

APPLICATION FOR ZONING APPEAL

City of Crosslake

City Hall, 13888 Daggett Bay Rd, Crosslake, MN 56442 218-692-2689

Version: 1/2024

The Board of Adjustment shall act upon all questions as they may arise in the administration of this Ordinance, and it shall hear and decide appeals from and review any order, requirements, decision, or determination made by the Planning & Zoning Administrator official charged with enforcing the Zoning Ordinance.

Receipt # 244253

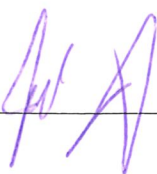
OFFICE USE: Fee \$ 750.00 Hearing Date _____ Application Number 240152A
Received By CS Date Received 8-13-24 Date Mailed _____ Zone LC

Applicant 3J LLC (Jared Johnson) Phone 218-820-4830
First MI Last
Mailing Address PO Box 1080 City: Crosslake State: MN Zip 56442
Property Address East Shore Drive Crosslake
Lake NA Township Crosslake Range 27 Section 29
Tax Parcel Number of the property affected by the appeal: 1A2908386 AND THE COMPLETE GRAND REVIEW SECOND EDITION.
Legal Description of the property affected by the appeal: LOT 16 AND ALL OF THE OTHER LOTS IN GRAND REVIEW SECOND ADDITION.

Explain the order, requirement, decision, or determination, which is being appealed, the requested remedy, and the reason for appeal: DENIED PERMIT REQUEST FOR LOT 16 ON COMMERCIAL STORAGE, ALL BUILDINGS WOULD BE CONSIDERED INVESTMENT GRADE COMMERCIAL PROPERTY (FOR RENT OR LEASE). SEE ORDINANCE THAT PERTAINS TO PERMIT. I ALSO WOULD REQUEST ALL OTHER LOTS ARE PERMITTABLE PENDING DECISION. WE DID NOT APPLY FOR ALL PERMITS BEING THE FIRST APPLICATION WAS NOT PERMITTED. THE PART OF THE ORDINANCE WE ARE USING DOES NOT REQUIRE A CONDITIONAL USE PERMIT.

I hereby certify with my signature that all data on my application/permit forms, plans and specifications are true and correct to the best of my knowledge. NOTICE: Pursuant to Minnesota Statutes, Chapter 462.361, all decisions by the Planning Commission/ Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision, or determination shall be final, except that any aggrieved person or persons, or any department, board, or commission of the jurisdiction or of the State shall have the right to appeal within 30 days after receipt of notice of the decision, to District Court on questions of law and fact.

Signature of Applicant (legal name)



Date

8-13-24

COMMERCIAL & INDUSTRIAL LAND USE PERMIT APPLICATION

Parcel Code: 14290822
 Receipt Number: 244233

Permit Number: 240134

Property Owner: 3J LLC

Site Address: Lot 16 Sunup Trail

City, State, Zip: Crosslake, Mn 56442

Mailing Address: P.O. Box 168

City, State, Zip: Delano, MN 55328

Day Time Phone: Jared Cell Phone: 218-820-4830

Email Address: jared.johnson90@gmail.com

Legal Description: Lot 16 Grand Review Second Addition

Section: 29 Twp: 137 Rge: 27 / 28 Acres:

Lake/River: N/A

Signature: [Signature]

Authorized Agent: [Signature]

Date: 7-24-24

☐ Commercial Structure

☒ New Structure

☐ Addition/Accessory Structure

Dimensions: 40'X60'

Other

Fee \$

☐ Septic System

☐ Large Flow
☐ Small Flow
☐ Compliance Inspection

Fee \$

OFFICE USE ONLY

Received by: [Signature]

Date: 7/24/24

Lake Classification: ☐GD ☐NE ☐RD

Zoning: LC Floodplain:

Septic:

Impervious Coverage: 14%

Total Fees: \$ 950.00

Approved by: DENIED

Date: 8/15/24

Comments:

