



STATED MINUTES

City of Crosslake Planning Commission/Board of Adjustment

December 15, 2023
9:00 A.M.

Crosslake City Hall
13888 Daggett Bay Road
Crosslake, MN 56442

1. Present: Chair Mark Wessels; Vice-Chair Bill Schiltz; Mark Lindner; Jerome Volz; Kristin Graham; Alternate Joel Knippel; Alternate David Fuhs and Liaison Council Member Aaron Herzog

Absent: None

Staff: Peter Gansen, Planning & Zoning Administrator and Cheryl Stuckmayer, Planner-Zoning Coordinator

2. 11-17-2023 Minutes – **Motion by Lindner; supported by Wessels to approve the minutes as written. All members voting “Aye”, Motion carried.**

VARIANCE APPLICATIONS

Staff does not make decisions as to whether a variance application gets approved or denied.

Staff’s job is to inform the applicant of the requirements for submitting a variance, assess whether the application is complete when it is submitted and then presenting the facts of the application to the Planning Commission/Board of Adjustment (PC/BOA).

The PC/BOA determines whether they approve or deny an application at the public hearing as per Minnesota Statue 462 and the Crosslake Land Use Ordinance.

Through the process, staff does try to recommend different solutions and gives their opinion as to whether the PC/BOA may approve or deny the application, but they cannot reject a completed application. Even if staff feels that the application may be denied by the PC/BOA, they are obligated to accept the application and bring it to the PC/BOA. Should staff reject a completed application, they would open the city up to being sued by the applicant.

Every property owner has the right to ask for a variance per Article 8 of the Land Use Ordinance.

Anyone that feels the PC/BOA has erred and would like to appeal their decision, also have the right to Appeal that decision per Article 8 of the Land Use Ordinance.

3. Old Business-Variations are heard on their individual requests, past variations hold no precedents. Commissioners may table the request if needed and an applicant can withdraw their request. If the variance(s) is/are approved, all existing nonconformities will be eliminated and will hereafter be required to follow the variance decision. If a variance is denied the applicant can rebuild the nonconformity as is per the Crosslake Ordinance.

3.1 None

December 15, 2023 Planning Commission/Board Of Adjustment Meeting

4. New Business
 - 4.1 Greg & Barbara Johson - Variance for lake setbacks & After-the-Fact Variance for ROW setback & size
 - 4.2 Matthew J Gallaway – Ordinance Amendment
 - 4.3 Consider revisions to Chapter 26, Land Use of the City of Crosslake Code of Ordinance
5. Other Business
 - 5.1 Staff report
6. Open Forum – No action will be taken on any of the issues raised. If appropriate, the issues will be placed on the agenda of a future PC/BOA meeting. Speakers must state their name and address. Each speaker is given a three minute time limit.
7. Adjournment

**Greg & Barbara Johnson
14360511**

Wessels announced the variance request. Gansen read the variance request, notices sent out per city ordinance and Minnesota State Statue 462 requirements, project details, impervious percentage, stormwater management plan (SWMP) submitted, septic system design submitted, 2 comments received, and history of the parcel into the record. Gansen also read the After-the-Fact Variance request for an existing garage at a road right-of-way setback of 34.4 and a 28.4x28.5 structure size per survey dated 11-16-2023 into the record. Gansen stated that at the on-site yesterday, December 14, 2023, he had clarified that a 100 foot lake setback is required due to the Recreational Development (RD) classification, which are usually smaller type lakes, and is shown on the certificate of survey in the packet. Discussion was held with commissioners, P&Z administrator, owner, and builder on items such as: the wetland that exists and looks like a yard today; wetland fill not allowed when contiguous with the lake or very little through the county process; the need to go by wetland rules for setback and drainage; meet the flood elevation and floodplain requirements (Johnson, the builder-building proposed at 1210); existing elevations versus proposed; poured concrete as foundation; DNR calls out a 100 foot lake setback versus the General Development (GD) 75 foot lake setback-assuming the reason is to protect the lake; the stormwater can not go directly into the wetland with Gansen verifying that. Gansen stated at the DRT meeting with the applicant, it was pointed out several times that there is a conforming building site and the ask/proposal can be enjoyed in the conforming location; a move back would be easy and the project would then use the building envelope; DNR setback requirements should be met when there is the opportunity to do so; the current proposal is so close to sensitive areas; a professional SWMP is needed; plenty of room to move back. Wessels invited Johnson, the applicant/owner, to the podium. Johnson, owner, stated that the old road location allows a connection with his neighbors, it gives visibility to see other neighbors, he also stated at the on-site that he is asking for a variance so that he can see the sunset which is very important. Wessels opened the public hearing with no response; therefore, the public hearing was closed. A statement was made that if this is denied and a new application would be applied for, a professional SWMP and the dirt cut-n-fill should be a part of the application. Gansen explained that there are also some after-the-fact items that will need to be addressed as part of a city housekeeping, cleanup process, due to the findings on the Certificate of Survey dated 11-16-2023 and will have individual findings. Gansen stated that a permit was pulled for the garage, but a survey was not needed at the time and now this survey shows there are some nonconforming items. Wessels opened the public hearing for the after-the-fact variance with no response, so the public hearing was closed. Wessels asked if any of the commissioners had additional questions, but none were forthcoming. Wessels requested Gansen to initiate the findings of fact procedure with the board members deliberating and responding to each question.

December 15, 2023 Action:

Motion by Volz; supported by Wessels to deny the variance for:

- Lake setback of 82 feet where 100 feet is required to proposed dwelling
- Lake setback of 77 feet where 100 feet is required to proposed deck

To construct:

- 2,507 square foot dwelling with a covered porch
- 331 square foot deck

All members voting “Aye”, Motion carried.

December 15, 2023 Planning Commission/Board Of Adjustment Meeting

Motion by Lindner; supported by Schiltz to approve the after-the-fact variance for:

- Road right-of-way setback of 34.4 feet where 35 feet is required to existing garage
- 28.4 x 28.5 existing garage per survey where 28x28 was permitted

Per the findings of fact as discussed, the on-site conducted on 12-14-2023 and as shown on the certificate of survey received at the Planning & Zoning office dated 11-16-2023 for property located at 17181 Greer Lake Road, City of Crosslake

Findings: See attached/packet

All members voting “Aye”, Motion carried.

**Matthew J Gallaway
14320764**

Wessels announced the ordinance amendment request, which would be a recommendation to the city council if the commissioner's motion to accept the request. Gansen read in detail the ordinance amendment request, and one comment received into the record. A discussion was held on: the location of the lot and that this lot makes sense; all larger lots may not be the location to do 2 acre lots; 5 acre lots are very desirable; larger lots will hold lot cost & value higher; location of various sized lots within the city; history of some of the lot sizes within the city; good use of the land for single family homes; repercussion on neighboring existing owners; walking path in neighboring parcel-Gallaway understands and is good with it; possible plat screening requirements when/if the plat is brought before the commissioners. Gansen stated this size is in the comprehensive plan but did not make it into the ordinance; 5 acre lots were desired at the time when the ordinance was approved; this gets recommended to the city council so there is not spot zoning within Crosslake; not asking for 2 acre size lots now, but the opportunity to do so if the ordinance is changed; a Land Use Map Amendment for this parcel would be the next step if the ordinance is changed; the area appears to handle the 2 acre lot size since there are 2 acre parcel sizes present now; other locations may not be viable because there are larger lots currently in that area. Gansen stated, no lot size variances should be given per Jason Kuboushek of Iverson Reuvers; Gansen and the applicant looked at the comprehensive plan and 2 acres are in the comprehensive plan; the comprehensive plan does not get updated every year; if recommendation is approved it goes to the city council; if city council denies it then it can be appealed. Wessels opened the public hearing forum. Nevin of South Landing stated, there are smaller lots in this area, look down the road where they may want smaller than 2 acres and now, they are locked into 2 acres. Wessels invited Gallaway, the applicant/owner, to the podium. Gallaway stated that 2+ acres is what is proposed, but 1 acre lots are fitting as well, perfect location for smaller lots. Fuhs of Harbor Lane stated he is in favors of 2 acre lots. Wessels closed the public hearing forum. Wessels asked if any of the commissioners had additional questions, but none were forthcoming. Wessels requested Gansen to initiate the findings of fact procedure with the board members deliberating and responding to each question.

