



**CITY OF LONG LAKE
PLANNING COMMISSION MEETING MINUTES
August 11, 2016**

CALL TO ORDER

The meeting was called to order at 6:27 p.m. by Chair Erickson.

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

Absent: Commission Member Jerde.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVE AGENDA

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

CONSENT AGENDA

A. Minutes of the June 14, 2016 Planning Commission Meeting

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

OPEN CORRESPONDENCE

None.

BUSINESS ITEMS

A. Public Hearing: Opting out of the Requirements of Minnesota Statute 462.3593 Relating to Temporary Family Health Care Dwellings

City Planning Consultant Lewis presented. He noted staff recommends the City Council approve the proposed ordinance amendment, opting out of the requirements of Minnesota Statute 462.3593, as this law's requirements do not comply with the existing zoning regulations. The intent behind the law is to provide transitional housing for the mentally or physically impaired, as well as care for aging family members, which will enable landowners to place mobile residential dwellings on their property to serve as temporary, family health care dwellings. This bill was signed into law in May of 2016 by Governor Mark Dayton and includes a provision allowing cities to opt out of the law by ordinance. Consultant Lewis

provided an overview and background of the request, noting that the proposed amendment to opt-out needs to be adopted before the law goes into effect on September 1, 2016. This amendment to the Ordinance would allow for local zoning regulations that are more appropriate and specific to Long Lake. Staff is recommending that the following language be added to Section 19, Subdivision 6 (Accessory Dwelling Units) of the Long Lake Zoning Ordinance:

viii. Pursuant to authority granted by *Minnesota Statutes, Section 462.3593, Subd. 9, the City of Long Lake opts-out of the requirements of Minnesota Statutes, Section 462.3593, which defines and regulates Temporary Family Health Care Dwelling.*

Copies of the language in Minnesota Statute 462.359; an informal handout from the League of Minnesota Cities regarding the law; a copy of Section 19, Subdivision 6, which currently regulates accessory dwelling units; and an article providing background from other communities were attached to the report

Chair Erickson stated he sees the value in changing the ordinance and supports opting out.

Commissioner Adams supported the need regarding the elderly, incapacitated, and disabled family member housing. He questioned the time limit defining temporary and indicated he currently recommends opting out.

Chair Erickson opened the public hearing at 6:36 p.m.

No comments were made.

Chair Erickson closed the public hearing at 6:36 p.m.

Commissioner Adams moved to recommend the City Council approve the proposed ordinance amendment, opting out of the requirements of Minnesota State 462.3593. Commissioner Keating seconded. Ayes: all.

B. Discussion Regarding Accessory Structures in the R-2 Lakeshore Single Family Zoning District

Consultant Lewis presented and noted that staff recommends that the Planning Commission analyze and discuss the existing ordinance requirements for accessory structures in the R-2 zoning district and provide feedback to staff regarding any preferred amendments to the ordinance. Consultant Lewis provided an overview and background of the request and noted that the R-2 lakeshore district carries a higher burden, as 18 out of the 25 parcels are lakefront properties. The current Ordinance does not allow for structures in front yards, which greatly reduces the space available for accessory structures on lakefront lots. Consultant Lewis presented overhead photos showing the lakefront properties in question, and asked to discuss whether or not to amend the ordinance for these unique properties or to process variances as needed.

Jahn Dyvik, 1780 Martha Lane, stated he initiated this issue in order to build a one-car garage for boating and storage, which will be a very nice carriage house kept in line with the same aesthetics of his home. Mr. Dyvik presented an overhead photo showing his home

which was built in 2012. The current zoning ordinance does not allow a structure in the front of the front line of the building or within the front yard of a property. He referred to a survey drawing of lakeshore properties, in order to demonstrate the potential of the same type of issues. Mr. Dyvik noted that currently there are non-compliant structures in place on other properties and asked the commission if he should apply for a variance, or if the City Council can take a look at amending the existing ordinance.

Commissioner Adams supports accessory structures as opposed to storing items in yards. Commissioner Adams explained his experience in having a lake home, being that it is the same as having two front yards; requiring the need to look good from the front and back. He further stated that there are very good reasons that the R-2 property should remain limited, especially since this only effects a small number of properties.

Chair Erickson suggested looking into an after-the fact variance.

Consultant Lewis stated there would be no basis for an after-the-fact variance.

Chair Erickson commented that after researching other lakes of Minnetonka and Woodland, it appears that the 75-foot setback was universal. He commented that changing the current setback from 75 feet to 50 feet would allow more possibilities to the rear yard, which would reduce the pressure on the front yard. Although, realizes this would not resolve the issue of someone having a garage in the front yard.

Commissioner Keating stated that makes the most sense and requires the least amount of work, stating that the current process of variances is not intended to penalize, but allows working together, and agrees having variances is the best way to accomplish this.

Commissioner Adams stated he agreed that keeping with variances would be the best approach, in order that the planning commission could then review each unique property's dimensions and characteristics.

Commissioner Hughes thought that rezoning the ordinance would be worth the time to look into, as variances may not always be granted.

Consultant Lewis commented that R-2 lakeshore properties are different from typical residential street properties, as the lots are configured differently. He requested feedback for further direction in preparation for the next meeting.

Chair Erickson commented that changing the ordinance would not only give some flexibility, but would be a benefit for existing structures that are right up against the 75-foot setback, as this would allow for decks, etc.

Mr. Dyvik suggested changing the language of Section 19, Subdivision 4, Item B, of the Long Lake Zoning Ordinance by omitting the language stating, "or located in front of the front line of the building".

Consultant Lewis commented on the placement of Mr. Dyvik's home. Consultant Lewis also stated that Mr. Dyvik's recommended omission would not benefit all property owners.

Chair Erickson stated that changing the variance for all structures would make the definition broader and allow more freedom. Chair Erickson supported individualized control over each parcel without approval from the City.

Commissioner Hughes felt there was enough discussion to warrant a continuation to the next meeting and suggested that Mr. Dyvik obtain a variance in the meantime, if time was of the essence. Mr. Dyvik answered in the negative.

Consultant Lewis stated that the ordinance addresses the R-2 properties, some being lakefront, and if the ordinance is amended, he would like direction on the desired language. One suggestion would be to omit the language in the Ordinance that Mr. Dybek suggested earlier, which would allow an accessory structure as long as it met the front yard setback, which would apply to all properties. Another suggestion would be to state specifics for only R-2 lakeshore properties.

Chair Erickson supports conformity to the mix of properties in the same neighborhood.

Commissioner Hughes stated that the lakeshore design makes each property unique, and the language should clarify R-2 lakeshore property.

Consultant Lewis concluded that enough information and direction was obtained in order to hold a public hearing at next month's meeting.

C. Discussion Regarding Storage Uses in the I-1 and I-2 Industrial Districts

Consultant Lewis presented. He noted that staff recommends the Planning Commission analyze and discuss the appropriateness of storage uses in the I-1 and I-2 Industrial zoning districts and provide feedback to staff. He provided an overview and background of the request, noting that no new facilities are allowed to be opened anywhere in the city.

Commissioner Keating asked for clarification as to why storage facilities are not allowed at this time.

Consultant Lewis stated this was due to low job creation, low customer traffic, building aesthetics, and tax revenue.

Chair Erickson stated his agreement in not allowing new storage facilities, due in part by not attracting activity that would spill over to other businesses. He also commented on the flipside to that, being there are older properties not in good shape, and if an opportunity arose to substitute something newer or a remodel, this would then serve as a benefit.

John Lase, Owner, Safe-Way Storage, explained that his business was developed in 1987, and has evolved from cold storage to climate-controlled storage. Mr. Lase explained he is trying to grow his business in this evolving industry to stay competitive. He stated his interest in the industrial area building located at 540 Tamarack, which was built in approximately 2003. He further explained that storage would reside inside the structure and not affect the outside of the structure. He stated this building has been vacant for eight to nine months.

Chair Erickson thought it would be beneficial to use this newer building under a CUP permit specific to that location.

Consultant Lewis clarified that making a Conditional Use Permit in the I-1 Industrial District, would create the condition for the entire district.

Upon further discussion, it was decided that the Planning Commission would be in favor of this venture.

OTHER BUSINESS

Council Liaison Report – Council Liaison Dyvik stated he has been working on the Watertown issue.

Consultant Lewis stated a staff session was held with three developers in attendance.

Commissioner Adams announced the upcoming Orono Lions Carp-Fishing contest held Saturday, August 13th, and hopes the turnout will be more than the usual 50 participants.

Council Liaison Dyvik reported on Phase 2 of the County Road 112, beginning at Cemetery Road East through to the Luce Line bridge, and further described the phases of the project. He also announced a new bike trail for the north side of the Luce Line bridge.

Commission Member Business – None

Staff Business – None

ADJOURN

Commissioner Keating moved to adjourn the meeting at 7:34 p.m. Commissioner Adams seconded. Ayes: all.

Respectfully submitted,

Scott Weske
City Administrator