



**CITY OF LONG LAKE  
PLANNING COMMISSION MEETING MINUTES  
JANUARY 13, 2015**

**CALL TO ORDER**

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

Present: Commission Members Adams, Erickson, and Hughes; City Administrator, Scott Weske; and Planning Consultant Breanne Rothstein.

Absent: None.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**APPROVE AGENDA**

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

**CONSENT AGENDA**

**A. Minutes of the December 9, 2014 Planning Commission Meeting**

It was noted on page two, the sixth paragraph, it should state, "...Jan ~~Knutson~~ Gunther..." On page two, the tenth paragraph, it should state, "...Carrie ~~Giesy~~ Giese..." On page two, the fourteenth paragraph, it should state, "...~~Knutson~~ Gunther..."

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

**OPEN CORRESPONDENCE**

None.

**NEW BUSINESS**

**A. Public Hearing: Planning Case #2014-14/Birch's on the Lake, 1310 W Wayzata Boulevard; Request for Preliminary Plat, Final Plat, Rezoning from PUD to B-3, Conditional Use Permit for Outdoor Seating, and Easement Vacation**

Planning Consultant Rothstein presented an application from TPH LLC, which include several land use applications regarding the Billy's Lighthouse site to be titled Birch's on the Lake. She reviewed the requests that are before the Commission tonight as a part of this request.

She provided background information on the property site, noting that the land use guiding had been changed in 2008 to support the development of townhomes. She stated that the project never moved forward and advised that the property would need to be rezoned to support this request. She explained that this process differs from what a simply reuse of the site would normally entail. She stated that the applicant would be partnering with another party, which would provide for a brew pub to be located on the lower level of the building. She explained that vacation of the current easements would be necessary and advised that new easements would be provided. She stated that the applicant will be adding an elevator to the property in order to become ADA compliant. She advised that this would be a reuse of the building and the property would be considered a legal nonconforming structure and can be reused in the existing non-conformant location. She advised that a small portion of the existing building and deck do not meet the current lakeshore setback requirements. She stated that although the applicant will be reducing the hardcover on the site, the property would still not meet the hardcover requirement and a variance would be necessary. She reviewed the proposed parking requirements noting that City Code would require 132 parking spaces and stated that she would ask for input from the Commission as parking is not currently defined by use in the Code. She advised that the current gravel parking area would be expanded and the entire parking lot would be paved. She stated that the County proposes to remove the two most westerly access points as part of the CSAH 112 reconstruction project. She advised that staff has provided detailed comments regarding the application and highlighted the aspects of grading, drainage, and utilities; landscaping and environmental; and docks and stairways, noting that docks are not proposed at this time. She addressed the Conditional Use Permit (CUP) request specific to outdoor seating and advised that staff finds that the entire project meets the criteria for a CUP. She stated that there would not be additional sewer and water charges or park dedication required at this time. She stated that a revised SAC determination from the Metropolitan Council Environmental Services may be needed prior to connection to the system. She stated that a development agreement would not be required for this project. She reviewed the action items that would be necessary should the Commission choose to recommend approval of the request. She advised that two additional needs were identified through the staff review and would come before the Commission at the February meeting. She stated that staff recommends approval of the request subject to the conditions identified within the staff report.

Chairperson Erickson referenced the utilities plans and referenced an overhead power line, which currently runs from the roadway to the building and stated that the plan appears to have two power lines running across. He stated that this plan appears to be a vast improvement to the current property and asked for additional information in regard to the additional power line.

Phil Ordway, representing the owner of the building and property TPH LLC stated that he has looked forward to bringing a beneficial plan before the City for a long time. He introduced the individuals present tonight. He stated that he asked Xcel to remove the power line quite a while ago and was unsure why there are two lines shown on the plan.

Burt Joseph, Owner of Birch's, stated that he has had Birch's in Long Lake since 2008 and feels that the business has outgrown the current space. He stated that this proposal would be a great option for Birch's to stay in Long Lake, expand from the current location and make a great improvement to the Billy's site. He stated that he was approached by his partner in this project, Brennan Greene, a Brew Master from St. Louis. He advised that the

request would include Birch's, which would be a supper club and Vegas lounge atmosphere with the brew pub to be located on the lower level.

