



STATED MINUTES

City of Crosslake Planning Commission/Board of Adjustment

June 26, 2015
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 and Council Member Gary Heacox
2. Absent: None
3. Staff: Chris Pence, Crow Wing County Land Services Supervisor; Jon Kolstad, Crosslake Land Services Specialist; and Cheryl Stuckmayer, Technical/Administration Specialist
4. 5-22-15 Minutes & Findings – **Motion by Nevin; supported by Kuker to approve the minutes & findings as written. All members voting “Aye”, Motion carried.**
5. Old Business
 - 5.1 None
6. New Business
 - 6.1 Kirk Schnitker – Subdivision Preliminary Plat
 - 6.2 Chad & Barb Anderson – After-the-Fact Variance for side yard and bluff setback
 - 6.3 Bill & Kristy McClellan – After-the-Fact Variance for dirt moving in bluff impact zone
 - 6.4 Bill & Kristy McClellan – Variance for deck setback to bluff
 - 6.5 Accessory Structure Ordinance Discussion
7. Adjournment

Kirk Schnitker
120294100CA0009

Kolstad read the request into the record. Schnitker stated process and considerations of coming to his preliminary design. Herzog verified all ordinance requirements met. Kuker questioned Crosslake Rolloff's possible ingress/egress off of the proposed Addi Lane and the possibility of condemning the current county access. Pence explained runoff control. Schnitker stated fill would have elevated Crosslake Rolloff's drainage problem on their parcel. To help Crosslake Rolloff's drainage issue a pond on the north side of proposed Addi Lane would hold the 33' road runoff in a 21' pond. Schnitker and Crosslake Rolloff has had discussions pertaining to the drainage needs. Herzog opened the public hearing. Bill Forsythe owner of the property to the south has a resident and business on his parcel. He stated his concern about trees, signage, and the proposed berm on County Rd 3. Schnitker responded that the future owners of the subdivided parcel would handle the need for a berm and any tree issues. Kolstad explained the landscaping, screening, and parking requirements would be handled during the permit process and that the county requested the removal of the existing driveway onto County Road 3 to be removed and future access to be from proposed Addi Lane. Pence summarized Article 28 Landscaping, Screening, and Lighting Standards of the ordinance. Forsythe is a member of the Crosslake Economic Development board and they would like to see signage promoting a business park not a storage park. Schnitker and Forsythe has had discussions as to a business park promotion and higher pricing of the subdivided parcel to encourage business owner purchases versus storage owners who would be looking for more reasonable property pricing. Herzog asked if there was anyone else wishing to step up before he closed the public hearing. Discussion among the board members pursued. Kuker agreed with the need for a monument at the entry for all of the future businesses with an easement in place for the location. Schnitker indicated he would like to install one along with landscaping and would need to work with the city staff according to the ordinance guidelines. Person, city attorney, explained the ordinance and the process needed to install such signage. No other questions or concerns were brought up.

June 26, 2015 Action:

Motion by Kuker; supported by Lafon to approve a recommendation to the city council for:

- 1. The preliminary plat of Whitefish Business Park consisting of 5 tracts involving 4.53 acres**

Per the findings of fact as discussed, the on-sites conducted on 6-25-15 and shown on the certificate of survey received at the Planning & Zoning office dated 5-18-15 located in Part of the East ½ of the NE ¼-SE1/4, Section 29, Crosslake, MN 56442

Conditions:

- 1. Engineered approved road and runoff details and stormwater plan**

Findings: See attached

All members voting "Aye", Motion carried.

**Chad & Barb Anderson
141490410090009**

Kolstad read the request into the record. Anderson stated the deck was constructed in June. RemWhirl provided a plan and stated they did not need a permit. Anderson's worked with the staff to try to resolve their oversight. Submitted a letter in support of the deck from Dr. Lyle Joyce the neighbor to the east. Spoke with the neighbors to the west to get their input and no problems with it. Didn't realize a bluff setback existed and they thought that they met the 75' setback from the lake. Kolstad read the letter from Dr. Lyle Joyce, into the record. Discussed with the board members that the stormwater plan submitted did meet the requirements. Size of the deck, existing and new construction, was discussed. Herzog opened the public hearing. Tom Thomas stated his concern about contractors needing to be updated on the ordinance and held responsible. Variances need to be denied and publish the denial to make a statement that you can't just proceed and then get approval by the after-the-fact variance procedure. Pence indicated that the staff has been more proactive in reaching out to the businesses and the public. Workshops have been held with good attendance. Herzog asked if there was anyone else wishing to step up before he closed the public hearing. Herzog closed the public hearing. The board members proceeded to discuss the construction of the deck pertaining to footings, dirt moving, wood type and ground cover before installation. Pence indicated that if the Anderson's would have come in for a permit they would have been told they needed a variance. If they would have applied for a variance, what would you have allowed at that time. He also stated that the 2008 Supreme Court criteria for after-the-fact variance will need to be considered which will involve the findings of fact questions. Person, city attorney, explained method of looking at facts of why we have an after-the-fact variance and what would have been the results if a variance had been pursued. Ordinance and monetary items need to be considered in the findings of fact. Discussion continued as to a compromise on size and what to consider in a new revised request. Pence directed the Anderson's to the Crow Wing County Soil and Water department for help in planning a vegetation strategy for the top of the bluff area with a possible cost sharing option with the Soil and Water Conservation District.

