



**MINUTES
CITY COUNCIL MEETING
February 17, 2015**

CALL TO ORDER

The meeting was called to order at 6:38 pm.

Present: Mayor: Donny Chillstrom; Council: Kurt Kaminski, Jahn Dyvik, Marty Schneider, and Liz Olson

Staff Present: City Administrator: Scott Weske; Planning Consultant: Breanne Rothstein; Wayzata Police Chief: Mike Risvold; Public Works Director: Marv Wurzer; City Attorney: John Thames; and City Clerk: Jeanette Moeller

Absent: None

PLEDGE OF ALLEGIANCE

LONG LAKE NEWS UPDATE AND WORK SESSION REVIEW

Mayor Chillstrom offered the following updates:

- In the work session prior to the meeting, the Council received an update regarding the City's investment portfolio, interviewed a Park Board candidate, and met with Police Chief Risvold to discuss public safety updates.
- The Long Lake Area Chamber of Commerce will be hosting a celebration at Burl Oaks on Saturday, March 7 honoring their 2015 Person of the Year Award Recipient, Brian Keeler of Lakeside Wine and Spirits.

APPROVE AGENDA

A motion was made by Olson, seconded by Kaminski, to approve the Agenda as presented. Ayes: all.

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of February 3, 2015 City Council Work Session
- B. Approve Minutes of February 3, 2015 City Council Meeting
- C. Approve Vendor Claims and Payroll
- D. Appoint Planning Commission Chair and Chair Pro-Tem Positions for 2015
- E. Adopt Resolution No. 2015-05 Appointing Marc Crawford to the Position of Park Board Member

A motion was made by Kaminski, seconded by Schneider, to approve the Consent Agenda as presented. Ayes: all.

OPEN CORRESPONDENCE

No one appeared to address the City Council during Open Correspondence.

BUSINESS ITEMS

Wayzata Police Department – 2014 Year-End Annual Report

Police Chief Risvold presented his annual report of Police activity in Long Lake, reviewing a summary of calls and incidents, as well as trends in Police activities. He also touched on the role of the Wayzata Crime Prevention Coalition in supporting the Police Department; and discussed updates in staffing and records management, efforts towards Hennepin County restriping of County Road 112 in spring 2015, the Toward Zero Death grant program, and noted that the Police Department is now working with the Long Lake Veterinary Clinic to board impounded dogs when need arises.

He added that the Wayzata Police Department continues to view the relationship between Wayzata Police and Long Lake as a “win-win” situation for both communities, and they enjoy working in and with Long Lake staff, Council, and residents.

Planning Case #2014-14 / #2015-01: Birch’s on the Lake, 1310 W Wayzata Boulevard, Request for Preliminary/Final Plat, Rezoning from PUD to B-3, Conditional Use Permit for Outdoor Seating, Variances and an Easement Vacation

Planning consultant Rothstein reported that the subject property is the former Billy’s Lighthouse restaurant. Previously the property was re-zoned from B-3 to PUD and received approval for preliminary and final plat, and final site and building plan review for 16 townhome units; however, following the city approvals, construction never began on the site and the Billy’s Lighthouse building remains on the site.

The proposed project is a brewery and restaurant. Birch’s Restaurant, owned by Burt Joseph, currently located at 1935 West Wayzata Boulevard in downtown Long Lake, plans to relocate to the subject property and inhabit the existing building. Mr. Joseph is partnering with Brennen Greene, a brewer and entrepreneur, to open this business. They hope to open in August of this year.

The applicant is proposing to re-use the existing, 6,336 square foot building located at 1310 Wayzata Boulevard to be called Birch’s on the Lake. The proposed work on site will include a complete remodel of the interior of the building, re-surfacing and re-striping of the existing parking lot, where needed, removal of the existing catwalk, weeds, and brush, and repair of the existing deck. The total seating capacity of the restaurant and lower level brewhouse will be 264 spaces. There is an existing accessory structure on the property that will remain as part of this project, as well as a 103 square foot addition to accommodate an elevator.

