

**CITY OF CROSSLAKE  
CITY COUNCIL  
PUBLIC HEARING  
6:00 P.M., MONDAY, JULY 11, 2005  
CITY COUNCIL CHAMBERS, CITY HALL  
MINUTES**

**MEMBERS PRESENT:** Honorable Mayor Jay Andolshek, Dick Phillips, Dean Eggena, Dean Swanson

**MEMBERS ABSENT:** Terry Curtis

**OTHERS PRESENT:** Tom Swenson, City Administrator; Ken Anderson, Community Development Director; Kirk Adams, Associate City Attorney; Jim Perry, Planner-GIS Coordinator; Darlene Roach, City Clerk, 19 people present for public hearing (see attached sign-in sheet).

**PUBLIC HEARING/CALL TO ORDER:** Mayor Jay Andolshek called the public hearing to order at 6:00 p.m.

**PUBLIC HEARING:**

**1. Appeal 2005-004, Peter Hanson and Lynne Marchese**

Community Development Director Ken Anderson stated that this was an application to appeal the Planning and Zoning Commission's decision to deny a rezoning application. He said that the applicant had previously applied for an Ordinance Amendment to allow for a home occupation to have more than the allowed 25% of the property to be used for business and to allow outside employees to work at the business. Anderson said that upon considering the Ordinance Amendment, the Planning and Zoning Commission decided that it would be in everyone's best interest to rezone the strip of property from their property to the lot south of the Cedar Chest from R-3 to Waterfront Commercial, although the idea was denied after receiving negative feedback from the neighbors. The applicant would like to appeal the decision to deny the rezoning request. Mr. Anderson added that because the property is residentially zoned, the Cedar Chest is currently a non-conforming use meaning it can't expand or rebuild. He reminded Council Members that any rezone which increases the intensity of the lot is required to be passed by a 4/5 majority vote, while a decision to uphold the Planning and Zoning Commission decision to amend the Ordinance would only require a simple majority vote. Anderson added that if the rezoning is approved, then the ordinance should also be amended to make existing single-family homes an allowed use in the Waterfront Commercial district. Dean Eggena said that he thinks that existing homes were meant to be allowed in the Waterfront Commercial district, stating that the Council allowed existing homes in the Commercial and Limited Commercial districts, but overlooked the Waterfront Commercial district. Anderson said that the Council has 60 days from the date of application, which was June 3<sup>rd</sup>, 2005, to take action on the request. Eggena asked why this was not brought to the Council immediately after the April 22 Planning and Zoning Meeting. Jim Perry stated that the applicant had originally applied to amend the ordinance as it relates to home occupations at the April 22<sup>nd</sup> meeting, and that the Planning and Zoning Commission


denied that request in favor of rezoning the subject strip of properties. Perry stated that Planning and Zoning then had to hold a public hearing on the rezoning issue, which it also denied. Anderson added that when the Zoning Permit was issued for the home, the applicants signed a form stating that they understood, and would comply with the regulations for home occupations. Kathy Murrer, owner of the Cedar Chest, was present and said that she could not understand why her business, which had been in existence since 1970 could have been rezoned to residential, addressing concern that it may be impossible to expand or rebuild. Murrer also encouraged the City to notify all affected property owners any time a rezoning takes place. Lynne Marchese, the property owner, was present and said that when she purchased the property, it was zoned Commercial. She added that she has been working many years to realize the dream of opening the proposed salon, only to find out the property had been residentially rezoned without her knowledge. Marchese presented a petition with 123 signatures in support of her proposal, adding that it will not be an obtrusive business and that it will be an asset to the community. Greg Long, 33538 Sandra Road, was present and said that he is not against the proposal, but that the business should be in a Commercially zoned area. Long also addressed concern about the effects the business would have on property values and traffic. Paula Karl, 11986 Sunrise Island Road, said that people buy property with future plans and dreams in mind and that it is unfair that the applicants were not even notified of the rezoning. She added that she has seen many cases where a spa has successfully co-existed amongst residential uses. Karl added that she could not understand how neighbors could be concerned about traffic when they live on the busiest highway in town. Kathy Murrer asked what type of vote would be required being that only four Council Members were present. Mayor Andolshek stated that a full four votes would be required. Jean St. Pierre, the property owner to the south of the Hanson/Marchese property, said that since the original permit was issued for a single family home it should not just be changed to Commercial. She said that she agreed with rezoning the Cedar Chest but stated opposition toward rezoning the remainder of the strip of properties. She added that the Council should gather more information as to parking and lighting before making a decision. Crosslake resident Nancy Addington said that part of the mission statement of Planning and Zoning is to "ensure that development is compatible with uses." She said that she likes the idea of the business, but not the proposed location. Addington also said that she is against amending the ordinance because it will eliminate the line between Commercial and Residential Zones. Property owner Pete Hanson expressed displeasure with the fact that they were never allowed the courtesy of a public hearing when his property was rezoned from Commercial to Residential. He added that the business will not operate differently regardless of what the property is zoned, adding that noise and excessive traffic will not be a problem. Andolshek read a letter from Spencer and Jeani Bakke, the property owners to the north of Hanson and Marchese. The letter addressed concern about the driveway, property values, excessive traffic and lighting, and said that they were against the rezoning of the property. Marchese stressed that the spa would not be a high volume business, and that a spa is supposed to be serene. She said that the business would blend in well, and that she would prefer to have as little lighting as possible. Addington added that either a Rezoning or an Ordinance Amendment would cause problems for the City. Kathleen Fields stated that she could not think of a better place for this business. She stated that driving into town, you would never suspect that

the property is residentially zoned because of its location on the highway and across from existing commercial uses. Fields added that the intent of a spa is to relax, and that she couldn't see noise and traffic being created. Karl added that she lives in a residentially zoned area and has to deal with constant noise from large boats and personal watercrafts, and that the business would be much less intrusive than most residential uses.

MOTION PH7-01-05 WAS MADE BY DEAN EGGENA, SECOND BY DEAN SWANSON TO ADJOURN THE PUBLIC HEARING AT 7:55 P.M. MOTION CARRIED WITH ALL "AYES."

A consensus was reached to continue discussion on the issue under critical issues as a part of the regular meeting.

Minutes respectfully prepared by Jim Perry

A handwritten signature in black ink, appearing to read 'Jim Perry', is written over a horizontal line. The signature is stylized and cursive.