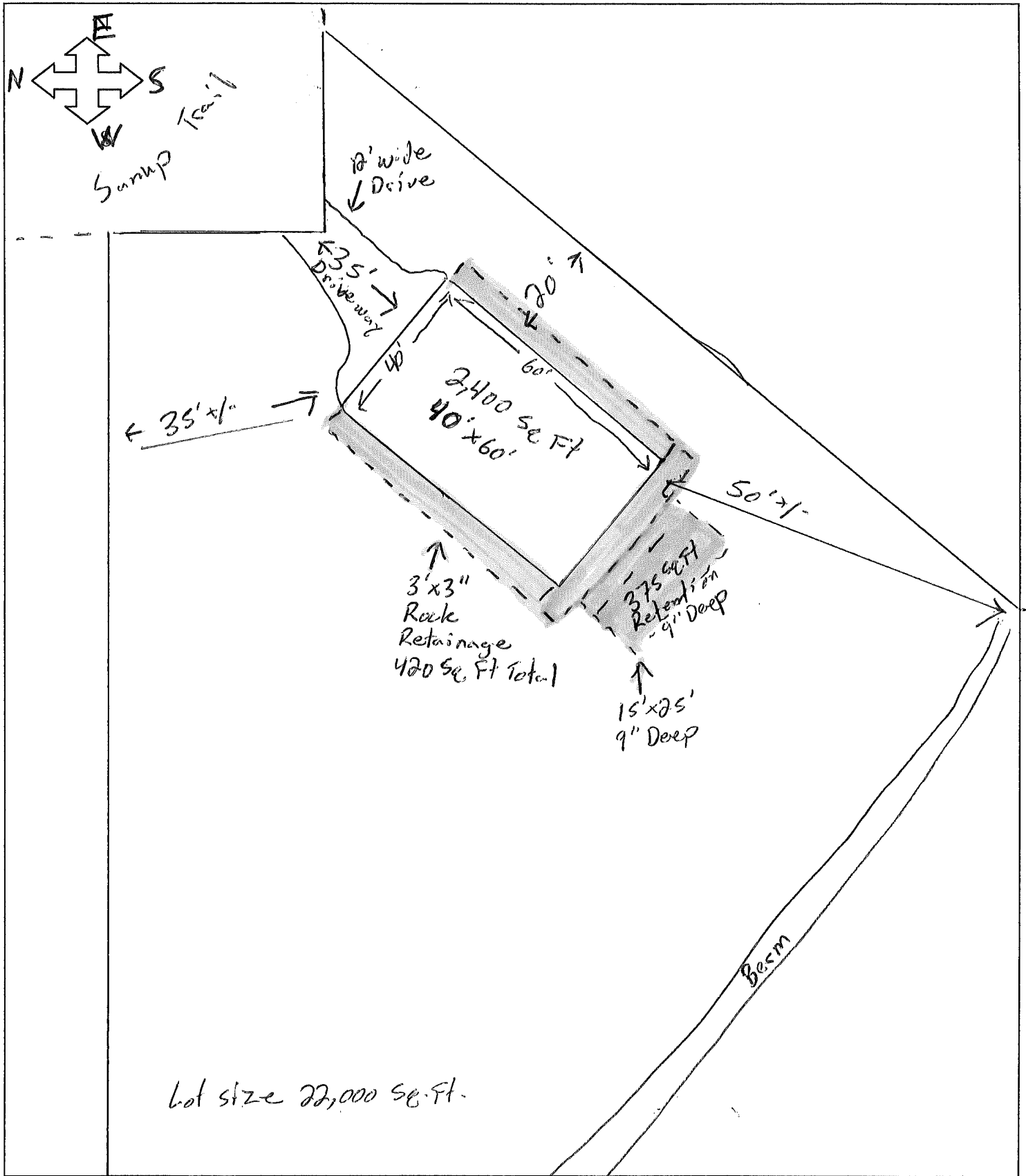
Commercial Storage building/Storage Building rental/OTIS Land use Table required use in which a CUP is needed.

Information Required for a Complete Application

- ☐ Performance Standards Sec 26-282 (see attached)
- ☒ Site Plan with setbacks and Wetlands identified
- ☒ Contractor License Requirements Form
- ☐ Screening and Landscape plan
- ☐ Lighting plan
- ☐ Off street loading and parking
- ☐ Sign plan
- ☐ Storm water management plan
- ☐ Shoreline Rapid Assessment Model Buffer Required
- ☐ Waste disposal plan
- ☐ American Disability Act (ADA) Form N/A

LVS
24314 SMILEY ROAD, SUITE C
NISSWA, MN 56468
OFFICE (218) 961-0090

Being 5 feet in width, unless otherwise indicated, and adjoining lot lines, and 10 feet in width and adjoining right-of-way lines as shown on the plat.



Please see reverse side for sample site plan and list of criteria required on the site plan.

Landowner / Parcel #: Lot 16 Grand ReviewDate: 7-24-24**Lot Impervious Surface Coverage & Landscaping for Stormwater Worksheet**

Please use the table below to calculate your impervious surface coverage. Impervious coverage is limited to 25% of the total lot area. Calculate out all that apply to your situation. If a structure has odd dimensions or if using to size stormwater basins, multiple rows / sheets may be needed. If total imp. of irregular structure or driveway is known, just multiply by 1.

| <u>Existing Structures</u> | <u>Length (ft)</u> | | <u>Width (ft)</u> | | <u>Total (in sq. feet)</u> |
|--|---------------------------|----------------------------------|--------------------------|---|-----------------------------------|
| House, garage, shed Boathouse Greenhouse Other (Dog Kennel, etc.) | 0 (ft) | X | 0 (ft) | = | 0 (sq ft) |
| | (ft) | X | (ft) | = | 0 (sq ft) |
| | (ft) | X | (ft) | = | 0 (sq ft) |
| | (ft) | X | (ft) | = | 0 (sq ft) |
| | (ft) | X | (ft) | = | 0 (sq ft) |
| <i>Driveways* & Landscaping:</i> | | | | | |
| Driveway*, Parking Area, Apron, Boat Ramp, Sidewalk, Patio, Paving Stones, Landscaping (incl. plastic), Other | 0 (ft) | X | 0 (ft) | = | 0 (sq ft) |
| | (ft) | X | (ft) | = | 0 (sq ft) |
| | (ft) | X | (ft) | = | 0 (sq ft) |
| | (ft) | X | (ft) | = | 0 (sq ft) |
| <i>Total Existing Impervious</i> | | | | | 0 (sq ft) |
| <u>Proposed Structures</u> | | | | | |
| House, garage, shed Boathouse Greenhouse Other (Dog Kennel, etc.) | 40 (ft) | X | 60 (ft) | = | 2400 (sq ft) |
| | (ft) | X | (ft) | = | 0 (sq ft) |
| | (ft) | X | (ft) | = | 0 (sq ft) |
| | (ft) | X | (ft) | = | 0 (sq ft) |
| | (ft) | X | (ft) | = | 0 (sq ft) |
| <i>Driveways* & Landscaping:</i> <i>*Assumes a 12' wide driveway unless evidence to the contrary</i> | | | | | |
| Driveway*, Parking Area, Apron, Boat Ramp, Sidewalk, Patio, Paving Stones Landscaping (incl. plastic), Other | 12 (ft) | X | 25 (ft) | = | 300 (sq ft) |
| | 40 (ft) | X | 10 (ft) | = | 400 (sq ft) |
| | (ft) | X | (ft) | = | 0 (sq ft) |
| | (ft) | X | (ft) | = | 0 (sq ft) |
| <i>Total Proposed Impervious</i> | | | | | 0 (sq ft) |
| Total Lot Area (sq. ft.) = 22,000 | | Total existing Impervious | | = | 0 (sq ft) |
| | | Total w/new Impervious | | = | 3100 (sq ft) |
| | | % existing impervious | | = | 0 % |
| | | % w/new impervious | | = | 14 % |

Simple Calculator for Approximating Size of Stormwater Practice & Amount of Phosphorus Reduction:

| Total w/ new impervious: | | | | Storage volume: | | Bottom size (sq ft) of infiltration area by depth | | | | | |
|--|---|---------------|---|-----------------------------------|-----------|--|------------------|---------------------|---|--------------------|---------------------|
| | | | | Gal / Cu ft (= gal / 7.48) | | 3" | 6" | 9" | 12" | 15" | 18" |
| 3,100 | x | 0.623 / 0.083 | = | 1,931 Gal | 257 Cu ft | 1,029 cu ft x 4 | 550 cu ft x 2 | 341 cu ft x 1.33 | 257 cu ft x 1 | 205 cu ft x 0.8 | 172 cu ft x 0.67 |
| Total exst imp | = | 0 | x | 0.0000366 | = | Existing phosphorous loading (lbs/yr) | | | | | |
| Tot w/new imp | = | 3,100 | x | 0.0000366 | = | Phosphorous reduction w/ stormwater mgmt | | | | | |
| For rain barrels, use this formula to determine size/amount needed: | | | | Roof area (sq ft) | x | 0.5625 | = | 1,584 | Gallons generated from a 1" rain event | | |

Code of Ordinances for the City of Crosslake, Minnesota

CHAPTER 26

LAND USE

ARTICLE 8 VARIANCES/APPEALS

Sec. 26-228 Appeals of Administrative Actions to the Planning Commission/Board of Adjustment (1) Acting in its capacity as the Board of Adjustment, the Planning Commission/Board of Adjustment shall hear all appeals of final administrative orders, requirements, decisions, or determinations. Appeals to the Planning Commission/Board of Adjustment shall be filed with the Department within 30 days of the date the order, action, or determination was made. The appeal shall be filed in writing specifying the grounds thereof, together with a fee according to the most recent City Council approved fee schedule. The Administrator shall notify the Planning Commission/Board of Adjustment of the appeal within 5 working days. The Administrator shall, within 30 days of such notice call a properly noticed public hearing to hear such appeal. The appellant may appear in person at the hearing and/or be represented by an agent or attorney. (2) Determination of appeal. The Planning Commission/Board of Adjustment shall review the information submitted by the appellant, a report from the Administrator, and the provisions of this Chapter, and affirm the original decision unless the Planning Commission/Board of Adjustment determines that: a) The decision was arbitrary and capricious, or; b) The decision did not comply with the standards in this Chapter. (3) The Planning Commission/Board of Adjustment shall decide the matter appealed within 30 days after the date of the hearing. The Planning Commission/Board of Adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed, and to that end shall have all the powers of the officer whose decision was appealed, and may direct the issuance of a permit. The reasons for the Planning Commission/Board of Adjustment decision shall be stated in writing and provided to the appellant and the City Council. Sec. 26-229 Appeals of Planning Commission/Board of Adjustment Decisions Pursuant to Minnesota Statutes, Chapter 462.361, all decisions by the Planning Commission/Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision, or determination shall be final, except that any aggrieved person or persons, or any department, board, or Page 27 Crosslake, Minnesota, Code of Ordinances PART I - CODE OF ORDINANCES Chapter 26 - LAND USE commission of the jurisdiction or of the State shall have the right to appeal within 30 days after receipt of notice of the decision, to District Court on questions of law and fact.

This document is intended to assist and guide. It is only a summary, the full land use ordinance can be found on the City of Crosslake's website or at Crosslake City hall.



EFFECTIVE DATE: April 14, 2014

Revised: 10-19-2021

Ordinance information available at

www.cityofcrosslake.org

| LAND USE TABLES | SD | RR5 | SS | LC | DC | WC | C/LI |
|--|-----------|------------|-----------|-----------|-----------|-----------|-------------|
| Repair shop, equipment | | | | PP | PP | | PP |
| Resort | | | | | | CU | |
| Restaurant | | | | PP | PP | PP | |
| Retail store | | | | PP | PP | PP | PP |
| Sawmill | | | | CU | | | PP |
| Sign – on site | P | P | P | P | P | P | P |
| Storage buildings, Commercial | | | | PP | | PP | PP |
| Studio-art, music, photo, decorating, dance | | | | P | P | | |
| Telecommunication tower | | | | | | | CU |
| Temporary real estate office/model home | P | P | | P | P | P | |
| Theater | | | | PP | PP | | PP |
| Vehicle, boat, recreational equipment sales | | | | PP | PP | PP | PP |
| Veterinary clinic | | | | CU | CU | | PP |
| Wholesaling and/or warehousing, freight terminal | | | | PP | PP | | PP |

