



**CITY OF LONG LAKE
PLANNING COMMISSION MEETING MINUTES
March 8, 2016**

CALL TO ORDER

The meeting was called to order at 6:33 p.m. by Chair Erickson.

Present: Commission Members Adams, Erickson, Hughes, and Keating;
City Administrator Weske; City Planning Consultant Lewis.

Absent: Commissioner Jerde

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVE AGENDA

Commissioner Keating moved to approve the agenda with the above changes noted. Commissioner Adams seconded. Ayes: all.

CONSENT AGENDA

A. Minutes of the February 9, 2016 Planning Commission Meeting

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

OPEN CORRESPONDENCE

None.

BUSINESS ITEMS

A. Planning Case #2016-02/Request for a Zoning Code Amendment to Allow Commercial Kennel Facilities in the I-2 Zoning District (2250 Daniels Street).

City Planning Consultant Lewis gave the Commission an overview of the case.

City staff was contacted by the applicant regarding the possibility of opening a dog boarding, grooming, and training business at 2250 Daniels Street, located in the I-2 industrial zoning district. Upon review of the district standards, it was determined that this type of business would not be considered a permitted or conditional use under the current ordinance standards.

The applicant states that the proposed business would include dog daycare, grooming, obedience training, overnight care for dogs, and retail. The facility would accommodate up to 50 dogs at a time if operating at full capacity and would likely board 15-20 dogs overnight. Training classes would accommodate 15 dogs and last for an hour. The applicant wishes to have an outdoor exercise and play area located on the north side of the building. The applicant states that dogs at her facility would be let outside no earlier than 7 a.m. and no later than 8 p.m. An employee would remain at the facility 24 hours a day. The applicant's business could potentially employ up to 20 individuals if operating at full capacity; however no more than 6 or 7 staff would generally be at the facility at a given time.

The applicant has other locations in Edina, Burnsville and Minnetonka, and is seeking to open a fourth location in the Lake Minnetonka area as the Minnetonka facility is currently at capacity. Of the applicant's other locations, Edina and Burnsville are located in industrially zoned districts while the Minnetonka facility is located in a highway commercial district adjacent I394.

Staff recommends adoption of the commercial kennel facility in the I-2 zoning district.

Commissioner Hughes asked if overnight care is provided.

The applicant, Katherine Newman Bornhofen, stated yes.

Commissioner Adams asked if the facility will have outside space available for the dogs.

The applicant stated yes and that the outside space will be fenced in and will allow dogs to have a play area, where they can stretch their legs. Additionally an employee will always be in attendance with all dogs, both inside and outside the facility.

Chair Erickson opened the public hearing at 6:52 p.m.

The Commissioners asked if this is an appropriate use for this zoning category. Consultant Lewis stated yes and that the ordinance would not require a Conditional Use Permit, but does require a license, which will go before the City Council.

Commissioner Hughes asked if the allowable time for the dogs to be outside be changed from 8:00 p.m. to 9:00 p.m.

Chair Erickson closed the public hearing at 6:55 p.m.

Commissioner Keating moved to recommend that the City Council approve the motion to recommend the City Council adopt ordinance No. 2016-03 establishing a definition for commercial kennel facilities and allowing commercial kennel facilities as a permitted use in the I-2 district. Commissioner Adams seconded. Ayes: all.

B. Planning Case #2016-01/Request for a Variance to Allow for Less than the Minimum Number of Parking Spaces Required at Birch's on the Lake Supperclub and Brewhouse, 1310 W. Wayzata Blvd.

City Planning Consultant Lewis presented background on the case.

Birch's on the Lake Supperclub and Brewhouse, 1310 W Wayzata Blvd, is requesting a variance from Section 21, Subdivision 7, Z, which establishes the minimum number of parking spaces required for restaurants. The ordinance requires at least one parking space for every two seats in the restaurant or one space for each 40 square feet of gross floor area of dining and bar area and one space for each 80 square feet of kitchen area, for a total of 202 spaces.

Assuming one space per 2,000 square feet of floor area and one space for each 250 square feet of office floor area, it is estimated that using the square footage of the building would require approximately 202 spaces. Utilizing the ratio of at least one space for every two seats in the restaurant for 250 seats requires 175 parking spaces, which is less than the square footage ratio.

Birch's is requesting a variance to allow for 350 seats in the restaurant, which would require 175 parking stalls, 41 more stalls than what is proposed. The applicant suggests the additional parking demand can be accommodated by a valet service, which Birch's is currently using. The parking plan shows a designated valet area striped for 35 parking stalls, however the applicant suggests the area can accommodate 80 vehicles; however no additional details have been provided that assures 80 vehicles can be parked in this area.

The applicant says that with the 80 vehicles that can be parked in the valet area, in addition to the remaining 99 striped stalls, the property can accommodate parking for 179 vehicles, which is more than the 175 stalls required for 250 seats.

The applicant employs the valet service on Fridays and Saturdays from 4 p.m. to 10 a.m. The City is to approve the variance, a recommended condition of approval is that the property owner be required to continue the valet service and the City reserve the right to require additional days and hours that the valet be employed upon a finding of a parking shortage during those times. If it is found the valet is not employed during the required days and hours by the City, the City may revoke the variance and the property owner will be required to reduce the number of seats in the restaurant to be compliant with City Code.

Several complaints have been received regarding customers parking on the street of County Road 112 and in the Union Cemetery parking lot and road. A resolution was passed by the City council on March 2, 2016 that will no longer allow parking along the north side of a portion of County Road 112, including in front of Birch's. No parking signs will be installed in this area shortly. Birch's has stated that the cemetery previously allowed Birch's employees to park in their lot, but has since requested they no longer park there and Birch's has asked their employees to no longer park in the Cemetery lot.

Additionally, in April 2015, the City Council approved an Interim Use Permit (IUP) for the Long Lake Rowing Crew to use Birch's property to park and launch their boats into Long Lake. No additional parking was required as part of the IUP approval as it was believed that the hours for the rowing crew would not conflict with the peak hours for Birch's restaurant. The IUP agreement states that the City may rescind the IUP if the Council determines that the use of the property by the Long Lake Rowing Crew is resulting in a shortage of parking on the property.

It was also noted that the City has received complaints from neighbors, about employees parking on Cemetery Road.

Staff recommends denial of the requested variance however several options are available to the Planning Commission:

1. Make a motion to recommend the City council deny the requested variance to the minimum number of parking stalls.

Staff recommends this option if the Planning Commission does not believe the amount of parking demanded by the use can be accommodated on the site and the variance criteria is not met. The Planning Commission may choose to encourage the applicant re-apply for the variance in six months if it is believed the existing parking shortage is primarily due to the recent opening of the restaurant.

2. Make a motion to recommend the City council approve the requested variance to the minimum number of parking stalls subject to the following condition:

The valet service must be employed every Friday and Saturday from 4-10 p.m. The City reserves the right to increase the hours and days that the valet service must be employed upon a finding of a parking shortage during those times. If it is found the valet is not being employed during the required days and hours by the City, the city may revoke the variance and the property owner will be required to reduce the number of seats in the restaurant to be compliant with City Code. Staff recommends this option if the Planning Commission believes the amount of parking demanded by the use can be accommodated on site and finds the variance criteria is met.

3. Make a motion to recommend the City Council approve a variance to the minimum number of parking stalls for a lesser number of seats, subject to the following condition:

The valet service must be employed every Friday and Saturday from 4-10 p.m. The City reserves the right to increase the hours and days that the valet service must be employed upon a finding of a parking shortage during those times. If it is found the valet is not being employed during the required days and hours by the City, the city may revoke the variance and the property owner will be required to reduce the number of seats in the restaurant to be compliant with City Code. Staff recommends this option if the Planning Commission believes parking could be accommodated for a lesser number of seats than requested and finds the variance criteria to be met.

Chair Erickson opened the public hearing at 7:10 p.m.

Dan MacDonald, 335 Russell Lane, a neighbor who lives across street from Birch's said he is glad the restaurant is there, but concerned about the neighborhood and the parking issues. He questions the valet parking lot with 35 spots, and wonders how they park 80 cars in this area. He asserted that the neighbors across highway will bear the brunt of this issue and would like to see more information from Birches as to how they will handle this before the variance moves forward.

Commissioner Adams asked how much Birch's charges for valet parking.

Owner Burt Joseph said valet parking is a free service that Birch's provides their customers. He added the parking lot is too small, so people have parked on the street. He added they are

concerned about the issue and said since the change in allowing parking at the Cemetery, people park elsewhere now, and added Birch's has no control over where patrons park.

He stated Birch's pays \$40,000 per year for the valet service and they are happy to do so. He said the valet service has professional drivers who park in the lot and stack cars very close together, adding there has never been a scratch or dent to any car that he is aware of. He said the success of Birch's will be in having the patio open and providing seating on the outside deck. He noted their revenue stream has been down and they need this summer outside business in order to stay afloat.

He added he lives across the street from Birch's also and has not seen the restaurant as a distraction. He added that business will level off, but to miss out the coming summer business would be devastating for Birch's and what they have worked so hard to resurrect may be lost, if they are not allowed to grow. He added they want to work with neighbors and the Commission to ensure this variance is approved

Commissioner Keating stated this issue relates to both seating and parking issues.

Commissioner Hughes asked if the owner is adding 100 more seats or just transferring some from the inside to the outside.

