

SPECIAL COUNCIL MEETING  
CITY OF CROSSLAKE  
TUESDAY, FEBRUARY 17, 2004  
1:00 P.M. – CITY HALL

The City Council for the City of Crosslake met in the Council Chambers of City Hall on Tuesday, February 17, 2004 at 1:00 P.M. The following Councilmembers were present: Mayor Darrell Swanson, Irene Schultz and Dean Eggena. Also present were City Administrator Tom Swenson and Community Development Director Ken Anderson. Kelly Sartor was also present as a resident of Crosslake.

1. Call to order. Mayor Swanson called this Special Meeting to order at 1:00 P.M.
2. Approve Bills. None.
3. Review Comprehensive Plan. Mayor Swanson called on Ken Anderson to provide some introductory comments. Mr. Anderson indicated that Kelly Sartor was present and had an interest in acquiring a property in the commercial district which fronts on East Shore Road. The property is currently owned by the Twombly's and consists of a residential home and garages with a sign advertising a log furniture business. Kelly Sartor addressed the Council and indicated her interest to acquire the property to occupy as a residence and to operate a business in which they prepare and manufacture tables and Adirondack type furniture for distribution to wholesalers. She also indicated her interest would be such that drop-in traffic could purchase the products on a retail basis. She also indicated her interest in expanding the existing residential structure with a new sunroom. Community Development Director Anderson noted that she had attended the Sewer Committee Meeting and the Sewer Committee had indicated a residential sewer hook-up fee would be appropriate for this structure and this type of use. There are no water using devices in the garage space which is anticipated to be used as the commercial enterprise. Anderson indicated in his review of the ordinance that single family homes were non-conforming uses within both the limited commercial district and the commercial district. As such, she could acquire this property and use it for a single family residence provided the use and the structure were not expanded beyond what currently exists at the site. Also, because the use is prohibited in this zoning district, it would not be possible to issue a home occupation permit for the business use on this property. At the Sewer Committee Meeting of February 11, 2004, it was presumed a home occupation would be allowed.

Councilmember Eggena indicated this would have a heavy impact on people. He stated that economics would dictate when a residential property converts to a commercial use and that it should not be done through zoning regulations. After the Council further discussed this scenario, City Administrator Swenson asked how you would allow the economics to dictate when the residential property will convert to commercial. Councilmember Eggena stated that the use should be

grand fathered. He further stated that the ordinance could specify commercial standards and what we are going to allow within this district. Mr. Anderson indicated that the ordinance does not allow the expansion of non-conformities. Councilmember Eggena stated he was adamant that we should not allow the construction of new homes within this district, but we should allow existing homes within this and other commercial districts. He stated the City Council wants to be transitional in its mindset as it relates to non-conforming uses. Mayor Swanson stated that existing single-family uses should be allowed to be expanded and he would like to stay away from the need for approval by a variance or conditional use permit. He would like to see a one line exception to allow single family uses that could be expanded by an over-the-counter permit within the commercial zoning districts. Councilmember Eggena agreed and stated that when it is no longer practical, the residential use will convert to a commercial use. He further stated we should make an exception to everything that is currently in place at the time of adopting the new ordinance amendment. He also noted that all businesses used to have residences within the businesses years ago. He does not wish to place a hardship on property owners that have these residential uses within the commercial district.

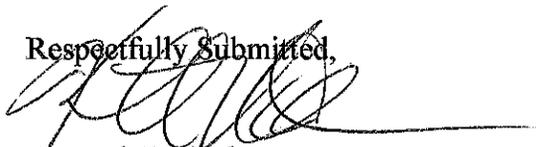
City Administrator Swenson inquired as to what rules do you fall back on for setbacks and other zoning controls. Councilmember Eggena stated that residential use setbacks are all the same and he doesn't want to put a hardship for existing non-conforming uses. Ms. Sartor reported that the Twombly's have a new house in Mission and she would like it if the Council could find a way to make this property work for her proposed business. The City Council further discussed the 50% rule in which, if the structure is damaged beyond 50% of its market value, it cannot be reconstructed in its current location without meeting all provisions of the existing City Code. Councilmember Eggena noted that the 50% rule is somewhat arbitrary and that he has a guest house 40 feet from the lake that is non-conforming. Furthermore, the Mayor has a house that is also non-conforming. If a storm or other peril would damage the buildings beyond 50% of their value, they could not be reconstructed without a variance. He believes the ordinance should be revised as it relates to the 50% rule for non-conformities. The Council directed that staff initiate the process to review the non-conforming language provisions of the City Code. Furthermore, the permitted uses in the commercial districts should allow for existing single family homes, but continue to prohibit new single family homes.

Community Development Director Anderson identified areas within Planned Growth Area #4 that are low density or medium density, but are shown as commercial now. Councilmember Eggena identified the location of property that he owns and is currently designated as industrial. He identified a scenario in which he could envision a land swap for property north and west of the existing Granite City Ready Mix gravel pit with property immediately to the north of the pit. The land swap may involve swapping property with Wannebo. In this scenario he would relocate one residential structure owned by his son and

demolish the other residential structure owned by his other son. The property on which the home would be relocated and a new structure built, could be re-designated residential and the property currently north of his existing pit could be re-designated industrial. Councilmember Eggena further explained that he has been working with the Minnesota Pollution Control Agency to continue monitoring the groundwater near his landfill operations. He intends to continue to proceed with excavation operations immediately north of his existing fill site and continue to bring fill material from construction sites into his pit in to fill the areas being excavated for gravel use by Crosslake Construction and the Granite City Ready Mix operations. He also noted he has 4 wells on the 40-acre parcel to monitor ground water. Council was in agreement that the land use map could be re-designated to show the revisions to the industrial and residential areas and Councilmember Eggena will report on further progress after discussions with the affected property owner.

The Council scheduled the next Comprehensive Plan Review Meeting date for 1:00 P.M. on February 24, 2004. A MOTION WAS MADE BY DEAN EGGENA, SECONDED BY IRENE SCHULTZ TO ADJOURN THE MEETING AT 2:50 P.M. MOTION CARRIED WITH ALL AYES.

Respectfully Submitted,



Kenneth R. Anderson  
Community Development Director.