

AGENDA
CITY OF CROSBY PLANNING AND ZONING COMMISSION

City Hall Council Chambers
February 20, 2024, at 6:00 PM

1. Call to Order
2. Roll Call
3. Appoint Chair and Vice Chair
4. Additions or Deletions to Agenda
5. Open Forum
6. Approval of Minutes
 - A. October 16, 2023, Regular Meeting
7. New Business
 - A. 2024 Planning Commission Regular Meeting Dates
8. Public Hearing(s)
 - A. Variance Permit Application 24-1 to consider allowing a deviation from the lot width requirements. The subject property is located at 11 2nd St SW (PID 11120742 and 11120743). Owner: Mark and Heather Layton Applicant: Mark Layton
9. Old Business
10. Staff Report/Upcoming Applications
11. Commissioner's Questions/Comments
12. Adjourn

This agenda is not exclusive and other business may be discussed as deemed necessary

For those requiring special assistance, please contact Crosby City Hall at (218) 546-5021

application. She does understand housing is hard for people to find right now. Petersen included that it is difficult for people to find housing in Crosby, but there are houses like in Ricks neighborhood that are vacant, why are people not selling or doing something with these properties. Rick also added that so many are being bought up for Airbnb's that is not helping either, now neighborhoods are dealing with people coming in and throwing parties until 3 to 4 am and leaving their garbage everywhere. Petersen stated that Crow Wing County has taken over them, they need licenses now and there are more regulations than there used to be. Brittany intervened that they should wait to address this until it's under the actual public hearing. Brittany also wanted to add to the comment that there is multi-family housing because it is in a multi-family district.

5. Approval of Minutes

A. September 18, 2023, Regular Meeting

Amend minutes take our Smith from under item 5 and D.

MOTION BY COMMISSIONER WYNN AND SECONDED BY COMMISSIONER PETERSEN TO APPROVE THE MINUTES WITH STRIKING SMITH FROM 5 AND 7D. VOICE VOTE: THOSE VOTING AYE: COMMISSIONERS PETERSEN, WYNN, AND SMITH. THOSE VOTING NAY: NONE. MOTION CARRIED.

6. New Business

No new business

7. Public Hearing

MOTION BY COMMISSIONER PETERSEN TO OPEN THE PUBLIC HEARING AT 6:10 PM AND SECONDED BY COMMISSIONER SMITH. A ROLL CALL VOTE: ALL VOTED AYE. MOTION CARRIED.

- A. Conditional Use Permit Application 23-9 to consider allowing the change of use to multi-family housing within an existing memory care community. Owner/Applicant: Crosby Senior Services

Brittany wanted to clarify for the record that her understanding is that this will be a 16-unit multi-family. She put the condition there needs to be 32 parking spaces. There are no lines, and she couldn't quite determine if

there was or not but there is more than enough space, for the parking needs to be compliant; 2 spots per unit.

Amy Hart, CEO of CRMC, along with her is Dan Hoffard who is the Executive Director of Facilities for CRMC. Amy Hart started off by answering some questions regarding the intent of the property. The Hallett Cottages for many years served as an additional location for those that have dementia. As they are in the process of building a new care center, they will have rooms for those folks and Heartwood also has an area for those with dementia. It is better to serve these folks in the new facility under one roof than to have duplication of one service. A center like this is a single room occupancy, there is a centralized kitchen, and this was home to people throughout the years. The plan with the facility is not multi-family, it would be like the homes they currently own around CRMC, and it will be more like a dormitory style of living. These are used for students that come for several months at a time, sometimes they have short term physicians that might be only here for a week, employees that are on call, or whether conditions. There will be a signed contract for these rooms, the environmental services will be cleaning the facility, their facility team will be doing the maintenance such as lawn and snow removal. Dan Hoffard added that there will be security cameras and a security team checking on the facility.

Smith asked how many rooms they are talking about. Amy stated that there are 16 rooms that need to be updated, currently you can just walk into the room, they need locks and badge entry. Dan added when you walk in you will be in the main lodge area, there is a tv and a fireplace it is very outdoorsy. As you head to the east there will be 8 rooms with shared showers in each corridor, there is a shared restroom with a toilet and a sink. The bedroom is just a room with a closet, there is a shared kitchen. The west side is a mirrored image. They spent 3 to 4 hundred thousand dollars 4 to 5 years ago on upgrades to the interior. That was to one side, the other side and the bedrooms that would need a little upgrading.

Amy added that they shouldn't see a lot of coming and going with the folks there, and not even sure if they will ever have 16 folks there at one time. They could have 32 vehicles there but at most they will have one vehicle and maybe a bicycle per room. There will be no pets unless they're a service animal. Amy adds that the building is owned by Crosby Senior Services that is a part of CRMC, she is also the president of that one too. Petersen asked if there was currently patience there. Amy stated that the building is empty and that you may see it in the paper that they must file they are closing the unit, but there is no one in the unit. They must file with the state whenever a facility like that closes.

Marsha in the audience asked if it would also house people with families with patients at CRMC. Amy said no it would not be for families as it is not

CROSBY PLANNING & ZONING COMMISSION		STAFF REPORT Variance Application 24-1	
Originating Department: Planning and Zoning	Meeting Date: February 20, 2024		
Agenda Section: Public Hearing (A)	Item: Variance Request- to allow for a deviation from the lot width requirement		

PARCEL INFORMATION

PID: 11120742 and 11120743

Applicant Mark Layton
Property Owner Mark and Heather Layton

APPLICATION

The applicant is requesting a deviation of the lot width requirements to construct a single-family dwelling. The minimum lot width requirement is 50 feet whereas the proposed lots, once combined, would be roughly 42.5. The lots meet the minimum lot size of 5,000 sf.



BACKGROUND INFORMATION

The property is located at 11 2nd St SW (PIDs 11120743 and 11120742). There is currently an accessory structure located on the north side of the lots. The proposed single-family dwelling would meet all additional requirements including setbacks and impervious surface coverage.

R1 Single- and Two-Family Residential District

Lot Width (Single-family)	50 feet
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APPLICABLE REGULATIONS

§ 154.050 R-1 SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT.

It is the intent of the R-1 District to:

- (A) Permit the development of single-family and two-family dwellings in the community;
- (B) Provide reasonable standards for such development;
- (C) Avoid overcrowding;
- (D) Preserve the historic residential character of the existing residential neighborhoods; and
- (E) Prohibit the use of land which would be incompatible with or detrimental to the essential residential character of the district.

§ 154.296 NONCONFORMING LOTS.

- (A) Any preexisting lot for which a deed, recorded contract for deed, or other legal conveyance or plat has been recorded prior to the effective date of the ordinance from which this chapter derives shall be deemed a permissible lot without requiring a variance, provided all the setbacks can be maintained and sanitary provisions for well and sewage disposal can be maintained, and the lot is at least 50 feet in width and contains at least 5,000 square feet.
- (B) If two or more preexisting contiguous lots in total could not be divided into two or more lots meeting 80% of the requirements of this chapter for a new lot, and are held by the same owner on the effective date of this chapter, they shall be considered one lot for building and zoning purposes. The lots shall be tied together with a restriction filed with the County Recorder permanently requiring that the lots be considered as one lot only. This shall be required before a building permit is issued.
- (C) Any lot, preexisting as described in division (A) above, which has been assessed sanitary sewer and has a separate stub shall be considered a permissible lot regardless of lot width; however, no lot containing less than 5,000 square feet shall be considered permissible. Commercial sewer lots with a structure in existence on June of 1998, shall be permissible regardless of width or area.

(D) *Nonconformities in Shorelands.* Nonconformities located within the Shoreland Overlay District are subject to the provisions of M.S. § 462.357, Subd. 1e, paragraphs (d) to (j).

SECTION 154.011 VARIANCE

(4) *Variance criteria.* Variances may only be granted in accordance with M.S. § 462.357, Subd. 6(2), as it may be amended from time to time. No variance shall be granted that would allow any use that is prohibited in the land use district in which the subject property is located. In considering a variance request, the Board of Adjustment must consider whether a practical difficulty exists by considering the following factors:

- (a) Is the variance request in harmony with the purposes and intent of the land use ordinance?
- (b) Is the variance consistent with the comprehensive plan?
- (c) Is the property owner proposing to use the property in a reasonable manner not permitted by the land use ordinance?
- (d) Is the need for a variance due to circumstances unique to the property and not created by the property owner?
- (e) Will the issuance of a variance maintain the essential character of the locality?
- (f) Does the need for a variance involve more than economic considerations?

(5) *Conditions may apply.*

(a) If the variance criteria in subsection (4) above have been met, the Planning Commission/Board of Adjustment, in approving any such application, may require additional conditions and mitigating requirements to protect the public health, safety, or the environment, as may be reasonable under all circumstances concerned therewith, to be imposed as a condition for granting of the permit that shall fulfill the purposes of this chapter. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. Such conditions may include, but are not limited to, the following:

1. Mitigation actions to off-set environmental consequences of variance approval;
2. Increased setbacks from the ordinary high water level;
3. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted;

4. Special provisions for the location, design, size and use of allowed structures, sewage treatment systems, and vehicle parking areas; and
5. Performance security.

(6) *Variance decision.* After reviewing the application, considering all pertinent facts, and hearing testimony at the public hearing, the Planning Commission/Board of Adjustment may approve, deny, or modify the variance request. The Planning Commission/Board of Adjustment shall prepare written findings of fact to support its decision. A copy of the decision and findings of fact shall be forwarded to the applicant via U.S. mail. If the variance is approved, the Zoning Administrator shall cause a copy of the variance to be recorded with the land records for the subject property in the Office of the County Recorder. A copy of the final decision granting a variance within a shoreland area shall be sent to the Commissioner of the Department of Natural Resources within ten days of final action.

COMPREHENSIVE PLAN

The basic lifestyle and housing tastes of the general population will slowly change including acceptance of higher density of living; social attitudes regarding family size, increased diversity, consumption of goods and energy and pollution control will continue to change to reflect an awareness of and a concern for the natural environment.

Staff has put together proposed findings supporting this request. The Planning Commission may modify these proposed findings and conditions as they see best.

PROPOSED STAFF FINDINGS OF FACT

1. The property owners are Mark and Heather Layton.
2. The subject property is located at 11 2nd St SW, Crosby, MN, PIDs 11120742 and 11120743.
3. The subject property is zoned R1 Single- and Two-Family Residential District.
4. The lots, once combined, meet the minimum lot size of 5,000 sf.
5. All setbacks and impervious surface coverage requirements will be met.
6. The variance request is to:
 - a. Allow for a deviation of the lot width requirements for the placement of a single-family dwelling.
7. Is the variance request in harmony with the purposes and intent of the land use ordinance?
8. Is the variance consistent with the comprehensive plan?
9. Is the property owner proposing to use the property in a reasonable manner not permitted by the land use ordinance?
10. Is the need for a variance due to circumstances unique to the property and not created by the property owner that are not solely economic considerations?
11. Will the issuance of a variance maintain the essential character of the locality?

Conditions:

1. Prior to the issuance of a building permit both lots are to be combined through the Crow Wing County Land Services Department.
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Planning Commission/Board of Adjustment Direction: The Planning Commission/Board of Adjustment can approve the variance request, modify the variance request, deny the variance request, or table the request if additional information is needed. If the motion is for approval or denial, findings of fact should be cited.

**CITY OF CROSBY
PLANNING COMMISSION
NOTICE OF PUBLIC HEARING
FEBRUARY 20, 2024, @ 6:00 P.M.
AT CROSBY CITY HALL (2 2nd St SW, Crosby, MN 56441)**

TO WHOM IT MAY CONCERN:

The following will be the subject of a public hearing on Tuesday, February 20, 2024, beginning at 6:00 P.M.

Hearing: Variance Application 24-1 to allow for a deviation from the lot width requirements

Property Owner: Mark and Heather Layton

Applicant: Mark Layton

Property Description: The subject property is located at 11 2nd St SW (PID 11120742 and 11120743).

A map identifying the subject property is included below. The legal description of the subject property is on the reverse side of this notice.

Purpose: The proposed request would allow for a deviation from the lot width requirement to allow for the construction of a single-family dwelling.

Property Owners Please Note: Please share this information with your neighbors in the event that any property owner has been overlooked or is not contained in our records.

All interested persons are encouraged to attend the meeting at the City Hall (2 2nd St SW, Crosby, MN 56441) and be heard or send written email comments to the Community Development Administrator: planning@cityofcrosby.com. Comments can also be mailed to Crosby City Hall at 2 2nd Street SW, Crosby, MN 56441, ATTN: Zoning Administrator.

The staff report regarding the request will be available at City Hall approximately one week before the meeting. The packet can be found on the city's website, www.CityofCrosby.com, under the Government tab, Planning & Zoning, Planning & Zoning Packets. All questions can be directed to Brittney Cotner, contracted Community Development Administrator for the City of Crosby.



CITY OF CROSBY
Brittney Cotner
Contracted Community
Development Administrator
(218) 866-0904
planning@cityofcrosby.com

Legal Descriptions:

PID 11120743- TOWN OF CROSBY LOT 13
BLOCK 3

PID 11120742- TOWN OF CROSBY LOT 14
BLK 3 EX E 7 1/2 FT.

3 CHEERS PROPERTY MANAGEMENT LLC
15115 EDGEWOOD DR
BAXTER MN 56425

GAVIGLIO, MARY T & TERRY L
8 1ST ST SW
CROSBY MN 56441

LABORDE, JOSEPH W & LORI J
14 FIRST ST SW
CROSBY, MN 56441

30 WEST MAIN LLC
21940 MINNETONKA BLVD
GREENWOOD MN 55331

GULL'S NEST, LLC
C/O PAULA TRAYLOR
118 2ND ST SE
CROSBY, MN 56441

LARSEN, TIMOTHY J & JILL K
24 1ST ST SW
CROSBY, MN 56441

ANDERSON, DUANE L & BARBARA K
14 SE 2ND ST
CROSBY MN 56441

HATCHER, SHANE E & JENNIE R
17 SW 2ND ST
CROSBY, MN 56441

LAYTON, HEATHER AND MARK
11 2ND ST SW
CROSBY MN 56441

BACKLUND, MARK & KRISTIN L
4333 ARTHUR ST NE
COLUMBIA HEIGHTS, MN 55421

HAUKOS, BILLY J & ARLENE
19103 COUNTY ROAD 102
IRONTON MN 56455

LEONARD, JAMES A & CONNIE R
31 2ND ST SW
CROSBY MN 56441

BERG, SCOTT (UND INT) &
117 2ND ST NW
CROSBY MN 56441

HOLMVIG, BRADLEY J & JANE A
PO BOX 37
CROSBY MN 56441-0037

LEONARD, JAMES A & CONNIE R
31 2ND ST SW
CROSBY, MN 56441

CITY OF CROSBY
CITY HALL
2 2ND ST SW
CROSBY, MN 56441

HORST FAMILY REAL ESTATE TRUST, THE
16051 NOKAY LAKE RD
BRAINERD MN 56401

LEVASSEUR ESTATE LLC
12915 PLEASANT AVE
LINDSTROM MN 55045

FERRARI, KAREN
15 2ND ST SE
CROSBY, MN 56441

INGERSOLL, BRADLEY J &
23650 FOREST RD
DEERWOOD MN 56444

LIFESPING CHURCH
30 HALLETT AVE SE
CROSBY, MN 56441

FERRARI, RICK J & MARY M
9 2ND STR SE
CROSBY MN 56441

IRVINE, LEE Z
PO BOX 326
CROSBY MN 56441

LUNDGREN, KEITH R & GLEE
215 CROSS AVE
CROSBY, MN 56441

FISHER, GERALD A & MAXINE J
16 - 1ST ST SE
CROSBY, MN 56441

JOHNSON, AARON & TOMI
15 2ND ST SW
CROSBY MN 56441

PORTLAND ESTATES LLC
900 SANDHURST DR W
ROSEVILLE MN 55113

FOWLER, DAVID F & MARGARET P
PO BOX 261
CROSBY, MN 56441

KASTANAS, ANNA
212 SPRING VALLEY WAY
ROUND LAKE IL 60073

STEWART, PETER J
1 2ND ST SE
CROSBY MN 56441

TRAYLOR, PAULA
118 2ND ST SE
CROSBY, MN 56441

TRAYLOR, PAULA K & JAMES D
118 SECOND ST SE
CROSBY MN 56441

APP #	
Date	1-19-24
Fee	300.00 pd
(for office use only)	
Ch #	1032

City of Crosby
VARIANCE APPLICATION

Name of Applicant Mark Layton Phone (612) 462-3302

Property Address (E911#) _____ Local Phone _____

Mailing Address 11 2nd St SW Email layton.mark@gmail.com
(if different than above)

City, State, Zip Crosby, MN 56441

Applicant is: _____ Title Holder of Property (if other than applicant)

Legal Owner	<input checked="" type="checkbox"/>	_____
Contract Buyer	<input type="checkbox"/>	(Name)
Option Holder	<input type="checkbox"/>	_____
Agent	<input type="checkbox"/>	(Address)
Other	_____	_____
		(City, State, Zip)

Signature of Owner, authorizing application (required) Mark C. Layton
(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): _____
(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Property ID # (8 digit # on Tax Statement) 11120742

Zoning District R-1

What are you proposing for the property? State nature of request in detail: I would like to join lots 11120742 and 11120743 in order to build a small home. When combined, the width of the lot would be 42.5 feet which is less than the required 50 feet.

What changes (if any) are you proposing to make to this site?

Building: Adding a small home

Landscaping: _____

Parking/Signs: _____

The applicant should be prepared at the public hearing to explain the practical difficulty in complying with the ordinance for the proposed variance. Practical Difficulties is described as: The property owner proposed to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include but are not limited to, inadequate access to direct sunlight for solar energy systems. Please complete all of the following questions:

(1) What are the practical difficulties, or unique circumstances of the parcel size, shape, topography or other characteristics that make strict interpretation of the Ordinance impractical?

Lot 11120742 is 17.5 feet wide - not 25 feet.

(2) Are the conditions upon which the petition for a variation based unique to the parcel of land for which the variance is sought? If so, were the conditions created by the landowner?

yes. Lot 11120742 was 17.5 feet when we bought it.

(3) If the variance is granted, will it alter the essential character of the locality? Explain.

It will not.

(4) Is the variance request in harmony with the general purposed and intent of the Ordinance?

yes.

(5) Does the need for a variance involve more than economic considerations? Explain.

(6) Is the variance request consistent with the Comprehensive Plan?

yes

(7) Describe character of the area and the existing patterns and uses of development in the area. How is this proposal consistent with those patterns and uses?

Residential - existing homes. Yes.

- (8) Describe the impact on the capacity of existing or planned community facilities (sewer, drainage, other). Describe if additional facilities will be required.

It would add one small home to the Crosby sewer system. No additional facilities required.

- (9) Describe the impact on the character of the neighborhood in which the property is located.

No impact to the character of the neighborhood.

- (10) Describe the impact to traffic on roads and highways in the vicinity, and expected traffic generated by this application. Is there adequate parking available to accommodate the proposal?

There is an existing garage and driveway. A small home would likely have one to two people and one or two cars.

- (11) Discuss any environmental limitations of the site or area.

- (12) Please include any other comments pertinent to this request.

There is an existing garage, not sure how sewer hook-up will be done.

City of Crosby
VARIANCE CHECKLIST

- _____ Completed application, including signature of property owner
- _____ Fee
- _____ Site plan (11"x 17" maximum size, 8.5" x 11" preferred)
- _____ Sewer Compliance Inspection Report (if SSTS)
- _____ All current City charges paid
- _____ No outstanding violations
- _____ Site plan as close to scale as possible with the following information, as a minimum (unless waived by P&Z Administrator)*:
 - _____ Legal Description of Site
 - _____ Size of parcel and dimensions
 - _____ All existing structures, their square footage, height, distance from all property lines and setbacks (including road, bluff and lake OHW level) and each other
 - _____ All proposed structures, their square footage, height, distance from all property lines and setbacks (including road, bluff and lake OHW level) and each other
 - _____ Location on the parcel of existing and proposed sewage treatment systems (SSTS) and wells and their distance from property lines, structures and each other
 - _____ Existing and/or proposed square footage of the driveway (gravel and paved), access roads, parking, sidewalks
 - _____ Proposed landscaping, screening and drainage plans (required)
 - _____ Location of the subject property (a copy of the tax map can be used)
 - _____ Name of record owner/title holder of property
 - _____ Approximate location of existing and proposed water courses, wooded areas, and other significant physical features
 - _____ Approximate location of any proposed signs

** Under certain circumstances, the Board of Adjustment may require a professionally prepared property survey, stormwater management plan, and/or landscaping plan.*

City of Crosby

CONTACT INFORMATION

Planning and Zoning Administrator:

Brittney Cotner | Community Solutions Administrator

Office: 218-541-5294

PO Box 219

Staples, MN 56479

Phone: 218-541-5294

Email: planning@cityofcrosby.com

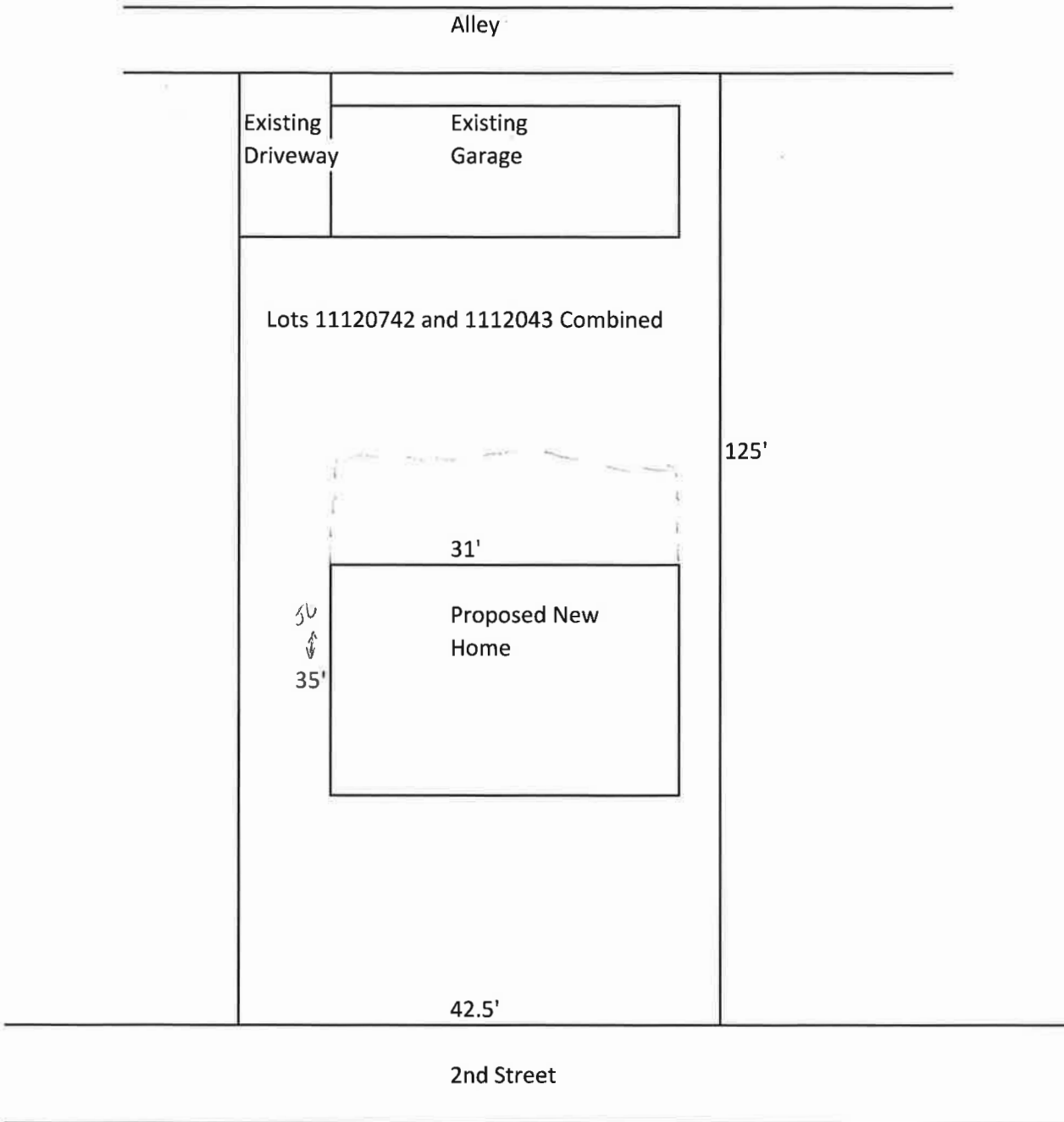


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Heather & Mark Layton

Date: 1/11/2024 Time: 3:58 PM

Layton Variance Proposal



- Home plans not yet made. Above drawing is an estimate of home size.