Sec. 26-282 Administration of Permits with Performance Standards

- (1) In addition to the general requirements of this Chapter, the Zoning Administrator shall determine specific performance standards in conjunction with applications for those uses and locations where they are allowed. Performance standards may include but are not limited to regulation of:
 - a) Types of business activities allowed;
 - b) Screening or fencing;
 - c) Signs;
 - d) Storage of materials, equipment, and vehicles;
 - e) Hours of operation;
 - f) Parking;
 - g) Waste management;
 - h) Abatement of noise, smoke, and fumes.
- (2) The Zoning Administrator may refer an application to the Development Review Team (DRT) if:
 - a) Additional input on performance standards is needed, or,
 - b) It is determined that a proposed use may impact the health, safety, or general welfare of surrounding properties.
- (3) If, after consulting the DRT, it is determined that the proposed use impacts the health, safety, or general welfare of surrounding properties, the Zoning Administrator shall notify the applicant that the application will be processed as a conditional use according to Article 7 of this Chapter.

Secs. 26-283—26-304 Reserved

ARTICLE 11 SHORELAND DISTRICT STANDARDS

Sec. 26-305 Purpose and Intent

The purpose of this district is to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, protect drinking water sources, and provide for the wise use of water and related land resources. The primary use within this district is seasonal and year-round single family residential. Compatible commercial or water-oriented commercial uses may be allowed as permitted or conditional uses.

SITE(s), RV OR CAMPING

Any designated area within a campground, RV Park or resort used for the purpose of permanent or temporary camping including vacant property used for similar purposes.

SOIL AND WATER CONSERVATION DISTRICT (SWCD)

The Soil and Water Conservation District for Crow Wing County, MN

SOURCE OF ILLUMINATION

Any device that serves as a source of visible electromagnetic radiation such as a light bulb, filament, light emitting diode, or similar devices.

SPECIAL FLOOD HAZARD AREA

A term used for flood insurance purposes synonymous with "One Hundred Year Floodplain."

START OF CONSTRUCTION

Includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit's expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE

The State of Minnesota

STEEP SLOPE

Land having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more that is not a bluff.

STORAGE BUILDING, COMMERCIAL

A structure used for the storage of belongings, equipment, or materials that is not intended for human habitation and available on a rental or lease basis.

STORE, CONVENIENCE

A retail store offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood and for travelers. A convenience store may also include a gas station and may be open for business for extended hours.

STORE, RETAIL

A place of business usually owned and operated by an individual or group but sometimes owned and operated by a manufacturer or by large retailer in which merchandise is sold primarily to ultimate consumers.

| LAND USE TABLES | S D | RR 5 | S S | L C | D C | W C | C/ LI |
|---|--------|------|--------|--------|--------|--------|----------|
| (5) Commercial and Industrial Uses | | | | | | | |
| Adult uses | | | | | | | CU |
| Amusement Park | | | | CU | | | |
| Athletic club | | | | PP | PP | PP | |
| Auto body shop | | | | PP | | | PP |
| Auto repair shop, lubrication service station | | | | PP | PP | | PP |
| Bank or financial institution | | | | P | P | | PP |
| Beauty shop, barber shop | | | | PP | PP | PP | PP |
| Bed and Breakfast Residence | | CU | | PP | PP | PP | |
| Bowling Lanes | | | | PP | PP | PP | PP |
| Breeding and boarding of animals | | | | CU | CU | | CU |
| Bulk liquid storage | | | | CU | | | PP |
| Business or professional office space | | | | PP | PP | PP | PP |
| Car wash | | | | PP | PP | | PP |
| Cement/concrete/redi-mix plant, permanent | | | | | | | P |
| Commercial greenhouse/nursery | | | | PP | | | PP |
| Commercial storage building/storage unit rental | | | | CU | CU | CU | CU |
| Concrete/asphalt plant, portable | | | | I | | | PP |
| Construction and contractor services-carpentry, electrical, plumbing, heating, ventilation, mechanical, flooring, insulation, siding, etc | | | | P | P | | P |
| Day care facility | PP | PP | | PP | PP | PP | |
| Demolition Landfill | | | | | | | CU |
| Dry cleaners | | | | CU | CU | | CU |
| Event Center (≥ 10 acres in RR5) | | CU | | CU | CU | CU | CU |
| Extractive use, mining, gravel pit, aggregate | | | | | | | CU |
| Funeral home with crematorium | | | | CU | | | |
| Funeral Home without crematorium | | | | PP | | | |
| Gas station/convenience store with or without fuel sales | | | | PP | PP | PP | |
| Golf Course | | | | CU | | CU | |
| Industrial park development | | | | | | | CU |
| Liquor: On and/or off sale | | | | CU | CU | CU | CU |
| Lumber yard | | | | PP | PP | | PP |
| Manufacturing: light in general, assembly plant, machine shop, welding shop, packaging plant | | | | CU | | | PP |
| Marina | | | | | | CU | |
| Medical or dental clinic | | | | PP | PP | | PP |
| Miniature golf | | | | PP | PP | PP | PP |
| Motel/hotel | | | | CU | CU | CU | CU |
| Outdoor seasonal sales | | | | PP | PP | PP | PP |
| Over-the-counter print shop | | | | PP | PP | | PP |
| Private clubs and lodges | | | | PP | PP | | PP |
| Race track: horse, auto, motorcycle, go cart | | | | | | | CU |
| Recycling collection site | | | | I | | | PP |
| Rental equipment sales and service | | | | PP | PP | PP | PP |
| | | | | | | | |

PART I ADMINISTRATION

ARTICLE 1 GENERAL PROVISIONS

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CROSSLAKE, MINNESOTA, an Ordinance amending Chapter 26 of the City of Crosslake, Minnesota (hereinafter "the City"), Code of Ordinances regarding land use and zoning.

Sec. 26-1 Purpose

It is the purpose of this Chapter to protect, preserve, and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms, and open spaces of the City for future generations. Further, it is the goal of this Chapter to promote public health, safety, general welfare, and orderly development of the City by:

- (1) Regulating land use in accordance with the Crosslake Comprehensive Plan.
- (2) Promoting orderly development of the residential, commercial, recreational, and public areas of the City.
- (3) Dividing the City into land use districts.
- (4) Regulating the location, height, and bulk of structures.
- (5) Preserving the economic and natural environmental values of shorelands.
- (6) Regulating setbacks.
- (7) Regulating sizes of lots, yards, and other open spaces.
- (8) Preventing overcrowding of land and undue concentration of structures.
- (9) Encouraging compatible developments of different land use and the most appropriate use of land within the City.
- (10) Providing adequate access to air, direct sunlight, and convenience of access to property.
- (11) Providing standards of criteria for the management of the Floodplains within the city.
- (12) Bringing all non-complying subsurface sewage treatment systems into compliance.

Sec. 26-2 Interpretation, Intent, and Scope

This Chapter shall be fairly read so as to give effect to the plain meaning of words and the definitions hereinafter set forth, to accomplish the purpose stated in Section 26-1 above, and to be in keeping with the constitutions of this State and of the United States. It is not the intent of this Chapter to repeal, abrogate, or impair any existing laws, rules, easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail. This Chapter shall apply and be binding upon all of the incorporated areas of the City.

Sec. 26-3 Repeal of Existing Chapter

This ordinance repeals Chapter 26 of the City of Crosslake Code of Ordinances dated September 10, 2013 and all amendments thereto. All Ordinances, resolutions, or parts of Ordinances or resolutions of the City in conflict with the provisions of this Ordinance are hereby repealed.

Sec. 26-4 Authority and Incorporation by Reference of Statutes, Rules, and References

This chapter is established pursuant to the authority granted by the Crosslake Comprehensive Plan, adopted August 11, 2008; and by Minnesota Statutes, in particular the Municipal Planning Act, Chapters 462.351 to 462.364; the Municipal Shoreland Act, Chapter. 103F.221; The Management of Floodplain Areas of Minnesota, Chapters 103F.101 to 103F.165; the regulation of individual sewage treatment systems, Chapters 115.55, 145A.07 and Minnesota Rules, Chs. 7080-7083; the installation of water supply wells, Minnesota Rules, Chapter 4725; and any amendments thereto. The Crow Wing County Local Comprehensive Water

| LAND USE TABLES | SD | RR5 | SS | LC | DC | WC | C/LI |
|--|----|-----|----|----|----|----|------|
| Repair shop, equipment | | | | PP | PP | | PP |
| Resort | | | | | | CU | |
| Restaurant | | | | PP | PP | PP | |
| Retail store | | | | PP | PP | PP | PP |
| Sawmill | | | | CU | | | PP |
| Sign – on site | P | P | P | P | P | P | P |
| Storage buildings, Commercial | | | | PP | | PP | PP |
| Studio-art, music, photo, decorating, dance | | | | P | P | | |
| Telecommunication tower | | | | | | | CU |
| Temporary real estate office/model home | P | P | | P | P | P | |
| Theater | | | | PP | PP | | PP |
| Vehicle, boat, recreational equipment sales | | | | PP | PP | PP | PP |
| Veterinary clinic | | | | CU | CU | | PP |
| Wholesaling and/or warehousing, freight terminal | | | | PP | PP | | PP |

Sec. 26-282 Administration of Permits with Performance Standards

- (1) In addition to the general requirements of this Chapter, the Zoning Administrator shall determine specific performance standards in conjunction with applications for those uses and locations where they are allowed. Performance standards may include but are not limited to regulation of:
 - a) Types of business activities allowed;
 - b) Screening or fencing;
 - c) Signs;
 - d) Storage of materials, equipment, and vehicles;
 - e) Hours of operation;
 - f) Parking;
 - g) Waste management;
 - h) Abatement of noise, smoke, and fumes.
- (2) The Zoning Administrator may refer an application to the Development Review Team (DRT) if:
 - a) Additional input on performance standards is needed, or,
 - b) It is determined that a proposed use may impact the health, safety, or general welfare of surrounding properties.
- (3) If, after consulting the DRT, it is determined that the proposed use impacts the health, safety, or general welfare of surrounding properties, the Zoning Administrator shall notify the applicant that the application will be processed as a conditional use according to Article 7 of this Chapter.

Secs. 26-283—26-304 Reserved

ARTICLE 11 SHORELAND DISTRICT STANDARDS

Sec. 26-305 Purpose and Intent

The purpose of this district is to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, protect drinking water sources, and provide for the wise use of water and related land resources. The primary use within this district is seasonal and year-round single family residential. Compatible commercial or water-oriented commercial uses may be allowed as permitted or conditional uses.

From: [Paul Satterlund](#)
To: [Cheryl Stuckmayer](#)
Subject: Fw: Sundown Holders, Dan Miller development disput
Date: Tuesday, August 20, 2024 2:19:45 PM
Attachments: [image003.png](#)
[image002.png](#)

From: Jordan Soderlind <JHS@ratwiklaw.com>
Sent: Monday, July 29, 2024 8:02 PM
To: Paul Satterlund <psatterlund@cityofcrosslake.org>; admin <admin@cityofcrosslake.org>
Cc: Joseph J. Langel <jjl@ratwiklaw.com>
Subject: RE: Sundown Holders, Dan Miller development disput

Paul and Jerry,

I am writing to follow up on your questions regarding the Land Use Tables in the City's Land Use code (Chapter 26). Specifically, you raised questions regarding the application/distinction between the line for "Commercial storage building/storage unit rental" and the line for "Storage buildings, Commercial," both of which appear under the Commercial and Industrial Uses in the Land Use Tables. (Sec. 26-281).

While both "Commercial storage building/storage unit rental" and "Storage buildings, Commercial," are included as separate line items in the table, there is no clear distinction as to the underlying meaning of the two. The primary distinction between the two lines, as you pointed out, is that one requires a conditional use permit whereas the other requires a permit with performance standards. The code includes a definition of "Storage Building, Commercial," which provides as follows: "A structure used for the storage of belongings, equipment, or materials that is not intended for human habitation and available on a rental or lease basis." (Sec. 26-1176). There is no definition that definitively differentiates the two line items.