Brennan Greene stated that he is in the process of relocating here from St. Louis but noted that he did grow up in this area. He highlighted his career in brewing and stated that he has always wanted to have his own brewery. He believed that this partnership with Birch's would be a great fit between the supper club and brew pub in the location that overlooks the lake.

Gregory Rothweiler, Rothweiler Group and project architect, stated that this proposal is a unique combination of a supper club, Vegas lounge, and brew pub. He advised that extensive landscaping would occur in front of the building and the entrance would be relocated. He also identified the addition, which would be proposed for the elevator. He advised that the hardcover proposed for the site would actually include a ten percent decrease in the amount of hardcover. He reviewed the brew pub plans noting that the area would be very open, with the use of railings and would be interactive. He stated that the brew pub plans would be very utilitarian while the upstairs supper club and lounge area would be more refined.

Commissioner Adams stated that this is a unique site and obviously it would not be possible to provide the needed parking and still meet the required hardcover requirement but noted that this is the largest site for direct drainage from the parking lot into the lake and asked for additional input.

Mr. Rothweiler advised that the engineer is reviewing the plans to determine what could be done to address drainage. He stated that information will come back before the City in the near future.

Commissioner Adams noted that the current information states that the property would be allowed up to two docks and stated that other properties on the lake have four docks.

Planning Consultant Rothstein advised that City Code specifies a maximum of two slips and advised that there would be an additional process for request should the applicant desire more than the two allowed.

Michelle Jerde stated that she is excited for this project and believed the plans look good. She asked if the plans for the signage have been made.

Mr. Joseph stated that there are not sign plans available tonight but noted that he would have a logo available for review.

Planning Consultant Rothstein advised that a sign permit would be needed and a request would need to comply with the sign requirements of the City.

Chairperson Erickson opened the public hearing at 7:07 p.m.

Marty Schneider, 1176 West Wayzata Boulevard, asked for additional information on the process that will be followed for the application.

Planning Consultant Rothstein explained that this public hearing is the public involvement process for the application. She advised that the City needs to follow the statutory process for review, noting that the City has 120 days to review and make a decision on an application. She stated that after the decision of the Commission the request will go before the City Council on February 17<sup>th</sup>. She advised that two additional variances were identified during the review and the public hearing for those items would be held at the February meeting of the Planning Commission. She stated that the application will move forward to the City Council regardless of whether the Planning Commission recommends approval or denial of the request as the Commission is an advisory board to the Council.

John Winston spoke on behalf of the Long Lake Rowing Club and stated that the City has been generous in their support of their activities as have Mr. Ordway and Mr. Joseph. He stated that the club hopes to continue to remain in Long Lake and represent the City in their competitions across the country. He stated that the group hopes to continue their activities along with this new reuse and believed that the use would add a beneficial aspect to the site. He advised that the group would also be patrons of the brew pub and Birch's. He stated that he has not had the opportunity to work with the architect or contractor. He identified the current location used by the rowing club and highlighted the area which could support the group's activities while not interfering with the other use of the site. He stated that the group could place their own stairs and docks separate from the building. He advised that the hours of activity and parking for the rowing club would not interfere with the operation of the other uses in the building. He stated that the rowing club entirely supports the request tonight.

A representative of the Tealwood townhome association stated that historically there have been issues with the lift station and backup from the Billy's side to the Tealwood side. She questioned the business hours of operation and methods for outdoor noise control. She stated that there have been questions regarding potential signage as the existing Billy's sign shown light directly into the Tealwood property. She stated that there were also questions regarding the outdoor seating and the possibility for docks.

David Helogers, Calcon Construction and general contractor for the project, stated that they are aware of the past sewer problems and have hired a consultant to review the infrastructure and make recommendations.

Mr. Greene stated that while there are plans for outdoor seating it would be located adjacent to the brew pub and would be restaurant themed and would not have live music or entertainment.

Mr. Joseph stated that the hours of operation for the activities would begin with a lunch service to begin at 11:00 a.m. on the lower level and would run Wednesday through Friday with breakfast beginning around 9:00 or 10:00 a.m. and lunch to be offered on Saturday and Sunday, noting that those activities would only occur on the lower level. He advised that the upper level supper club would open around 2:00 or 3:00 p.m. daily. He believed that the closing time would be around 10:00 or 11:00 p.m.