December 15, 2023 Action:

Motion by Lindner; supported by Graham to recommend to the city council the approval for the ordinance to be amended to include a Rural Residential 2 (RR2) district

All members voting "Aye", Motion carried.

Other Business:

Staff report

1. Accessory Structures

Discussion on accessory structure ordinance changes to recommend to the city council consisting of: size of accessory structure, conditional use permits (CUP) requirements; CUP for all commercial for additional control through conditions set; no trailer containers allowed; see Gansen’s handouts attached below; change the last four columns on the first line under (2) Residential and Related Uses to CU; change the >1201 to >1200 on the second line of the Land Use Table; workshop discussion results; all commercial accessory structures no matter what size to require a CUP; follow these requirements/changes through out the Land Use Table and all accessory structure sections in the ordinance.

2. Fee Schedule

Discussion on the fee schedule to recommend to the city council consisting of: why increase the fees; what the fees are used for; the need to cover some of the city’s costs; different city fees within the area; see Gansen’s handout attached below; some items should reflect a higher fee; agreed to move ahead with the current suggestions and address another fee change in the future.

December 15, 2023 Action:

Motion by Wessels; supported by Schiltz to recommend to the city council the approval for the ordinance and fee schedule amendments as Gansen presented and to include the changes discussed.

All members voting “Aye”, Motion carried.

Open Forum:

1. There were no open forum items

Matters not on the Agenda:

1. There were no matters not on the agenda

Motion by Volz; supported by Wessels to adjourn at 11:25 A.M.

All members voting “Aye”, Motion carried.

Respectfully submitted,

Cheryl Stuckmayer

Cheryl Stuckmayer
Planner-Zoning Coordinator

DISTRICTS

PART I - CODE OF ORDINANCES NO PUBLIC HEARING

Chapter 26 - LAND USE

opportunities for the residents of the community, allow for the production and manufacture of goods and products, provide for the retail display and sale of the goods and products manufactured on the site with other related products or services, and provide professional contractor services and related office uses.

- (7) Sensitive Shoreland (SS).** The purpose of this district is to accommodate limited residential uses, agricultural uses, and forest management activities within the shoreland protection zone while conserving sensitive land areas on which more intensive development would adversely affect water quality, wetlands, lakes, shorelines, slopes, wildlife habitat, biological ecosystems, or scenic and natural values. Density is decreased and performance standards established in order to minimize disturbance of soils and vegetation in the shoreland district, to prevent damage from erosion, floods, siltation and water turbidity, to prevent the loss of vegetation, fish, wildlife and natural habitat, to protect the quality of ground and surface waters, and to conserve natural and scenic areas in the shoreland protection zone. This district can only be designated in shoreland areas determined to be sensitive by the City Council.

Sec. 26-281 Land Use Tables

The following table establishes the permitted, conditional, and allowed uses within the land use districts of the City. Any uses not listed in these tables are prohibited.

For the purposes of this table:

- “P”** means a use requiring a permit
- “PP”** means a use requiring a permit with performance standards
- “CU”** means a use requiring a conditional use permit
- “I”** means an interim use
- “A”** means a use that is allowed without a permit but may have performance standards
- “SD”** means a shoreland district
- “RR-5”** means a rural residential district—5 acre minimum lot size
- “WC”** means a waterfront commercial district
- “LC”** means a limited commercial district
- “DC”** means a downtown commercial district
- “C/LI”** means a commercial/light industrial district
- “SS”** means a sensitive shoreland district

LAND USE TABLES	S D	RR 5	S S	L C	D C	W C	C/ LI
(1) Agricultural Uses							
Farm buildings (barns, silo, hay shed, etc.)	P	P	P	P			
Farmland: Crop growing and harvesting	A	A	A	A			
Farmland: Livestock, poultry use, including related buildings	A	A		A			
Forest land: growth, harvest	A	A	A	A		A	A
(2) Residential and Related Uses							
Accessory structure ≤ 2500 sq ft (see Article 36)	P	P	P	P	P	P	P
Accessory Structure >2500 sq ft (See article 36)	CU	CU	CU	P	P	P	P
Auxiliary quarters/cottage - 24' or wider	PP	PP	PP	PP	PP	PP	PP
Controlled access lot							
Energy systems assoc. with a principal use (i.e. solar collectors and wind generators under 50KW)*	P/CU*	P		P		P/CU*	P
Garage/Yard Sales (Maximum 3 per calendar year)	A	A	A	A	A	A	A
Group home, detention or correction home (including detoxification center, rehabilitation home, etc.)	CU	CU	CU	CU		CU	
Home business	CU	CU		PP	PP	CU	PP
Home occupation	A	A	A	A	A	A	
Home: assisted living, nursing, supportive care	CU	CU		CU	CU		
Meteorological test station for wind energy conversion systems (WECS)	I	I		I		I	I
Mobile home park or development		CU					
Multi-family dwelling	CU	CU		CU	CU	CU	
Portable or temporary storage structure	P	P	P	P	P	P	P
Single-family dwelling—24' or wider	P	P	P	CU	CU	CU	CU
Two-family dwelling—duplex	CU	P	CU	CU	CU	CU	
Water-oriented accessory structures	P					P	
(3) Recreational Uses							
Campground, private, or commercial				CU		CU	
Shooting range, fire arms, archery - private				CU			CU
(4) Civic, Educational and Institutional Uses							
Athletic field/stadium; arena				CU			
Cemetery	A	A		A			
Church/Synagogue	P	P	P	P	P	P	
Transient Camps, Church Camps	CU	CU				PP	

*--Type of Permit depends on wind energy tower height and power output

PART I - CODE OF ORDINANCES

Chapter 26 - LAND USE

opportunities for the residents of the community, allow for the production and manufacture of goods and products, provide for the retail display and sale of the goods and products manufactured on the site with other related products or services, and provide professional contractor services and related office uses.

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Farm buildings (barns, silo, hay shed, etc.)	P	P	P	P			
Farmland: Crop growing and harvesting	A	A	A	A			
Farmland: Livestock, poultry use, including related buildings	A	A		A			
Forest land: growth, harvest	A	A	A	A		A	A
(2) Residential and Related Uses							
Accessory structure ≤ 2500 sq ft (see Article 36)	P	P	P	P	P	P	P
Accessory Structure > 1201 sq ft (See article 36)	CU	CU	CU	CU	CU	CU	CU
Auxiliary quarters/cottage - 24' or wider	PP	PP	PP	CU	CU	CU	CU
Controlled access lot							
Energy systems assoc. with a principal use (i.e. solar collectors and wind generators under 50KW)*	P/CU*	P		P		P/CU*	P
Garage/Yard Sales (Maximum 3 per calendar year)	A	A	A	A	A	A	A
Group home, detention or correction home (including detoxification center, rehabilitation home, etc.)	CU	CU	CU	CU		CU	
Home business	CU	CU		PP	PP	CU	PP
Home occupation	A	A	A	A	A	A	
Home: assisted living, nursing, supportive care	CU	CU		CU	CU		
Meteorological test station for wind energy conversion systems (WECS)	I	I		I		I	I
Mobile home park or development		CU					
Multi-family dwelling	CU	CU		CU	CU	CU	
Portable or temporary storage structure	P	P	P	P	P	P	P
Single-family dwelling—24' or wider	P	P	P	CU	CU	CU	CU
Two-family dwelling—duplex	CU	P	CU	CU	CU	CU	
Water-oriented accessory structures	P					P	
(3) Recreational Uses							
Campground, private, or commercial				CU		CU	
Shooting range, fire arms, archery - private				CU			CU
(4) Civic, Educational and Institutional Uses							
Athletic field/stadium; arena				CU			
Cemetery	A	A		A			
Church/Synagogue	P	P	P	P	P	P	
Transient Camps, Church Camps	CU	CU				PP	

