

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



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

CITY OF CROSSLAKE

PLANNING COMMISSION/BOARD OF ADJUSTMENT

February 26, 2021

9:00 A.M.

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

PUBLIC HEARING NOTICE

Applicant: Moonlite Bay LLC

Authorized Agent: Miller Construction/Dan Miller

Site Location: 37627 County Road 66, Crosslake, MN 56442 on Crosslake-GD

Variance for:

- Lake setback of 53 feet where 75 feet is required to proposed deck
- Lake setback of 74 feet where 75 feet is required to the second story

To construct:

- 714 square foot deck
- 1850 square foot second story with 28 square feet needing a variance

Notification: Pursuant to Minnesota Statutes Chapter 462, and the City of Crosslake Zoning Ordinance, you are hereby notified of a public hearing before the City of Crosslake Planning Commission/Board of Adjustment. Property owners have been notified according to MN State Statute 462 & published in the local newspaper. Please share this notice with any of your neighbors who may not have been notified by mail.

Information: Copies of the application and all maps, diagrams or documents are available at Crosslake City Hall or by contacting the Crosslake Planning & Zoning staff at 218-692-2689. Please submit your comments in writing including your name and mailing address to Crosslake City Hall or (crosslakepz@crosslake.net).



STAFF REPORT

Property Owner/Applicant: Moonlite Bay LLC

Parcel Number(s): 14080623, 14080624

Application Submitted: January 11, 2021

Action Deadline: March 12, 2021

City 60 Day Extension Letter sent / Deadline: N/A / N/A

Applicant Extension Received / Request: N/A / N/A

City Council Date: N/A

Authorized Agent: Miller Construction/Dan Miller

Variance for:

- Lake setback of 53 feet where 75 feet is required to proposed deck
- Lake setback of 74 feet where 75 feet is required to the second story

To construct and allow:

- 714 square foot deck
- 1850 square foot second story with 28 square feet needing a variance

Current Zoning: Waterfront Commercial District

Existing Impervious Coverage:

32.7%

Proposed Impervious Coverage:

32.7%

- A stormwater management plan was submitted with the variance application
- Compliant septic compliance inspection on file dated 12-10-2020

Development Review Team Minutes held on 12-8-2020:

- Property is located on Crosslake at 37627 County Road 66 with a 75 foot lake setback
- The proposed second story 36'x52' addition, 34'x21' uncovered deck and handicap ramp (to meet code) will not increase the impervious
- Height variance needs were discussed and proposed height should be noted at mid-peak
- Exterior sound volume should not change from current use (music)
- Staff recommended Eide to get a written statement from Chip Lohmiller, Fire Chief and Erik Lee, Police Chief of Crosslake, on their input of the proposed project
- Accessibility Certification form was discussed and Eide stated it is already started
- All setbacks shall be measured to the vertical side of the structure. No part of the structure, such as eaves, can overhang or reduce such setback by more than three feet (Sec. 26-308).
- Any eaves more than three feet shall be measured from the drip line and included in the impervious calculation.

- Impervious maximum of 35% and if impervious exceeds 20% a Shoreline Rapid Assessment Model form will be completed; steep slope with vegetation existing
- Design and implement a stormwater management plan (SWMP) to update any existing plan, which is required with all variance applications per Article 8, section 26-222, (2), 1) (Possible variance condition: an engineered SWMP be submitted at time of permit)
- A septic compliance inspection is needed or winter window agreement- staff suggested a maintenance plan and a contract with a pumper
- The ordinance change will allow dock usage for parking-staff suggested they keep the parking agreement with Simonson Lumber for the time being and show the parking needs per seasonal use
- An exhibit as well as the survey to be part of the package
- Wetland Delineation is on file dated 6-12-2018
- A grade and elevation illustration is required for a complete variance application
- A Land Use Permit will be required to commence the project

Property owner was informed that before they could be placed on a public hearing agenda the following information is required:

1. A certificate of survey meeting the requirements outlined in Article 8, Sec. 26-222 of the City Land Use Ordinance
2. Grade and elevation illustration
3. Compliance inspection or winter window agreement
4. A complete Variance application and the public hearing fee of \$500.00

Parcel History:

- April 1977 – 22'x12' Overhang
- May 1978 – New stairway & deck
- May 1983 – Upgrade septic system
- October 1988 – 10'x8' Storage addition, 10'x8' covered entry
- October 1988 – Restaurant 60'x32', deck 60'x12', 2-3'x16' handicap ramps/steps
- April 1989 – Retaining wall
- July 1991 – Storage building/shed
- October 1991 – After-the-fact Variance for a shed
- May 1993 – Conditional Use Permit for 20'x30' south end addition
- April 1997 – Conditional Use Permit for a 13 unit motel with restaurant to remain-Tabled
- September 1997 – Conditional Use Permit for a 13 unit motel with restaurant to remain-Withdrawn March 1998
- December 1999 – Conditional Use Permit & Variance for 20'x38' & 40'x54' additions
- January 2000 – 20'x38' & 40'x54' additions, septic upgrade
- May 2002 – Variance to place a temporary structure less than 75' from Crosslake OHW
- June 2002 – 12'x12' Temporary gazebo per variance 2002-015
- April 2003 – Variance for a barbeque area, setback reductions, exceed impervious
- May 2004 – 5 foot high board on board fence for screening purposes
- May 2015 – Compliance Inspection
- June 2015 – Commercial water oriented accessory structure
- February 2018 – Variance approved for lake setback to construct a partially covered deck
- May 2018 – Commercial 2nd story deck (never used/not built)

