Treatment Systems at their meeting held on February 11, 2014. No comments during public hearing.

Staff recommendations for changes to Articles 36 through Appendix C listed below:

- Article 31 - 26-798. 2. h added as-builts to documents city maintains

**Motion by Nevin; supported by Lafon to recommend the Crosslake City Council approve the revisions to the Code of Ordinances for the City of Crosslake, Chapter 26 Land Use - Part III Development Standards, Article 31 per staff recommendations.**

**All members voting “Aye”, Motion carried.**

**Crosslake Planning & Zoning  
City of Crosslake, Chapter 26 City Ordinance  
Land Use Revisions - Part III Development  
Standards, Articles 32 through Appendix C**

Pence went over the revisions to the Chapter 26 of the City of Crosslake Land Use Ordinance, Part III Development Standards - Articles 32 through Appendix C from the public comments and the two open house meetings. No comments during public hearing.

Staff recommendations for changes to Articles 36 through Appendix C listed below:

- Article 32 – No changes
- Article 33 - 26-863. 4. j added real estate sign language back (p. 124)
- Article 33 - 26-863. 4. k added blue directional sign language back (p. 124)
- Staff recommends: Sec 26-863 (2) ADD: j) two additional temporary signs for community events (not to exceed 30 sq ft total) which shall be removed no later than 10 after the event. (p.123)
- Article 33 - Sec 26-867 (3) a. remove “and not to exceed a cumulative total of 60 days per calendar year” (p. 127)
- Article 33 - Sec 26-867 (3) b. change “six square feet” to “eight square feet” (p.128)
- Article 34 – No changes
- Article 35 - added language to clarify animals allowed in residential districts (p. 133)
- Article 36-42 – No changes
- Article 43 - Animal Unit - defined what an animal unit is (p.140)
- Article 43 - Buffer - clarified definition (p. 14)
- Article 43 - Fence - defined a fence (p. 147)
- Article 43 - Guest Auxiliary - changed Guest to Auxiliary (p. 149)
- Article 43 - Public Utility - added definition (p. 155)
- Articles 44-53 – No changes
- Appendices – No changes

**Motion by Kuker; supported by Nevin to recommend the Crosslake City Council approve the revisions to the Code of Ordinances for the City of Crosslake, Chapter 26 Land Use - Part III Development Standards, Articles 32 through Appendix C per staff recommendations.**

**All members voting “Aye”, Motion carried.**

**Crosslake Planning & Zoning  
City of Crosslake, Land Use Map Revisions**

Pence went over the proposed changes to the City of Crosslake Land Use Map. Pence stated that currently there are 16 Zoning Classes and the proposed Land Use Map has only 7 Zoning Classes. Mr. Pence explained to the board that based on the MN Department of Natural Resources Study, the City of Crosslake can designate property as Sensitive Shoreland and that any new development would have to adhere to natural environmental lake standards. Mr. Pence informed the board that 31% of the property in the City of Crosslake is classified as public. Listed below are the proposed changes to the City of Crosslake Land Use Map. No comments during the public hearing.

- Shoreland District - All property that lies within 1,000 feet of a lake or 500 feet of a stream or river
- Rural Residential - All residential property lying outside the Shoreland District
- Sensitive Shoreland - There is nothing on the current map proposed as Sensitive Shoreland
- Waterfront Commercial had no changes
- Industrial and Light Industrial changed to Commercial/Light Industrial
- Downtown Commercial had no changes
- Limited Commercial consolidated Commercial and Commercial -Limited

**Motion by Lafon; supported by Kuker to recommend the Crosslake City Council approve the revisions to the City of Crosslake Land Use Map and to change the definitions in the City Comprehensive Plan to reflect the new land use districts per staff recommendations.**

**All members voting “Aye”, Motion carried.**

February 28, 2014 Planning & Zoning Commission Meeting

**Crosslake Planning & Zoning  
City of Crosslake, Chapter 44 City Subdivision  
Ordinance Administrative Changes**

Pence went over the proposed administrative changes to Chapter 44, Subdivision Ordinance drafted by Attorney Brad Person.

**Motion by Knippel; supported by Nevin to recommend the Crosslake City Council approve the proposed administrative changes to Chapter 44, Subdivision Ordinance drafted by Attorney Brad Person.**

**All members voting “Aye”, Motion carried.**

February 28, 2014 Planning & Zoning Commission Meeting

**Matters not on the Agenda:**

1. There were no matters not on the agenda

**Motion by Lafon; supported by Nevin to adjourn at 1:47 P.M.**

**All members voting “Aye”, Motion carried.**

Respectfully yours,

*Susan Maske*

Susan Maske  
Crow Wing County Planning Assistant