June 26, 2015 Action:

Motion by Nevin; supported by Kuker to table the after-the-fact variance to allow the applicant time to submit a revised plan showing a compromise on the current deck size and structure for:

- 1. Side yard setback of 7.8 feet where 10 feet is required to deck**
- 2. Bluff setback of 1.4 feet where 30 feet is required to deck**

To construct:

- 702 square foot deck**

All members voting "Aye", Motion carried.

**Bill & Kristy McClellan
After-the-Fact Dirt Moving Variance
141970010180009**

Pence read the request into the record along with the chronology of events, the concerns and the request made from the May meeting. City Staff read City Engineer Dave Reese's response in respects to his recommendations on the stormwater as it relates to the bluff Reese suggested the McClellan's contract with an engineer to help come up with a plan to restore the impacted area on the lakeside of the house. McClellan explained the new plan for the egress window retaining walls in relation to the structure and the bluff impact. Elevation of the lot will help the runoff to be directed from the bluff area. Herzog pointed out that the rock retaining wall was not encouraged by City Engineer Reese. Nevin summarized the discussion at the June 25, 2015 Planning Commission/Board of Adjustment on-site pertaining to the possible methods to control and direct the stormwater from the bluff and septic system. Nevin stated the well drilling paperwork states soil borings to be sand. Discussion ensued about drainage in relationship to the bluff, retaining wall, egress windows, structure, and neighboring properties. Herzog reminded the board that an extension was requested and a decision would not have to be made at this meeting. McClellan explained that they are on a time schedule for the closing on the mortgage. Also it was stated that the engineered plan was not submitted due to cost and time schedule. Kuker stated he could not believe that the cost of the engineered plan would outweigh the substantial cost of the structure and landscaping. Gordy Hitzman, McClellan's civil engineer, identified the issue of stability of the bluff to be met and that the ground is very permeable for drainage. Discussion pursued in relationship to retaining wall versus bluff as related to height and location as per plan and possible alterations including what type of fill is planned and how it effects drainage and bluff impact. Person attended the June 23, 2015 on-site and due to all the discussions he feels the hearing needs to continue without an engineered plan. Person stated from his perspective after listening to the discussions he feels the board and the owners need to get to a point on agreeing to specific numbers on footage from the structure to the bluff along with the height of the retaining walls. Herzog opened public hearing for both the dirt moving and the deck with no response, so the public hearing was closed. Kuker stated he was concern with using boulder walls and discussion continued in respect to impact of the boulders being used along with drainage and the bluff.

June 26, 2015 Action:

Motion by Kuker; supported by Knippel to approve the after-the-fact variance for:

**1. After the fact dirt moving in the bluff impact zone where none is allowed
To construct:**

- **Dirt movement of 220 cubic yards**

Per the findings of fact as discussed, the on-sites conducted on 6-25-15, as shown on the exhibit/sketch and survey received at the Planning & Zoning office located at 38245 Rush Lane, Crosslake, MN 56442

Conditions:

- 1. Applicant must design a stormwater plan to capture all the runoff from the roof so that it is not invading the excavated area in front of the home.**
- 2. Applicant will restore the bluff, using the structure as a bench mark, such that there will be a distance from the structure out 5 feet to a 4 foot retaining wall, from that retaining wall backfill to a point of being 11 feet from the structure to a height of 4 feet or to get proper slop to match the existing slope of the bluff with a slight slop back to the structure so that the stormwater in essence is not running over the bluff.**
- 3. Submit a plan to restore and stabilize a no mow area at the top of the bluff with vegetation.**
- 4. The submitted stormwater, landscaping planting plan with future upkeep strategy to be reviewed by the city engineer prior to staff formerly approving the land alteration permit.**

Findings: See attached

All members voting “Aye”, Motion carried.

**Bill & Kristy McClellan
Bluff Setback Variance for deck
141970010180009**

The bluff setback request to construct a deck was discussed in conjunction with the after-the-fact dirt moving variance.

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

**1. Bluff setback of 9 feet where 30 feet is required to proposed deck
To construct:**

- **196 square foot deck to dwelling**

Per the findings of fact as discussed, the on-sites conducted on 6-25-15, as shown on the exhibit/sketch and survey received at the Planning & Zoning office located at 38245 Rush Lane, Crosslake, MN 56442

Conditions:

- 1. Submit a completed application for the revised sized deck**

Findings: See attached

All members voting “Aye”, Motion carried.

Accessory Structure Ordinance

Nevin excused himself from the meeting. Pence read into the record the changes requested on the accessory structure ordinance. Discussion was held on the format of the ordinance, setback, size of structures, and size of lots. Dialogue followed as to deleting Sec 26-960 (7).

Matters not on the Agenda:

1. Land Use Planning Workshops were discussed and Pence explained the cost would be reimbursed. The training session would be published.
2. Dialogue on possible procedure changes if needed and clarification as to current process. One situation does not initiate the need for changes that have been extremely improved within the last year or so.

Motion by Knippel; supported by Lafon to adjourn at 12:00 P.M.

All members voting “Aye”, Motion carried.

Respectfully yours,

Cheryl Stuckmayer

Cheryl Stuckmayer
Technical/Administrative Specialist