Agencies Notified and Responses Received:

County Highway Dept: No comments were received as of 2-12-2021

DNR: No comments were received as of 2-12-2021

City Engineer: N/A

Lake Association: N/A

Township: N/A

Crosslake Public Works: No comments were received as of 2-12-21

Crosslake Park, Recreation & Library: N/A

Concerned Parties: No comments were received as of 2-12-21

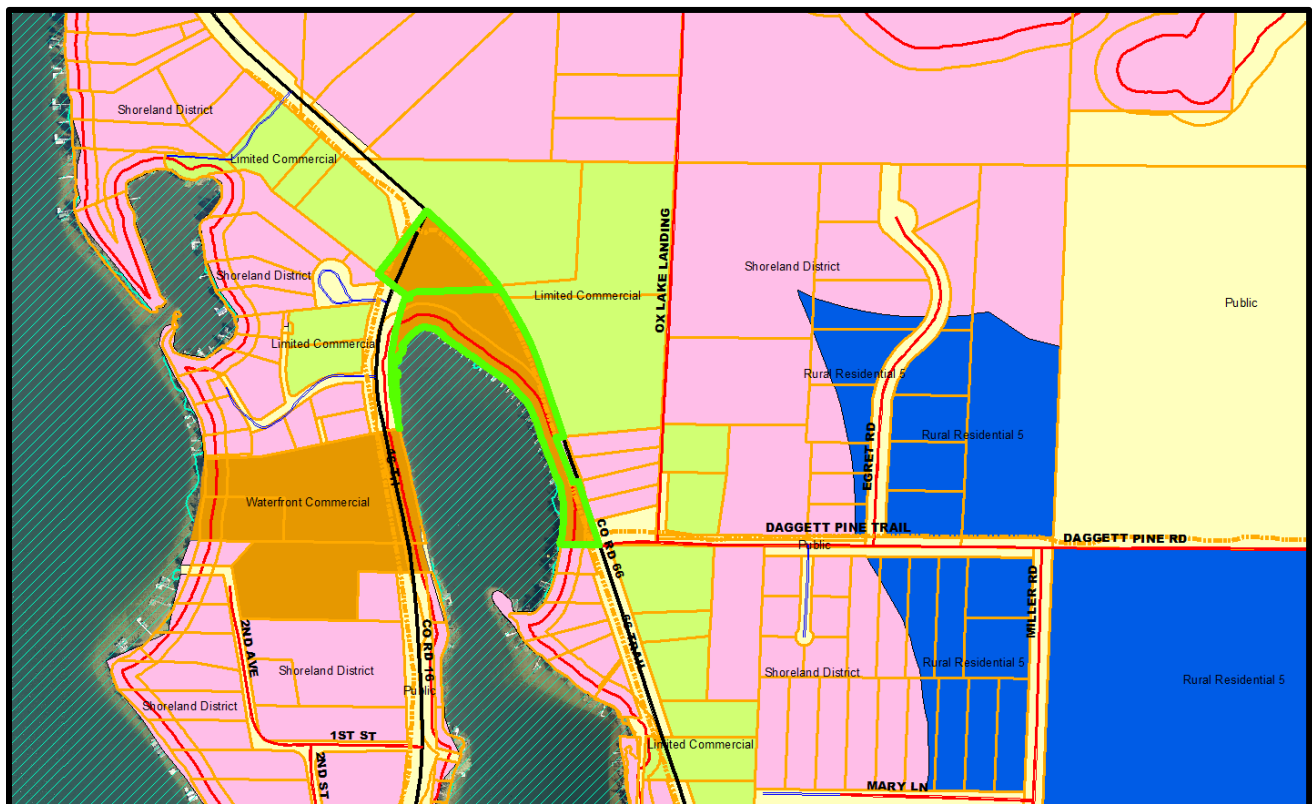
POSSIBLE MOTION:

To approve/table/deny the variance to allow:

- Lake setback of 53 feet where 75 feet is required to proposed deck
- Lake setback of 74 feet where 75 feet is required to the second story

To construct and allow:

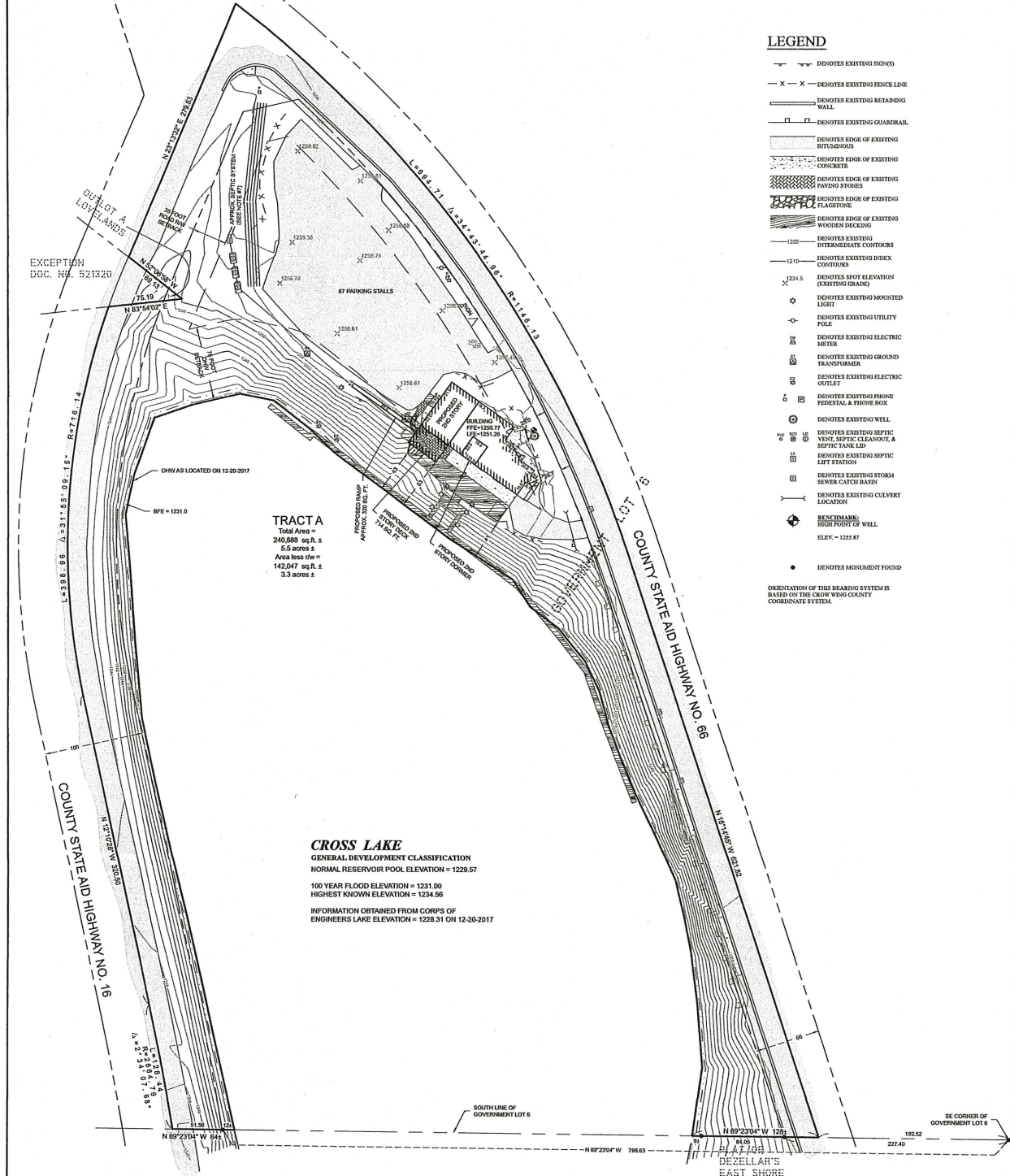
- 714 square foot deck
- 1850 square foot second story with 28 square feet needing a variance





CERTIFICATE OF SURVEY

PART OF GOVERNMENT LOT 6
SECTION 8, TOWNSHIP 137 NORTH, RANGE 27 WEST,
CROW WING COUNTY, MINNESOTA



TRACT A
Total Area =
240,686 sq. ft. ±
5.5 acres ±
Area less ltr =
142,047 sq. ft. ±
3.3 acres ±

CROSS LAKE
GENERAL DEVELOPMENT CLASSIFICATION
NORMAL RESERVOIR POOL ELEVATION = 1229.57
100 YEAR FLOOD ELEVATION = 1231.00
HIGHEST KNOWN ELEVATION = 1234.56
INFORMATION OBTAINED FROM CORPS OF
ENGINEERS LAKE ELEVATION = 1228.31 ON 12-20-2017

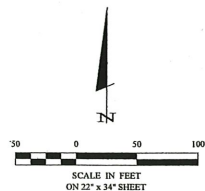
LEGAL DESCRIPTION PER DOCUMENT NUMBER A-878109
That part of Government Lot 6, Section 8, Township 137, Range 27, lying Westerly of the centerline of CSAH 66 and Easterly of the centerline of CSAH 16, EXCEPT any part thereof lying within the legal description as set out in Court Judgment recorded in Document No. 521320.

IMPERVIOUS CALCULATIONS

EXISTING	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Buildings	5,031	142,047	4.2%
Flagstone, Concrete & Pavers	2,594	142,047	1.8%
Bituminous	37,871	142,047	26.7%
Total	45,496	142,047	32.7%

NOTES:

- Contour interval as shown = 2 foot. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on 12-20-2017.
- Zoning for subject tract = "Waterfront Commercial".
- Property is in "Zone C" and "Zone A" as per the FIRI, Flood Insurance Rate Map. "Zone A" definition: Areas of 100-year flood base elevations and flood hazard factors not determined. "Zone C" definition: Areas of minimal flooding.
- Parcel ID of subject parcel: 120081406M00009 & 120081406L00009.
- The property address of subject parcel: 37627 County Road 66.
- Approximate location of septic system per sketch prepared by Martin Joyce, Martin Joyce Septic Service, LLC.
- Location work was completed 12-20-2017. At the time there was a snow depth of 6" which survey crew collected topographic data. Therefore, some physical features covered by snow may not have been identified. Only visible topographic features, improvements, and utilities were located. Site verification in spring when the snow cover is gone is recommended.

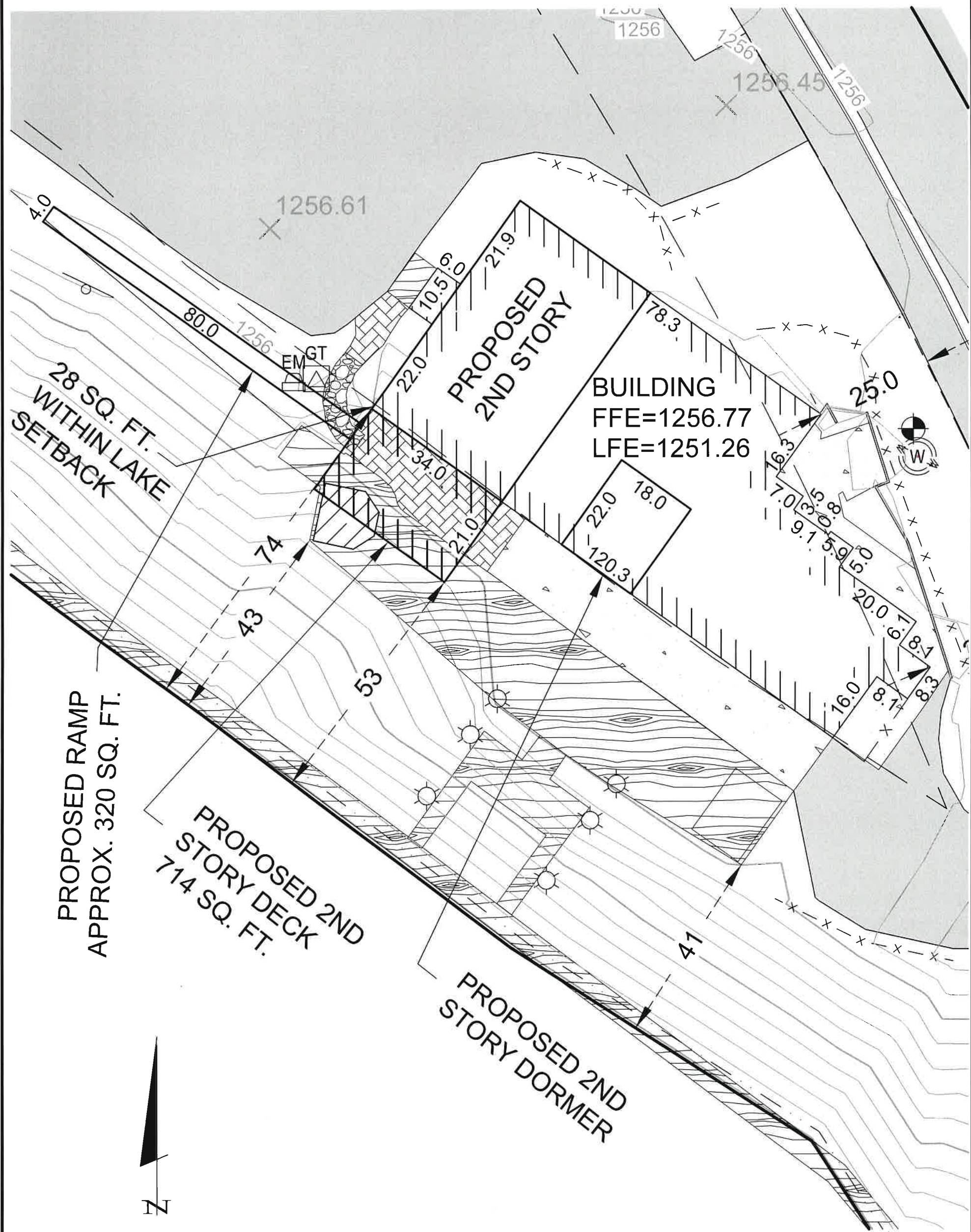


1 1	CERTIFICATE OF SURVEY Richard Elde P.O. Box 257 Crosslake, MN 56442	PROJECT MANAGER: CMH	PROJECT NO.: 17481-1	DATE: 1-8-2021	REVISIONS DESCRIPTION BY DATE	I HEREBY CERTIFY THAT THIS SURVEY PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA. CRISTIAN M. FREDE, PLS 8481 DATE: 1-8-2021 LIC. NO. 44881
		CHECKED BY: CMH	FILE NAME: C17481-1.dwg	SCALE: HORIZ. 1"=50'		



30206 Rasmussen Road
Suite 1
P.O. Box 874
Pequot Lakes, MN 56472
218-568-0940
www.stonemarksurvey.com

EXHIBIT



Project Number: 17481-1
Date: 1-8-2021
Rev. Date: 1-20-2021



