
CITY OF FIFTY LAKES
PLANNING COMMISSION/BOARD OF ADJUSTMENT

AGENDA

April 25, 2023 6:00 pm

Members of the public may attend planning commission meetings “in-person” at city hall or remotely. If you wish to view the meeting and/or provide public input and participate through telephone or computer means pursuant to MN Statutes 13D.021 please see information below.

TO PARTICIPATE IN THE PUBLIC MEETING VIA TELEPHONE: Dial (312) 626-6799.
The “Meeting ID” is: 839 8895 9509

TO PARTICIPATE IN THE PUBLIC MEETING VIA “ZOOM” ONLINE MEETING

VISIT: <https://us02web.zoom.us/j/83988959509> and follow instructions.

1. Call to Order
2. Roll Call
3. Additions or Deletions to Agenda
4. Public Hearings
 - a. Rezone Application RZ-01-23 to rezone an approximately 2.7 acre tract (proposed to be split from a 17.5 ac tract) from “Water Oriented Commercial” to “Shoreland Residential.” The subject property is located at 16263 County Road 1. PIN 22260532. The applicant is Michelle Fussy. The property owner is Triple S & Seashells Trust
 - b. Ordinance Amendment 02-2023 Modifying Section 5.0, “Land Use Provisions” of the Fifty Lakes Land Use Ordinance. Applicant: City of Fifty Lakes
5. Open Forum
6. Approval of Minutes
 - a. January 24, 2023
7. New Business
 - a. Golden Eagle Environmental Review Committee- verbal update
8. Old Business
 - a. Update regarding Crow Wing County Short-term Rental Ordinance
9. Council Liaison Report: Steve Dahlke & Toni Buchite
10. P&Z Administrator’s Report
11. Adjourn

CITY OF FIFTY LAKES
NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN: Notice is hereby given the City of Fifty Lakes Planning Commission/Board of Adjustment will convene on Tuesday, April 25 at 6:00 p.m. at City Hall to conduct the following public hearings:

Rezone Application RZ-01-23 to rezone an approximately 2.7 acre tract (proposed to be split from a 17.5 ac tract) from “Water Oriented Commercial” to “Shoreland Residential.” The subject property is located at 16263 County Road 1. PIN 22260532. The applicant is Michelle Fussy. The property owner is Triple S & Seashells Trust.

Ordinance Amendment 02-2023. The proposed amendment modifies the Section 5.0, “Land Use Provisions” including Table 5.01.02, “Water Oriented Commercial (WC) Lot Area, Width, Buildable Area, and Impervious Surface Standards” to increase the maximum impervious surface coverage allowance for “Tributary Rivers” from 10% to 15% and Table 5.01.05 “Commercial (C) District Lot Area, Width, and Impervious Surface Coverage Standards” to increase the maximum impervious surface coverage allowance from 50% to 60%. A full copy of proposed modifications will be available at city hall one week prior to the meeting. Applicant: City of Fifty Lakes.

All interested persons are invited to attend these hearings and be heard or send written comments to City Hall or via email at pz@fiftylakesmn.com. Members of the public may attend at city hall or remotely via telephone or “Zoom:”

TO PARTICIPATE IN THE PUBLIC HEARING VIA TELEPHONE: Dial (312) 626-6799. The “Meeting ID” is: 839 8895 9509.

TO PARTICIPATE IN THE PUBLIC HEARING VIA “ZOOM” ONLINE MEETING VISIT: <https://us02web.zoom.us/j/83988959509> and follow instructions.

A staff report is made available at city hall typically one week before the scheduled meeting.

Justin Burslie, Zoning Administrator
City of Fifty Lakes

CITY OF FIFTY LAKES
PLANNING COMMISSION
NOTICE OF PUBLIC HEARING
APRIL 25, 2023 @ 6:00 P.M.

PLEASE TAKE SPECIAL NOTICE OF OPTIONS FOR SUBMITTING PUBLIC COMMENT BELOW

TO WHOM IT MAY CONCERN:

The following will be the subject of a public hearing on Tuesday, April 25, 2023 beginning at 6:00 P.M at Fifty Lakes City Hall. *Members of the public may attend the meeting at city hall or remotely. If you wish to view the meeting and/or provide public input and participate through telephone or computer means please see information below.*

TO PARTICIPATE IN THE PUBLIC MEETING VIA TELEPHONE: Dial (312) 626-6799. The “Meeting ID” is: 839 8895 9509

TO PARTICIPATE IN THE PUBLIC MEETING VIA “ZOOM” ONLINE MEETING VISIT: <https://us02web.zoom.us/j/83988959509> and follow instructions.

Hearing: Rezone Application RZ-01-23 to rezone approximately 2.7 acres from “Water Oriented Commercial” to “Shoreland Residential.”

Property Owner: Triple S & Seashells Trust

Applicant: Michelle Fussy

Property Description: The subject property is located at 16263 County Road 1. The property is described as W1/2 OF NWSE SEC 26, EXCEPT THAT PT OF THE W 1/2 OF NWSE SEC 26 DESC AS FOLLOWS; BEG AT THE SE CORNER OF SAID W 1/2 OF THE NWSE, THEN N'LY ALG THE E LINE OF SAID W 1/2 245 FT, M/O/L TO THE CENTER OF DAGGETT BROOK, THEN SW'LY ALG THE CENTERLINE OF SAID DAGGETT BROOK TO THE S LINE OF SAID W 1/2 OF THE NWSE, THEN E'LY ALG SAID S LINE 280 FT, M/O/L TO THE POB. SUBJ TO ESMNTS, RESERV OR RESTR OF RECORD. THE CENTERLINE OF DAGGETT BROOK IS MORE PARTICULARLY DESC AS FOLLOWS; THAT PT OF THE DESC TRACT IN SAID NWSE WHICH LIES E'LY AND SE'LY OF THE FOLLOWING DESC LINE; COMM AT SAID NW CORNER OF THE NWSE, THENCE S 00 DEG 12 MIN 37 SEC W 1310.83 FT ALG SAID W LINE OF THE NWSE TO SAID SW CORNER OF THE NWSE, THENCE S 89 DEG 17 MIN 55 SEC E 669.80 FT ALG SAID S LINE OF THE NWSE, THENCE N 00 DEG 07 MIN 54 SEC E 245.26 FT TO A POB OF THE LINE TO BE DESC; THENCE N 49 DEG 07 MIN 00 SEC W 213.37 FT, THENCE S 78 DEG 00 MIN 20 SEC W 136.94 FT, THENCE S 44 DEG 05 MIN 21 SEC W 131.39 FT, THENCE S 07 DEG 43 MIN 55 SEC E 105.83 FT, THENCE S 41 DEG 52 MIN 01 SEC E 111.43 FT, THENCE S 09 DEG 22 MIN 33 SEC W 71.40 FT TO SAID S LINE OF THE NWSE AND SAID LINE THERE ENDING. PIN 22260532.

A map identifying the subject property is on the reverse side of this notice.

Purpose: The applicant is requesting to rezone an approximately 2.7 acres of a 17.5 acre tract from “Water Oriented Commercial” to “Shoreland Residential.”

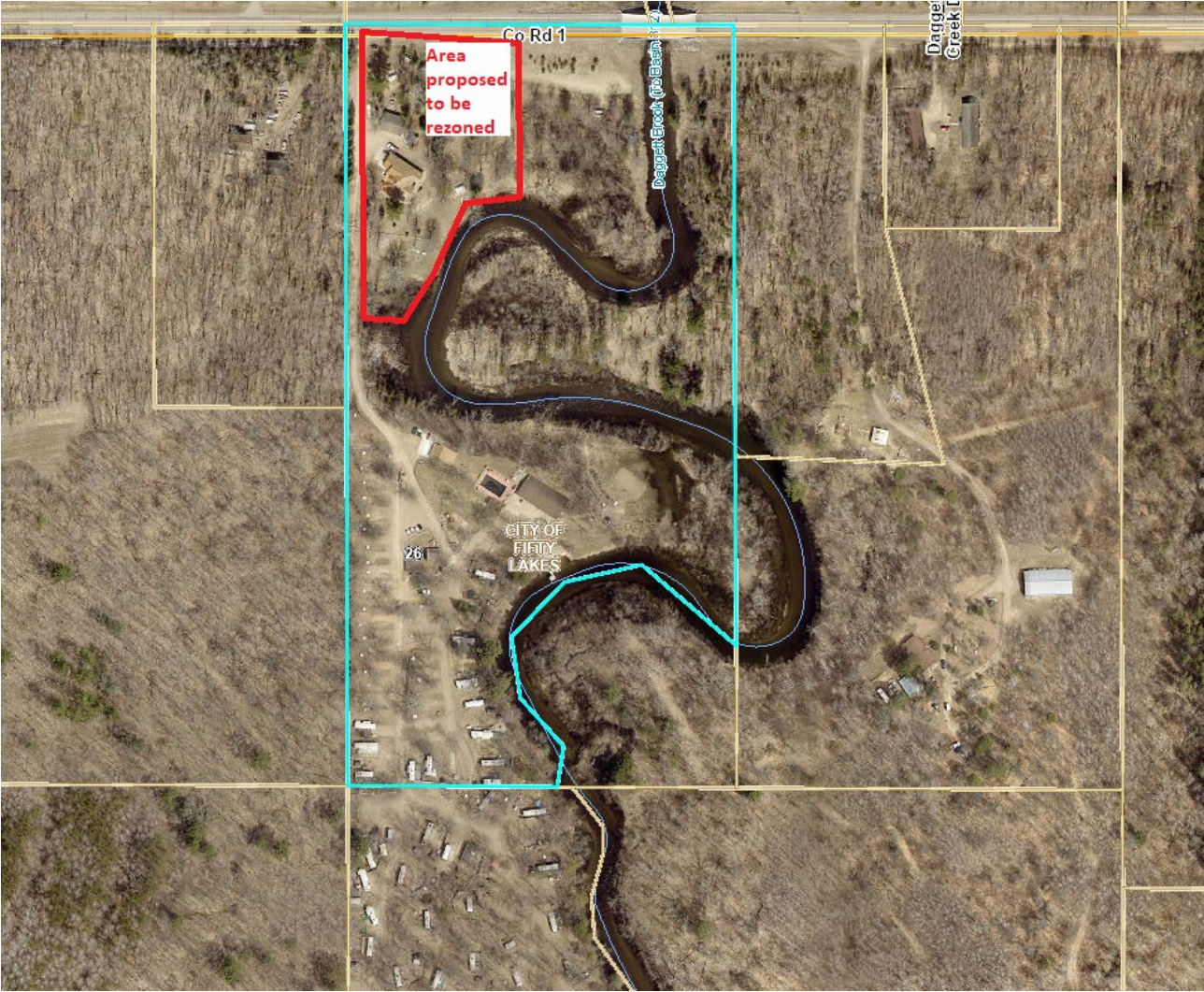
Property Owners Please Note: Please share this information with your neighbors in the event that any property owner has been overlooked or is not contained in our records.

If you wish to provide written comments, please email to pz@fiftylakesmn.com or mail to PO Box 125, Fifty Lakes, MN 56448.

The staff report regarding the request will be available on the city website approximately one week before the meeting.

Justin Burslie (Sourcewell)
Zoning Administrator
City of Fifty Lakes

The subject property is located at 16263 County Road 1:



BOSER, RODNEY A & MICHELLE M
20645 275TH AVE
PIERZ, MN 56364

DEGEN, MICHAEL S & JULIE L
8595 DOROTHY AVE
BRAINERD MN 56401

DICKSON, KATHLEEN M &
16230 COUNTY ROAD 1
FIFTY LAKES MN 56448

ERIE, WILLIAM J & WENDY A
PO BOX 35
FIFTY LAKES MN 56448

LANDE, DOROTHY L & JOHN H
41098 S EAGLE LAKE LN
P O BOX 133
FIFTY LAKES MN 56448

LANDE, JEFFREY H & SUSAN L FAMILY TRUST
13138 VERNA DR
CROSSLAKE MN 56442

MOSER, JACOB T & ASHLEY K
16247 COUNTY RD 1
FIFTY LAKES MN 56448

PAPPENFUS, GARY M & REBECCA TRUST
10802 FILLMORE ST NE
BLAINE, MN 55434

SWENSON, RICHARD J
PO BOX 996
CROSSLAKE MN 56442

TRIPLE S & SEASHELLS TRUST
16263 COUNTY ROAD 1
FIFTY LAKES MN 56448

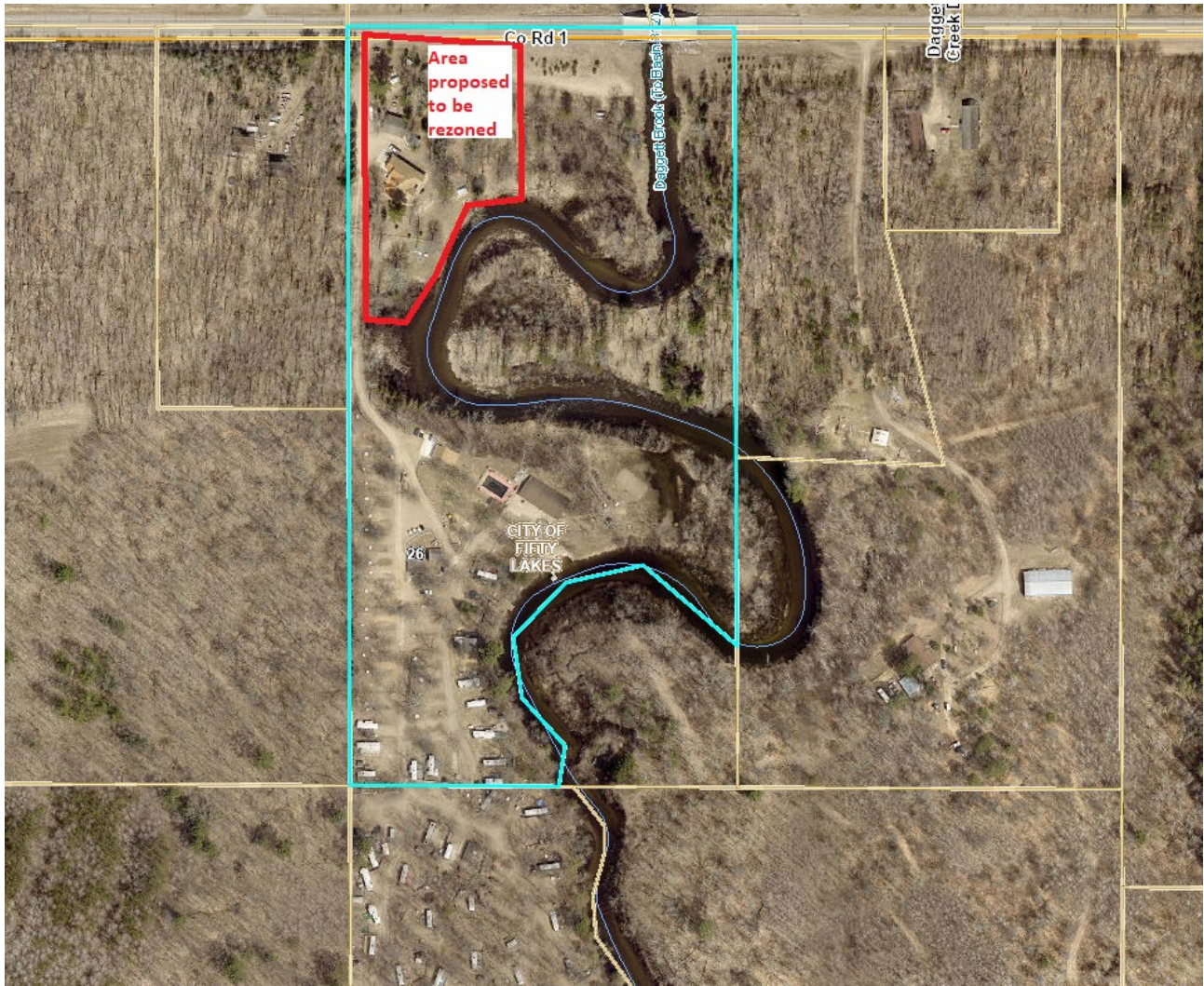
STAFF REPORT

Application: Rezoning Application RZ-01-23 to rezone approximately 2.7 acres from “Water Oriented Commercial” to “Shoreland Residential”

Applicant: Michelle Fussy

Background Information: The applicant is requesting to rezone an approximately 2.7 acre area of a 17.5 acre tract located at 16263 County Road 1 from “Water Oriented Commercial” to “Shoreland Residential.”