The City has been in the process of reviewing certain language in the code including the Land Use Tables in Chapter 26. Specifically, following a recommendation from the Planning and Zoning Commission, the City Council gave approval in March to amend the Land Use Tables, including an amendment such that the line "Commercial storage building/storage unit rental" and the line "Storage buildings, Commercial," were consistent in that each called for a conditional use permit where allowed. Those recommendations from the Planning and Zoning Commission also involved amendments to clarify language surrounding accessory structures. In May, the City Council adopted a moratorium on new accessory structures on lots without an existing principal structure. That moratorium called for a study of the land use ordinance to determine if related amendments were necessary to facilitate orderly development in the City. Further review of the land use ordinance and land use tables have continued and I understand there is a pending recommendation from the commission to remove the "Storage buildings, Commercial" line from the land use tables. That recommendation would further negate any additional confusion on this particular issue in the future.

Based on the above, our recommendation is to apply the "Commercial storage

building/storage unit rental” line for pending requests rather than the “Storage buildings, Commercial” line. This approach avoids potential confusion moving forward, aligns with the more restrictive language in the code, and is consistent with the prior recommendation from the Planning and Zoning Commission and the City Council’s prior approval.

Please let us know if you have any further questions.



Ratwik, Roszak & Maloney, P.A.

Jordan H. Soderlind

Ratwik, Roszak & Maloney, P.A.

444 Cedar St., Suite 2100

St. Paul, MN 55101

PH: 612-339-0060 | Fax: 612-339-0038 | Web: www.ratwiklaw.com

The information contained in this electronic message may be attorney-client privileged and/or confidential information and is intended only for the use of the individual(s) to whom this electronic message is addressed. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this electronic communication or any attachment thereto is strictly prohibited. If you have received this electronic communication in error, you should immediately return it to us and delete the message from your system. Thank you.

From: Paul Satterlund <psatterlund@cityofcrosslake.org>

Sent: Thursday, July 25, 2024 2:50 PM

To: Jordan Soderlind <JHS@ratwiklaw.com>

Subject: Sundown Holders, Dan Miller development disput

Hello Joe and Jordan

I've got a question in regards to the Sundown Holders/Dan Miller Project and what is permissible or how is it permissible. Sundown Holdings Final Plat was approved and now they are coming in to get a permit.

They are wanting to put in a Commercial storage building that will be under lease and/or rent and run as a commercial storage business. In our Land Use Table, it states how to permit these buildings in two different ways. (See attached)

- | | |
|--|-----------------|
| 1. Commercial storage building/storage unit rental | Conditional Use |
| 2. Storage Buildings, Commercial Standards | Performance |

When Defining Commercial use, our ordinance states that: The principal use of land or buildings for the sale, lease, rental, trade of products, goods or services.

So this would point me to all commercial storage buildings towards Land Use Item 1 above. However, we currently have number 2 in there that I feel is a contradiction to that.

I have not approved anything yet but it has been taken in.

Let me know if this needs to be a conditional use, if we can permit this at all, or if they are allowed to use a Performance Standard Permit for this.

Thanks and please call to discuss if it is easier. My cell is (218) 820-5805

Paul Satterlund

Planning & Zoning Administrator

Crosslake Planning and Zoning Department
13888 Daggett Bay Rd
Crosslake, MN 56442

Office: (218) 692-2689

Direct: (218) 692-9805

Email: psatterlund@cityofcrosslake.org

Website: www.cityofcrosslake.org



City of Crosslake Planning Commission/Board of Adjustment

Appeal Application

Findings Of Fact

Supporting/Denying An Appeal

Name of Applicant(s):

Date:

Appeal Requested:

Findings shall be made in either recommending approval or denial of an appeal application, and should reference Chapter 26, of the City of Crosslake Ordinance. The following questions are to be considered, but are not limited to:

1. What is the intent of the zoning ordinance as it relates to this appeal?
2. What is the intent of the comprehensive plan as it relates to this appeal?
3. What sections of the ordinance apply to the subject at hand?
4. Has staff properly applied the provisions of the ordinance to the activity in question? Why or Why not?

Motion made to **Uphold / Deny** the appeal request

Facts supporting the answer to each question above are hereby certified to be the Findings of the Planning Commission /Board of Adjustment.

Motioned by _____ ; supported by _____ .

THE APPEAL IS UPHELD () DENIED ()

All members voting “Aye”, Motion carried.