



**CITY OF LONG LAKE
PLANNING COMMISSION MEETING MINUTES
APRIL 10, 2012**

CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chair Crump.

Present: Committee Members Crump, Hughes, Kelley, Erickson, and Stephenson; Planning Consultant, Ann Perry, and City Councilmember Skjaret.

Absent: None.

APPROVE AGENDA

Commissioner Stephenson moved to approve the agenda as presented. Commissioner Hughes seconded. Ayes: all.

CONSENT AGENDA

A. Minutes of the March 13, 2012 Planning Commission Meeting

Commissioner Hughes moved to approve the Consent Agenda as presented. Commissioner Stephenson seconded. Ayes: all.

OPEN CORRESPONDENCE

None.

OLD BUSINESS

A. Planning Case #2012-01 Variance/Amending Zoning Ordinance 2305 Daniels Street (Tonka Auto and Marine) Tabled from March 13, 2012 Planning Commission Meeting

Chair Crump reported that this item had been tabled at the last meeting and since that time the applicant has formally withdrawn their land use application through a written letter, dated March 26, 2012.

B. Public Hearing Continuation to Consider Zoning Ordinance Amendments Regarding Interim Uses

Planning Consultant Perry noted that this item had been previously discussed by the Commission at the last meeting. She advised that applications from Tonka Auto and Marine and from the Long Lake Rowing Club had been withdrawn until the decision is made for this amendment request, as both requests could fall within the proposed interim use. She

questioned whether the Commission agrees that the interim use permit would be a good fit for the City and if so, does the Commission also agree with the language proposed. She stated that one item that would vary from permit to permit would be the end date, as that could be negotiated between the applicant and the City. She noted that other items could void the permit as well, such as the permit not being used within one year or violations of the permit. She provided additional information regarding the zoning of specific property and expired Developer Agreements, PUDs and Master Plans. She stated that changes are proposed for the PUD section of the Ordinance as well, in coordination with the City Attorney. She explained that the proposed change to the industrial zone would allow for outdoor storage to exceed 25 percent of the property but could not exceed 50 percent, under an interim use permit for marine facilities only, subject to the listed conditions. She explained that the interim use permit could be active for up to six months, but for the remaining six months of the year the outdoor storage would need to be under the required 25 percent. She explained the different items that the Commission should discuss and opened the floor to the Commission.

Chair Crump confirmed consensus that interim use permits should be allowed. He stated that in general it seems that the City is attempting to be too specific. He stated that if the City believes that up to 50 percent outdoor storage is acceptable under an interim use in that zoning district, why limit that specifically to boats. He explained that broadening the interim use to the entire zoning district would allow for start up businesses to gain their footing and then invest in the property to meet the outdoor storage requirements. He believed that other seasonal businesses in that zoning district could also benefit from interim use permits.

Commissioner Kelley questioned if the City should simply focus on Tonka at this time and then further review the zoning district to possibly expand the interim uses to the entire zoning district.

Planning Consultant Perry confirmed that the focus was specific to one business.

Commissioner Erickson stated that one of the problems that the City has had with variances is that they are too broad, and one approval can open the door to the entire district. He believed that the specifics of the proposed Ordinance would allow for the City to keep control through the interim use permit. He believed that this proposal is a good solution to this situation.

Commissioner Stephenson questioned if interim uses would be specific to seasonal businesses and whether the six month time period could be extended.

Planning Consultant Perry confirmed that the interim use permit could be extended to exceed the six month period. She stated that the Ordinance could be written more generally, with specifics being added through the interim use permit. She stated that she has spoken with the City Attorney and there is no court case history on interim use permits.

Commissioner Stephenson stated that six months on the time allowance may be good for this year, but next year we could have a long winter and outdoor storage may be needed for longer than six months. He instead suggested that the time period be limited from Memorial Day to Labor Day. He stated that he did visit the site, but the business owner was unsure of

where the exact lot lines were and what portion of the property would be included in the overall measurements of the lot.

Commissioner Erickson stated that he viewed the property on the Hennepin County website, which displays aerial photos and clearly highlights the lot lines of the property.

Chair Crump stated that he is very much in favor of the interim use, as he believes that is a good fit for the City. He explained that his concern was over the very narrow application of the idea, which he felt could cause additional work for the City when additional amendments are needed in the future. He believed that the interim use should be allowed for commercial properties within the industrial zoning district, under administrative review. He did not believe that the Commission and Council should have to review every request that comes in and then make amendments to the Ordinance for each situation.

Commissioner Erickson stated that he was unsure if the City should be that open to those requests, as that may not match the long term goals of the City.

Commissioner Kelley agreed that it would be easier to proactively review requests, rather than having to correct issues after the fact.

Chair Crump opened the public hearing at 7:04 p.m.

Marty Schneider, 1176 West Wayzata Boulevard, commented that as a lakeshore property owner he believed that the interim use should be specific to property. He stated that his concern is that the City set certain parameters, which could then be interpreted differently by different businesses.

Chair Crump stated that his attempt is to avoid a public hearing and Ordinance amendment for every request made.

Councilmember Skjaret stated that the Council does not oppose a public hearing for each request.

Planning Consultant Perry explained that Chair Crump is not concerned specifically with the public hearing but that an Ordinance amendment would be required for every specific use requested.

Chair Crump agreed and explained that a request for a pole barn should be reviewed but believed that outdoor storage should be allowed under interim use without an amendment to the Ordinance.

Councilmember Skjaret stated that he would only be in favor of allowing an interim use for a period of one year, with an application fee paid each year. He noted that the Ordinance could be written to allow an extension without the requirement of a public hearing but believed that the City should have control on an annual basis with a fee required each year.

Mr. Schneider questioned at what point an interim use permit would become simply a way to skirt the zoning requirements, after a year or five years.

Commissioner Stephenson stated that from the business owner side he was unsure that an annual approval would be beneficial.

Chair Crump stated that he did not agree with that comment as that is the purpose of an interim use, to allow something for a period of time, not for the entire life of the business. He stated that specific to Tonka, he did not believe that the industrial zone is not the right fit for that type of business. He stated that although he agrees that a period of five years may be too long, he did not believe that a period of one year would be long enough.

Councilmember Skjaret explained that the permits should be reviewed annually to ensure that compliance is met and that a fee is being paid.

Commissioner Stephenson stated that he would like to see a period of more than one year to provide some time of security for that business.

Councilmember Skjaret stated that if the conditions are being met, he would be open to possibly allowing a period of maybe three years. He explained that the goal of the Ordinance is amendment is to improve the zoning district and build it out, which is why the interim use should be limited to a set period of time to ensure that the business does not simply continue paying the interim use fee annually rather than invest in the property.

Chair Crump agreed that the goal is to improve the zoning district and suggested that a plan for phasing improvements be listed in the permit as well, to ensure that improvements are being made over that period of time. He explained that the interim use would give the businesses time to improve the property to fit their needs over the time specified.

Commissioner Erickson noted in that case of a leased property the agreement should be approved and signed by both the applicant and property owner.

Councilmember Skjaret asked for the input regarding the Billy's Lighthouse and Rowing Club.

Planning Consultant Perry explained in that situation the Rowing Club would proposed to construct a temporary building to house boats and equipment. She noted that specific language is proposed for the PUD section of the Ordinance to address temporary buildings and the type of material that could be used. She again confirmed that the language has been very narrowly written to address these situations.

Councilmember Skjaret stated that there are a lot of issues for that type of use at the Billy's Lighthouse property.

Chair Crump questioned if nonprofits should be allowed in additional areas other than simply through PUDs.

Planning Consultant Perry explained that the language was written simply to address nonprofits in regard to interim use permits. She stated that she was open to suggestions on the language.

Commissioner Erickson suggested using language such as lakeshore recreational clubs with non-motorized boats.

Chair Crump stated that a Rowing Club would use small motorized boats, for coaches and starting boats.

Planning Consultant Perry stated that she would take these suggestions and incorporate those changes to the proposed Ordinance amendments.

Mr. Schneider stated that he had heard that the Rowing Club would be using the site more for training and would only hold one event per year. He suggested that limits be placed on the number of events if a formal application is submitted.

Chair Crump stated that the City is attempting to resolve the situation at hand and explained that operations and limitations would be addressed after an application is submitted.

Mr. Schneider commented that the concern from lakeshore residents is that the lake is not the usual size for rowing courses and the possible noise.

Commissioner Hughes noted that the Rowing Club actually uses a wireless system now, rather than megaphones which should decrease the noise.

Chair Crump questioned whether the existing building would be torn down or whether the building would remain in addition to the temporary building.

Commissioner Hughes stated that it is his opinion that the temporary building should be allowed in addition to the existing building, as it appears this request is simply for one year and the Club has shown what they would like to do.

Chair Crump agreed that it would be a little late in the year to request a building to be torn down prior to use simply for this summer. He confirmed the direction of the Commission and noted that the item would be further discussed at the next meeting.

Commissioner Stephenson moved to continue the public hearing for Ordinance No. 12-02 amending the Long Lake Zoning Ordinance to allow interim uses to the May Planning Commission meeting. Commissioner Hughes seconded. Ayes: all.

C. Discussion of Council Work Plan Priority Item – How to Approach Review of Downtown Parking

Planning Consultant Perry stated that the direction needed from the Commission tonight is how to review the downtown parking issue, such as a Subcommittee which had been used for green technology.

Chair Crump stated that he would prefer that a Subcommittee be formed and suggested that Commissioner Erickson lead that Subcommittee.

Commissioner Erickson stated that he would love to be a part of the Subcommittee but was unsure if he should lead, as he is the newest member of the Commission.

Chair Crump discussed the task that would be given to the Subcommittee in regard to the downtown parking and possible solutions.

Commissioner Kelley also volunteered to join the Subcommittee.

Chair Crump stated that he would attend the meetings but could not be a member of the Subcommittee. He confirmed that Commissioners Erickson and Kelley would form a Subcommittee to discuss the downtown parking. He suggested that in the next month the Subcommittee meet to form a goal for the issue of downtown parking.

OTHER BUSINESS

Council Liaison Report

Councilmember Skjaret reported that the Fire Chief presented the Annual Report at the March 20th Council meeting and believed that the Fire Chief has done a great job in the past year. He stated that the 2012 lawn service agreement had also been awarded at that meeting. He advised that the City has been awarded a tree planting grant from the DNR and explained that the DNR would purchase and help plant the trees and the City would be responsible for watering and maintenance. He advised of a clean-up project which will be conducted by the Lions Club and some local high school students. He stated that a one percent increase was approved to the pension plan for the Fire Department and provided additional information regarding pension plans and the required balance that must be on hand. He stated that the City would like to move towards a 401K type plan in the future. He reported that the City was able to pay off the bond for the water tower improvements ahead of schedule. He provided an update of the April 3rd Council meeting, noting that discussions included the Turnback project and obtaining quotes for I & I repairs. He reported that the recycling in the City has increased with the single sort system. He also noted that it has been reported that all of the copper has recently been stripped from Burger King, similarly to what has happened at Billy's Lighthouse. He stated that the Truth in Taxation Hearing will be held the following Tuesday.

Commission Member Business

None.

Staff Business

Planning Consultant Perry briefly confirmed the direction of the Commission regarding the proposed Ordinance amendments.

Commissioner Erickson provided additional suggestions which could make the amendments more specific.

ADJOURN

Commissioner Stephenson moved to adjourn the meeting at 8:11 p.m. Commissioner Hughes seconded. Ayes: all.

Respectfully submitted,

Terry Post
City Administrator