



**CITY OF LONG LAKE  
PLANNING COMMISSION MEETING MINUTES  
SEPTEMBER 10, 2013**

**CALL TO ORDER**

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

Present: Commission Members Adams, Erickson, Jerde, and Stephenson; City Administrator, Terry Post; City Planning Consultant Ann Perry; and City Councilmember Skjaret.

Absent: Commission Member Hughes.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**APPROVE AGENDA**

*The agenda was approved as presented.*

**CONSENT AGENDA**

**A. Minutes of the August 13, 2013 Planning Commission Meeting**

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

**OPEN CORRESPONDENCE**

No comments made.

**NEW BUSINESS**

**A. Zoning Map Amendments for properties at 2095 Daniels Street and 2145 Daniels Street from I-1 Industrial District to INST Institutional – Public Hearing**

City Administrator Post pointed out that this public hearing has been advertised as required. He explained that the full action was split into two agenda items noting that 6A would deal with zoning map amendments for the properties on Daniels Street and advised that 6B would deal with RLUIPA Summary Ordinance.

Planning Consultant Perry explained that she was in error when identifying the land uses for these properties, the post office and public works building, as she had been looking at an old land use map. She recommended that the public hearing be opened and closed and

explained that the properties would then become nonconforming. She explained that current activities could continue but the properties would revert back to the specified zoning of I-1 if a new tenant were to come in. She advised that the Commission would have a chance to review this item again in the future when the Met Council required 2030 Comp Plan Update process begins and amendments to the Comprehensive Plan occur at that time. She referenced the action, which had been recommended regarding RLUIPA, and advised that the action requested in item 6B would be to recommend approval of the summary ordinance for publication. She noted that a copy of the Saint Anthony Ordinance submitted by Mayor Hultmann at the previous meeting had been reviewed and included in the packet but did not think that the ordinance would fit within the proposed RLUIPA changes for Long Lake.

Chairperson Erickson opened the public hearing at 6:37 p.m.

No comments made.

Chairperson Erickson closed the public hearing at 6:37 p.m.

Chairperson Erickson noted that it would be about three years before the update and review of the current Comprehensive Plan and confirmed that the properties would remain nonconforming during that time. He confirmed that if desired the properties could be rezoned through the Comprehensive Plan process. He noted that the properties are fully developed and this does not appear that will have any impact on the current functions. He noted that this would also allow the RLUIPA items to move forward.

Commissioner Adams believed that this proposed method would be the most effective and efficient use of everyone's time. He confirmed that the two uses would still be allowable uses once the Comprehensive Plan process is complete.

*Commissioner Adams moved to recommend that the City Council take no action regarding the rezoning of the properties located at 2095 and 2145 Daniels Street. Commissioner Stephenson seconded. Ayes: all.*

**B. Review RLUIPA and Housekeeping Items Zoning Ordinance Amendment Summary Ordinance**

Commissioner Adams stated that he reviewed the summary ordinance and felt that all necessary components were included.

City Administrator Post advised that the summary ordinance legal notice action will also reduce publication costs significantly.

*Commissioner Adams moved to recommend that the City Council adopt the RLUIPA and Housekeeping Items Zoning Ordinance Amendment Summary Ordinance. Commissioner Jerde seconded. Ayes: all.*

**OPEN CORRESPONDENCE (Continued)**

Tod Olson, 292 Heather Lane, reported that on June 21<sup>st</sup> a tree fell on his garage and also onto a guy wire supporting a radio tower located in his backyard. He advised that the tower

was installed in 1971, prior to any tower height ordinances. He explained that the guy wires held but the hardware holding them in snapped and his radio tower was severely damaged and had to be removed. He stated that the tower was 90 feet in height but advised that because of the tall oak trees most of his neighbors did not even know he had a tower in his backyard. He stated that because of the current regulations he would need to request a variance for the new tower, which would not even be delivered until after January, even though the previous tower was 90 feet and the new one would be 74 feet. He stated that the existing base would not be sufficient and would need to be replaced as well. He stated that the new tower would be telescoping in nature and motorized so that he would not need to climb the tower anymore and noted that even elevated most of his neighbors will not be able to see the tower. He stated that he would not be making a formal request until the following spring but simply asked that the Commission and City staff review his proposal so that he can prepare or amend his later Land Use Application variance request.

Commissioner Stephenson questioned if this would be grandfathered in.

Mr. Olson stated that in his opinion it should not be and noted that this would be a new request to meet the new standards but simply wanted to determine if there were any problems the Commission or staff saw in his request at this point in time.

Mr. Olson reported that the current ordinance has a height limit of 50 feet and explained that his proposed tower would be lower than that when not elevated. He explained that because of the trees he would need to elevate the tower above the trees when using it to 74 feet, which is why he would be requesting a variance.

**C. Discuss Vacation Home Rental Enforcement Review in Other Lake Communities**

City Administrator Post reported that concern had been expressed by neighbors at the last Commission meeting regarding the rental of an Underhill Circle property as a vacation home. He advised that since that time the property has changed hands but noted that the plan for the new owner is to continue use the home as a vacation rental home.

City Planning Consultant Perry advised that after review she was only able to find one County that had regulations regarding vacation rental properties because of the problems that arise from the fair housing laws. She stated that even in that County there was a period of 30 days that must pass before the regulations could apply. She stated that if further research is desired, the City Attorney should be consulted in order to determine if there would be conflict from the fair housing laws if instituting city regulations.

City Administrator Post confirmed that this property would be a non-homestead property and advised that the new owner lives in North Dakota. He stated that he has spoken with the owner of the property and recommended that they speak with the surrounding property owners. He also recommended that rather than focusing on the number of beds available, there should be a limit on the number of vehicles that can be accommodated in the driveway listed in the advertisement for the home. He noted that one of the neighbors did call him back and thanked him for encouraging communication from the new owner.

Commissioner Adams stated that he followed up with the neighboring property owners and advised that a sign has been posted on the private road stating parking by permit only. He

advised that a speed limit sign would also be posted. He stated that the concern that arose for most of the neighbors was that the property was being rented on a very short term basis and they questioned that at what point does that property cease to be considered a residential property and instead become a commercial entity.

Chairperson Erickson believed that the homeowners in that area have taken the best course of action to prevent parking on that private road.

Commissioner Jerde believed that the Long Lake rental property registration ordinance should be made mandatory, rather than voluntary, similar to the City of Wayzata licensing ordinance.

Councilmember Skjaret stated that the problem is that Wayzata has a full-time staff person that works on that issue whereas Long Lake does not. He stated that it is fairly easy to determine which properties are rental properties but stated that the budget at this time would not allow for a full-time rental enforcement staff.

Chairperson Erickson stated that perhaps the rental registration could be made mandatory once a certain number of complaints are received.

City Planning Consultant Perry noted that usually nuisance ordinances, such as parking and noise, are used to control rental properties.

Commissioner Adams stated that he believed the Council to be very aware of the problem but did not believe that any action could be recommended at this time.

#### **D. Planning Commission Topics Review and Future Discussion Calendar**

City Administrator Post stated that there had been previous discussion to include general educational training on certain items during regular meetings and questioned if the Commission had direction for items they would like to discuss.

Chairperson Erickson stated that he believed that the zoning and comprehensive use plan should be reviewed and the discussions should move up from there to include variances and other items. He referenced Metro Transit and stated that although there are a number of bus stops within the city they are not all signed. He believed that, if marked, those bus stops could be more productive. He also believed that a bus shelter should be discussed. He also believed that the City should work with Orono to coordinate a transit plan as it is difficult to find a good park and ride site within Long Lake, but there are sites in Orono, which could fit well. He believed that would be a good starting point to gauge the interest of Orono. He advised of other park and ride facilities in Wayzata and Maple Plain and stated that if Long Lake/Orono had a nice facility, perhaps that could prevent Metro Transit using the Hwy 12 Bypass of Long Lake and instead utilizing CSAH 112 as a bus route.

City Administrator Post noted that this item could be included on the October 1<sup>st</sup> joint Long Lake/Orono council work session agenda.

Mr. Olson stated that when he was Mayor the idea of a park and ride was discussed at length and believed that a park and ride would be a great idea for the City to move forward with.

## **OTHER BUSINESS**

### **Council Liaison Report**

Councilmember Skjaret reported that August 20<sup>th</sup> was a full City business day, which began at 7:00 a.m. with a joint meeting with the city of Wayzata to discuss shared services. He advised that a few very good action items were discussed in regard to public works. He stated that each City has services or facilities, which could be shared to a benefit of the other community. He referenced the Fire Advisory Board fire contract subcommittee and advised of the future changes in types of fire services that are needed for that sector. He noted that the City currently provides service to Orono and Medina and advised that shared services or a combination of services could also be discussed with other surrounding fire departments. He referenced the street reconstruction work being done on Tamarack Avenue and advised of problems found in the moisture content of the clay soils, which has caused additional costs. He advised that the contractor has had to dig an additional 12 inches before fill could occur but noted that the project is still on schedule for be substantially completed by the end of the month. He stated that a firm has been retained to assist in the recruitment process for the City Administrator position. He noted that a candidate should be selected by November and advised that there could be a period where an interim City Administrator is needed. He advised that the 2014 preliminary levy is proposed at a less than one percent increase. He reported that City Planning Consultant Ann Perry is going to retire and thanked her for all of her assistance over the years.

Commissioner Adams referenced the Relief Association Fund which is one hundred percent obligated by the City of Long Lake in the event of a underfunding and believed that liability fact should be kept in mind when future fire contract negotiations occur.

### **Commission Member Business**

No comments made.

### **Staff Business**

City Administrator Post stated that a joint Council work session meeting with the Long Lake and Orono Councils will occur on the first Tuesday of October from 5:00 to 6:30 p.m. and include a number of topics including the proposed redesign and local share funding of the future CSAH 112/Wayzata Boulevard reconstruction project.

## **ADJOURN**

*Commissioner Stephenson moved to adjourn the meeting at 7:25 p.m. Commissioner Jerde seconded. Ayes: all.*

Respectfully submitted,

Terry Post  
City Administrator