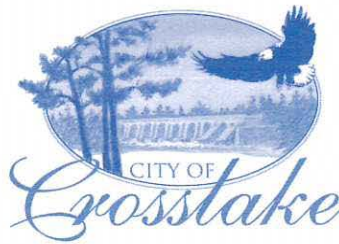


City Hall: 218-692-2688
Planning & Zoning: 218-692-2689
Fax: 218-692-2687



37028 County Road 66
Crosslake, Minnesota 56442
www.cityofcrosslake.org

CITY OF CROSSLAKE

PLANNING COMMISSION/BOARD OF ADJUSTMENT

October 22, 2021

9:00 A.M.

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

PUBLIC HEARING NOTICE

Applicant: P&F Capital LLC

Authorized Agent: N/A

Site Location: 33816 County Rd 3, Crosslake, MN 56442

Request a Conditional Use Permit:

- Residential dwelling
- Event Center

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: P&F Capital LLC

Parcel Number(s): 14330660

Application Submitted: September 2, 2021

Action Deadline: October 31, 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: N/A

Request:

Conditional Use Permit for residential dwelling and event center use

Current Zoning:

Limited Commercial

Adjacent Land Use/Zoning:

North – Limited Commercial

South – Limited Commercial

East – Limited Commercial

West – Limited Commercial

Development Review Team Minutes held on 8-10-21:

- Property is located at 33816 County Road 3
- The applicant is proposing to add house type living space within an existing commercial building
- Reface existing sign-No charge, but add it to the commercial change of use permit
- Meet all parking requirements per Article 26
- Parks & Rec fee may be enforced for the residential living proposed
- Impervious maximum of 50%
- The parcel is located within a plat and/or an organization that may have restrictions, you would need to verify those restrictions and clarify that your request is approved by the organization or allowed in the plat
- Design and implement a stormwater management plan (gutters, berm & rain gardens) or update any existing plan, which is required with all variance applications per Article 8, section 26-222, (2), 1). When a wetland is being used the stormwater must be filtered to drinking standards before it can flow into any wetland; original design was to drain to the county ditch
- A septic compliance inspection is on file dated 7-20-2021; owner stated he was told it accommodated a 6 bedroom structure

- Wetland Delineation is a requirement for a variance or a no wetland statement/letter
- Discussion on application requirements, procedure, schedule, fee and the requirements/need for a complete application packet by 4:30 PM of the deadline date; payment policy; notification methods; variances are limited to 2 years with substantial completion

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 7, Sec. 26-185 of the City Land Use Ordinance
2. Grade and Elevation illustration, along with the Cut and fill calculations if applicable
3. Wetland delineation or a no wetland statement/letter
4. A septic design if project requires or a compliance inspection
5. A complete Conditional Use Permit (CUP) application with the \$500.00 public hearing fee

Parcel History:

- Eugene Gendreau Addition Plat established in 1974
- June 1997 – move a building; 40x24 basement; new septic
- March 1999 – Upgrade septic
- April 2001 – 391.79 sf deck/patio; 553.6 sf building addition; 36 sf building addition
- May 2001 – Conditional Use Permit approved to allow expansion and operation of a commercial use
- November 2007 – Demolish sections of existing building; construct 6.5x16 entry porch; 892 sf commercial addition; land alteration for accessible ramp; retaining wall; stormwater retention pond
- November 2007 – Replace existing nonconforming sign face and add decorative structural wood facing to existing supports; replace if necessary; alter sign lighting to downlit; 20 sf wall placard
- August 2008 – Retaining walls; a water feature; stream bridge; flagstone paths, outdoor kitchen patio (conditional)
- August 2009 – Walkway; placement of 96 sf shed
- July 20, 2021 – Complaint compliance inspection dated 7-20-21; appears to be sized for +6 bedrooms

City Ordinance:

Residential dwelling and event center – Allowed in Limited Commercial zoning with an approved conditional use permit (Article 10, Sec. 26-281)

Agencies Notified and Responses Received:

County Highway Dept: No comments were received as of 10-11-2021

DNR: No comments were received as of 10-11-2021

City Engineer: N/A

City Attorney: N/A

Lake Association: No comments were received as of 10-11-2021

Township: N/A

Crosslake Public Works: No comments were received as of 10-11-2021

Crosslake Park, Recreation & Library: N/A

Concerned Parties: No comments were received as of 10-11-2021

POSSIBLE MOTION:

To approve/table/deny the Conditional Use Permit residential dwelling and event center use involving approximately 1.2 acres located at 33816 County Road 3, Sec 33, City of Crosslake

POSSIBLE CONDITIONS:

1. Limit hours of usage/operation for outside activities
2. Written rules to be followed and enforced by the property owner
3. Compliance inspection every 3 years submitted to the City of Crosslake
4. No activity that would compact the septic system drainfield area; such as, but not limited to, no tents/band-DJ equipment/dance floor-dance area/vehicles of any kind/catering equipment/inflatable bounce equipment



COUNTY STATE AID HIGHWAY NUMBER 3

CERTIFICATE OF SURVEY

LOT 3, BLOCK ONE, EUGENE GENDREAU ADDITION,
SECTION 33, TOWNSHIP 137 NORTH, RANGE 27 WEST,
CROW WING COUNTY, MINNESOTA



NOTES:

1. Contour interval as shown = 2 foot. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on 8-10-2021.
2. Zoning for subject tract = "Limited Commercial".
3. There are no bluffs within surveyed property.
4. No wetlands were found on 8-14-2021 at the site per Ben Meister, Meister Environmental, LLC.
5. Parcel ID of subject parcel: 14330660.
6. The E911 address of subject parcel: 33816 County Road 3.
7. Approximate location of septic system per sketch prepared by Martin Joyce, Martin Joyce Septic Service, LLC.

LEGAL DESCRIPTION PER DOCUMENT NUMBER A-875185

Lot 3, Block 1, Eugene Gendreau Addition.

together with all hereditaments and appurtenances belonging thereto.

LEGEND

- DENOTES EXISTING RETAINING WALL.
- DENOTES EDGE OF EXISTING BUILDINGS.
- DENOTES EDGE OF EXISTING FLAGSTONE.
- DENOTES EDGE OF EXISTING PAVING STONES.
- DENOTES EDGE OF EXISTING WOODEN DECKING.
- DENOTES EXISTING INTERMEDIATE CONTOURS.
- DENOTES EXISTING INDEX CONTOURS.
- DENOTES SPOT ELEVATION (EXISTING GRADE).
- DENOTES EXISTING MOUNTED LIGHT.
- DENOTES EXISTING UTILITY POLE.
- DENOTES EXISTING ELECTRIC METER.
- DENOTES EXISTING GROUND TRANSFORMER.
- DENOTES EXISTING PHONE PEDestal & PHONE BOX.
- DENOTES EXISTING WELL.
- DENOTES EXISTING SEPTIC TANK, SEPTIC CLEANOUT, & SEPTIC TANK LID.
- DENOTES MONUMENT FOUND.
- DENOTES PLAT AND/OR DEEDED MEASURE.
- DENOTES MONUMENT FOUND.

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THERECORDED PLAN OF EUGENE GENDREAU ADDITION.

IMPERVIOUS CALCULATIONS			
EXISTING	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Building & Overhang	2,765	51,574	5.4%
Bridge	88	51,574	0.2%
Flagstone & Pavers	2,241	51,574	4.3%
Blumious	13,634	51,574	28.4%
Total	18,728	51,574	36.3%

RUN OFF CALCULATIONS			
Total Impervious Surface Area	18,728 sq. ft.	X	0.0833 ft. = 1,560 cu. ft. (from table above)

RUN OFF AREA #1
TOP SURFACE AREA = 1,388 SQ. FT.
BOTTOM SURFACE AREA = 1,016 SQ. FT.
1' DEEP WITH 3:1 SIDE SLOPES
TOTAL RUN OFF STORAGE PROPOSED = 1,202 CU. FT.

RUN OFF AREA #2
TOP SURFACE AREA = 491 SQ. FT.
BOTTOM SURFACE AREA = 271 SQ. FT.
1' DEEP WITH 3:1 SIDE SLOPES
TOTAL RUN OFF STORAGE PROPOSED = 381 CU. FT.

TOTAL RUN OFF AREA = 1,583 CU. FT.

PROJECT MANAGER: CMH CHECKED BY: CMH DRAWN BY: RJF	PROJECT No.: 21242 FILE NAME: C21242.dwg FIELD BOOK: BOOK 464 PG. 56	DATE: 8-30-2021 SCALE: HORIZ. 1"=20' VERT. NONE	REVISIONS		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. Cynthia M. Hilde CYNTHIA M. HILDE PLS#44881 DATE: 8/30/2021 LIC. NO. 44881	30206 Rasmussen Road Suite 1 P. O. Box 874 Pequot Lakes, MN 56472 218-568-4940 www.stonemarksurvey.com
			DATE	DESCRIPTION		

Lot 3 Block One Eugene Gendreau Addition Conditional Use request.

This building has been modified for several uses over its lifespan. It was once a quaint little sandwich shop and memorably a Famous Dave's restaurant. During that timeframe in its current location it had always had an apartment in the upper level of the building. I renovated the building in around 2009 and turned it into an office building that served my design staff well for 11+ years.

With the onset of a new work from home movement the building has been a sea of empty desks and is begging to be re-purposed again. The building can easily be converted to living space and the grounds converted for some small event gathering space. In my time owning the building the property has been the backdrop to countless wedding and graduation photos and has hosted dozens of what we called patio parties.

Formal request

- 1) Allow living quarters in a commercial district sized for a 6 bedroom septic.
- 2) Allow short term rental of said living quarters.
- 3) Allow small outdoor event gatherings.
 - a. Due to the fact that there is no use classification for event usage at this time I am asking for it to be noted in the CUP language that the event use is allowed so I don't have to come back for an additional CUP after the Use classification is identified in the upcoming months.
- 4) Maintain private access office at rear of building.
- 5) Signage will remain the same size and structure but plaque will change to a dual purpose for the living quarters name and office use name.

Respectfully,



Dan Whirley







Conditional/Interim Use Permit Application

Planning and Zoning Department

13888 Daggett Bay Rd, Crosslake, MN 56442

218.692.2689 (Phone) 218.692.2687 (Fax) www.cityofcrosslake.org

969588 + \$29 in fees

Receipt Number: 969575 Void Permit Number: 210199C

Property Owner(s): P&F Capital / Dan Whirley LLC

Mailing Address: 33816 Co rd 3, Crosslake MN 56442

Site Address: 33816 Co rd 3, Crosslake MN 56442

Phone Number: 218-831-0088

E-Mail Address: Dan@liv4arch.com

Parcel Number(s): 14330660

Legal Description: Lot3, Block one, Eugene Gendreau Adtn.

Sec 33 Twp 137 Rge 26 ☐ 27 ☒ 28 ☐

Land Involved: Width: 225 Length: 230 Acres: 1.2

Lake/River Name: N/A

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

If yes, list Parcel Number(s) 14330658, 14330659

Authorized Agent: n/a

Agent Address: n/a

Agent Phone Number: n/a

Signature of Property Owner(s) [Signature]

Date 9-1-21

Signature of Authorized Agent(s) _____

Date _____

- All applications must be accompanied by a site plan
- 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 CS Date 9-2-2021 Land Use District LC Lake Class n/a

Septic: Compliance 7-20-2021 SSTS Design n/a Installation 4-23-2001

(Check applicable requests)

☐ **Residential & Related Uses:**

Specify

- ☐ Shoreland District
- ☐ Rural Residential District (5 A Min.)
- ☐ Sensitive Shoreland District
- ☐ Limited Commercial District
- ☐ Downtown Commercial District
- ☐ Waterfront Commercial District
- ☐ Commercial/Light Industrial District

☐ **Recreational Uses:**

Specify

- ☐ Shoreland District
- ☐ Rural Residential District (5 A Min.)
- ☐ Limited Commercial District
- ☐ Waterfront Commercial District
- ☐ Commercial/Light Industrial District

☐ **Civic, Edu & Institutional Uses:**

Specify

- ☐ Shoreland District
- ☐ Rural Residential District (5 A Min.)
- ☐ Limited Commercial District
- ☐ Waterfront Commercial District
- ☐ Commercial/Light Industrial District

☐ **Commercial & Industrial Uses:**

Specify

- ☐ Add Living Space. See attached Event Center
- ☐ Shoreland District
- ☐ Rural Residential District (5 A Min.)
- ☐ Sensitive Shoreland District
- ☒ Limited Commercial District
- ☐ Downtown Commercial District
- ☐ Waterfront Commercial District
- ☐ Commercial/Light Industrial District

City of Crosslake Planning Commission/Board of Adjustment

Conditional Use Permit Application

Findings of Fact

Supporting/Denying a Conditional Use Permit Request

Findings shall be made in either recommending approval or denial of a Conditional Use Permit application, and should reference Chapter 26, Article 7 of the City of Crosslake Ordinance. The following questions are to be considered, but are not limited to:

- (1) Will the proposed use impact the health, safety, and general welfare of the occupants in the surrounding neighborhood?

YES ☐ NO ☒

Why? Change in use is to a lesser impact use than currently allowed

- (2) Does the proposed use meet the standards of this Chapter?

YES ☒ NO ☐

Why?

- (3) Will the proposed use meet goals and policies adopted within the Crosslake Comprehensive Plan?

YES ☒ NO ☐

Why? Building quality housing for families of all life stages and income levels is an integral part of a smart growth approach. Housing constitutes a significant share of new construction and development in any city, but its economic importance is sometimes overlooked. Adding housing in commercial districts can breathe new life into these neighborhoods

- (4) Will the proposed use adversely affect property values and future development of the land in the surrounding neighborhood?

YES ☐ NO ☒

Why? Land and improvements are not changing. it is only changing in Use.

- (5) Will the proposed negatively impact public utility, public services, roads and schools?

YES ☐ NO ☒

Why? Less Load on all utilities, services, roads and schools.

- (6) Will the proposed use impact the environment adversely, considering its impact on groundwater, surface water and air quality?

YES ☐ NO ☒

Why? Changing to a lesser use

- (7) Are the water supply, public sewer or subsurface sewage treatment system facilities, erosion control and stormwater management provided for pursuant to applicable standards of the Ordinance?

YES ☒ NO ☐

Why?

Stormwater management in place &
septic is compliant

City of Crosslake Planning Commission/Board of Adjustment

Conditional Use Permit Application

Findings of Fact

Supporting/Denying a Conditional Use Permit Request

Findings shall be made in either recommending approval or denial of a Conditional Use Permit application, and should reference Chapter 26, Article 7 of the City of Crosslake Ordinance. The following questions are to be considered, but are not limited to:

- (1) Will the proposed use impact the health, safety, and general welfare of the occupants in the surrounding neighborhood?

YES ☐ NO ☐

Why?

- (2) Does the proposed use meet the standards of this Chapter?

YES ☐ NO ☐

Why?

- (3) Will the proposed use meet goals and policies adopted within the Crosslake Comprehensive Plan?

YES ☐ NO ☐

Why?

- (4) Will the proposed use adversely affect property values and future development of the land in the surrounding neighborhood?

YES ☐ NO ☐

Why?

- (5) Will the proposed negatively impact public utility, public services, roads and schools?

YES ☐ NO ☐

Why?

(6) Will the proposed use impact the environment adversely, considering its impact on groundwater, surface water and air quality?

YES ☐ NO ☐

Why?

(7) Are the water supply, public sewer or subsurface sewage treatment system facilities, erosion control and stormwater management provided for pursuant to applicable standards of the Ordinance?

YES ☐ NO ☐

Why?