*--Type of Permit depends on wind energy tower height and power output

PLANNING AND ZONING – FEE SCHEDULE

Subd. 8. Fees. The Council shall adopt the following schedule of fees for all permits and other services. No permit shall be issued or request brought before the Board of Adjustment or Planning and Zoning Commission until the fees are paid. Applications received after work has progressed shall require the payment of an additional fee as adopted in the schedule of fees to cover the additional costs of investigation. This fee shall be required whether the permit is issued or not.

TYPE OF PERMIT	PERMIT FEE
<u>RESIDENTIAL NEW CONSTRUCTION (not including accessory structure or addition)</u>	
• Up to 1,000 sq. ft. ground cover	\$250 350
• 1,001-2,000 sq. ft. ground cover	\$500 850
• 2,001-3,000 sq. ft. ground cover	\$750 1,000
• 3,001-4,000 sq. ft. ground cover	\$1,000 1,350
• Each additional 1,000 sq. ft. ground cover	\$250 350
<u>RESIDENTIAL ACCESSORY STRUCTURE OR ADDITION</u>	
• Up to 100 sq. ft. ground cover	\$25 50
• 101-200 sq. ft. ground cover	\$100 150
• 201-400 sq. ft. ground cover	\$125 175
• 401-600 sq. ft. ground cover	\$175 250
• 601-1,000 sq. ft. ground cover	\$250 325
• 1,001-2,000 sq. ft. ground cover	\$300 350
• Each additional 1,000 sq. ft. ground cover	\$100 325
<u>COMMERCIAL NEW CONSTRUCTION (not including plan review/not including accessory structure or addition)</u>	
• Up to 1,000 sq. ft. ground cover	\$400 500
• 1,001-2,000 sq. ft. ground cover	\$500 850
• 2,001-5,000 sq. ft. ground cover	\$750 950
• 5,001-10,000 sq. ft. ground cover	\$1,000 1,050
• 10,001 sq. ft. and greater ground cover	\$1,250
• Each additional 1,000 sq. ft. ground cover	\$500
<u>COMMERCIAL ACCESSORY STRUCTURE OR ADDITION (not including plan review)</u>	
• Up to 100 sq. ft. ground cover	\$50 150
• 101-400 sq. ft. ground cover	\$100 250
• 401-1,000 sq. ft. ground cover	\$300 500
• 1,001-2,000 sq. ft. ground cover	\$400 850
• 2,001-5,000 sq. ft. ground cover	\$500 950
• 5,001-10,000 sq. ft. ground cover	\$750 1,050
• 10,001 sq. ft. and greater ground cover	\$1,000
• Each additional 1,000 sq. ft. ground cover	\$500
<u>ACCESSIBILITY PLAN REVIEW</u>	\$40 100/hour (1hr. minimum)

