

PUBLIC HEARING
CITY OF CROSSLAKE
MONDAY, MAY 13, 2002
6:00 P.M. - CITY HALL

Pursuant to due notice and call, the City Council met in the Chambers of City Hall to hear an appeal for Variance 2002-006 submitted by Toy Box Storage IV, Inc., c/o James Gallaway. The request is an appeal to the City Council regarding a decision made by the Planning and Zoning Commission to deny the variance request to allow a recently constructed storage building to remain at a setback of 13.4 feet from the road right-of-way rather than relocating the building 35 feet from such road right-of-way as required. The property is zoned Commercial and is located on Northern Terrace near the intersection of Black Bear Path. The legal description of the property is Lot 1, Block 3, M&D Addition to Crosslake, Section 28, Township 137 Range 27W. Present at the hearing was Mayor Darrell Swanson, Councilmembers Sandy Eliason, Chuck Miller, Irene Schultz and Dean Swanson. Also present was City Administrator Tom Swenson, City Attorney Paul Sandelin, Community Development Director Paul Larson, Clerk/Treasurer Darlene Roach and Lake Country Echo Reporter Betty Ryan. (Sign in sheet attached as a permanent part of the minutes.) Jim and Scott Gallaway of Build All Lumber were present to represent the applicant. There was one other individual in the audience.

Mayor Swanson called the Public Hearing to order at 6:01 P.M. and stated that the order of events would include a presentation by the Planning and Zoning Staff, a legal opinion by the City Attorney, a presentation by the Applicant, comments from the public and final questions and comments by the City Council.

Community Development Director Paul Larson addressed the Council and reviewed various documents presented to the Councilmembers prior to the hearing. These documents include: (1) Planning and Zoning Staff Report with attachments, dated April 26, 2002; (2) Certificate of Survey of the subject property; (3) Variance Evaluation Criteria Worksheet; (4) Appeal letter from James Gallaway, representing the applicant; (5) Copy of the second public hearing notice which was sent to adjacent property owners; (6) Letters from neighboring property owners; and (7) Draft minutes from the April 26, 2002 Planning and Zoning Commission Public Hearing. The Planning and Zoning Commission reviewed the request for the after-the-fact variance at a Public Hearing held on April 26, 2002 and on a vote of four to one denied the request based on lack of hardship. There was some discussion at the Planning and Zoning Hearing, however, regarding screening and landscaping, however detailed plans were not considered.

Attorney Paul Sandelin reviewed the standards that the Council needs to consider when reviewing the granting of variances.

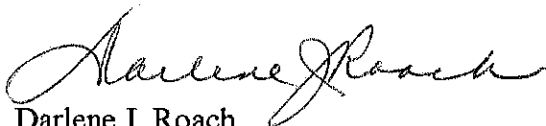
Jim Gallaway addressed the Council and stated that the building was constructed in the wrong location in error. When staking the site, instead of establishing the roadway right-of-way first and then establishing the building setback, the employee took the setback

from the edge of the blacktop. Mr. Gallaway stated that the area the building is constructed in is a pole barn park which creates less of an impact as a result of the error. He stated that there is no benefit gained by the developer from the placing of the building closer to the road. He also feels there is no safety problem created for access to the building nor any negative impacts to the neighborhood. He stated that neither the developer nor the owners of the units have any objection to the location of the building. He stated that during discussion at the Planning and Zoning hearing, the Commission suggested screening for the entire development. He stated, at the time of the hearing, he was not in a position to commit to screening the whole development since he was the contractor and had not talked to the developer. After meeting with the developer, Mr. Gallaway stated that he would be in agreement with screening in front of all existing buildings within the development. Mr. Gallaway proposed screening from the North side of the subject building to the cul-de-sac North of said building. This would involve screening in front of the buildings by staggering trees. In talking with two local nursery's, it was suggested that potted 3' tall Norway Spruce be used for the screening project rather than planting Norway Pine trees since water is not available at the site. There would be less disturbance to the roots by leaving the trees in the pots. Mr. Gallaway proposed placing 35 trees in front of the buildings. City Administrator Swenson asked if there was any guarantee with the trees or whether a spray tank could be used in a dry year. Mr. Gallaway stated there would be no guarantee from the nursery since proper maintenance of the trees cannot be determined. MOTION 05PH1-01-02 WAS MADE BY DEAN SWANSON AND SECONDED BY IRENE SCHULTZ TO APPROVE VARIANCE 2002-06 PROVIDED TEN (10) TIMES THE VARIANCE APPLICATION FEE OF \$300 BE PAID BY THE APPLICANT PER CITY REQUIREMENTS FOR AFTER-THE-FACT APPLICATIONS OF WHICH \$300 HAS ALREADY BEEN PAID LEAVING A BALANCE OF \$2700; THAT VEGETATIVE SCREENING BE PLACED BETWEEN THE SUBJECT BUILDING AND ALL PREVIOUSLY CONSTRUCTED BUILDINGS IN THE TOY BOX STORAGE DEVELOPMENT WITH PLACEMENT IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS: (a) THIRTY FIVE POTTED NORWAY SPRUCE SHALL BE PLANTED; (b) THE TREES SHALL BE PLACED ON THE EAST SIDE OF THE NORTHERN TERRACE ROAD RIGHT-OF-WAY BETWEEN THE BUILDINGS AND SUCH RIGHT-OF-WAY ALONG THE FULL LENGTH FROM THE SUBJECT BUILDING TO THE NORTH END OF THE ROAD CUL-DE-SAC; (c) TREE SPACING SHALL BE THIRTEEN FEET APART AND PLACED IN A STAGGERED PATTERN RATHER THAN IN A STRAIGHT LINE; (d) THE TREES SHALL BE AT LEAST THREE FEET IN HEIGHT WHEN PLANTED AND; (e) MULCH SHALL BE PLACED AROUND EACH TREE TO A WIDTH OF SIX INCHES. Councilmember Miller stated that he has to support the decision made by the Planning and Zoning Commission in denying the after-the-fact variance request. He also expressed concern about how many other "mistakes" will come before the Commission requesting after the fact approval. Mayor Swanson stated that no two situations are exactly alike and that each request needs to be considered on its own merit. City Attorney Sandelin stated that every case is different and while it is always a struggle to determine whether it may be considered precedence, the decision needs to be in the best interest of the City. Councilmember Eliason asked what would be required to move the

building. Jim Gallaway stated that the building which is 80'x56' is constructed in four pieces. Since the poles are in the ground and the slabs are poured, the two front units would have to be removed. There would be no salvage to what would be removed. Mr. Gallaway stated that Build All Lumber has set in place a procedure that will ensure that this will not happen again by requiring a surveyor to set the stakes. Community Development Director Paul Larson asked for a clarification on the conditions and it was restated that thirty-five 3' potted Norway Spruce trees be placed North from the building in question to the cul-de-sac in front of the existing buildings with 6" of mulch around the trees with spacing as needed for staggering. MOTION CARRIED WITH FOUR AYES AND COUNCILMEMBER MILLER VOTING NAY.

MOTION 05PH1-02-02 WAS MADE BY SANDY ELIASON AND SECONDED BY DEAN SWANSON TO ADJOURN THIS PUBLIC HEARING AT 6:35 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by,

A handwritten signature in cursive script, reading "Darlene J. Roach".

Darlene J. Roach
Clerk/Treasurer

Public Hear-Variance Appeal Toy Box Storage-May 13, 2002

SIGN-IN SHEET

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