The owner stated they need to have the ability to set the deck up to accommodate seats outside. He compared Birch's to Lord Fletchers and stated many people will eat at Fletchers and then leave by boat – leaving their car parked all day in the Fletchers lot. He noted Birch's will have several boat slips this summer.

Commissioner Hughes asked if they will provide bike racks.

The owner stated, yes, they can be added.

Commissioner Hughes said his concern is if patrons can't find parking in the lot, they will park in the adjacent neighborhoods.

The owner stated they are willing to do more with the valet parking if that occurs and we can show you how the valet parks the cars, adding we have proven it works.

Commissioner Hughes asked what is happening with the cemetery and parking there.

The owner stated there is no parking in the lot, but that their staff parks on the Cemetery road and walks over to Birch's.

Commissioner Adams asked if they can add a larger sign that shows valet parking is available.

Commissioner Hughes asked if on Friday or Saturday, they have valet spots that are empty.

The owner said yes, and added these spaces are not even close to being full.

Commissioner Adams noted that the Cemetery road is in Orono, and not in Long Lake, so this is not the City's issue. However there has been some talk of putting up no parking signs on the road.

The owner stated they have told their staff to only park on the south side of the road, in order to allow for traffic to pass.

Commission Adams added if parked cars are showing up in neighborhoods, neighbors could have them towed.

Susan Handley, President of the Tealwood Housing Association, and Tealwood resident Tammis McMillan asked what the current capacity for seating is at Birch's.

The owner stated they are allowed to have 264 seats, but with 225 on the inside.

Ms. Handley said the association would like to see assurances made on the number of cars in the lot. She added they are happy that Birch's has created more commerce in Long Lake and they want commercial success for Birch's, but the Tealwood residents are stating that their privacy has been compromised, especially with the parking situation. Additionally they noted large television screens are now being seen through the windows of the facility, into the Tealwood residences, adding that further sacrifices will now be made by the Tealwood community.

She concluded that the Tealwood position should the City grant permission for the variance, is that parking occurs on the Cemetery side, to allow for Tealwood's privacy. She included that towing would be called for illegally parked cars.

Commissioner Hughes asked if the owners could mark parking for motorcycles, which would include smaller stalls vs. car stalls.

The owner said yes, they want to do this but added, it won't affect the ordinance

Commissioner Hughes asked about the deck hours.

The owner stated 10 a.m. they open for breakfast and they do not serve food after 10 pm. He added most patrons are gone by 11-11:30 p.m., and that the deck would be closed by 10 – 11 p.m.

He also noted the valet had not exceeded 70 parked in one day, and that is with 500-600 people coming through Birch's during the course of a typical day.

Commissioner Adams asked if Birch's plans to use outdoor speaker and noted that there are requirements on which way to face the speakers if they do use them. He cautioned about noise complaints and stated they would need to be addressed if they occur.

Ms. Handley added there is lots of traffic typically, and even with the valet, there are people coming in and out of lot, on a continuous basis. She added that although Tealwood signs show this is a private drive with private parking, cars are coming into the property looking for parking.

Commissioner Adams asked if they could improve the signage at Tealwood.

Commissioner Hughes added he wants to be sure they have a remedy if people start parking in Tealwood.

Ms. Handley said they would call the police.

The owner added they will call tow trucks if needed in order to move cars out of neighborhood.

Mr. MacDonald again commented about the valet, asking if indeed Birch's can double the density, then why not make 2/3 of lot valet parking.

The owner stated not everyone wants to valet park their cars. Some patrons prefer to park their own car, even if the valet is free.

Mr. Macdonald added the ordinance does not address valet parking, so asked if it will work and alleviate problems in neighborhood. He added if it works, that's fine, but if not, then he would want it stopped.

The owners added it would be difficult to expand the existing parking area, and it is better to have the valet area blocked off from the regular parking lot area.

Commissioner Adams added turning left out of the lot is very difficult.

The owner added we do want to work on this and don't want our neighbors getting upset.

Commissioner Adams said we want Birch's to be successful but we want to address the issues of neighbors also.

Chair Erickson questioned the owner on the valet parking and how realistic it was to get 80 cars parked in the lot that has only 35 stalls.

A representative of Piccadilly valet spoke to this noting they double and triple park cars, as close as possible to each other and have parked 70-80 cars in the lot.

Chair Erickson stated the purpose of off-street parking requirement is to alleviate or prevent congestion of the public right of way, in accordance with useful parking areas. He added his concern is what is being discussed tonight about valet parking has no exhibit, no proof that this parking situation works. He added the owner needs to provide drawings, or more scientific data that this realistically works.

The owner reiterated it is imperative Birch's have seating out on the deck this summer. He added that is the Commission wants a drawing, they will produce it, in order to move this forward.

Chair Erickson reiterated the Commission is very pleased Birch's is doing so well and attracting patrons to Long Lake, but added we need to follow the ordinances of the City.

Planner Lewis stated if Birch's wants resubmit the plan for outside seating, they can do this.

The owner expressed concern over the timing of these delays, and that by the time items are resubmitted, they will be 2-3 months into the Spring and the Summer season may be lost before all the decisions are finalized by the Commission and City Council.

Debbie Lewis, 2355 Abingdon Way, noted she has lived for 30 years in Long Lake (Orono). She noted that the owners ideas seem to be the "best possible world" but that there is really mass chaos with the parking situation in its current state. She stated drivers cannot get in and out of the Cemetery Road, especially when staff is parking on both sides.

The owner stated the reason Birch's staff is parking on Cemetery Road is so they will not park in Birch's lot or the Cemetery lot. He added they will try to get them to park on one side of the cemetery road only, and added if it continues to be a problem, we can have them move to other areas.

Chair Erickson presented 2 photos of the property around Birch's pointing out electrical poles and cable that can be removed, if it is not in use. He encouraged Birch's to have these items removed from the property.

Commissioner Hughes asked if moving seats outdoors from inside was doable.

Planner Lewis noted that can be done.

Commissioner Hughes said summer is coming and time is of the essence here.

Commissioner Keating added the Commission needs to move quickly on this and give Birch's the opportunity to make corrections to the parking situation. He added the Commission need to give them the opportunity to try, and that bringing people into Long Lake was the whole point of re-opening this place.

Ms. McMillan stated the Tealwood Association agrees with Commissioner Keating and asked the Commission to move forward on the variance, on a conditional basis, so as not to harm Birch's summer business.

Mr. MacDonald also agreed Birch's should be given an opportunity to correct the situation, but if there is a problem, the City would have to shut them off.

Ms. Lewis asked when Orono installs the no parking signs on Cemetery Road, where will people park.

Commissioner Adams stated they will only be allowed then to park on one side so there is enough room to go down the road for a funeral. For Memorial Day parking, people will park in the cemetery lot.

Ms. Lewis does object to not being able to enter Cemetery Road, and she stated she typically goes to the other entrance.

Commissioner Keating reiterated that Birch's is trying to work with the City on this issue and he is concerned the Commission is splitting hairs. He stated they should have the opportunity to do what they said they will do, and if they do not, the City Council will need to step in.

Planner Lewis reminded the Commissioners the only way to revoke the variance is if Birch's stopped providing the valet parking.

Chair Erickson read the emails that were sent to staff, and which were presented in the background materials given to the Commissioners.

Chair Erickson closed the public hearing at 8:42 p.m.

Commissioner Adams moved to approve a variance from the minimum number of parking stalls to allow for up to 300 seats in the restaurant with 134 parking stalls subject to the following conditions:

- 1. The valet service must be employed every Friday and Saturday from 4p.m. to 10p.m. The City reserves the right to increase the hours and days that the valet service must be employed upon a finding of a parking shortage during those times. If it is found the valet is not being employed during the required days and hours by the City, the City may revoke the variance and the property owner will be required to reduce the number of seats in the restaurant to be compliant with City Code.*
- 2. The applicant must provide evidence to the City Council that reasonably assures the designated valet area shown on the site plan dated February 10, 2016 marked for 35 stalls can accommodate at least 52 vehicles.*

Commissioner Hughes seconded. Ayes: all.

Chair Erickson added a friendly amendment and moved that this variance be presented to the City Council, but be contingent on the fact that the owners of Birch's provide more detailed valet parking plans, which will need to be reviewed by the City Attorney prior to final approval.

OTHER BUSINESS

Council Liaison Report – Council Member Marty Schneider noted several updates:

1. On the advice of Hennepin County all parking on the North Side of County Road 112 has been eliminated from the Tealwood entrance to the Orono area. No parking signs will be installed shortly.
2. The Watertown Road was put out for bid. East of Inglewood will be curb and gutter and west of Inglewood will be a hybrid. On the south side of road is the City of Orono, and there will not be curb and gutter on that side. Additionally, watershed district funds will be used to create a rain garden.
3. The vacant building ordinance passed. The intent is for neglected buildings to be dealt with. If buildings are out of compliance, fines will be administered. The intent is to not penalize owners, but to offer encouragement or incentive to bring properties into compliance.

Commission Member Business

None.

Staff Business – Planner Lewis noted a draft new sign ordinance will be presented to the Planning Commission at the next meeting for review, and before it goes to City council.

ADJOURN

*Commissioner Keating moved to adjourn the meeting at 8:53 pm. Commissioner Hughes seconded.
Ayes: all.*

Respectfully submitted,

Scott Weske
City Administrator