



STATED MINUTES

City of Crosslake Planning Commission/Board of Adjustment

July 24, 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; and Council Member Gary Heacox
2. Absent: Matt Kuker
3. Staff: Chris Pence, Crow Wing County Land Services Supervisor; Jon Kolstad, Crosslake Land Services Specialist and Cheryl Stuckmayer, Technical/Administration Specialist
4. 6-26-15 Minutes & Findings – **Motion by Nevin; supported by Lafon to approve the minutes & findings as written. All members voting “Aye”, Motion carried.**
5. Old Business
 - 5.1 None
6. New Business
 - 6.1 Patrick S & Amy L Minea – Variance for bluff and road right-of-way setback
 - 6.2 Ordinance Update Discussion – Article 11 Shoreland District Standards; Article 30 Signs; Article 36 Accessory Structures; Article 43 Definitions
7. Amend Agenda
 - 7.1 Bill Rolow – Conservation Development preliminary discussion
 - 7.2 July 13, 2015 City Council meeting request for Planning Commission/Board of Adjustment to review a nuisance ordinance
Motion by Nevin; supported by Knippel to approve the amendment to the agenda. All members voting “Aye”, Motion carried.
8. Adjournment

**Patrick S & Amy L Minea
142120010030009 & 142120010020009**

Kolstad read the request into the record. Discussion was held on the elevations as they originally are and the resulting elevations after the project. Herzog invited Minea, the applicant and his representative Severson from Structures International to the podium. Nevin requested a clarification of the elevation per submitted building plan versus the elevation plan submitted. Herzog asked why not build in the available building envelope? Minea responded that the current floor plan was not working for their family and that it was designed and built for a single elderly lady. He stated that the basement has moisture and they would like to correct that along with a full basement for a more practical use of a walkout. Severson explained that the layout of the two lots' building envelope did not have the width (5') at their joining location to accommodate the projects needs. Severson stated that several plans were developed before the submitted plan and that using the newly acquired vacant neighboring lot would require approximately 6 feet of fill to provide a lake view. Nevin clarified that the applicants have two lots and basically only building on one with the two taking the impact of the stormwater by his observations at the 7-23-15 Planning Commission/Board of Adjustment on-site. Herzog made clear that any setbacks currently existing that may not meet today's ordinance will be void with this variance process. Dialogue detailing the variance for the side of the bluff and the bluff versus steep slope locations on the parcels. Herzog commented on the building ability of each lot with Pence explaining each parcel is buildable and are able to be sold separately. Discussion evolved into the required procedure to consolidate the parcels. Severson described the stormwater plan that was submitted along with the current conditions that will be addressed. Nevin instructed that the vegetation on the bluff that he observed on the 7-23-15 Planning Commission/Board of Adjustment on-site be left as undisturbed as possible during and after construction to protect the bluff. Herzog opened the public hearing with no response, so the public hearing was closed. Conversation was held on the impact of the bluff during construction and the possible methods to use to minimize that impact. Herzog requested Kolstad to initiate the findings of fact procedure with the board members deliberating and responding to each question.

July 24, 2015 Action:

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

- 1. Bluff setback of 15.8 feet where 30 feet is required to proposed dwelling**
- 2. Road right-of-way setback of 28.6 feet where 35 feet is required to proposed dwelling**

To construct:

- 3,130 square foot dwelling with attached garage**

July 24, 2015 Planning & Zoning Commission Meeting

Per the findings of fact as discussed, the on-sites conducted on 7-23-15 and as shown on the certificate of survey received at the Planning & Zoning office dated 6-18-15 located at 38497 Ojibway Circle, Crosslake, MN 56442

Conditions:

- 1. Implement the submitted stormwater plan including temporary erosion control during construction**
- 2. Lot consolidation completed before a permit is issued**
- 3. No dirt moving, storing, or disturbance allowed beyond 10' of the foundation in the bluff impact zone**

Findings: See attached

All members voting "Aye", Motion carried.

**Bill Rolow
Conservation Development preliminary
discussion**

Herzog invited Patrick Trottier, Stonemark Land Surveying to the podium. Pence read the proposed request for discussion into the record along with the process that will be needed to move forward with the Conservation Development project. Conversation pursued as to neighborhood, easements, density, septic and well needs. The density in relation to the lot size is compatible to the neighboring parcel, Carefree Cottages. Pat Trottier explained the units would be one level slab on grade 1500 square foot per unit with a two car garage. Herzog stated that the development would be a type of association and require covenants or bylaws. Possibilities were deliberated pertaining to the park dedication fee requirements.

July 24, 2015 Action:

No Motion needed for the Conservation Development discussion

**Crosslake Planning & Zoning
City of Crosslake, Chapter 26 City Ordinance
Land Use Revisions - Articles 11, 33, 36 and 43**

Pence presented to the board the revisions to Chapter 26 of the City of Crosslake Land Use Ordinance affecting Articles 11, 33, 36, and 43. The articles were discussed as presented, concerns stated and revisions made as itemized:

- Article 11 – No Changes
- Article 33 – No Changes
- Article 36 – Sec 26-960 (1) the word each was added before residential accessory structures and (7) was deleted
- Article 43 – No Changes

July 24, 2015 Action for Article 36:

Motion by Nevin; supported by Herzog to recommend to the Crosslake City Council to begin the published 30 day comment period on Article 36 as presented with revisions noted above per staff recommendations.

Nevin, Herzog and Knippel voting “Aye” and Lafon voting “Apposed”, three to one, Motion carried.

July 24, 2015 Action to Amend Article 36 Motion:

Motion by Nevin; supported by Herzog to amend the Article 36 motion to include the deletion of the accessory structure language in Article 11 and incorporate it into Article 36.

All members voting “Aye”, Motion carried.

July 24, 2015 Action for Article 33 and 43:

Motion by Nevin; supported by Lafon to recommend to the Crosslake City Council to begin the published 30 day comment period on Article 33 and 43 as presented per staff recommendations.

All members voting “Aye”, Motion carried.

City of Crosslake Nuisance Issue

Pence read the city council request into the record. Pence stated that the city council requested Vogt, city administrator, to bring to them potential options for a nuisance ordinance. Vogt brought in the Little Falls ordinance number 74. The packet is not to be looked at as if it should be adopted in its entirety. Kolstad explained our ordinance wording and what is possibly needed to improve our ordinance in terms of wording and enforcement. Number 8, page 17 definition of junk is favorable with the city council. The time frame to review the information and submit input would be approximately September or October. Person, city attorney, will be the author of the nuisance ordinance and how to handle the enforcement thereof. Pence stated he can write a citation and this type of process may be needed here in Crosslake.

Matters not on the Agenda:

1. City of Crosslake, Chapter 26 City Ordinance Land Use revision to Rural Residential 5 impervious from 15% to 25%

July 24, 2015 Action:

Motion by Nevin; supported by Knippel to recommend to the Crosslake City Council to change Rural Residential from 15% to 25% per staff recommendations.

All members voting “Aye”, Motion carried.

Motion by Nevin; supported by Knippel to adjourn at 10:55 A.M.

All members voting “Aye”, Motion carried.

Respectfully yours,

Cheryl Stuckmayer

Cheryl Stuckmayer
Technical/Administrative Specialist