



STATED MINUTES

City of Crosslake Planning Commission/Board of Adjustment

April 22, 2016
9:00 A.M.

Crosslake City Hall
37028 County Road 66
Crosslake, MN 56442

1. Present: Aaron Herzog, Chair; Dave Nevin, Vice-Chair; Joel Knippel; Mark LaFon; Matt Kuker; Jeff Bisson and Council Member Gary Heacox
2. Absent: None
3. Staff: Paul Herkenhoff, Crow Wing County Survey/Planning Coordinator; and Cheryl Stuckmayer, Technical/Administration Specialist
4. 3-25-16 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 Thomas E. Fuith Trust Agreement – Subdivide parcel involving 36 acres into two tracts
 - 6.2 Thomas E. Fuith Trust Agreement – Subdivide parcel involving 40 acres into three tracts
 - 6.3 James & Diana Gallaway - Subdivide parcel involving 14 acres into three tracts
 - 6.4 Greg & Roseanne Haglin – Subdivide parcel involving 2 acres into two tracts
 - 6.5 Terry & Victoria Kovacevich – Variance for lake setback for proposed deck extension & screen porch
 - 6.6 Kent & Connie Effinger – After-the-Fact Variance for bluff setback for water-oriented accessory structure
 - 6.7 Steven R. Guttormson – Conditional use permit for a brewery/tap room
7. Amend Agenda
 - 7.1 Greg & Roseanne Haglin – Subdivide parcel involving 2 acres into two tracts withdrawn from April agenda
8. Adjournment

**Thomas E. Fuith Trust Agreement
120113203A00009**

Herzog announced the subdivision request. Herkenhoff read the metes and bounds subdivision request and comments received into the record and stated that all ordinance requirements were met and or exceeded. Herzog invited Fuith, the owner, to the podium and asked the commissioners if they had any questions, but none were forthcoming. Herzog proceeded to open the public hearing. Kovacevich, neighboring property owner, stepped up to the podium in support of Fuith's subdivision. Herzog closed the public hearing and requested Herkenhoff to initiate the findings of fact procedure with the board members deliberating and responding to each question.

April 22, 2016 Action:

Motion by LaFon; supported by Kuker to approve a recommendation to the City Council to:

- 1. Subdivide parcel #120113203A00009 involving 36 acres into two tracts**

Per the findings of fact as discussed, the on-site conducted on 4-21-16 and as shown on the certificate of survey received at the Planning & Zoning office dated 7-17-15 for property located on County Road 3, Part of government lot 3, Section 11, City of Crosslake

Conditions:

- 1. Work with the county highway and/or city public works department to obtain an access off of County Road 3 or Lily Pad Road**
- 2. Park dedication fee submitted to Planning & Zoning office prior to City Council meeting on May 9, 2016**

Findings: See attached

All members voting "Aye", Motion carried.

**Thomas E. Fuith Trust Agreement
120112402A00009**

Herzog announced the subdivision request. Herkenhoff read the metes and bounds subdivision request and comments received into the record and stated that all ordinance requirements were met and or exceeded. Herzog invited Fuith, the owner, to the podium. Fuith stated the history of the parcel. Kuker questioned the split shape of tract a. Fuith stated the tract will be for sale. Septic suitabilities and wetland items were discussed. Herzog proceeded to open the public hearing. Kovacevich, neighboring property owner, is in support of Fuith's subdivision. Herzog closed the public hearing and requested Herkenhoff to initiate the findings of fact procedure with the board members deliberating and responding to each question.

April 22, 2016 Action:

Motion by Kuker; supported by Knippel to approve a recommendation to the City Council to:

- 1. Subdivide parcel 120112402A00009 involving 40 acres into three tracts**

Per the findings of fact as discussed, the on-sites conducted on 4-21-16 and as shown on the certificate of survey received at the Planning & Zoning office dated 7-17-15 for property located on County Road 3, Crosslake, MN 56442

Conditions:

- 1. Work with the county highway department to obtain an access off of County Road 3**
- 2. Park dedication fee submitted to Planning & Zoning office prior to City Council meeting on May 9, 2016**

Findings: See attached

All members voting "Aye", Motion carried.

**James M & Diane A Gallaway Trust (1/2
interest each)
120323400BAA009**

Herzog announced the subdivision request. Herkenhoff read the metes and bounds subdivision request and comments received into the record. Discussion was held on the existing road and the need to possibly increase the setback to Industrial Road due to the comment submitted by the city engineer. Hidde, Stonemark Land Surveying, the representative for the Gallaway request stated the setbacks of the existing structures were not listed on the survey and increasing said setback could possibly make a structure non-conforming and cause future additions to be a variance. Herkenhoff stated as a staff member, we do not feel there is a need to increase the setback, that there is more than a sufficient amount of area to build. Herzog invited Gallaway, the owner, to the podium. Gallaway stated the history of the parcel and explained the easement/road and the lots available to use the existing easement. Herzog opened and closed the public hearing due to no response. Herzog asked if any of the commissioners had additional questions, but none were forthcoming. Herkenhoff initiated the findings of fact procedure with the board members deliberating and responding to each question.

April 22, 2016 Action:

Motion by Nevin; supported by LaFon to approve a recommendation to the city council to:

- 1. Subdivide parcel 120323400BAA009 involving 14 acres into three tracts**

Per the findings of fact as discussed, the on-sites conducted on 4-21-16 and as shown on the certificate of survey received at the Planning & Zoning office dated 3-17-16 for property located at 33106 Industrial Road, Crosslake, MN 56442

Conditions:

- 1. Park dedication fee submitted to Planning & Zoning office prior to City Council meeting on May 9, 2016**
- 2. Work with road authority for any future access**

Findings: See attached

All members voting “Aye”, Motion carried.

**Terry J. & Victoria A. Kovacevich Land Use
141220000030009**

Herzog announced the variance request. Kovacevich stated he would like to table his request so that he can add to his current request. Nevin stated that the certificate of survey would need to be updated to include the additional request. Herzog opened and closed the public hearing due to no response.

April 22, 2016 Action:

Tabled to allow the applicant to update the certificate of survey:

- 1. Lake setback of 40 feet where 75 feet is required to proposed deck extension**
- 2. Lake setback of 41 feet where 75 feet is required to proposed screen porch**

To construct:

- 1. 223 square foot deck extension**
- 2. 239 square foot screen porch**

**Kent O. & Connie M. Effinger
14147004003Z009**

Herzog announced the request. Herkenhoff read the after-the-fact variance request, history and comments received into the record. Discussion pursued on the runoff, size, reduction of size, landing, height and stability of the existing structure. Effinger explained that he had spoken to a neighbor who stated he did not need a permit because he was not using footings on his structure. Nevin requested the explanation on how to measure the height of the structure and Herkenhoff read the definition to the commissions. Herzog opened and closed the public hearing due to no response. Herzog asked if any of the commissioners had additional questions, but none were forthcoming. Herkenhoff initiated the findings of fact procedure with the board members deliberating and responding to each question.

April 22, 2016 Action:

Motion by Nevin; supported by Kuker to approve a variance for:

- 1. Bluff setback of 0 feet where 30 feet is required to proposed water-oriented accessory structure**

To allow:

- 120 square foot water-orientated accessory structure**

Per the findings of fact as discussed and the on-site conducted on 4-21-16 and as shown on the exhibit received at the Planning & Zoning office dated 3-18-16 for property located on Lot 4 & part of lot 3, block 4, Manhattan Beach (A Replat of Twin Beach), Sec. 6 at 12320 Manhattan Point Blvd, Crosslake, MN 56442

Conditions:

- 1. Obtain a permit for the approved 120 square foot water-orientated accessory structure**
- 2. Work with the staff to implement and expand on the submitted stormwater plan**
- 3. Maintain the existing vegetation in the bluff impact zone**
- 4. Implement the required shoreline rapid assessment model results**
- 5. Applicant agreed to work with staff to stabilize the building in relation to the bluff erosion with sauna tubes**

Findings: See attached

All members voting “Aye”, Motion carried.

**Steven R. Guttormson
142270010010009 & 14227001002A009**

Herzog announced the request. Herkenhoff read the conditional use permit request, history and comments received into the record. Discussion pursued on the parking and possible future needs upon expansions. Discussion was also held on the odor, hours of business, licenses required, food items, retail space, signs, fencing/screening, and method of sales. Herzog opened and closed the public hearing due to no response. Herzog asked if any of the commissioners had additional questions, but none were forthcoming. Herkenhoff initiated the findings of fact procedure with the board members deliberating and responding to each question.

April 22, 2016 Action:

Motion by Nevin; supported by LaFon to approve a Conditional Use Permit for a brewery/tap room in limited commercial district located at 36846 County Road 66, Crosslake, MN 56442

Per the findings of fact as discussed, the on-sites conducted on 4-21-16 and as shown on the certificate of survey received at the Planning & Zoning office dated 3-16-16 for property located at 36846 County Road 66, Crosslake, MN 56442

Conditions:

- 1. The on-sale of any liquor is limited to beer brewed on site as allowed by a valid liquor license(s).**
- 2. The off-sale of any liquor is limited to beer brewed on site as allowed by a valid liquor license(s).**
- 3. The hours of both on-sale and off-sale liquor are limited to the legal hours per each respective liquor license. Off-sale liquor must be secured and non-accessible before the applicable off-sale closing time.**
- 4. Any required federal, state, or city licenses and requirements are obtained and remain valid for the respective use.**
- 5. If offsite parking is utilized for future expansion of seating, then a notarized or recorded document would be needed for any offsite parking areas.**
- 6. Fencing/screening of any decks per the city liquor ordinance**

Findings: See attached

All members voting “Aye”, Motion carried.

April 22, 2016 Planning & Zoning Commission Meeting

Matters not on the Agenda:

1. There were no matters not on the agenda

Motion by Nevin; supported by Knippel to adjourn at 11:20 A.M.

All members voting “Aye”, Motion carried.

Respectfully yours,

Cheryl Stuckmayer

Cheryl Stuckmayer
Technical/Administrative Specialist