



## STATED MINUTES

### City of Crosslake Planning and Zoning Commission

May 23, 2014  
9:00 A.M.

Crosslake City Hall  
37028 County Road 66  
Crosslake, MN 56442

1. Present: Aaron Herzog, Chair; Dave Nevin, Vice-Chair; Alternate, Matt Kuker; Joel Knippel; and Mark Wessels, Council Member Gary Heacox
2. Absent: Scott Johnson, Mark Lafon
3. Staff: Paul Herkenhoff, Crow Wing County Survey/Planning Coordinator, Jon Kolstad, Crosslake Land Services Specialist, Sue Maske, Planning Assistant
4. 4-25-14 Minutes & Findings – **Motion by Knippel; supported by Nevin to approve the minutes as written. All members voting “Aye”, Motion carried.**
5. Old Business
  - 5.1 CL Ox, LLC, The Bourbon Room – Variance for number of parking spaces
6. New Business
  - 6.1 WLF Properties, LLC – Subdivision
  - 6.2 Bandit Properties, LLC – Variance for side yard setback
7. Adjournment

**CL Ox, LLC – The Bourbon Room  
120054308D00009**

The applicant was not present. Herkenhoff read the request into the record. A statement dated 3-21, 2014 from the Crow Wing County Highway Department had the following comments/concerns: 1) provide layout of new parking spaces showing ingress/egress movements with existing access off of CSAH 66. The highway department does not see the benefits of adding on to the existing parking lot, 2) winter snow removal – plowing of snow off CSAH 66 by County forces places additional snow on parking lots adjacent to the roadway. Snow removal from the parking lots must be moved away from CSAH 66, 3) no parking along curb on CSAH 66 adjacent to the parking lot. No parking area/yellow curb painting and signing will need to be lengthened, 4) no additional accesses off CSAH 66 will be allowed & 5) if the existing parking lot has to be increased according to zoning, we support paving/parking to the curb and encroaching on the right of way as long as above conditions are met. A letter dated 4-14-14 from the Crow Wing County Highway Department stated the highway department has safety concerns with the parking around the Bourbon Room. Although there is not much that can be done, we request that the City extend the no parking ban to include the entire length of the curb in front of the building. This will at least allow for better visibility when vehicles exit the parking lot. The previous plan to add additional parking spaces did not increase safety from the highway department's perspective. There are issues with ingress and egress, drainage, snow removal and storage plus environmental impacts if the existing parking lot is expanded. The City of Crosslake received one (1) letter in opposition. Sandra Melberg expressed concerns with septic capacity for the proposed expansion, number of handicap parking spaces required and the ADA requirements for the bathroom facilities. Discussion concerned the 3-27-14 & 5-22-14 on-sites; noise; ADA requirements for bathroom; number of parking spaces; impervious coverage; seating capacity; expanding the no parking zone along County Road 66; 60 day rule and the septic capacity for the proposed addition.

**May 25, 2014 Action:**

**Motion by Herzog; supported by Nevin to deny the variance for Seventeen (17) parking spaces where thirty-nine (39) are required for a bar/restaurant per Chapter 26, Sec 26-672A of the Code of Ordinances for the City of Crosslake due to the 60-day extension expires on June 26, 2014 one day prior to the June 27, 2014 Planning Commission/Board of Adjustment meeting.**

**Findings:**

- 1. The 60-Day Rule would expire before the next meeting held on June 27, 2014**
- 2. The applicant failed to extend the 60-Day Rule beyond June 26, 2014**
- 3. The applicant was not present to clarify his plans on bathroom and other fact issues presented as concerns at the hearing.**

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

**Motion by Herzog; supported by Kuker to allow the application to be placed on the June 27, 2014 agenda if a signed 60-day extension form is submitted to the Crosslake Planning and Zoning Office prior to June 10, 2014. There were be no additional fees required to be placed on the June 10, 2104 agenda.**

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

May 23, 2014 Planning & Zoning Commission Meeting

**WLJ Properties, LLC  
120311200A00009**

Attorney Jerry Brine represented the applicant. Herkenhoff read the request into the record. Discussion concerned surrounding zoning and access.

**May 23, 2013 Action:**

**Motion by Nevin; supported by Knippel to recommend to the Crosslake City Council to approve the subdivision of parcel #120311200A00009 involving 3.03 located in part of the NW1/4 of NE1/4, Sec 31, City of Crosslake**

**Findings: See attached**

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



Planning and Zoning Commission  
Summary of Record

**WLJ Properties, LLC** – Part of NW1/4 of NE1/4, Sec 31, City of Crosslake,  
120311200A00009 lying south of Perkins Road on north shore of Crosslake-GD

Request:

- To subdivide parcel #120311200A00009 to create one parcel involving 3.03 acres

Chronology of events:

- April 25, 2014 – Application submitted
- May 13, 2014 – Published in local newspaper
- May 09, 2014 – Notices sent out
- May 22, 2014 – Board on-site
- May 27, 2014 – Planning & Zoning Commission Meeting – Decision made to recommend approval for the subdivision of property
- June 09, 2014 – Crosslake City Council Meeting – Decision to approve the subdivision of parcel 120311200A00009 involving 3.03 acres

Packet Information:

- Notice of Hearing
- Staff Report
- Subdivision application
- Wetland letter
- Certificate of Survey

Correspondence:

- There was no correspondence

May 23, 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  
  - **Continue to guide residential growth in an orderly and compact manner so that new developments can be effectively served by public improvements and that the character and quality of the City's existing neighborhoods can be maintained and enhanced. Encourage well-designed residential subdivisions at urban densities in the planned growth areas of the City. Locate higher density residential developments in areas adjacent to moderate density developments and outside of the shoreland district.**

2. Is the proposed metes and bounds subdivision consistent with the existing City Ordinance?

Specify

the applicable sections of the ordinance.

Yes  No

- **Land subdivision must be accomplished in a manner that contributes to an attractive, orderly, stable and wholesome community environment with adequate public services and safe streets. All land subdivisions, including plats, shall fully comply with the regulations in this chapter and as may be addressed in other chapters of this Code. (Sec. 44.1)**
- **The current land use classification is R4 and the proposed subdivision meets the minimum requirements for lot width and lot area**

3. Are there any other standards, rules or requirements that this plat must meet?

Yes  No Specify other required standards.

- **There are Park Dedication fees, but with the consolidation of the remnant parcel to an adjoin parcel no Park Dedication fees will 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 **Shoreland District**

- **The majority of the surrounding property is classified as Shoreland District with Public to the west and south**

5. Does the proposed metes and bounds subdivision conform to all applicable performance standards in Chapter 44 of the Code of Ordinances of the City of Crosslake?

Yes  No

- **The proposed subdivision meets the minimum lot width and lot area for the Shoreland District Land Use Classification**
- **There is adequate area for structures and septic**
- **There is adequate ingress/egress onto Perkins Road**

6. Other issues pertinent to this matter.

- **None**

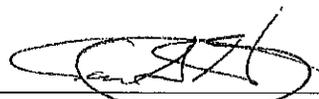
**Decision: Motion by Nevin; supported by Knippel to recommend to the Crosslake City Council to approve the subdivision of parcel #120311200A00009 involving 3.03 located in part of the NW1/4 of NE1/4, Sec 31, City of Crosslake**

**Findings: See attached**

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

Date: 6-27-14

Signature: \_\_\_\_\_

  
Chairman

**Bandit Properties, LLC  
141260010010009, 141260010070009**

Roger Roy was present. Herkenhoff read the request into the record. Discussion concerned the 2012 Conditional Use Permit; access; location for employee parking; proposed shipping and loading area; landscaping plan and the consolidation of the property.

**May 23, 2014 Action:**

**Motion by Kuker; supported by Knippel to approve the variance for:**

- 1. Side Yard setback of 15 feet where 30 feet is required to the proposed additions**

**To construct:**

- 16,131 square foot additions to existing building**

**Per the findings of fact as discussed, the on-site conducted on 5-22-14 and as shown on the certificate of survey received at the Planning & Zoning dated 5-9-14 located on Lot 1 & Lot 7, Block 1, Eugene Gendreau Addition, Sec 33, City of Crosslake**

**Conditions:**

- 1. The deed restriction prepared by Attorney, Bard Person for consolidating the unplatted and platted property be recorded**

**Findings: See attached**

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



City of Crosslake

Summary of Record

**Bandit Properties, LLC** – Lots 1 & 7, Block 1, Eugene Gendreau Addition, Sec 33, City of Crosslake, 141260010010009, 141260010070009 located at 33877 Gendreau Road, Crosslake, MN 56442

Request is a Variance for:

1. Side Yard setback of 7 feet where 10 feet is required to proposed addition

To construct:

- 16,131 square foot addition to existing building

Chronology of events:

- April 30, 2014 – Application submitted
- May 13, 2014 – Published in local newspaper
- May 09, 201 – Notices sent out
- May 22, 2014 – Board on-site
- May 23, 2014 – Board of Adjustment Meeting – Decision made to approve the variance for side yard setback

Packet Information:

- Notice of Hearing
- Staff Report
- Variance application
- Certificate of Survey

Correspondence:

- May 21, 2014 – Agreement with the City of Crosslake and Bandit Properties, LLC

May 23, 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 property meets the impervious standards outlined in the Crosslake Land Use Ordinance**
- **The existing and proposed buildings meets all setbacks except for two corners of the building**

2. Is the Variance consistent with the Comprehensive Plan?

Yes  No

Why?

- **The current use of the property is not changing from Commercial/Light Industrial**

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 is a benefit to the property be moving the parking off of County Road 3**

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

Yes  No

Why:

- **The property meets the impervious standards outlined in the Crosslake Land Use Ordinance**
- **The proposed additions will have fewer encroachments onto the required setbacks than the former building**
- **The property has two accesses for ingress/egress one from County Road 3 and one from Gendreau Road**

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 proposed additions will have fewer encroachments onto the required setbacks than the former building**

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

Yes **X**      No

Why:

- **There are other commercial uses in the area as noted during the on-site on 5-22-14**
- **There are similar land use patterns and use of property in the vicinity of the request as noted during the on-sites on 5-22-14**

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

1. **Side Yard setback of 15 feet where 30 feet is required to the proposed addition**

**To construct:**

- **16,131 square foot addition to existing building**

**Per the findings of fact as discussed, the on-site conducted on 5-22-14 and as shown on the certificate of survey received at the Planning & Zoning dated 5-9-14 located on Lots 1 & 7, Block 1, Eugene Gendreau Addition, Sec 33, City of Crosslake**

**Conditions:**

1. **The deed restriction prepared by Attorney, Bard Person for consolidating the unplatted and platted property be recorded**

**Findings:** As listed above

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

Date: 6-27-14

Signature: \_\_\_\_\_



Chairman

May 23, 2014 Planning & Zoning Commission Meeting

**Matters not on the Agenda:**

1. There were no matters not on the agenda

**Motion by Knippel; supported by Nevin to adjourn at 9:53 A.M.**

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

Respectfully yours,

*Susan Maske*

Susan Maske  
Crow Wing County Planning Assistant