30206 Rasmussen Road
Suite 1
P. O. Box 874
Pequot Lakes, MN 56472
218-568-4940
www.stonemarksurvey.com



Moonlite Bay
PO Box 257
Crosslake, MN 56442
richard@MoonliteBay.com
218-692-3575

Moonlite Bay has a 66 slips on the water for boat parking. With my understanding of the 2 to 1 ratio, that should give us credit for 33 parking spaces. Between those and the proposed plan to restripe our parking lot for the 90 spaces we would then have a total of 123 parking spaces available.

We also have written agreements with both Dan and Deb Miller, slightly north of Moonlite Bay on CR 66, and Simonson's Lumber, directly across the street.

Moonlite Bay Parking Plan

1/14/2021

1 spot required per 2.5 restaurant seats

1 spot required per 2 bar seats

101-150 parking spots requires = 5 Handicapped Spots

66 Dock Spaces = 33 parking Spots

Existing Restaurant Seating	<u>96</u>
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Proposed New Restaurant Seats	<u>60</u>
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TOTAL	<u>156</u>
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Total 156 / 2.5 = 62.4 parking spots

Existing Bar Seating	<u>24</u>
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Proposed New Bar Seats	<u>14</u>
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TOTAL	<u>38</u>
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Total 38 / 2 = 19 parking Spots

Total Parking Spaces Required 82

Existing Parking Spaces (Parking Lot)	<u>90</u>
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Existing Boat Parking (66/2 = 33)	<u>33</u>
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Total Existing Parking 123

8458 1814 Street NW, Phone (202) 442-1814
 8181-2028 (202) 442-1818
 St. Cloud, MN 56301

SECOND FLOOR PLAN

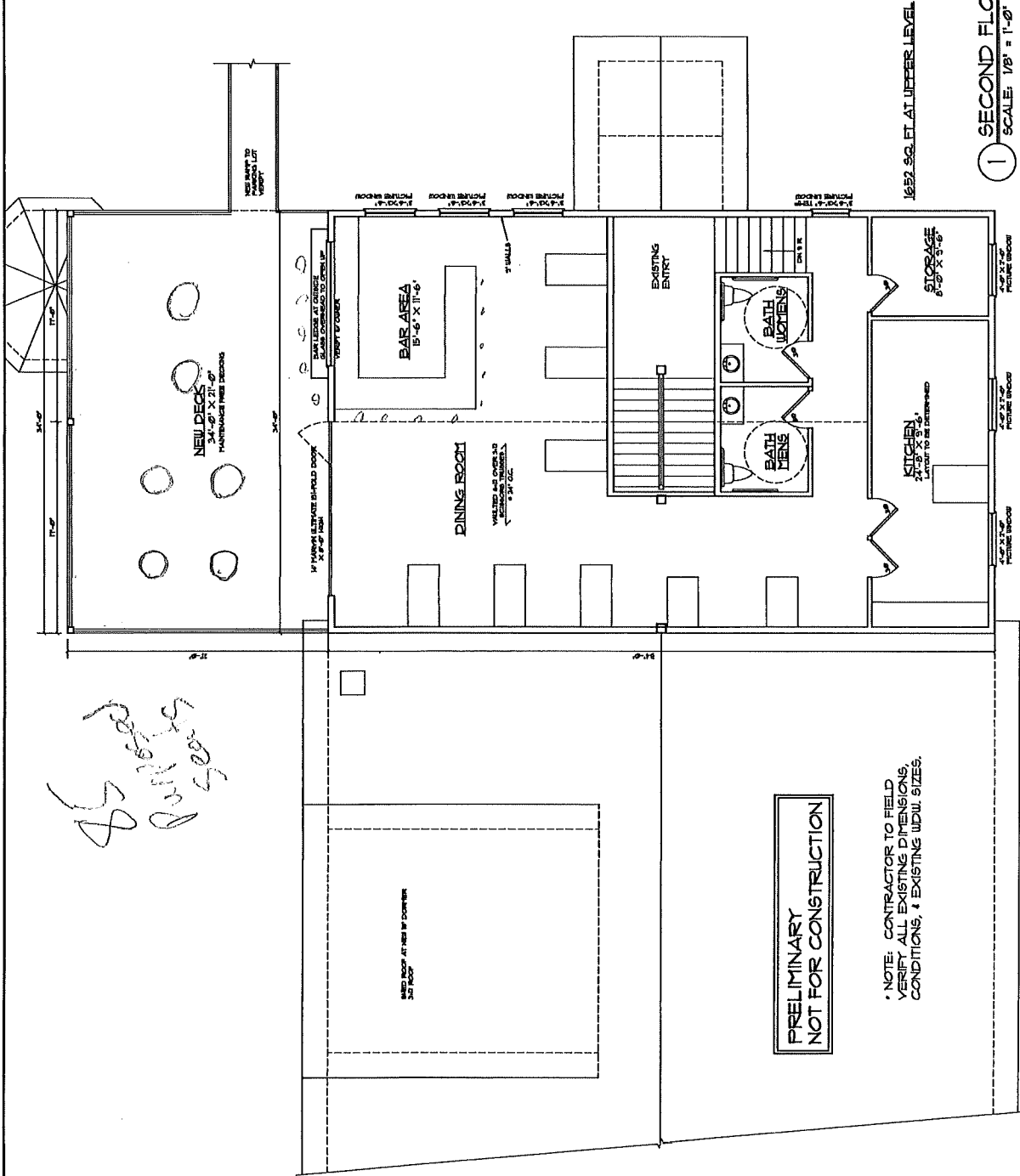
[illegible]

A-3

60 new
Restaurant

14 new
Bar

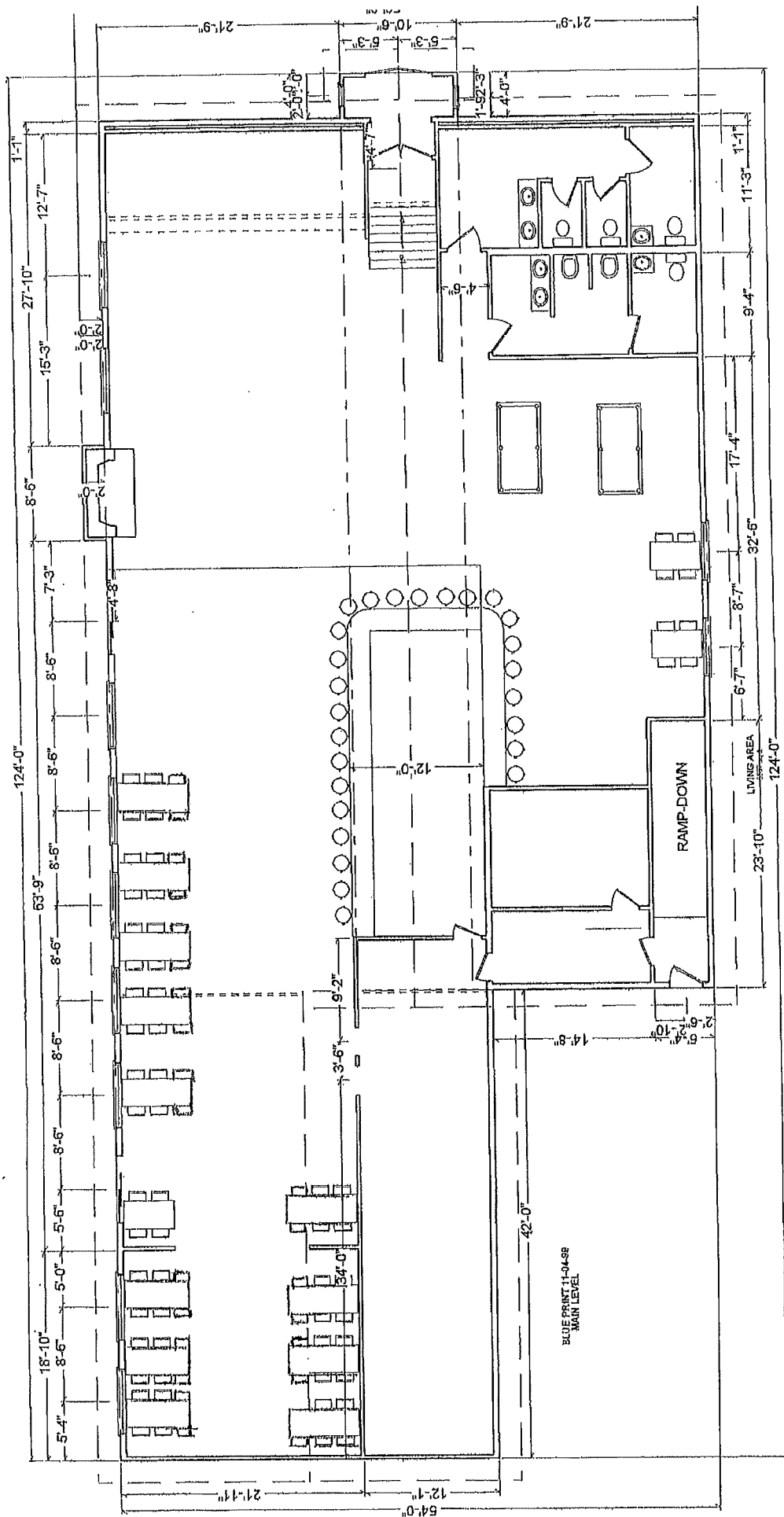
1 SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

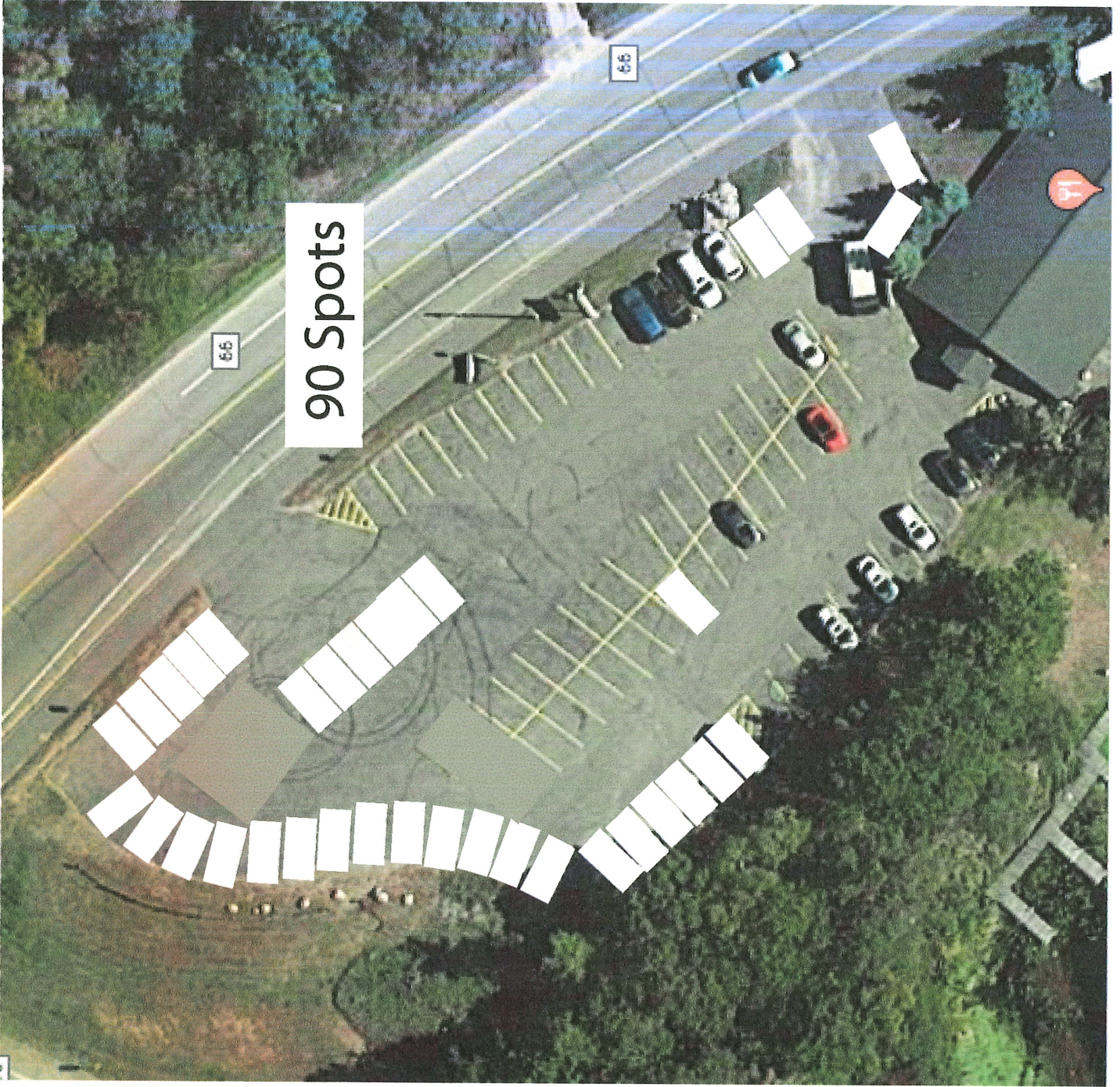


PRELIMINARY
NOT FOR CONSTRUCTION

• NOTE: CONTRACTOR TO FIELD
VERIFY ALL EXISTING DIMENSIONS,
CONDITIONS, & EXISTING WDW. SIZES.

Existing Main Restaurant
96 Restaurant Seats
24 Bar Seats.





• NOTE: CONTRACTOR TO FIELD
VERIFY ALL EXISTING DIMENSIONS,
CONDITIONS, & EXISTING WDW. SIZES.

THE DESIGN TEAM
Home Design Specialists

Phone: (320) 252-1517 Fax: (320) 252-1518

MOON LITE BAY
ADDITION
CROSSLAKE, MN
SECTION 5

SECTIONS

JOB NUMBER	247200001
FILE NUMBER	2472000120
DATES	07/19/80
REVISED	1/4/2021
REVISIONS	
REVISIONS	
REVISIONS	
REVISIONS	
SECTION 5	A-4
COPYRIGHT 1986-CRISTAL	

SECTION 9



Variance Application
Planning and Zoning Department
37028 County Rd 66, Crosslake, MN 56442
218.692.2689 (Phone) 218.692.2687 (Fax) www.cityofcrosslake.org

Receipt Number: 909611

Permit Number: 210004✓

Property Owner(s): Moonlite Bay / AHH Corp

Mailing Address: 37627 C.R. 66 Crosslake, MN 56442

Site Address: P.O. Box 257 Crosslake, MN 56442

Phone Number: 612-598-5354

E-Mail Address: Richard@MoonliteBay.com

Parcel Number(s): 14080623 14080624

Legal Description: All that Part of ... Lot 6...

Sec 8 Twp 137 Rge 26 ☐ 27 ☒ 28 ☐

Lake/River Name: Cross Lake

Do you own land adjacent to this parcel(s)? ☐ Yes ☒ No

If yes list Parcel Number(s) _____

Authorized Agent: Dan Miller / Miller Const.

Agent Address: PO Box 1080 / 1369 Miller@Gmail.com

Agent Phone Number: 218-820-4828

Signature of Property Owner(s) [Signature] Date 1-11-21

Signature of Authorized Agent(s) [Signature] Date 1-11-21

- All applications must be accompanied by a signed Certificate of Survey
- Fee \$500 for Residential and Commercial Payable to "City of Crosslake"
- No decisions were made on an applicant's request at the DRT meeting. Submittal of an application after DRT does not constitute approval. Approval or denial of applications is determined by the Planning Commission/Board of Adjustment at a public meeting as per Minnesota Statute 462 and the City of Crosslake Land Use Ordinance.

For Office Use:
Application accepted by [Signature] Date 1/11/2021 Land Use District WC

Lake Class GD Septic: Compliance 12/10/2020 SSTS Design _____ Installation _____

Variations

(Check applicable requests)

- ☒ Lake/River Setback
- ☐ Road Right-of-Way Setback
- ☒ Bluff Setback
- ☒ Side Yard Setback
- ☐ Wetland Setback
- ☐ Septic Tank Setback
- ☐ Septic Drainfield Setback
- ☐ Impervious Coverage
- ☐ Accessory Structure
- ☐ Building Height
- ☐ Patio Size
- ☐ _____
- ☐ _____



Moonlite Bay
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Crosslake, MN 56442
richard@MoonliteBay.com
218-692-3575

Practical Difficulty Statement Answers

- 3) Yes, We are purposing to construct a deck over an area that is already a concrete patio but inside of the 75' setback from the lake.
- 4) Yes the architecture of the addition will improve the customers safety, handicap accessibility and the cosmetic appeal of the building.
- 5) Yes, Although we have a considerable amount of land much of it is unusable because of the narrow areas between the roadway and the lakes.
- 6) Yes, The newly expanded deck will give us additional seating that is covered and shaded from the sun and will improve handicap accessibility from the main parking lot.



City of Crosslake Planning Commission/Board of Adjustment

FINDINGS OF FACT

SUPPORTING / DENYING A VARIANCE REQUEST

A Variance may be granted by the Planning Commission/Board of Adjustment when it is found that strict enforcement of the Land Use Ordinance will result in a “practical difficulty” according to Minnesota Statute Chapter 462. The Planning Commission/Board of Adjustment should weigh each of the following questions to determine if the applicant has established that there are “practical difficulties” in complying with regulations and standards set forth in the Land Use Ordinance.

1. Is the Variance request in harmony with the purposes and intent of the Ordinance?

Yes No

Why:

2. Is the Variance consistent with the Comprehensive Plan?

Yes No

Why:

3. Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?

Yes No

Why:

4. Will the issuance of a Variance maintain the essential character of the locality?

Yes No

Why:

5. Is the need for a Variance due to circumstances unique to the property and not created by the property owner?

Yes No

Why?

6. Does the need for a Variance involve more than economic considerations?

Yes No

Why: