



STATED MINUTES

City of Crosslake Planning Commission/Board of Adjustment

May 22, 2020
9:00 A.M.

Crosslake City Hall
37028 County Road 66
Crosslake, MN 56442

1. Present: Chair Mark Wessels; Vice-Chair Mark Lindner; Joel Knippel; Bill Schiltz; Jerome Volz; and Liaison Council Member Aaron Herzog
2. Absent: None
3. Staff: Jon Kolstad, Planning & Zoning Administrator and Cheryl Stuckmayer, Planner-Zoning Coordinator
4. 4-24-2020 Minutes – **Motion by Linder; supported by Volz to approve the minutes as written. All members voting “Aye”, Motion carried.**
5. Old Business-Variances are heard on their individual requests, past variiances 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.
 - 5.1 Land Use Ordinance proposed changes
Article 5, Article 10, Article 11, Article 12, Article 13, Article 26, Article 29, Article 36, Article 43
6. New Business
 - 6.1 Steve & Dyan Marie Jacobson- Variance for a time extension
 - 6.2 Daniel P & Deborah L Miller - CUP for storage rental
 - 6.3 Karen J Kloeckner – Variance for lake setbacks and road right-of-way setbacks for 2 structures
7. Other Business
 - 7.1 Staff report
8. 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.
9. Adjournment

May 22, 2020 Planning Commission/Board Of Adjustment Meeting

Land Use Ordinance proposed changes
Article 5, Article 10, Article 11, Article 12, Article 13,
Article 26, Article 29, Article 36, Article 43

Motion by Lindner; supported by Volz to table the land use ordinance proposed changes until a face to face meeting can be held.

All members voting “Aye”, Motion carried.

**Steven & Dyan Marie Jacobson
14080635**

Kolstad read the variance request, project details, previously approved variance details, location, impervious percentage, stormwater management plan, septic design submitted, Development Review Team (DRT) was attended, no comments received, history of the parcel and the surrounding parcel history into the record. Kolstad laid out the plans for developing the lot. No variance will be needed for the new structures with Jacobson verifying the statement was correct. Wessels also added some additional details. There were no public attendees on the conference call. Wessels asked if any of the commissioners had additional questions, but none were forthcoming. Wessels requested Kolstad to initiate the findings of fact procedure with the board members deliberating and responding to each question.

May 22, 2020 Action:

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

- **A total of 4 years where 2 years are allowed for the approved variance 1810028V**

To construct:

- **A new septic system**
- **Bluff setback of 0 feet where 30 feet is required to proposed septic drainfield**
- **Lake setback of 50 feet where 75 feet is required to proposed septic drainfield**
- **Dwelling setback of 10 feet where 20 feet is required to proposed septic drainfield**

Per the findings of fact as discussed, at the on-site conducted on 5-24-18, 6-21-18, recently, and as shown on the revised Certificate of Survey received at the Planning & Zoning office dated 6-4-18 located at 13223 Eagle Street, Crosslake, MN 56442

Conditions:

Chapter 26 – Land Use; Sec. 26-227 Variance Decision - Variances must be substantially completed within two years of receiving approval – the approval of this variance will expire on 5-22-2022.

- 1. Work with staff to review, implement and alter as needed the stormwater management plan**
- 2. Maintain and/or enhance vegetated cover on the bluff for erosion control**
- 3. Remove and store the spoils pile/dirt out of the bluff impact zone (move rear ward)**
- 4. Work with staff to review, implement and maintain a temporary erosion control plan during and after construction**
- 5. Certified surveyor to mark footing and setback locations**
- 6. Recommend no current or future lake side development, lake side to remain natural and untouched**
- 7. Try to preserve to your fullest extent all the trees lakeside of the existing cabin per the survey dated 6-4-19**
- 8. Septic maintenance plan as submitted with approved and installed septic system, to be followed and submitted results to be provided to the planning and zoning office**

Findings: See attached

All members voting “Aye”, Motion carried.

**Daniel P & Deborah L Miller
14320739**

Kolstad read the conditional use permit request, project details, location, impervious percentage, stormwater management plan, septic design submitted, no Development Review Team (DRT) was attended, no comments received, history of the parcel and the surrounding parcel history into the record. Volz asked for clarification that this request is for storage rental only and no dwelling. Miller stated that is a correct statement, just personal and rental storage. There were no public attendees on the conference call. Wessels asked if any of the commissioners had additional questions. The commissioners agreed that the storage structure that Miller built is architecturally pleasing, improves the area and fits in well. Wessels requested Kolstad to initiate the findings of fact procedure with the board members deliberating and responding to each question.

May 22, 2020 Action:

Motion by Lindner; supported by Dymoke to approve a Conditional Use Permit for storage rental involving approximately .73 acres located at 33597 County Road 3, Sec 32, City of Crosslake

Per the findings of fact as discussed, the on-sites conducted individually on or before 5-21-2020 and as shown on the certificate of survey received at the Planning & Zoning office dated 4-22-19 for property located at 33597 County Road 3, Crosslake, MN 56442

Conditions:

- 1. Limit hours of usage/operation from 7:00 AM to 10:00 PM**
- 2. No outside storage**
- 3. Work with staff to review, implement and alter as needed the stormwater management plan**
- 4. Work with staff to review, implement and maintain a temporary erosion control plan**

Findings: See attached

All members voting “Aye”, Motion carried.