<u>ADMINISTRATION FEE</u>	\$50 75 / hour (1hr.minimum)
<u>DEVLOPEMENT REVIEW/DRT FEE</u>	\$75 / hour (1hr.minimum)
<u>AFTER-THE-FACT</u>	3 5x's application fee
<u>APPEAL TO P&Z COMMISSION OR CITY COUNCIL</u>	\$500 750
<u>APPLICANT'S REQUEST FOR SPECIAL MEETING</u>	\$500 750
<u>CELL TOWER ANTENNA</u>	\$300 750
<u>COMMERCIAL CHANGE OF USE PERMIT</u>	\$100 150
<u>CONDITIONAL USE PERMIT (including amendments)</u>	
• Residential	\$500 750
• Commercial	\$500 750
<u>DEMOLISH/REMOVE BUILDING</u>	\$50
<u>FENCE</u>	\$75
<u>LAND ALTERATIONS</u>	\$150 250
<u>ON-SITE SIGN</u>	
• Residential/Home Occupation	\$25
• Commercial	
* Permanent	\$50 100
* Temporary (Up to 60 days)	No fee
• E-911 Sign/Address Fee	\$100 150
• E-911 Sign/Address Replacement Fee	\$55 75
<u>SEPTIC: Upgrade/New System</u>	
• Residential	\$250 350 + cost of review/inspection
• Commercial	
* Small Flow System (< 1,000 gal/day)	\$350 450 + cost of review/inspection
* Large Flow System (> 1,000 gal/day)	\$425 575 + cost of review/inspection
<u>SUBDIVISIONS</u>	
Metes and Bounds (if handled over the counter)	\$100 200 + \$75 100 per lot
(if commission/council approval is required)	\$400 800+ \$75 100per lot
Preliminary Residential Plat	\$500 800 + \$100 per lot
Final Residential Plat	\$500 800+ \$25 50per lot
Preliminary Commercial Plat	\$750 1250+ \$150 200per lot
Final Commercial Plat	\$750 1250+ \$50 100per lot

Lot Line Adjustment	\$100 200 per adjustment
Lot Consolidation	\$100 200 per consolidation

PARK DEDICATION FEES \$1500 1850 per new lot

Sec. 44-402. Required; applicability.

(a) The developer of a subdivision shall dedicate ten percent (10%) of his buildable land as measured pre-plat to the public for park purposes, or, at the option of the city council, shall pay the city an amount equal to \$1,500.00 1,850.00 per lot for a commercial- or industrial-zoned subdivision and \$1,500.00 1,850.00 per residential unit created in a residentially zoned subdivision, or a combination of land dedication and payment of cash in lieu of land according to the formula set forth in this Code.

(b) This section shall apply to all land subdivisions, including land subdivided by metes and bounds description.

TEMPORARY STRUCTURES \$50

VARIANCE

- Residential \$500 750
- Commercial \$500 750

ZONING INFORMATION

- **Maps**
- * Road \$10
- * Zoning (11" by 17") \$5
- * Out-as-Shown (floodplain) \$50

ZONING MAP AMENDMENT \$500 750

ZONING ORDINANCE AMENDMENT \$350 750 + Printing Costs

CERTIFICATION OF UNPAID CHARGES - Nothing in this section shall be held or construed as in any way stopping or interfering with the City's right to certify as unpaid service charges or assessments against any premises affected, any past due and/or delinquent fees, including interest and late fees. Each and every unpaid fee is hereby made a lien upon the lot, land, or premises served, and such charges that are past due and/or delinquent on October 15th of each year shall be certified to the Crow Wing County Auditor. The charges shall be collected and the collection thereof enforced in the same manner as county and state taxes, subject to like penalties, costs and interest charges. Upon certification to the County Auditor, any past due and/or delinquent fees shall be due and payable to the office of the County Auditor.

City Hall: 218-692-2688
Planning & Zoning: 218-692-2689
Fax: 218-692-2687



13888 Daggett Bay Rd
Crosslake, Minnesota 56442
www.cityofcrosslake.org

December 7, 2023
RE: Notice of Resignation

Mr Chair and Planning Commission members,

This letter is to inform you that I have accepted an offer of employment from the City of Breezy Point approved at their Dec 4th meeting for a work date to begin Jan 2.

I want to thank you for the opportunity to serve the Citizens of Crosslake for two years as the Planning and Zoning Administrator.

I have enjoyed working with the Crosslake Team, Planning Commission, Council and Citizens of Crosslake and plan on continuing to do so until the end of December. Please accept this notice of my formal resignation.

Please feel free to reach out if you have any questions.

Sincerely,

Peter Gansen

Planning & Zoning Administrator

13888 Daggett Bay Road

Crosslake, MN 56442

Phone: (218) 692-2689

E-Mail: pgansen@crosslake.net