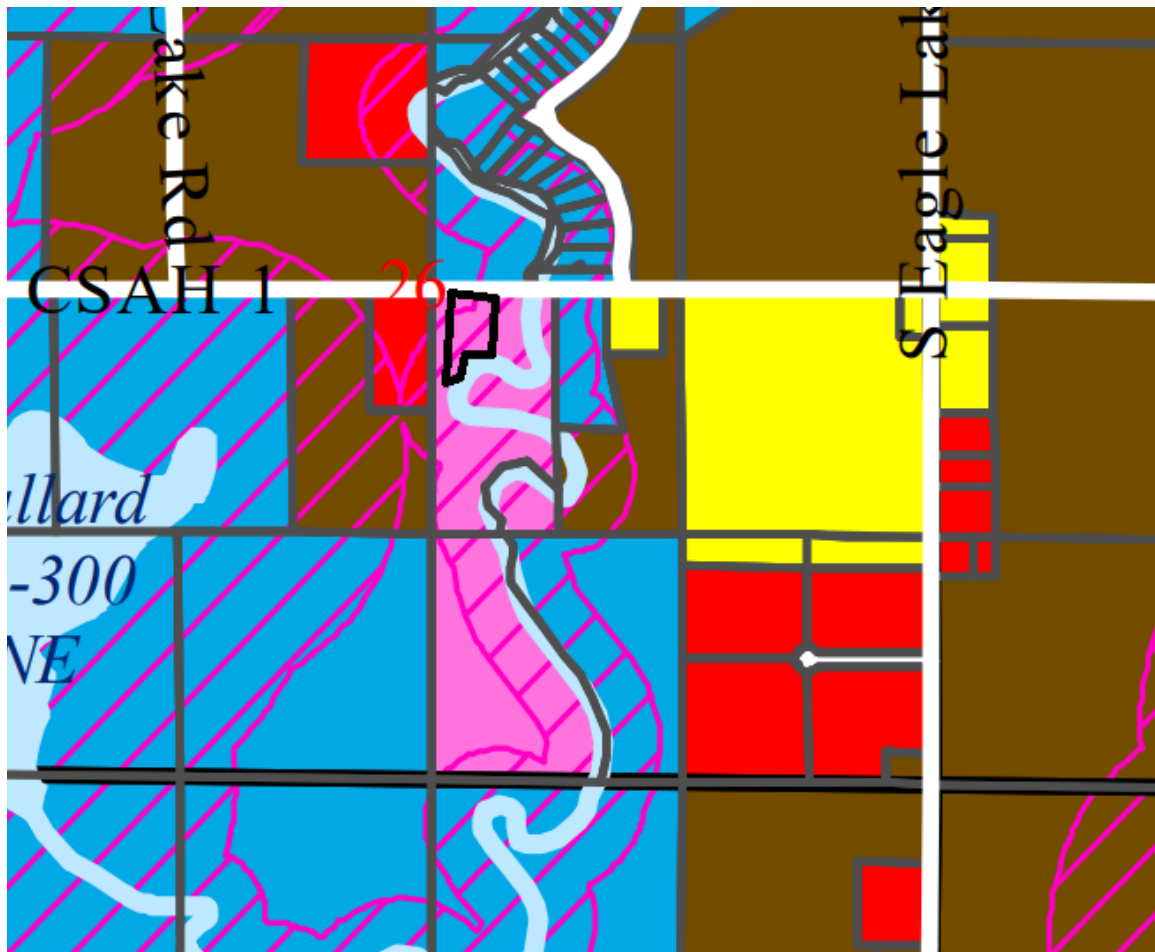
Approximate area proposed to be rezoned:



The area proposed to be rezoned contains a single family dwelling and an accessory structure (garage). It is adjacent to an accessed by County Road 1. The subject property is served by a subsurface sewage treatment system and well. It has approximately 350' of frontage on Daggett Brook. The applicant intends to split the area to be rezoned from the subject property—See staff recommendation.

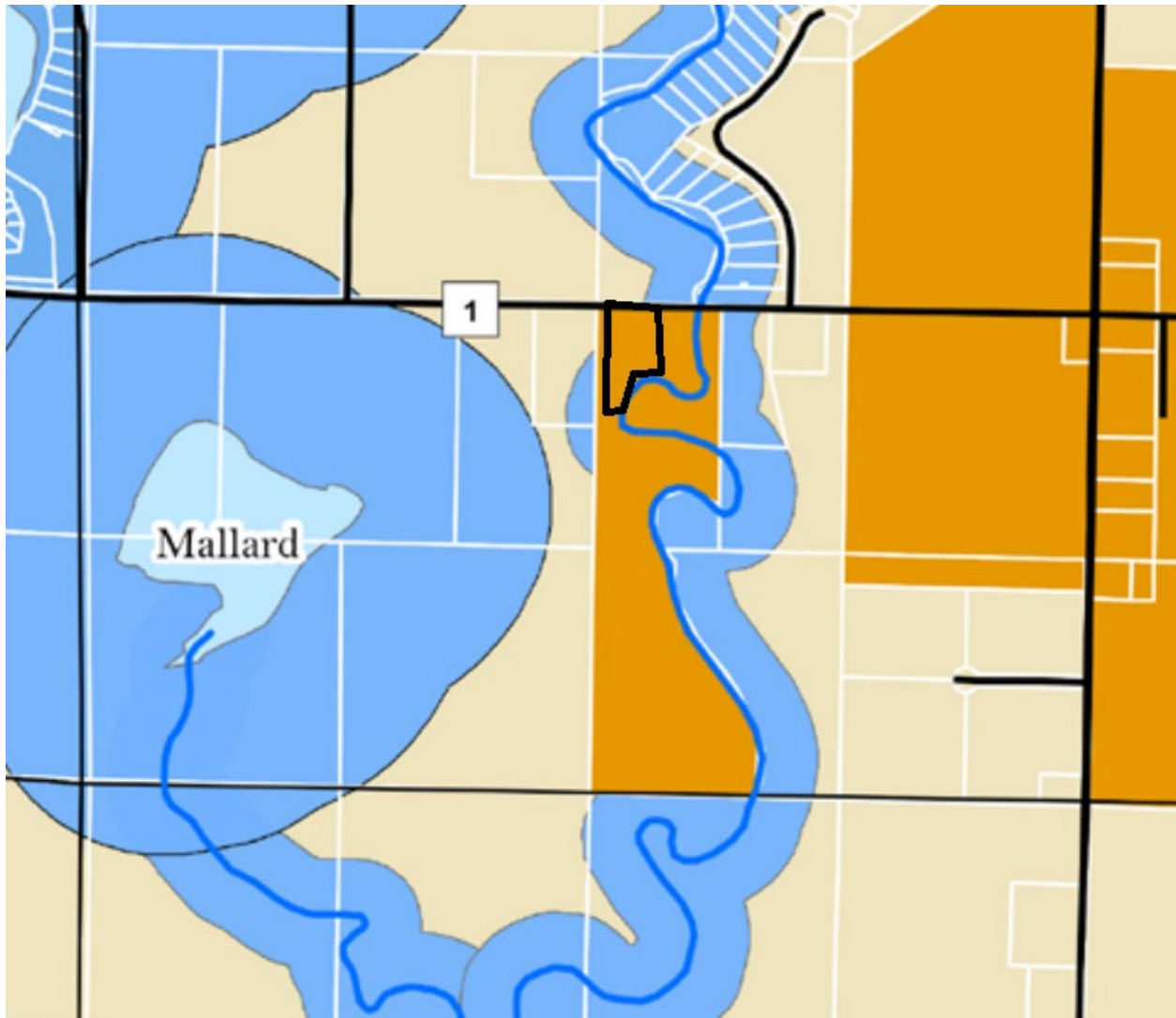
There remainder of the subject property consists of a 17.5 acre tract (north parcel) and 20.8 tract (south parcel) and is proposed to remain zoned “Water Oriented Commercial.” The “remainder area” contains a campground consisting of several individual campsites and accessory structures. The campground is served by SSTS and private well(s).

Current Zoning Map:



- | | |
|--|--|
| Rural Residential | Forest Management |
| Shoreland Residential | Commercial |
| Special Protection | Water Oriented Commercial |
| Agricultural | Right of Way |

Future Land Use Map (Comprehensive Plan):



FUTURE LAND USE

- Open Space
- Forest Preservation
- Shoreline Residential
- Low Density Residential
- Commercial

Applicable Regulations: The following ordinance regulations apply to this request:

5.0 LAND USE PROVISIONS

SINGLE FAMILY RESIDENTIAL				
Shoreland Residential District (SR) River Classification	Min. Lot Area (ft ²)	Min. Lot Width	Min. Buildable Area (ft ²)**	Max. Impervious Coverage (%)
Tributary –Riparian	80,000	200	20,400	20

**-- a minimum 50% of buildable area shall be contiguous.

Table 5.01.02 Water Oriented Commercial (WC) Lot Area, Width, Buildable Area, and Impervious Surface Standards

Water Oriented Commercial District (WC)--Riparian and Non-riparian Lake and River Classification	Min. Lot Area (ft ²)	Min. Lot Width	Max. Impervious Coverage (%)
General Development Lakes	217,800	400	25
Recreational Development Lakes	326,700	600	25
Natural Environment Lakes	435,600	800	15
Tributary Rivers	435,600	800	10

12.01.01 **Criteria for consideration of land use district reclassification.** In reviewing a land use district reclassification application, the Planning Commission/ Board of Adjustment shall find that:

- a) The reclassification is in accord with the City comprehensive plan;
- b) The reclassification is warranted due to changed land use circumstances or a need for additional property in the proposed land use district;
- c) The subject property is suitable for development in general conformance with land use standards under the proposed land use district classification;
- d) The reclassification will not be detrimental to uses or property in the immediate vicinity of the subject property, and;
- e) The reclassification promotes the health, safety, and general welfare of the public.

Staff Findings: Staff provides the following findings of fact for consideration:

1. The applicant is requesting to rezone an approximately 2.7 acre area of a 17.5 acre tract located at 16263 County Road 1 from “Water Oriented Commercial” to “Shoreland Residential.”
2. The area proposed to be rezoned contains a single family dwelling and an accessory structure (garage). It is adjacent to an accessed by County Road 1. The subject property is served by a subsurface sewage treatment system and well. It has approximately 350’ of frontage on Daggett Brook. The applicant intends to split the area to be rezoned from the subject property.
3. The remainder of the subject property consists of a 17.5 acre tract (north parcel) and 20.8 tract (south parcel) and is proposed to remain zoned “Water Oriented Commercial.” The “remainder area” contains a campground consisting of several individual campsites and accessory structures. The campground is served by SSTS and private well(s).
4. The future land use map contained in the comprehensive plan identifies the subject property as “Commercial” however the comprehensive plan states, “The City of Fifty Lakes should support the development of residential developments that preserve the rural character of the community.” The subject property is 2.7 acres and preserves the “rural character” of the city. The request is consistent with the comprehensive plan.
5. The reclassification is warranted due to changed land use circumstances. The applicant intends to split the area to be rezoned from the subject property. The area proposed to be rezoned contains a single family dwelling which is not an allowed primary use in the Water Oriented Commercial Zone.
6. The subject property is suitable for development in general conformance with the land use standards of the “Shoreland Residential” Zone.
7. The property located north is zoned “Shoreland Residential,” the property located west is zoned “Rural Residential” and “Water Oriented Commercial” and the property located south and east is zoned “Water Oriented Commercial.”
8. Rezoning of the property will not be detrimental to uses or property in the immediate vicinity of the subject property. The properties adjacent to the subject property are primarily utilized as single family residential uses, vacant/wooded and commercial uses.
9. The rezoning of the property promotes the health, safety, and general welfare of the public. Uses that are allowed in the “Shoreland Residential” Zone will not be/are not detrimental to the health, safety and welfare of the public.

Planning Commission: The Planning Commission can recommend approval request, denial of the request or table the request if additional information is needed. If the motion is to recommend approval or denial, findings of fact should be cited.

Staff Recommendation: The proposed area to be rezoned meets the minimum requirements of the “Shoreland Residential” Zone and contains a use (single family residential dwelling) that is an allowed use in that zone.

Staff recommends the rezoning request be approved CONTINGENT metes and bounds approval for creation of the 2.7 acre parcel. If the subject property is not split from the subject property within two years the rezone shall be nullified.

CITY OF FIFTY LAKES

\$450.00

ID No: RZ-01-23

40447 Town Hall Road / Box 125, Fifty Lakes, MN 56448

218-763-3113

www.fiftylakesmn.com

REZONING APPLICATION

RECODE: _____ INACTIVE: RECODE2: _____
 LAST NAME: Fussy FIRST NAME: Michelle (Triple S and Seashells)
 ADDRESS: 16263 Co Rd 1 PHONE: _____
 CITY: Fifty Lakes STATE: Mn ZIP: 56448
 ADDRESS 2: _____
 CITY 2: _____ STATE 2: _____ ZIP 2: _____
 OWNER: Michelle fussy
 NAME OF INITIATOR: Michelle fussy

320-360-3708

LOCATION _____ RECODE/PARCEL NUMBER: _____

LEGAL DESCRIPTION: _____

TOWNSHIP: _____ RANGE: _____ SEC: _____ QTRSEC: _____ QTRQTRSEC: _____
 PLAT: _____
 BLOCK: _____ LOT: _____
 LAKE NAME: _____ LAKE NUMBER: _____ STREAM NAME: _____
 ACREAGE: _____ FIRE NUMBER: _____ ZONING: _____
 DIRECTIONS: _____
 HOUSE NUMBER: 16263 STREET NAME: Co Rd 1

IS THE PROPOSED REZONING IN THE SHORELAND AREA? Yes No

PRESENT ZONING: WC
 PROPOSED ZONING: SR

PURPOSE: Parcel A only

Criteria for rezoning include (among other things) the explanation in Section 4.0, "Zoning Districts and Provisions," of the Zoning Ordinance and the Comprehensive Plan goals and policies. Any additional costs the City incurs for this rezoning application shall be reimbursed by applicant.
 All property owners within 350 feet of subject property shall be notified.

CITY ACTION

APPROVED: _____ DATE: _____

RATIONALE: _____

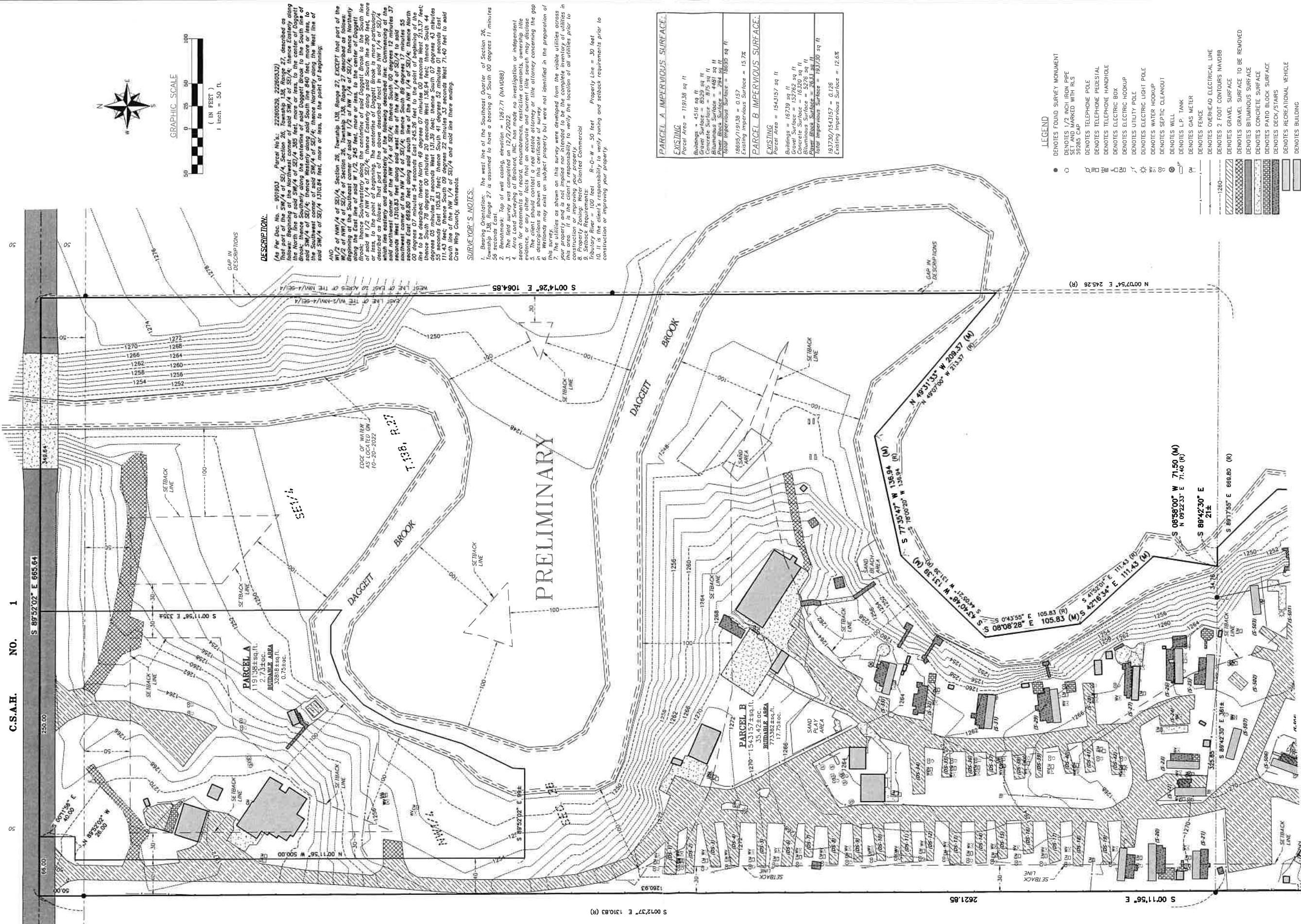
NOTES: _____

APPLICATION DATE: 3/24/23
 REZONING ID: RZ-01-23 FEE: 450.00
 DATE FEE PAID: 3/24/23
 FEE PAID BY: Check #: 4077 Cash
 DATE APPROVED: _____
 EXPIRATION DATE: _____

Signed Michelle fussy Applicant
 Signed Karen L. Steen City Clerk or authorized agent
 Signed _____ Zoning Administrator or authorized agent

CERTIFICATE OF SURVEY

C.S.A.H. NO. 1



DESCRIPTION:

(As Per Doc. No. 991903 Parcel No. 22260229, 22260232) Parcel No. 22260229, 22260232, described as follows: Beginning at the Northwest corner of said SW 1/4 of SE 1/4, thence Easterly along the North line of said SW 1/4 of SE 1/4, 385 feet, more or less, to the center of Daggett Brook; thence Southerly along the centerline of said Daggett Brook to the South line of said SW 1/4 of SE 1/4, 290 feet, more or less, to the center of Daggett Brook; thence Southwesterly along the centerline of said Daggett Brook to the Southwest corner of said SW 1/4 of SE 1/4, thence Northerly along the West line of said SW 1/4 of SE 1/4 1310.84 feet, more or less, to the point of beginning;

AND W/2 of NW 1/4 of SE 1/4, Section 26, Township 136, Range 27, EXCEPT that part of the W/2 of NW 1/4 of SE 1/4 of Section 26, Township 136, Range 27 described as follows: Beginning at the Southeast corner of said W/2 of NW 1/4 of SE 1/4, thence Northerly along the North line of said W/2 of NW 1/4 of SE 1/4, 245 feet, more or less, to the center of Daggett Brook; thence Southwesterly along the centerline of said Daggett Brook to the South line of said W/2 of NW 1/4 of SE 1/4, thence Easterly along said Daggett Brook to the South line of said W/2 of NW 1/4 of SE 1/4, 290 feet, more or less, to the center of Daggett Brook; thence Southwesterly along the centerline of said Daggett Brook to the Southwest corner of said SW 1/4 of SE 1/4, thence Northerly along the West line of said SW 1/4 of SE 1/4 1310.84 feet, more or less, to the point of beginning;

SURVEYOR'S NOTES:

- Bearing Orientation: The west line of the Southeast Quarter of Section 26, Township 136, Range 27 is assumed to have a bearing of South 00 degrees 11 minutes 20 seconds West.
- Benchmark: Top of well casing, elevation = 1262.71 (M41088)
- The field survey was completed on 12/22/2022.
- Ara Land Surveying of Brainerd, Inc. has made no investigation or independent search for easements or other encumbrances, restrictive covenants, ownership title or other matters affecting the title to the property.
- The client should contact a real estate attorney or title attorney concerning the gap in descriptions as shown on this certificate of survey.
- There may be other easements or encumbrances on the property which are not shown on this survey.
- The utilities as shown on this survey were developed from the visible utilities across your property and is not implied nor intended to be the complete inventory of utilities in the area. It is the client's responsibility to verify the location of all utilities prior to construction or improving your property.
- Property Zoning: Water Oriented Commercial
- Setback Requirements: R-0-W = 50 feet R-0-W = 50 feet Properly Line = 30 feet
- It is the client's responsibility to verify zoning and setback requirements prior to construction or improving your property.

PRELIMINARY

PARCEL A IMPERVIOUS SURFACE:	
EXISTING	Parcel Area = 1191.38 sq ft
	Buildings = 4516 sq ft
	Gravel Surface = 8529 sq ft
	Concrete Surface = 16220 sq ft
	Bluminous Surface = 1480 sq ft
	Power Block Surface = 294 sq ft
	Total Impervious Surface = 18695 sq ft
PARCEL B IMPERVIOUS SURFACE:	
EXISTING	Parcel Area = 1543157 sq ft
	Existing Impervious Surface = 15.7%
	Buildings = 16219 sq ft
	Gravel Surface = 152762 sq ft
	Concrete Surface = 16220 sq ft
	Bluminous Surface = 2633 sq ft
	Power Block Surface = 183250 sq ft
	Total Impervious Surface = 183250 sq ft
	183250/1543157 = 0.119
	Existing Impervious Surface = 12.6%

LEGEND

- DENOTES FOUND SURVEY MONUMENT
- DENOTES 1/2 INCH IRON PIPE SET AND MARKED WITH RLS 59285 CAP
- ⊕ DENOTES TELEPHONE POLE
- ⊖ DENOTES TELEPHONE PEDESTAL
- ⊗ DENOTES TELEPHONE HANDHOLE
- ⊙ DENOTES ELECTRIC BOX
- ⊚ DENOTES ELECTRIC HOOKUP
- ⊛ DENOTES UTILITY POLE
- ⊜ DENOTES ELECTRIC LIGHT POLE
- ⊝ DENOTES WATER HOOKUP
- ⊞ DENOTES SEPTIC CLEANOUT
- ⊟ DENOTES WELL
- ⊠ DENOTES L.P. TANK
- ⊡ DENOTES GAS METER
- ⊢ DENOTES FENCE
- ⊣ DENOTES OVERHEAD ELECTRICAL LINE
- ⊤ DENOTES 2 FOOT CONTOURS NAD83
- ⊥ DENOTES GRAVEL SURFACE
- ⊦ DENOTES GRVEL SURFACE TO BE REMOVED
- ⊧ DENOTES BITUMINOUS SURFACE
- ⊨ DENOTES CONCRETE SURFACE
- ⊩ DENOTES PATO BLOCK SURFACE
- ⊪ DENOTES DECK/STAIRS
- ⊫ DENOTES RECREATIONAL VEHICLE
- ⊬ DENOTES BUILDING
- (DS-1) DENOTES DAILY SITE LOCATION
- (DS-20) DENOTES LONG-TERM SITE LOCATION

DRAWN BY: JAS.	CHECKED BY: JEL
APPROVED BY: JAS.	JOB NUMBER: 22-1718
NO. DATE	BY REVISION DESCRIPTION

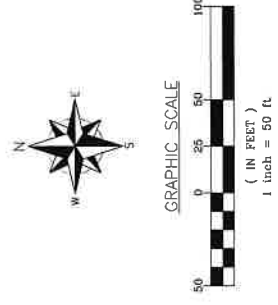
CLIENT:
Michelle Fussy
 16263 County Road 1
 Fifty Lakes, MN 56448

BOUNDARY SURVEY
 Part of the SE 1/4,
 Sec. 26, T.136, R.27,
 Crow Wing County, MN

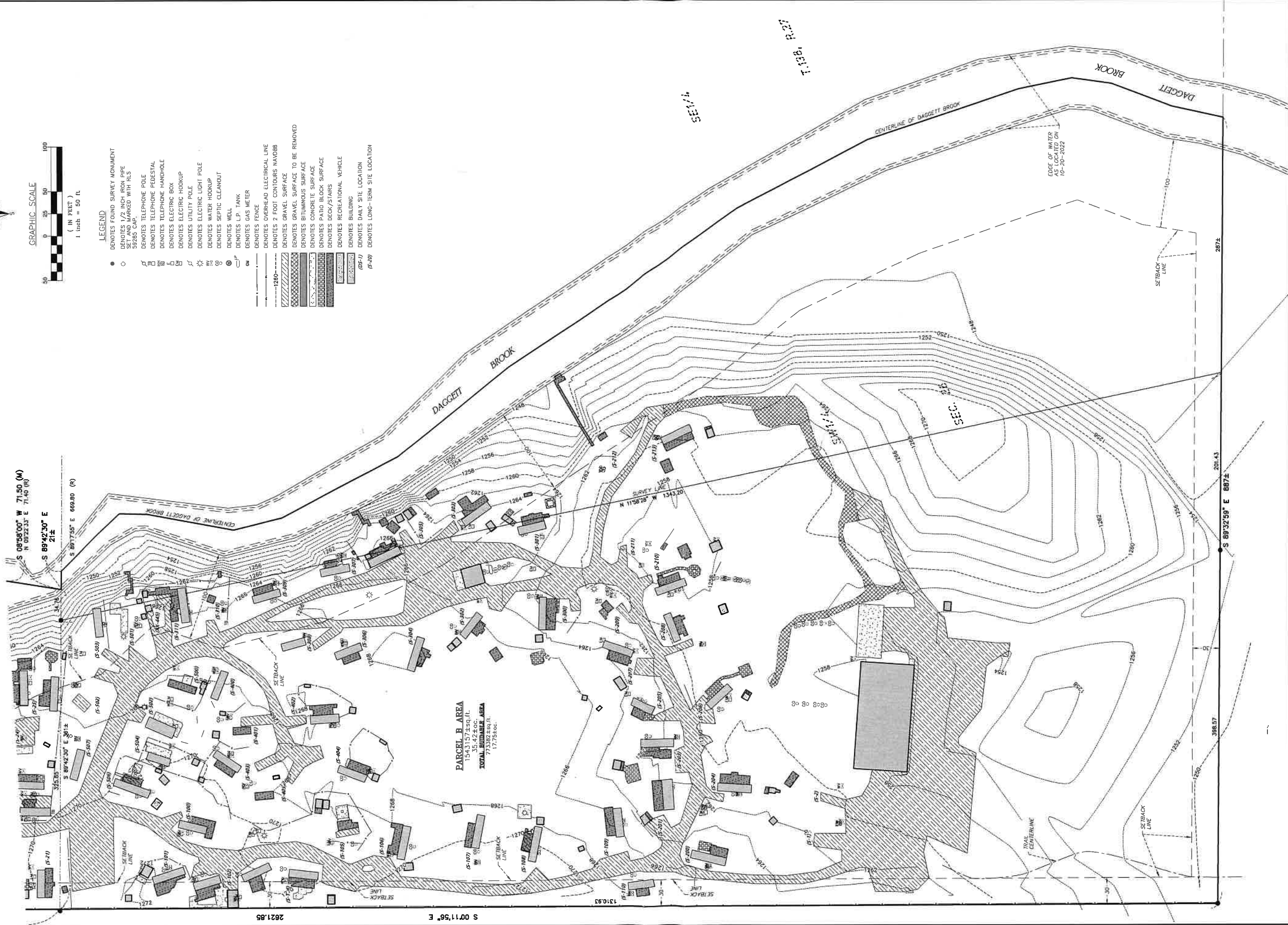


I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the state of Minnesota.
 Dated this _____ day of _____
 By: Jared A. Span, Minnesota License No. 59285

CERTIFICATE OF SURVEY



- LEGEND**
- DENOTES FOUND SURVEY MONUMENT
 - DENOTES 1/2 INCH IRON PIPE SET AND MARKED WITH RLS 39285 CAP.
 - ⊕ DENOTES TELEPHONE POLE
 - ⊕ DENOTES TELEPHONE PEDESTAL
 - ⊕ DENOTES TELEPHONE HANDHOLE
 - ⊕ DENOTES ELECTRIC BOX
 - ⊕ DENOTES ELECTRIC HOOKUP
 - ⊕ DENOTES UTILITY POLE
 - ⊕ DENOTES ELECTRIC LIGHT POLE
 - ⊕ DENOTES WATER HOOKUP
 - ⊕ DENOTES SEPTIC CLEANOUT
 - ⊕ DENOTES WELL
 - ⊕ DENOTES L.P. TANK
 - ⊕ DENOTES GAS METER
 - ⊕ DENOTES FENCE
 - ⊕ DENOTES OVERHEAD ELECTRICAL LINE
 - ⊕ DENOTES 2 FOOT CONTOURS NAVD88
 - ⊕ DENOTES GRAVEL SURFACE
 - ⊕ DENOTES BITUMINOUS SURFACE TO BE REMOVED
 - ⊕ DENOTES BITUMINOUS SURFACE
 - ⊕ DENOTES PATIO BLOCK SURFACE
 - ⊕ DENOTES DECK/STAIRS
 - ⊕ DENOTES RECREATIONAL VEHICLE
 - ⊕ DENOTES BUILDING
 - (29-1) DENOTES DAILY SITE LOCATION
 - (5-20) DENOTES LONG-TERM SITE LOCATION



PARCEL B AREA
 154,315.74 sq. ft.
 35.42 ac.
TOTAL BUILDABLE AREA
 7,322.34 sq. ft.
 1.728 ac.

DRAWN BY: REB	CHECKED BY: EEL
APPROVED BY: JAS.	JOB NUMBER: 22-1718
DATE: BY: JAS	REVISION DESCRIPTION:

CLIENT:
Michelle Fussy
 16263 County Road 1
 Fifty Lakes, MN 56448

BOUNDARY SURVEY
 Part of the SE1/4,
 Sec. 26, T.138, R.27,
 Crow Wing County, MN



I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the state of Minnesota.

Dated this _____ day of _____

By: Jared A. Spaul, Minnesota License No. 59285

From: Matt Kallroos <Matt.Kallroos@crowwing.us>
Sent: Tuesday, April 11, 2023 9:41 AM
To: pz@fiftylakesmn.com
Cc: Rob Hall; clerk@fiftylakesmn.com; ann@fiftylakesmn.com
Subject: Proposed Rezone- City of Fifty Lakes
Attachments: Fussy Individual Notices_042523.pdf; Fussy Individual Notices_042523_attach.pdf

Hi Justin,

The proposed rezone has no adverse impacts on the County Highway Transportation System as currently proposed.

Also, just a reminder to include me when sending out future P+Z requests, thanks!

Matt Kallroos
Transportation Planner

Office: (218)824-1110
Direct: (218)822-2694
www.crowwing.us

Crow Wing County Highway Department
16589 County Road 142
Brainerd, MN 56401

We value your opinion, please let us know how we are doing by taking our [Customer Service Survey](#).



Our Vision: Being Minnesota's favorite place.
Our Mission: Serve well. Deliver value. Drive results.
Our Values: Be responsible. Treat people right. Build a better future.

This e-mail and any attachment is intended to be read only by the intended recipient. This e-mail may be legally privileged or protected from disclosure by law. If you are not the intended recipient, any dissemination of this e-mail or any attachments is strictly prohibited, and you should refrain from reading this e-mail or examining any attachments. If you received this e-mail in error, please notify the sender immediately and delete this e-mail and any attachments. Thank you.

From: Frie, Jacob (DNR) <Jacob.Frie@state.mn.us>
Sent: Friday, April 7, 2023 1:31 PM
To: pz@fiftylakesmn.com
Cc: clerk@fiftylakesmn.com; ann@fiftylakesmn.com
Subject: RE: Proposed Rezone- City of Fifty Lakes

Good afternoon City of Fifty Lakes:

The MN DNR offers the following comments concerning the Fussy re-zone proposal:

The MN DNR has no concerns with this request so long as no new non-conformities with the campground/resort related the City of Fifty Lake's shoreland ordinance result because of this re-zone and property subdivision. This includes impervious limits, stormwater management plans, tier-density limitations, etc. Also, in general, shifting properties away from commercial and into residential typically results in lower intensity development with lower impervious thresholds, which in turn can result in added protections to public water resources in the area.

Thank you for your time.

Sincerely,

Jacob Frie

Area Hydrologist | Division of Ecological and Water Resources

Minnesota Department of Natural Resources

1601 Minnesota Drive

Brainerd, MN, 56401

Phone: 218-203-4367

Email: Jacob.frie@state.mn.us

mndnr.gov



From: pz@fiftylakesmn.com <pz@fiftylakesmn.com>
Sent: Friday, April 7, 2023 1:08 PM
To: Frie, Jacob (DNR) <Jacob.Frie@state.mn.us>
Cc: clerk@fiftylakesmn.com; ann@fiftylakesmn.com
Subject: Proposed Rezone- City of Fifty Lakes

This message may be from an external email source.

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Hi Jake,

Please see attached for a proposed rezone in the City of Fifty Lakes. The applicant is requesting to rezone "Parcel A" from "Water Oriented Commercial" to "Shoreland Residential." We discussed this one last week during our meeting at city hall.

Thanks,

Justin

Justin Burslie
Zoning Administrator
City of Fifty Lakes
PO Box 125
Fifty Lakes, MN 56448
218-763-3113

ORDINANCE NO. 02-2023
AN AMENDMENT TO THE FIFTY LAKES
LAND USE ORDINANCE
CITY OF FIFTY LAKES
COUNTY OF CROW WING
STATE OF MINNESOTA

The City Council of the City of Fifty Lakes does ordain as follows:

Section 1: Declaration of Purpose: To modify the several sections of the City of Fifty Lakes Land Use Ordinance regarding impervious surface coverage requirements.

Section 2: Amendment: Section 5.0, “Land Use Provisions” including Table 5.01.02, “Water Oriented Commercial (WC) Lot Area, Width, Buildable Area, and Impervious Surface Standards” and Table 5.01.05 “Commercial (C) District Lot Area, Width, and Impervious Surface Coverage Standards” are hereby amended with the following added language underlined and deleted language struck out:

5.0 LAND USE PROVISIONS

Table 5.01.02 Water Oriented Commercial (WC) Lot Area, Width, Buildable Area, and Impervious Surface Standards

Water Oriented Commercial District (WC)--Riparian and Non-riparian Lake and River Classification	Min. Lot Area (ft²)	Min. Lot Width	Max. Impervious Coverage (%)
General Development Lakes	217,800	400	25
Recreational Development Lakes	326,700	600	25
Natural Environment Lakes	435, 600	800	15
Tributary Rivers	435, 600	800	10 <u>15</u>

Table 5.01.05 Commercial (C) District Lot Area, Width, and Impervious Coverage Standards

Land Use District	Min. Lot Area (ft²)	Min. Lot Width	Max. Impervious Coverage (%)
Commercial District (C)	40,000	200	50 <u>60</u>

Section 3: EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its passage and publication, as required by law.

Adopted by the City Council of City of Fifty Lakes

This _____ of _____, _____
(Day) (Month) (Year)

Attest: _____, Mayor

Steve Dahlke

Attest: _____, City Clerk

Karen Stern

From: Frie, Jacob (DNR) <Jacob.Frie@state.mn.us>
Sent: Friday, March 24, 2023 4:36 PM
To: pz@fiftylakesmn.com
Cc: Hoverson, Darrin (DNR); Petrik, Daniel (DNR)
Subject: RE: Potential Ord. Modification- Impervious

Good afternoon Justin:

Looking forward to our Thursday meeting.

MN Rule 6120.3400 subp. 11 B(1) states that “impervious coverage of lots must not exceed 25% of the lot area.”

A similar required is specified in MN Rule 6120.3800 Subp. 6 B (3)(b) – commercial planned unit developments, any tier must not exceed 25% impervious (except for certain circumstances where it may be higher).

There is no such provision (in Minnesota Rule) where impervious coverage cannot exceed a lower threshold – like the one that you are proposing.

The proposed revision you are seeking appears to meet Minnesota Shoreland Rules.

Thank you.

Jacob Frie

Area Hydrologist | Division of Ecological and Water Resources

Minnesota Department of Natural Resources

1601 Minnesota Drive

Brainerd, MN, 56401

Phone: 218-203-4367

Email: Jacob.frie@state.mn.us

mndnr.gov



From: pz@fiftylakesmn.com <pz@fiftylakesmn.com>
Sent: Friday, March 24, 2023 11:37 AM
To: Frie, Jacob (DNR) <Jacob.Frie@state.mn.us>
Subject: Potential Ord. Modification- Impervious

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Hi Jake,

The City of Fifty Lakes is considering increasing the maximum impervious surface coverage for the Water Oriented Commercial Zone for Tributary Rivers from 10% to 15%.

Any concerns with this potential change? We can discuss on Thursday.

Table 5.01.02 Water Oriented Commercial (WC) Lot Area, Width, Buildable Area, and Impervious Surface Standards

Water Oriented Commercial District (WC)-- Riparian and Non-riparian Lake and River Classification	Min. Lot Area (ft²)	Min. Lot Width	Max. Impervious Coverage (%)
General Development Lakes	217,800	400	25
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Natural Environment Lakes	435, 600	800	15
Tributary Rivers	435, 600	800	10 15

Thanks,

Justin

Justin Burslie
Zoning Administrator
City of Fifty Lakes
PO Box 125
Fifty Lakes, MN 56448
218-763-3113

CITY OF FIFTY LAKES
MINUTES OF THE PLANNING COMMISSION
January 24, 2022
6:00 PM

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6 1. Call to order: 6:00 pm

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8 2. Roll Call:

9 Planning Commission: Bob Stancer, Don Reiersen, Fred Strohmeier, Bruce Bissonnette and Mike Milbrath
10 via Zoom from 373 South Cottonwood St. Sisters, OR 97759

11 Staff: Justin Burslie, Zoning Specialist, Ann Raph, Deputy Clerk.

12 City Council: Mayor Steve Dahlke

13
14 3. MOTION MADE BY MR. MILBRATH AND SECONDED BY MR. STOHMEIER TO ELECT BOB
15 STANCER AS CHAIR AND DON REIERSON AS VICE CHAIR. When polled: Mr. Stancer, Mr. Reiersen,
16 Mr. Bissonnette, Mr. Strohmeier and Mr. Milbrath voted aye. Motion carried.

17
18 4. Conditional Use Permit Application CU-01-22 to construct and operate a 199' telecommunications
19 tower. Property Location: 41972 Kego Lake Road, Baker Family Trust

20 Applicant: Ashlee Roher, Horvath Communications obo Verizon Wireless

21 MOTION MADE BY MR. REIERSON AND SECONDED BY MR. STROHMEIER TO APPROVE

22 CONDITIONAL USE PERMIT CU-01-22 TO CONSTRUCT AND OPERATE A 199'

23 TELECOMMUNITCATIONS TOWER WITH 20 FINDINGS OF FACT AND 5 CONDITIONS:

24
25 Findings of Fact:

- 26 1. The subject property is located at 41972 Kego Lake Road.
- 27 2. The subject property is 40 acres and is located in the "Forest Management" land use district.
- 28 3. The conditional use permit request is to construct and operate a 190' telecommunications tower with
29 9' lightning rod located at the top of the tower.
- 30 4. The proposed use of the property, "Telecommunications tower" is allowed with a conditional use
31 permit in the "Forest Management" land use district.
- 32 5. The tower will be located in a 100' x 100' "lease area" on the subject property.
- 33 6. The proposed 190' self-supported tower and 9' tall lightening rod (199' total height) and accessory
34 equipment (ground mounted diesel generator, cabinets, etc.) will be located in an area secured by a
35 chain-linked fence.
- 36 7. The site will be accessed via a 20' wide access easement through the subject property.
- 37 8. The geotechnical report for the proposed use has been reviewed and approved by a licensed
38 structural engineer retained by the city.
- 39 9. The proposed use, with conditions, will not have an impact on the health, safety and general welfare
40 of the occupants in the surrounding neighborhood.
- 41 10. The proposed use, with conditions, will meet all standards of the ordinance.
- 42 11. The surrounding neighborhood consists of residential property and large tracts of land. The
43 proposed use, with conditions, will not impact the value properties in the neighborhood nor will it
44 impact future development of properties in the surrounding area.
- 45 12. The proposed use will improve the safety of the public by providing more reliable cellular phone
46 service than currently exists.
- 47 13. The proposed use will not generate a significant demand for additional public utilities, public
48 utilities or schools.
- 49 14. The proposed use, with conditions, is consistent with the comprehensive plan.
- 50 15. The proposed use, with conditions, will not adversely impact groundwater, surface water and air
51 quality.
- 52 16. The tower has is designed to have capacity for additional antenna equipment to accommodate
53 expansion or to allow for collocation of another provider's equipment;
- 54 17. The surrounding topography is relatively level.

- 55 18. The subject property and surrounding property is mostly vegetated with trees and other dense
56 vegetation.
57 19. There are no telecommunication towers in the vicinity of the subject property.
58 20. In accordance with Section 9.16.07, "Permit Application Requirements," "Subpart m," and Section
59 3.16 "Performance Security," the city engineer has determined an appropriate bond amount for
60 future tower removal and site restoration is **\$103,500**.

61
62 Conditions of Approval:

- 63 1. The security fence shall be constructed as per plans submitted so that unauthorized persons may not
64 enter the restricted area.
65 2. The entrance gate shall contain a lock so that only authorized personnel may enter the restricted
66 area.
67 3. The top of the tower shall not be lit.
68 4. Prior to land use permit approval, the applicant shall submit a performance security in amount of
69 **\$103,500** for the purpose of future tower removal and site restoration in the event the applicant
70 and/or property owner fails to properly do so. The security shall be submitted in accordance with
71 Section 9.16.07, "Permit Application Requirements," "Subpart m," and Section 3.16 "Performance
72 Security" of the City of Fifty Lakes Land Use Ordinance.
73 5. The applicant shall work with the City on the colocation of an outdoor warning siren on the tower.

74
75 When polled: Mr. Stancer, Mr. Reiersen, Mr. Bissonnette, Mr. Strohmeier and Mr. Milbrath voted aye.
76 Motion carried.

77
78 Mr. Burslie presented Ordinance Amendments for approval 01-2023:

79
80 Approve Ordinance Amendment 01-2023 (enclosed) modifying the following sections:

- 81 • Section 3.02, "Planning Commission/Board of Adjustment"—regarding alternate planning
82 commission member.
83 • Section 4.03, "Land Use Table"— clarify that permits are required for driveways.
84 • Section 5.12, "Accessory Structures"- remove SSTS site suitability requirement for accessory
85 structures on ten ac parcels and larger.
86 • Section 8.02, "Placement, Design, Height of Structures"—Allow outdoor fireplace/BBQ.
87 • Section 8.02.02, "Additional Structure Setbacks" – create SSTS drainfield to road right-of-
88 way setback.
89 • Section 8.02.03, "Design Criteria for Structures" – remove provision regarding porous
90 pavements/pervious pavers.
91 • Section 10 "Definitions" – modify definition of "primary dwelling" and "dwelling unit"

92
93 MOTION MADE BY MR. BISSONNETTE AND SECONDED BY MR. STANCER TO RECOMMEND
94 TO COUNCIL TO APPROVE AMENDMENTS 01-2023 TO THE LAND USE ORDINANCE AS
95 PRESENTED. When polled: Mr. Stancer, Mr. Reiersen, Mr. Bissonnette, Mr. Strohmeier and Mr.
96 Milbrath voted aye. Motion carried.

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98 MOTION MADE BY MR. STROHMEIER AND SECONDED BY MR. STANCER TO APPROVE THE
99 DECEMBER 27TH, 2022 PLANNING COMMISSION MINUTES AS PRESENTED. When polled: Mr.
100 Stancer, Mr. Reiersen, Mr. Bissonnette, Mr. Strohmeier and Mr. Milbrath voted aye. Motion carried.

101
102 New Business: At the December council meeting the council adopted a policy to allow remote attendance by
103 both council and planning commission members at their respective meetings with the caveat that you can only
104 vote at one remote meeting as a voting member.

105
106 Old Business: Crow Wing County recently rescinded their Short-Term Rental Ordinance originally
adopted and administered under their public health authority and instead adopted a similar

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ordinance under their land use authority. Their ordinance no longer applies to cities located within the county.

The city has several options (below) to consider regarding short-term rentals. The planning commission is recommending “Option 3,” to adopt Crow Wing County short-term rental ordinance and contract with Crow Wing County to administer. Their ordinance and draft contract are enclosed for your review and consideration.

- a. Disallow. Modify the code to not allow short-term rentals in the city.
- b. Allow Outright. Do not regulate short-term rentals and allow them without a permit.
- c. Crow Wing County Administration. Adopt the Crow Wing County Short-Term Rental Ordinance and contract with the county to administer it. All permitting would be directly through the county and they would receive all permit fees. The contract runs on a year-to-year basis.**
- d. City Administration. Adopt a short-term rental ordinance and permit administratively.

MOTION MADE BY MR. STANCER AND SECONDED BY MR. BISSONNETTE TO RECOMMEND COUNCIL ADOPT CROW WING COUNTY SHORT TERM RENTAL ORDINANCE. When polled: Mr. Stancer, Mr. Reiersen, Mr. Bissonnette, and Mr. Milbrath voted aye. Mr. Strohmeier abstained. Motion carried.

P&Z Administrator’s Report: Mr. Burslie reported 31 land use, 17 SSTS, 1 CUP, 6 variances, 6 subdivisions, 1 rezone and 1 IUP permits were issued in 2022.

- 5. MOTION BY MR. STROHMEIER AND SECONDED BY MR. STANCER TO ADJOURN. MEETING ADJOURNED AT 7:32 PM.

Ann M. Raph, Deputy Clerk

2023 Land Use Permits

NUMBER	DATE RECD	DATE APPRVD	PROPERTY ADDRESS	LAST	FIRST	ZONE	PIN	DESCRIPTION	FEE
01-23	2/3	waiting on lot consolidation	40324 W Fox Lake Road	Drill	David & Erica	SR		Construct 2,156 sf dwelling addition	300
02-23	3/3	3/10	41441 East Eagle Lake Ln	Moldenhauer	Donald	SR	22240575	Construct 1,120 sf dwelling addition in accordance with Variance V-05-22	200
03-23	3/10	4/17	12730 Manhattan Point Blvd	Steinbauer	Nathan & Joanna	SR	22310509	Construct 2' wide paverwalkway in SIZ 1 & 2	100
04-23	4/5	4/14	43953 KEGO LAKE RD	Bailey	Jackie	SR	22150514	Shoreline alteration: sand blanket, walkway and rip rap	100