**Karen J Kloeckner
14070601**

Kolstad read the variance request, project details, location, impervious percentage, stormwater management plan, septic design submitted, Development Review Team (DRT) was attended, no comments received, history of the parcel and the surrounding parcel history into the record. Wessels asked for clarification that the structures labeled building #1 & shed, located on the east side of the parcel would not have any structural changes. Whirley of RemWhirl, representative, replied that is correct. Wessels also questioned the outhouse on the west side of the property being so close to the lake. Currently it is being used as storage, but will have to be addressed at the time of the permit application (compliance inspection or an abandonment form). Lindner asked if the garage could be located closer to the lake to allow for snow removal from the city street and address possible safety factors of the garage located so close to road right-of-way (ROW). The commissioners had a discussion on the location of the proposed garage request in relation to the safety, parking, snow removal, and the possibility of amending the request to a 10 foot ROW setback and a 38.5 foot lake setback, which was agreed upon to make that amendment. Schiltz asked for verification that the garage would not have any living area and Whirley replied that is correct, just storage. The commissioners had a discussion on the existing basement versus the proposed basement and how it fits on this parcel in relation to its shape, gutters, and repairing the retaining wall(s). Whirley replied that gutters will be installed. Francisco, sibling on the trust, stated that the retaining walls will be addressed. There were no public attendees on the conference call. Wessels asked if any of the commissioners had additional questions, but none were forthcoming. Wessels requested Kolstad to initiate the findings of fact procedure with the board members deliberating and responding to each question.

May 22, 2020 Action:

Motion by Wessels; supported by Schiltz to approve the variance for:

1. Lake setback of 31 feet where 75 feet is required to proposed structure
2. Road right-of-way (ROW) setback of 23 feet where 35 feet is required to proposed structure
3. Lake setback of 42 feet amended to 38.5 feet where 75 feet is required to proposed detached garage
4. Road right-of-way (ROW) setback of 6.7 feet amended to 10 feet where 35 feet is required to proposed detached garage

To construct:

- 1,824 square foot house, covered patio and covered entry
- 380 square foot deck
- 676 square foot detached garage

Per the findings of fact as discussed, the on-site conducted individually on or before 5-21-2020 and as shown on the certificate of survey received at the Planning & Zoning office dated 4-24-2020 for property located at 12099 Anchor Point Road, City of Crosslake

Conditions:

Chapter 26 – Land Use; Sec. 26-227 Variance Decision - Variances must be substantially completed within two years of receiving approval – the approval of this variance will expire on 5-22-2022

1. Work with the staff to review, alter and implement as needed the submitted stormwater plan in accordance with the City of Crosslake land use ordinance
2. Work with staff to implement and maintain erosion/sediment control during and after construction
3. Remove all dirt spoils off site
4. Fire pit to be moved to meet the 20 foot setback from the lake per Crosslake ordinance and the DNR requirements
5. Entire existing house, deck, and garage as shown/labeled on the certificate of survey dated 4-24-2020 to be removed and that existing foot print and lake setback is eliminated

Findings: See attached

All members voting “Aye”, Motion carried.

Other Business:

1. Staff report
 - a. Monthly city council report
 - b. Development Review Team (DRT) had no May monthly meeting
 - c. June public hearing applications – three variances
 - d. Zoom to be used for the June public hearing meeting if distancing is still required and the city council has not put a different plan in place
 - e. July public hearing to possibly include 2 applications - one on a vacant island parcel and another on the old Charter school property involving turning it into apartments
 - f. DNR email comment(s) on using docks as a percentage of required parking:

Hi Jon,

Thanks for meeting with Heidi, Dan and I to discuss the City’s proposed ordinance amendments. We would like to offer the following comments for your consideration:

Article 26 Sec. 26-672 Parking and Off Street Loading Standards. You’ve indicated that several existing waterfront commercial (WC) establishments, primarily restaurants and bars, have expressed interest in expanding seating capacity, which would require additional parking spaces. The ordinance includes standards for commercial off-street parking, including minimum parking space requirements. Several of these businesses do not have enough space to accommodate additional off-street parking and are asking for variances from local parking standards. In order to minimize the number of variances, the City is proposing to allow boat slip parking as an alternative to off-street parking at WC establishments at a ratio of two (2) boat slips for one (1) motor vehicle space. The proposed amendment also limits boat dock parking to account for no more than 30% of the overall parking space requirements.

We recognize that this is an economic development issue and commend the City for exploring alternative parking standards that avoid the need for variances. Our concern is that this provision may unintentionally encourage the expansion of docking/mooring spaces as a means to meet minimum parking

requirements. Large docks and mooring facilities can negatively impact water resources by shading out aquatic plants, eliminating critical habitat for fish, and can cause shoreline damage. Additionally, large docks and mooring facilities result in privatizing public space and reduced aesthetics. To address these concerns, we suggest that the City add an additional provision that would limit boat slip parking to that currently existing at these establishments, and to not allow additional mooring as a means to meet parking requirements.

Thanks again and please feel free to be in touch with any questions or concerns,

Dani

Dani McNeil

Staff Hydrologist | Ecological & Water Resources Division

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 Linder; supported by Wessels to adjourn at 10:45 A.M.

All members voting “Aye”, Motion carried.

Respectfully submitted,

Cheryl Stuckmayer

Cheryl Stuckmayer
Planner-Zoning Coordinator