Because the subject property was previously platted to accommodate 16 townhome units, a re-plat is required to re-combine all of the lots into one in order for the property to be used as a restaurant. The proposed plat is called Lake Shore Addition. This includes the dedication of standard, 10 foot drainage and utility easements around the perimeter of the lot. We are also requesting easements over any additional public utilities to be maintained by the city on the property, if such exist. Along with a re-plat, an easement vacation to vacate the existing drainage and utility easement all over Lot 17, Block 1 of Williams Shore Addition is needed.

The existing building to be re-used meets the B-3 Lakeshore district requirements for height, side setback, and front setback, but does not meet the lakeshore setback requirement of 75 feet or the bluff setback of 20 feet from top of bluff, therefore is considered a legal, non-conforming structure. Under statute, a legal, non-conforming structure can be repaired or replaced in its exact location, but not increasing the non-conformity toward the lake. This includes the existing deck structure.

The existing accessory structure to be re-used meets the B-3 Lakeshore district requirements for height, side setback, front setback, and lakeshore setback, but does not meet the bluff setback of 20 feet from top of bluff, therefore is considered a legal, non-conforming structure.

Council member Olson questioned the non-conforming status of the structure and sought additional clarification.

Rothstein, aided by Attorney Thames, indicated that there are two types of legal non-conformities – non-conforming use and non-conforming structure. In this case, the non-conforming use is resolved through rezoning the property back to a business zoning district; however, the legal non-conforming structure remains as it has not ceased to exist or been damaged.

Council member Olson emphasized the importance of understanding legal non-conformities and addressing them on an equal basis, as there are a number of legal non-conforming properties in Long Lake at this time.

Rothstein stated that the proposed lot meets all requirements in the B-3 Lakeshore district for lot size, side setbacks, and front setbacks. The property proposes to have a hard coverage percentage of 49 percent, which currently does not meet the B-3 Lakeshore district maximum hard coverage maximum of 30 percent. Performance standards generally are not subject to the same legal protections of use under statute.

Currently, there are 63 parking stalls on the property. City Code Section 21 subd. Z establishes parking space requirements for restaurants and bars. Given a total seating capacity of 264 seats, 132 parking spaces are required and are proposed as part of this application. The parking and access layout on the Land Use Plan has been revised to include 132 spaces, met City requirements for parking lot design and drive aisles, and met City requirements for curb cut width. City code establishes a parking lot setback of 20 feet from the top of the bluff as well as a 5 foot setback from all property lines. Property line setbacks are being met, but as proposed, the gravel parking area to be paved does not meet the bluff setback.

Preliminary Plat, Final Plat, and all associated drawings have been sent to Hennepin County's Transportation Planning department for review and comment. Hennepin County recommended that only two driveways be provided to the property from C.S.A.H. 112, the easternmost and westernmost driveways. The revised parking and access layout has been revised to follow this recommendation. Hennepin County also recommended the easternmost driveway include a westbound right turn lane to provide entering vehicles to pull out of the traffic stream on CSAH-112 prior to turning right into the site. The existing conditions meet this recommendation.

Regarding grading and drainage, the following information shall be provided from the applicant or depicted on final building plans prior to issuance of building permit:

- Confirm all surface water from the parking lot will be directed to existing/proposed storm sewer facilities and grades from curb cuts are directed to existing CB.
- Identify location of grit chamber on site plan.
- Provide the City a video of the existing sanitary sewer service pipe to remain for review. If the pipe is not in satisfactory condition as determined by the City it shall be repaired or replaced as directed.
- The previously abandoned watermain shall be completely removed to the TEE at the main and capped as approved by the Public Works Director.

There are several sections of the code that apply to the management of vegetation and the planting of landscaping on this site. The property appears to have adequate landscape screening on both the east and west boundary of the property. City code requires that parking areas be landscaped with 1 tree per every 4 parking spaces, and all landscaped areas shall be irrigated. The landscape plan shows a total of 12 trees and 34 are required. A revised landscape plan has been requested that incorporates these standards, as well as the additional landscaping recommended as part of the variance considerations.

Limited dockage is allowed on the property. All docks in the proposed zoning district are limited to 100 feet in length and two boat slips. More detail has been requested on the proposed dock shown on the site plan.

City Code requires a conditional use permit for outdoor seating in a B-3 Lakeshore Business District. Section 17A subd. 8 (J) and (K) establishes findings that must be made and conditions attached to conditional use permits in the shoreland district, including additional setbacks, limitations on the vegetation that can be removed, and special provisions for location, design, and use of such structures or docking areas.

Any signage will require a separate permit, and be subject to zoning regulations. It should be noted that the freestanding sign previously located in the right-of-way has been removed and will not be allowed to be located in its original spot. A sign plan has been submitted and signage applications will be reviewed for compliance with sign regulations. A monument sign is intended to be installed.

The applicant is responsible for and shall provide copy of all applicable permitting for the project to the City prior to grading permit and/or building permit issuance, including but not limited to Minnehaha Creek Watershed District (MCWD), Hennepin County, MPCA/Metropolitan Council Environmental Services, and Minnesota Department of Health watermain extension permits, as applicable.

Rothstein also provided an analysis of how the variance requests meet criteria for issuance of variances.

The Planning Commission met on January 13, 2015 to review the applications for preliminary and final plat for Lake Shore Addition, rezoning to B-3 Lakeshore Business and a conditional use permit to allow outdoor, held a public hearing for these items, and recommended approval, subject to conditions. The Planning Commission also met on February 10, 2015 to consider two variances, one for hard coverage to exceed 30 percent, and one to encroach on the 20 foot bluff impact zone. A public hearing was held, and following the hearing, the Planning Commission voted to recommend approval of the variance requests.

Applicant Burt Joseph, Birch's on the Lake, introduced his business partner Brennan Green, property owner Phil Ordway, and a number of consultants they've been working with on the project to date.

Council, staff, the applicant, and consultants discussed the condition of the building, interior and exterior renovations planned, dock plans and boating slip requirements, adhering to noise ordinance requirements, monument sign design, stormwater improvements planned for the site, general utility and grease trap improvements, landscaping and screening requirements including the fence adjacent to Union Cemetery, and whether the Long Lake Rowing Crew may also have a presence on site in the future. It was noted that further clarification on the non-conformity issue would be appreciated by Council in the future.

Dan MacDonald, 335 Russell Lane, spoke in support of the project but asked that the applicants be considerate of neighboring residents in their use of the property.

Mr. Joseph spoke to his enthusiasm for the project and noted they plan to employ upwards of 70 to 80 people between the supper club, brewery and pub areas. They are committed to moving forward with expedience.

A motion was made by Schneider, seconded by Kaminski, to adopt Resolution No. 2015-06 approving a rezoning from PUD to B-3 Lakeshore Business district, a preliminary plat and final plat for Lake Shore Addition (or whatever herein referred to), a conditional use permit for outdoor seating, a variance to hard cover regulations, and a variance for the parking lot to encroach on the bluff impact zone, all subject to conditions and with revised business hours of operation. Ayes: all.

A motion was made by Dyvik, seconded by Kaminski, to adopt Resolution No. 2015-07 approving an easement vacation to vacate the drainage and utility easement all over Lot 17 Block, 1 Williams Shore Addition. Ayes: all.

OTHER BUSINESS

CSAH 112 PAC Discussions – Council members discussed a variety of issues being reviewed at CSAH 112 PAC meetings including the likely necessity of a road shutdown at some point for construction, flashing light crosswalk facilities moving from Martha Lane to the Mill Street crossing, parking issues and along Martha Lane and Symes Street, consideration of a Symes Street and Lake Street reconstruction project in conjunction with the CSAH 112 related improvements, usage of light poles, and other items. Council member Dyvik emphasized concern that the crossing at Martha Lane should be improved for pedestrian safety, noting that the crossing will receive increased traffic in the future. Council members will be continuing to discuss CSAH 112 improvements through Long Lake as design plans continue to take shape.

Open Correspondence – Council member Schneider asked that the Council consider amending the wording on the agenda form regarding the Open Correspondence portion of the meeting to allow comments from the public on any item, rather than excluding agenda items from discussion. City Clerk Moeller indicated if Council was in favor of doing so, a brief wording change could easily be made for future agendas.

ADJOURN

A motion was made by Kaminski, seconded by Dyvik, to adjourn the meeting. Ayes: all. The meeting was adjourned at 8:36 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk