

MINUTES OF CITY OF CROSBY
PLANNING AND ZONING COMMISSION/BOARD OF ADJUSTMENT
REGULAR MEETING
January 18, 2022- 6:00 PM

1. Call to Order

Meeting called to order by Chair Severson at 6:00 PM.

2. Roll Call

P	A	Member	P	A	Member
	X	Jamie Lee	X		Linda Peeples (alternate)
X		Brad Smith	X		Chris Ryan (council)
X		Mark Severson	X		Diane Cash (mayor)
X		Darren Andrews	X		Matthew Hill (City Administrator)
X		Rachel Severson	X		Justin Burslie & Brittney Cotner (Zoning Administrator)

Public Present:

Troy Kochevar

Additions or Deletions to Agenda

Commissioner Peeples adds "Alley Vacation Request" to New Business.

MOTION BY COMMISSIONER SMITH SECONDED BY COMMISSIONER ANDREWS TO APPROVE THE MEETING AGENDA WITH ONE ADDITION. MOTION CARRIED 5-0.

Open Forum

Mr. Troy Kochever informed the planning commission he would like to open a golf cart rental business in the B-1 Zone.

Burslie stated this type of use not currently listed in the ordinance/land use matrix so it is not allowed. The ordinance would need to be modified to allow either as a permitted use or with a conditional use permit.

Chair Severson asked Mr. Kochever to explain more how the business would operate.

Mr. Kochever stated he is unsure of exact details but he is considering renting golf carts to the general public for use in and around the city and also bring golf carts to area resorts by trailer for rental.

32 Chair Severson and Commissioner Smith noted motorized vehicles are not allowed on many area
33 trails.
34
35 Commissioner Peeples stated golf carts are allowed/licensed for use on city streets but not allowed
36 on the State Highway.
37
38 Administrator Hill said he would have to look into whether or not they would be allowed on County
39 Roads.
40
41 Commissioner Smith stated they would likely be allowed to cross the highway but not drive on
42 them.
43
44 Commissioner Peeples asked about the process for modifying the ordinance to allow the use.
45
46 Burslie explained an amendment could be initiated by the planning commission. A public hearing
47 would have to be scheduled and then the planning commission would make a recommendation to
48 the city council.
49
50 Commissioner Smith asked Mr. Kochever when he would like to open the business.
51
52 Mr. Kockever stated within the next two-three months- sometime this spring.
53

54 MOTION BY COMMISSIONER SMITH SECONDED BY COMMISSIONER R. SEVERSAON TO INITIATE THE
55 ORDINANCE AMENDMENT PROCESS TO ALLOW A GOLF CART RENTAL BUSINESS IN THE B-1 ZONE WITH
56 A CONDITIONAL USE PERMIT. MOTION CARRIED 5-0.
57

58 Approval of Minutes

59 **A. December 20, 2021, Regular Planning Commission Meeting**

60 MOTION BY COMMISSIONER PEEPLES TO APPROVE THE MINUTES AS PRESENTED,
61 SECONDED BY COMMISSIONER R. SEVERSON. MOTION CARRIED UNANIMOUSLY.
62
63

64 New Business

65 **A. Metes and Bounds Subdivision Application- Jacob Zoesch and Darren Andrews**

66 *Commissioner Andrews removed himself from the commission table and joined the audience.*
67

68
69 Burslie reviewed the staff report. The applicants are requesting to split a 7,088 sf parcel from a 2.7
70 acre tract. The subject properties are located between Spalj St. and 6th St. Ne. at the west
71 termination point of 7th St. NE (Zoesch property) and 125 7th St NE (Andrews property). The
72 properties are zoned R-1 "Single and Two Family Residential." The applicants are requesting a
73 metes and bounds subdivision to create two parcels:
74

75 Tract A: The proposed parcel does not contain any buildings. A buried city owned sewer line is
76 located along the east property line. A 35 ft wide public utility/drainage easement is proposed
77 along the east property line. The proposed parcel will be consolidated with the property
78 located to the east of the proposed tract.

79

80 Tract B: The proposed parcel is 2.54 acres and does not contain any buildings. The applicant
81 has submitted a preliminary plat application (Adventure Acres) to split the proposed parcel into
82 five residential lots. The property contains a bituminous surface (alley) and buried city-owned
83 sewer pipe along the east property line. The applicant is proposing to dedicate a 35 ft wide
84 area to the public as part of the plat.

85

86 Commissioner Peeples asked about the location of the buried sewer pipe.

87

88 Burslie stated it runs north and south the entire length of the property on the east side and that an
89 public utility easement is proposed.

90

91 Chair Severson asked if any public comments were received. Burslie stated the metes and bounds
92 subdivision request does not require a public hearing so notices were not sent to neighbors regarding
93 the request.

94

95 Mr. Darren Andrews, 125 7th St. NE, stated that he assumed the paved area was always a public alley
96 and that if he were not allowed to purchase property west of his property he would not have access to
97 that side of his property.

98

99 Mr. Joel Torgerson, 122 7th St. Ne, asked about access to his property on the west side.

100

101 Burslie stated the applicant has revised the plat and is now proposing to dedicate the "alley" to the
102 public. This would allow Mr. Torgerson access to the west side of his property. He stated that matter is
103 not associated with the metes and bounds request but will be address during the next agenda item for
104 the preliminary plat.

105

106 **MOTION BY COMMISSIONER PEEPLES, SECONDED BY COMMISSIONER SMITH TO APPROVE THE METES**
107 **AND BOUNDS SUBDIVISION REQUEST BASED ON THE FOLLOWING SIX FINDINGS OF FACT AND WITH**
108 **THE FOLLOWING TWO CONDITIONS OF APPROVAL. MOTION CARRIED UNANIMOUSLY.**

109

- 110 1. The subject properties are located between Spalj St. and 6th St. Ne. at the west termination
111 point of 7th St. NE (Zoesch property) and 125 7th St NE (Andrews property)
- 112 2. The properties are zoned R-1, "Single and Two Family Residential."
- 113 3. The request is to subdivide the subject property into two tracts:
 - 114 a. Tract A: The proposed parcel does not contain any buildings. A buried city owned
115 sewer line is located along the east property line. A 35 ft wide public utility/drainage
116 easement is proposed along the east property line. The proposed parcel will be
117 consolidated with the property located to the east of the proposed tract.

- 118 **b. Tract B: The proposed parcel is 2.54 acres and does not contain any buildings. The**
119 **applicant has submitted a preliminary plat application (Adventure Acres) to split the**
120 **proposed parcel into five residential lots. The property contains a bituminous surface**
121 **(alley) and buried city-owned sewer pipe along the east property line. The applicant is**
122 **proposing to dedicate a 35 ft wide area to the public as part of the plat.**
123 **4. The proposed parcels, with conditions, meets the minimum requirements of the Crosby**
124 **Zoning Ordinance and subdivision regulations.**
125 **5. The property located west, south and east of the subject property is zoned "R-1, Single and**
126 **Two Family Residential" and consists of smaller residential lots and vacant land. The property**
127 **located to north of the subject property (across Spalj St.) is zoned Parks/Public and is vacant.**
128 **6. The proposed metes and bounds subdivision is consistent with the comprehensive plan. The**
129 **future land use map contained in the comprehensive plan identifies the subject property as**
130 **"Urban Residential." The request is consist with the following "Residential Housing" goal**
131 **contained in the comprehensive plan: Maintain and enhance existing residential areas and**
132 **encourage new residential development.**

133
134 **Conditions or Approval:**

- 135
136 **1. Within 60 days of recording this subdivision, "Tract A" shall be consolidated with PINs**
137 **11121418 & 11121417 forming one conforming parcel.**
138 **2. A 35 ft wide public utility and drainage easement shall be granted to the city and recorded at**
139 **the time of recording this subdivision.**

140
141 **Public Hearing(s)**

- 142 **A. Preliminary Plat Application 21-1 for Adventure Acres (continuation). Applicant/owner:**
143 **Jacob Zoesch**

144 Burslie reviewed the staff report. The property is located between Spalj St. and 6th St. Ne. at the
145 west termination point of 7th St. NE. The property is zoned R-1 "Single and Two Family
146 Residential" and does not contain any structures other than a buried sewer pipe along the east
147 property line. The property also contains an approximately 14 ft wide bituminous surface
148 which is utilized by adjacent landowners to access their properties. *Burslie noted the*
149 *application is a continuation from last month. The applicant has revised the preliminary plat to*
150 *include a 35 ft "alley" dedication to the public along the east property line and also excludes a*
151 *7,088 sf tract proposed via the metes and bounds subdivision request (agenda item 6a).*

152

153 Lot 1: 32,770 sf (.75 ac). Accessed via Spalj Street on north side of property.

154 Lot 2: 21,486 sf (.49 ac). Accessed via 7th St. N on east side of property.

155 Lot 3: 15,234 sf (.35 ac). Accessed via 6th St. N on south side of property.

156 Lot 4: 15,158 sf (.35 ac). Accessed via 6th St. N on south side of property.

157 Lot 5: 15,158 sf (.35 ac). Accessed via 6th St. N on south side property.

158 The property located west, south and east of the subject property is zoned "R-1, Single and Two
159 Family Residential" and consists of smaller residential lots and vacant land. The property
160 located to north of the subject property (across Spalj St.) is zoned Parks/Public and is vacant.

161 Burslie reviewed draft findings and conditions included in the report.

162 Commissioner Peeples asked about the purpose for the park dedication fee.

163 Administrator Hill explained the funds would be put into the park fund and would be utilized to
164 improve park facilities or other capital expenditures.

165 Chair Severson suggested the final plat document be reviewed closely to ensure the proper
166 dedications to the public are made.

167 Mayor Cash asked if additional sewer connections to the east sewer main will create issues with
168 the alley.

169 Administrator Hill stated the sewer connections could be made to the sewer main located
170 south of the subject property.

171 Chair Severson asked if a condition needed to be added regarding temporary staging of
172 construction equipment.

173 Administrator Hill and Burslie did not think that is necessary as any construction will be
174 temporary.

175 Chair Severson asked for public comments. None.

176 **MOTION BY COMMISSIONER SMITH, SECONDED BY COMMISSIONER PEEPLES TO RECOMMEND**
177 **APPROVAL OF THE PRELIMINARY PLAT OF ADVENTURE ACRES (APPLICATION 21-1) BASED ON THE**
178 **FOLLOWING TWELVE FINDINGS OF FACT AND WITH THE FOLLOWING FOUR CONDITIONS OF**
179 **APPROVAL. MOTION CARRIED UNANIMOUSLY.**

180 **FINDINGS OF FACT:**

- 181 1. The property owner is Jacob Zoesch.
- 182 2. The subject property is 2.54 acres and is located between Spalj St. and 6th St. Ne. at the west
183 termination point of 7th St. NE.
- 184 3. The subject property is described as: That part of the Northeast Quarter of the Northwest
185 Quarter (NE1/4-NW1/4), Section 12, Township 46, Range 29, Crow Wing County, Minnesota
186 lying North of the westerly projection of the South line of Block 11, HALE'S SECOND ADDITION
187 TO CROSBY and lying West of the West line of Blocks 11 and 14, said HALE'S SECOND
188 ADDITION TO CROSBY and lying West of the West line of Seventh Street North, said HALE'S

189 SECOND ADDITION TO CROSBY and lying East of the East line of First Avenue East, and its
190 projection Northerly, said HALE'S SECOND ADDITION TO CROSBY and lying South of the South
191 line of County Road; said Hale's Second Addition to Crosby. Less and Except that part of said
192 Northeast Quarter of the Northwest Quarter (NE1/4-NW1/4) described as follows: Beginning
193 at the Northwest corner of Lot 6, Block 14, HALE'S SECOND ADDITION TO CROSBY; thence
194 South 00 degrees 13 minutes 40 seconds East, assumed bearing along the West line of said Lot
195 6, the Southerly projection of the west line of Lot 7, Block 14 of said HALE'S SECOND
196 ADDITION TO CROSBY 231.26 feet to the southwest corner of said Lot 7; thence South 89
197 degrees 47 minutes 27 seconds West, along the westerly projection of the south line of said
198 Lot 7 a distance of 70.00 feet; thence North 00 degrees 13 minutes 40 seconds West 101.26
199 feet; thence South 89 degrees 47 minutes 27 seconds West 60.00 feet; thence North 00
200 degrees 13 minutes 40 seconds West 124.16 feet, to the westerly projection of the North line
201 of Lot 6; thence North 87 degrees 13 minutes 00 seconds East, along the westerly projection of
202 the North line of Lot 6 a distance of 130.13 feet to the point of beginning.

203 Said parcel contains 2.54 acres of land, more or less, and is subject to existing easements of
204 record. Parcel ID Number: 11121705.

- 205 4. The subject property is zoned "R-1, Single and Two Family Residential" which is an
206 appropriate zoning classification for the property.
- 207 5. The property located west, south and east of the subject property is zoned "R-1, Single and
208 Two Family Residential" and consists of smaller residential lots and vacant land. The property
209 located to north of the subject property (across Spalj St.) is zoned Parks/Public and is vacant.
- 210 6. The subject property does not contain any structures other than a buried sewer pipe located
211 along the east property line. The subject property also contains an approximately 14 ft wide
212 bituminous surface which is utilized by adjacent landowners to access adjacent properties.
- 213 7. The proposed preliminary plat of Adventure Acres subdivides the subject property into five
214 conforming lots:

215 Lot 1: 32,770 sf (.75 ac). Accessed via Spalj Street on north side of property.

216 Lot 2: 21,486 sf (.49 ac). Accessed via 7th St. N on east side of property.

217 Lot 3: 15,234 sf (.35 ac). Accessed via 6th St. N on south side of property.

218 Lot 4: 15,158 sf (.35 ac). Accessed via 6th St. N on south side of property.

219 Lot 5: 15,158 sf (.35 ac). Accessed via 6th St. N on south side property.

- 220 8. The proposed preliminary plat conforms with the standards of the zoning and subdivision
221 ordinances.
- 222 9. The subject property is not adjacent to State or County Roads. The subject property is not
223 located within the Shoreland Area. No concerns from affected agencies have been received.
- 224 10. The proposed plat includes a 35 ft wide "alley" right-of-way to be dedicated to the public. The
225 "alley" contains a bituminous surface and city-owned buried sewer pipe.
- 226 11. The fire chief does not have any concerns with public safety access to the proposed lots.
- 227 12. The proposed development is consistent with the comprehensive plan. The future land use
228 map contained in the comprehensive plan identifies the subject property as "Urban
229 Residential." The request is consist with the following "Residential Housing" goal contained in
230 the comprehensive plan: Maintain and enhance existing residential areas and encourage new
231 residential development

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CONDITIONS OF APPROVAL:

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1. Prior to submittal of the final plat application the applicant shall submit plans for extensions/connections for future dwellings to the public sewer and public water systems for all lots within the development. The plans shall be prepared by a licensed engineer or plumber.

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2. Prior to submittal of the final plat application the city engineer shall review and approve the plans identified in condition number one.

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3. Prior to the submission of a final plat application, the applicant shall provide for the construction of the required improvements contained in condition number one at the applicant's expense and shall have the work completed or shall enter a development contract and give bond or other financial assurance satisfactory to the Council in an amount equal to 125% of the estimated cost of the uncompleted improvements except as provided in § 151.27. The bond shall be released by the City Council upon the recommendation of the City Engineer indicating the improvements are satisfactorily complete.

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4. Prior to recording of the final plat the applicant shall provide a park dedication fee in the amount of \$4,576 (5 lots x 2.2 average household size x \$416) as determined in Section 151.10 of the subdivision ordinance.

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New Business

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None

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Old Business

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a. Alley Vacation Request.

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Commissioner Peoples noted that if she was aware of additional information regarding the alley vacation request at a previous meeting she would not have voted the way she did.

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Administrator Hill stated the duty of the planning commission regarding road vacation requests is to review and ensure the petition is valid and then it is more thoroughly reviewed by staff and presented to the city council.

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Monthly Staff Report

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Burslie introduced coworker Brittney Cotner as the new zoning administrator for the city. Ms. Cotner previously worked for the City of Nisswa as zoning administrator and brings a lot of knowledge and experience to the City of Crosby and Sourcewell.

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Chair Severson noted he had a favorable impression when dealing with Ms. Cotner on a zoning matter in the City of Nisswa.

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269

270 **Adjourn**

271 MOTION TO ADJOURN BY COMMISSIONER PEEPLES, SECONDED BY COMMISSIONER LEE.

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273 Commissioner Peeples thanked Commissioner Andrews for his time while serving on the Crosby
274 Planning Commission.

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276 Meeting adjourned at 6:40 PM.

DRAFT