

SPECIAL JOINT MEETING OF THE CITY COUNCIL AND PLANNING AND  
ZONING COMMISSION AND PUBLIC HEARING  
CITY OF CROSSLAKE  
FRIDAY, MAY 28, 2004  
9:00 A.M. - CITY HALL

Pursuant to due notice and call, the Council for the City of Crosslake and the Planning and Zoning Commission met in a special joint session on Friday, May 28, 2004 at 9:00 A.M. at City Hall. The following Councilmember's were present: Mayor Swanson, Dean Eggena, Bettie Miller, Irene Schultz, and Dick Phillips. Also present was City Administrator Tom Swenson, Community Development Director Ken Anderson, City Attorney Paul Sandelin, City Engineer Jeff Miller, General Manager Dennis Leaser and Clerk/Treasurer Darlene Roach. There were twenty-five individuals in the audience including Jack Huber, Pete Ablor, Dick Dietz, Roger Lynn and Terry Curtis of the Planning and Zoning Commission.

Mayor Swanson called the Special Meeting to order at 9:00 A.M. and stated that the Council had a couple of items to act on prior to the public hearing.

General Manager Dennis Leaser stated that bids for a new telecommunications tower, to be erected on the site of Crosslake Communications, were opened for a second time on May 24<sup>th</sup>. The first bid opening for the tower replacement earlier this month fell short of Staff expectations so new specifications were put together and the tower contractors were asked to re-bid. Two bids were received which met the overall requirements, however Dietz Brothers submitted a more complete package by including engineering drawings for the tower and foundation as well as provided for 200% growth on the proposed tower. It was noted that Dietz Brothers installed the original tower on site. In addition to the costs of the tower replacement, approximately \$14,000 is required for antennas, cabling and other expenses. Sufficient funds are available in the reserve account to purchase the tower and pay the additional expenses. The Utilities Commission recommends Council approval to purchase of the tower from Dietz Brothers in the amount of \$161,476. MOTION 05S5-01-04 WAS MADE BY BETTIE MILLER AND SECONDED BY DICK PHILLIPS TO APPROVE THE TOWER PURCHASE FROM DEITZ BROTHERS IN THE AMOUNT OF \$161,476. MOTION CARRIED WITH ALL AYES. Approval was also requested to purchase antennas, cabling and other miscellaneous items at a cost of \$14,000. MOTION 05S5-02-04 WAS MADE BY DEAN EGGENA AND SECONDED BY BETTIE MILLER TO AUTHORIZE EXPENDITURES OF \$14,000 FOR ANTENNAS, CABLING AND OTHER EXPENSES ASSOCIATED WITH THE TOWER. MOTION CARRIED WITH ALL AYES.

2. Approval of Bills – There were no bills requiring Council approval.

RCONVENE JOINT PUBLIC HEARING –

Acting Chair Jack Huber called the Planning and Zoning Commission to order at 9:06 A.M.

Mayor Swanson stated that the purpose of the hearing was to take comments on three proposed ordinance amendments. This is a continuation of a meeting held approximately one month ago.

Community Development Director Ken Anderson addressed the Council and Commission and stated that the hearing was called to consider ordinance amendments to zoning districts within the City as they relate to permitted and conditional uses. Approval of these amendments will streamline the process for developers by making more permitted uses provided the use meets the performance standards outlined in the Ordinance. This would eliminate the need for a public hearing and mailed notices. A draft ordinance amendment for the limited commercial and commercial districts was reviewed at the last meeting in rough draft form and a revised copy is available for review at this meeting. Currently adult uses are permitted in various districts and the ordinance amendment makes these uses prohibited uses everywhere except in the industrial area where it is a conditional use.

Councilmember Eggena stated that the revised amendments were an excellent beginning but additional items will be identified as they come along. He stated that while all permitted uses will not be covered, it is more important to focus on the prohibited uses. Eggena suggested that wording be added giving Staff the authority to determine the use if not listed. Staff then has the discretion of asking the Planning and Zoning Commission for an explanation on the intent.

After discussion, various wording changes were added and deleted from the ordinance amendment.

Mayor Swanson stated that CUP's were included in the ordinance with the best intentions, however the increased growth has created volumes of work. Mayor Swanson agrees that the real emphasis needs to be on the prohibited uses.

Community Development Director Anderson asked for an interpretation of the 200' issue whereas all development within 200 feet of an adjacent residential zoning district requires a conditional use permit. Commissioner Terry Curtis commented that the 200' could include driveway access or a sign but the business may be a permitted use. Curtis asked if this would become a conditional use and the Council agreed that it would become a conditional use versus a permitted use if the 200' is used for any purpose.

Commissioner Curtis commented that there isn't much difference between the limited commercial zoning district and the commercial district because we're heading towards one district. Mayor Swanson stated that is where the Council is headed, but is not the agenda for today.

City Administrator Swenson asked if the Public Works Facility which includes City and County equipment would be considered heavy equipment and it was agreed that it is considered heavy equipment. Councilmember Eggena stated that a zoning change could be made for that area. Swenson then asked about the Telephone Company equipment. Curtis stated that is on public property versus commercial property, however the Council could stipulate that it be stored inside.

Commissioner Dick Dietz supported changing the Ordinance from conditional uses to permitted uses, but would not support eliminating the limited commercial district. He stated that limited commercial has operated for a purpose and eliminating the district is in conflict with the Comprehensive Plan. Residents stated they don't want to industrialize the City and this change in limited commercial is designed to provide more opportunity for commercialization in the City. Dietz believes a change would be in conflict with the Comprehensive Plan and that the Council ought not to try and solve a problem that doesn't exist. Councilmember Eggena stated that in looking at the zoning maps, there is very little commercial property. Curtis feels limited commercial plays a role adjacent to the commercial zone. Commissioner Lynn feels the 200' corridor is not enough of a buffer when it comes to uses such as a car wash. In that case he feels a more restrictive noise barrier is needed. Eggena stated if we become too restrictive, people won't be able to mow their lawn. Councilmember Phillips stated that when we put conditions on CUP's no one enforces. He feels the 200' buffer will present the same problems and wonders who is going to enforce the 200' buffer zone.

There were no comments from the public regarding the ordinance amendment regarding permitted uses.

Community Development Director Anderson stated that the second proposed ordinance amendment deals with adult uses. These uses are being moved to be a prohibited use in all zoning districts except the industrial district where it is a conditional use. There were no questions from the Council, Commission or public on this ordinance amendment.

Anderson stated that the third ordinance amendment requiring review by the Council deals with pre-existing lots. In reviewing the various zoning districts, there was discussion regarding what would be allowed if a storm came through and destroyed a number of homes. Would the City require property owners to obtain a variance to rebuild. Based on this discussion, revisions have been made to the ordinance pertaining to non-conforming uses on pre-existing lots and septic tank abandonment. Language pertaining to inspection of footings is also included in the ordinance amendment. At the last Planning and Zoning Commission meeting, the Addington Variance request was reviewed and discussed. Approval of this ordinance amendment would allow the Addington's to tear down the dilapidated cabin and rebuild a structure 54' from the OHW level as compared to 51' from the OHW which is the location of the current cabin. City Attorney Paul Sandelin commented that the State Legislature is reviewing non-conforming uses and any changes at the local level may be affected by any action taken by the Legislature. Attorney Sandelin noted that Council could wait to see what position the Legislature takes on this issue. There was some discussion regarding imposing a time limit of 180 days to apply for a building permit, or the opportunity to rebuild without a variance is lost. Councilmember Eggena stated that he has reviewed the legislation under review at the Capitol and has a difference of opinion regarding intent from that of the City Attorney.

Community Development Director Anderson asked if two lots were combined and the property owner cannot meet the setback requirements, would we allow a zoning permit to be issued or would a variance be required.

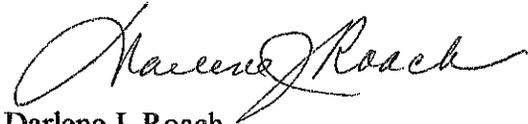
Commissioner Lynn commented that he feels the Council needs to protect the 75' setback in order to protect water quality.

Councilmember Eggena stated that he would support approving the Ordinance amendment since the changes identified would give consistency to the landowners and allow property owners to rebuild in the event of a disaster. Community Development Director Anderson stated that the Commission would need to make a recommendation to the Council before the Council could take any action on the proposed amendments.

The hearing was open to the public for comments. Mrs. Addington addressed the Council and stated that the lots in French's Addition contains structures that were built in the 20's. In the 1960's, lots were divided and sold. She stated that to place one further back (in order to meet the setbacks) would look out of proportion with the remainder of the properties in this area. Mrs. Addington stated that currently her cabin is 51' from the lake and is requesting a variance to construct a new home 54' from the lake. The side setback is 5'8" from the lot lines and has not been met with any opposition from the neighbors. The Planning and Zoning Commission is recommending a smaller structure be constructed within the footprint. Approval of this ordinance amendment would allow Mrs. Addington to construct a new home 54' from the lake. Mrs. Addington urged the Council to approve the Ordinance Amendment upon a recommendation from the Planning and Zoning Commission. Community Development Director Ken Anderson stated that a Special Council Meeting has been scheduled for Friday, June 4<sup>th</sup> at 9:00 A.M. and the Planning and Zoning Commission could have a recommendation to the Council for that meeting.

MOTION 05S5-03-04 WAS MADE BY DICK PHILLIPS AND SECONDED BY DEAN EGGENA TO ADJOURN THIS SPECIAL COUNCIL MEETING AT 10:33 A.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by,



Darlene J. Roach  
Clerk/Treasurer