



## STATED MINUTES

### City of Crosslake Planning Commission/Board of Adjustment

August 26, 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 and Council Member Gary Heacox
2. Absent: None
3. Staff: Jon Kolstad, Crosslake Land Services Specialist and Cheryl Stuckmayer, Technical/Administration Specialist
4. 7-22-16 Minutes & Findings – **Motion by Knippel; 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 American National Bank of MN – Land Use Map Amendment
  - 6.2 John Keil – Subdivision Preliminary Replat
  - 6.3 Jonathan Fragodt – Variance for bluff setback, accessory structure size and substantial completion extension
7. Adjournment

**American National Bank of MN  
120323100B00009**

Herzog announced the Land Use Map Amendment request. Kolstad read the Land Use Map Amendment request, history of the parcel, no comments and the surrounding parcel history, along with the district use and size for Commercial/Light Industrial versus the requested Rural Residential 5 into the record. A discussion pursued on what aspects to consider in the decision making process. Hidde of Stonemark Land Surveying, the representative for American National Bank of MN, the applicant, explained the parcel history, the applicants reason for a rezone and what she believes are the reason there are different zones in a community, along with what she observed at the August 25, 2016 on-site on the parcel and of the surrounding area. Nevin initiated a discussion concerning the uses in each of the districts and the possible repercussions of decreasing the Commercial/Light Industrial zone. Hidde asked if a CUP would be needed to do any further residential development on this parcel in the current Commercial/Light Industrial zone, since the ordinance now requires a CUP to build a residential structure in the Commercial/Light Industrial zone. The Commissioners asked Kolstad to do some additional research for the City Council meeting. Herzog opened the public hearing with no response, therefore the public hearing was closed. Herzog asked if any of the commissioners had additional questions. It was stated and clarified that the Commissioners are giving the City Council a recommendation with final motion coming from the City Council. Herzog requested Kolstad to initiate the findings of fact procedure with the board members deliberating and responding to each question.

**August 26, 2016 Action:**

**Motion by Nevin; supported by Knippel to recommend to the Crosslake City Council the approval of the amendment of the Official Land Use Map from Commercial/Light Industrial to Rural Residential 5 involving approximately 9 acres located at 33249 Industrial Road, Crosslake, MN 56442 and to take into consideration the needs of the city for the Commercial/Light Industrial zone uses**

**Per the findings of fact as discussed and the on-site conducted on 8-25-16 and as shown on the certificate of survey received at the Planning & Zoning office dated 12-23-15 for property located at 33249 Industrial Road, Crosslake, MN 56442**

**Conditions:**

1. None

**Findings: See attached**

**Herzog, Knippel, Lafon, and Nevin voting “Aye” and Kuker voting “Opposed”, four to one (4:1), Motion carried.**

**John Keil  
142640010070009 thru 142640010140009  
and  
142640010510009 thru 142640010580009**

Kolstad read the subdivision - preliminary replat request, history of the parcel, current ordinance vs ordinance at time of original plat, no comments and the surrounding parcel history into the record. Kolstad also specified the request will clear up the title work/legal description of current size structures/parcels and that this request does not change what has been built. Keil, the applicant's, request meets all current ordinance requirements and will amend the plat for the remaining new building/parcels. Hidde of Stonemark Land Surveying, representative had no comment. Herzog opened the public hearing with no response, therefore the public hearing was closed. Herzog asked if any of the commissioners had additional questions or concerns, but none were forthcoming, so he requested Kolstad to initiate the findings of fact procedure with the board members deliberating and responding to each question.

**August 26, 2016 Action:**

**Motion by Knippel; supported by LaFon to recommend to the Crosslake City Council the approval of the preliminary replat of Highway 103 Storage First Addition of parcels 142640010070009 thru 142640010140009 & 142640010510009 thru 142640010580009 consisting of 16 tracts involving 7 acres**

**Per the findings of fact as discussed, the on-site conducted on 8-25-16 and as shown on the plats received at the Planning & Zoning dated 7-29-16 for property located at County Road 103, Section 32, Crosslake, MN 56442**

**Conditions:**

- 1. Work with staff to implement and expand on the submitted stormwater plan**
- 2. The applicant verify that a State Construction Stormwater NPDES permit is or is not required, because of greater than one acre disturbance on the site**

**Findings: See attached**

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

**Jonathan Fragodt  
141470040100009 & 141470040110009**

Kolstad read the variance request, submitted stormwater plan, septic/structure design, history of the parcel, no comments and the surrounding parcel history into the record. Herzog invited Fragodt's representative, Whirley of RemWhirl, to the podium. Kolstad indicated it was observed at the 8-25-16 Planning Commission/Board of Adjustment on-site that the parcel to the west and east are walkouts in the bluff impact zone. Nevin asked Whirley for clarification of the applicant's request for the proposed structure, landscaping/stormwater plan, time line and size of accessory structure versus the ordinance approved 1200 square foot accessory structure, with commissioners holding a discussion on it. Heacox stated that he was concern about allowing the variance of the accessory structure size. Whirley stated the request as submitted has taken into consideration the unity of the neighborhood as to the location of the dwellings and the accessory structures on surrounding parcels. Herzog detailed the history on Article 36 Accessory Structure Standards, specifically the 1200 square foot allowance, and Whirley requested to table the applicant's variance request on all parts pertaining to the accessory structure. The Commissioners tabled the requested accessory structure size and time extension. 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. Herzog requested Kolstad to initiate the findings of fact procedure, which would consist of the bluff setback for the deck and dwelling only, with the board members deliberating and responding to each question.

**August 26, 2016 Action:**

**Motion by Nevin; supported by Knippel to approve the variance for the below numbers 1. & 2.:**

- 1. Bluff setback of 10 feet where 30 feet is required to proposed deck**
- 2. Bluff setback of 15 feet where 30 feet is required to proposed dwelling**

**To construct:**

- 348 square foot deck where 272 square feet are within the bluff setback**
- 1492 square foot dwelling where 219 square feet are within the bluff setback**

**Per the findings of fact as discussed, the on-sites conducted on 8-25-16 and as shown on the certificate of survey received at the Planning & Zoning office dated 7-27-16 for property located at 12230 Manhattan Point Blvd, Crosslake, MN 56442**

**Conditions:**

- 1. Implement and work with staff on the submitted RemWhirl stormwater plan including temporary erosion control during construction**
- 2. Vegetate the lakeside structure removal area to restore the bluff**

**Findings: See attached**

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

**Motion by LaFon; supported by Kuker to table the items below, number 3. & 4, pertaining to the accessory structure:**

- 3. Accessory structure size of 1515 square feet where 1200 square feet is allowed**
- 4. Substantial completion of five years where 2 years is required for proposed accessory structure**

**To construct:**

- 1515 square foot accessory structure**

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

**Matters not on the Agenda:**

1. There were no matters not on the agenda

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

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

Respectfully yours,

*Cheryl Stuckmayer*

Cheryl Stuckmayer  
Technical/Administrative Specialist