A gentleman from Tealwood stated that Birch's currently plays outdoor music and stated that music could carry over to the Tealwood property. He also questioned the number of docks that the business would desire if they choose to have docks.

Mr. Joseph stated that the indoor activities would not provide outdoor noise but agreed that there would be an outdoor speaker. He stated that they will work with the City and the neighbors to ensure that the music and noise does not interfere. He stated that he lives across the street from this property. He stated that the intent is to provide a restaurant/brew house with a crowd that does not get rowdy. He stated that the atmosphere of Birch's is not rowdy and he does not expect that to change. He stated that signage is still in development and will come along further in the process. He advised that the outdoor seating would be located off of the brew house and stated that the first year there would be no food service outside. He stated that there would be some seating, but there would not be an enormous number of seats. He stated that the intent is not to be a summer location but to be a year round destination.

Mr. Greene stated that he believed that two would be great to begin with but did not see a need for more than three or four docks. He stated that the docks would support a minimal amount of patrons coming from the lake.

Mr. Schneider questioned if the dark sky element would be incorporated into the project.

Mr. Rothweiler confirmed that the parking lot lights would conform to the City regulations.

The Tealwood residents stated that they believe this will be a great reuse of the site and will be an aesthetic improvement.

Tim Hultmann, 280 Lakeview Avenue, thanked the landowner noting that he has been working with him for a long time. He stated that he has expressed his desire for an improvement on that site and pledged his support for this project as a resident and former Councilmember and Mayor for the City.

Chairperson Erickson closed the public hearing at 7:31 p.m.

Ms. Jerde stated that she is excited that the restaurant is successful and able to expand within the City and able to improve another site within the city at the same time.

Commissioner Adams stated that he is also in favor of the request as long as the requirements are met. He encouraged a dock for the business as he would be a patron that would utilize that aspect.

Chairperson Erickson confirmed that input is requested regarding parking.

City Planning Consultant/Interim Zoning Administrator Rothstein stated that there are two methods for calculating parking within the City Code and advised that the application meets one of those methods.

Commissioner Adams stated that the two methods are provided to distinguish between uses such as retail and restaurants.

*Commissioner Adams moved to recommend that the City Council that the proposed parking would be sufficient as the parking meets one of the methods of calculation identified in City Code. Commissioner Hughes seconded. Ayes: all.*

Chairperson Erickson referenced the input of the County regarding the removal of the westerly two access points and stated that he would not disagree with that. He believed one access point would be sufficient for the property but noted that ultimately the issue would be between the applicant and the County.

City Planning Consultant/Interim Zoning Administrator Rothstein stated that currently the County is only requiring that one access point be closed but ultimately two in total may be closed during the CSAH 112 reconstruction process. She stated that the applicant is aware of this input.

*Commissioner Hughes moved to recommend that the City Council adopt a resolution to approve a rezoning from PUD to B-3 Lakeshore Business District, subject to the conditions listed in the staff report and a Council resolution declaring the same. Commissioner Adams seconded. Ayes: all.*

*Commissioner Adams moved to recommend that the City Council adopt a resolution to approve a Preliminary Plat; adopt a resolution to approve a Final Plat, subject to the conditions listed in the staff report and a Council resolution declaring the same. Commissioner Hughes seconded. Ayes: all.*

*Commissioner Adams moved to recommend that the City Council adopt a resolution to approve a Final Plat, subject to the conditions listed in the staff report and a Council resolution declaring the same. Commissioner Hughes seconded. Ayes: all.*

*Commissioner Adams moved to recommend that the City Council adopt a resolution to approve a conditional use permit for outdoor seating for the property located at 1310 W Wayzata Boulevard, subject to the conditions listed in the staff report and a Council resolution declaring the same. Commissioner Hughes seconded. Ayes: all.*

## **OTHER BUSINESS**

### **Council Liaison Report**

There was no report.

### **Commission Member Business**

There was none.

### **Staff Business**

City Administrator Weske had nothing further to report.

## **ADJOURN**

*Commissioner Hughes moved to adjourn the meeting at 7:44 p.m. Commissioner Adams seconded. Ayes: all.*

Respectfully submitted,

Scott Weske  
City Administrator