



**CITY OF LONG LAKE
PLANNING COMMISSION MEETING MINUTES
AUGUST 13, 2013**

CALL TO ORDER

The meeting was called to order at 6:32 p.m. by Chair Erickson.

Present: Commission Members Adams, Erickson, Hughes, and Jerde; City Administrator, Terry Post; City Planning Consultant Ann Perry; City Councilmember Donny Chilstrom; and Mayor Tim Hultmann.

Absent: Commission Member Stephenson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVE AGENDA

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

CONSENT AGENDA

A. Minutes of the July 9, 2013 Planning Commission Meeting

Chair Erickson referenced page six, the third paragraph, it should state, "...include practical difficulty..."

Commissioner Adams moved to approve the Consent Agenda as amended. Commissioner Jerde seconded. Ayes: all.

OPEN CORRESPONDENCE

Bill Bradley, 1126 Under Hill Circle, stated that he has lived at his property since 1975 with his wife Susan, who was also present. He stated that summer rentals of the neighboring home began this summer with rental tenants changing occupancy every few days. He stated that the previous weekend a wedding was held with visitors parking up and down the private Underhill Circle roadway shared by the other six homes on the roadway. He advised that Kathy Roth, 1136 Under Hill Circle (also in attendance), had to ask visitors of the wedding to move their vehicles so that she could access her driveway. He noted that five of the six homes on the private roadway have concerns with the rental property at this time. He discussed the rental program of the City and stated that he believed that policy of the City should become more stringent. He advised that the sale of the property in discussion is soon closing and noted that the new property owners also intend to rent the property. He

noted that while the new owners intend to change the minimum rental length from three days to one week but believed that type of activity would qualify as commercial rather than residential.

Kathy Roth, 1136 Thunder Hill Circle, stated that the City of Minneapolis has a mandatory rental license and believed that Long Lake should as well.

City Administrator Post noted that changes to the City's rental property policy would apply across the City and not just to that one specific property and with more stringent licensing comes enforcement requirements. He noted that staff would research this matter and report back at the next meeting.

Donny Chilstrom, 267 Charles Street, stated that he has also had problems with a rental property neighboring his home. He stated that there have been multiple police calls and he would also be in favor of more stringent regulation for rental properties.

NEW BUSINESS

A. Case #2013-04, El Parian Restaurant, 1865 West Wayzata Boulevard (Outdoor Seating CUP) Public Hearing

City Administrator Post reported that the former restaurant at this site had been granted a Conditional Use Permit (CUP) for outdoor seating and noted that when that business left the CUP expired. He stated that the new restaurant, El Parian, also has outdoor seating and therefore requires similar CUP approval.

City Planning Consultant Perry advised that this restaurant is very similar to the two previous occupants, which were also restaurants with outdoor seating. She discussed the proposed outdoor seating area and advised that the current operation does not seem to be causing any conflicts. She stated that staff feels comfortable supporting the request with the additional conditions that the trash be removed immediately and that a minimum walkway be left clear between the seating area and the edge of the sidewalk to allow adequate space for passersby.

Commissioner Adams stated that this is exactly what the previous restaurant had, the technicality was that the CUP lapsed between uses.

Chair Erickson opened the public hearing at 6:47 p.m.

No comments made.

Chair Erickson closed the public hearing at 6:47 p.m.

Commissioner Hughes moved to recommend that the City Council approve the Conditional Use Permit for Outdoor Seating for the El Parian Mexican Restaurant, with the two additional conditions regarding removal of trash and a minimum walkway for the outdoor seating area. Commissioner Jerde seconded. Ayes: all.

B. Zoning Ordinance Amendment, RLUIPA Accommodation and Technical (Clean-up Items) Public Hearing

Chair Erickson opened the public hearing at 6:48 p.m.

City Planning Consultant Perry provided a brief synopsis of RLUIPA and the need for the City to amend the Ordinance.

Mayor Hultmann stated that he attends a monthly regional counsel of Mayors where items like this are discussed. He advised of other cities that have spent a significant amount of funds on legal assistance to develop an Ordinance of this nature. He presented the Ordinance from the City of St. Anthony Village to the Commission and staff for review, noting that this could be used in consideration with the Ordinance.

City Administrator Post provided an update on the process that the Commission has entered at this time. He advised that the information distributed by the Mayor tonight will be incorporated later in the process.

Chair Erickson closed the public hearing at 6:54 p.m.

Commissioner Adams moved to recommend that the City Council adopt amendments to the Zoning Ordinance to comply with the RLUIPA, and other "housekeeping" ordinance changes. Commissioner Hughes seconded. Ayes: all.

C. Planning Commission Topics Review and Future Discussion Calendar

Chair Erickson stated that he was happy to see copies of the 2030 Comprehensive Plan Update and the Zoning Ordinance for Long Lake for the Commission tonight.

City Administrator Post stated that at the joint workshop between the Planning Commission and the City Council an action item was to make copies of these documents available to all Commissioners as a resource for them.

Chair Erickson stated that based on the previous joint workshop discussion he believed it would be logical to take the issues in order, which began with the Guide Plan, and stated that as time goes along the discussion could move along up the triangle.

City Administrator Post noted that an overview of the 2030 Comprehensive Plan Update will be discussed as part of the September regular meeting agenda.

OTHER BUSINESS

Council Liaison Report

Councilmember Chillstrom thanked the Commission for their efforts in developing the RLUIPA Ordinance and for recommending approval of the outdoor seating at El Parian. He advised that the City Council recently met with representatives from the DNR in regard to the water elevation for Long Lake and advised that the Council will move forward in attempting to gain a "no wake" ordinance during high water conditions. He stated that the City of Orono will have to be involved as the lake "belongs" to both cities. He expected that the ordinance process would be complete in both cities to be in effect by spring of the next year.

Commissioner Hughes questioned what control the DNR would have in this situation because the "no wake" is required by Ordinance.

Councilmember Chillstrom explained that when the water reaches a certain depth there would be a "no wake" instituted. It was clarified that the DNR would not be in charge of enforcement, that duty would fall to Hennepin County Sheriff Water Patrol. He advised that a sign would be posted at the landing and when the water reaches the specified mark on the sign the "no wake" would be instituted. He advised that there is a common standard used by many lakes that will be used as a guide in developing this Ordinance.

Mayor Hultmann clarified that the "no wake" would only be instituted for a few days at a time once it is triggered. He stated that the City is attempting to craft the Ordinance similar to Medicine Lake and Plymouth as they have had this type of policy since the 1970's. He stated that he has been discussing the RLUIPA issue with regional mayors for the past seven months and just obtained the St. Anthony Village information the previous day. He explained that he was not attempting to undermine the work of the Commission and appreciates all the work they have put into the RLUIPA issue. He stated that he was simply trying to assist in the process.

Commission Member Business

Commissioner Hughes discussed the Night to Unite that recently took place, where people were encouraged to meet at the park. He stated that his neighbors would like to go back to neighborhood parties and believed that to be a good process. He stated that while there were representatives from the police and fire from other cities and was surprised that Wayzata Police Department was not at the neighborhood party he was at.

Councilmember Chillstrom noted that you need to make a reservation for the agencies to come to the party but advised that there is not enough time for them to make it to every party. He advised that a storm hit after the Wayzata police left his neighborhood party.

Commissioner Jerde encouraged the residents in attendance that the Commission would review the rental property and private road issue brought forward during open comments from the Underhill Circle neighborhood.

Staff Business

City Administrator Post advised that at the July 16th Council meeting a request to issue a Wake Surfing special events permit was made. He noted that some homeowners spoke in opposition because of the issue of shoreline erosion but ultimately the Council did approve the permit. He stated that at the previous Planning Commission meeting the Commission recommended denial of the variance request for the sign for Tonka Auto and Marine and noted that the City Council did approve the Commission recommendation, but denied the request to refund the applicant's application fee. He advised of a Life Saver award recognition for employee and firefighter Don "Bean" Gaspar for actions involved in helping to save an accident victim's life. He advised that the Council also approved the resignation of the City Administrator, noting that his last day would be November 8th.

The Commission thanked City Administrator Post for the efforts in his position and wished him well in his new endeavors.

ADJOURN

Commissioner Adams moved to adjourn the meeting at 7:17 p.m. Commissioner Jerde seconded. Ayes: all.

Respectfully submitted,

Terry Post
City Administrator