



**CITY OF LONG LAKE  
PLANNING COMMISSION MEETING MINUTES  
November 14, 2017**

**CALL TO ORDER**

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

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

Absent: none.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**APPROVE AGENDA**

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

**CONSENT AGENDA**

**A. Minutes of the October 10, 2017 Planning Commission Meeting**

Chair Adams requested the following changes to the October 10, 2017 Minutes:

1. On Page 3, Paragraph 2, Line 4, where it states; "Mr. Koch responded that the **drainage plan...**", be changed to reflect, "Mr. Koch responded that the **Stormwater Drainage Engineer...**".
2. On Page 3, the last paragraph, Line 3, where it states; "...measured the front of the lots and **she** arrived at...", be changed to reflect, "...measured the front of the lots and **he** arrived at...".
3. On Page 5, the second to the last paragraph, Line 1, where it states; "Ms. Davidson stated that driveway **drilling...**", be changed to reflect, "Ms. Davidson stated that driveway **design...**".

Commissioner Miner requested the following change:

1. On Page 5, Paragraph 4, Line 1, where it states; "...that **Lake Minnetonka District...**", be changed to reflect, "...that the **Minnehaha Watershed District...**"

*Commissioner See moved to approve the Consent Agenda and meeting minutes as amended. Commissioner Keating seconded. Ayes: all.*

## **OPEN CORRESPONDENCE**

None.

## **BUSINESS ITEMS**

- A. Public Hearing (Continued): Planning Case #2017-03 / Preliminary Plat and Planned Unit Development for Five (5) Single-Family Homes at 1070 W. Wayzata Boulevard (Jim Koch)

Planning Consultant Lewis presented and provided a brief overview/background of this continued case with a summary of updates since the October 10, 2017 Planning Commission Meeting.

The subject property is located at 1070 W. Wayzata Boulevard. The site is 2.52 acres and contains a single-family house. The property is currently zoned R-2 Lakeshore Single-Family Residential and is located within the Shoreland Overlay District; although it is not a lakefront property. Property to the north and west is also zoned R-2. Property to the east includes Summit Beach and is located in the City of Orono. Property to the south, on the other side of Wayzata Boulevard, is zoned R-1 Single-Family Residential. The applicant is requesting approval of a preliminary plat and re-zoning to Planned Unit Development (PUD) to allow for 5-single family lots. The applicant does not have development plans for the five individual lots at this time, but intends that the lots would be sold for single-family residential development. Access to the lots would be provided from a proposed private street connecting to Old Long Lake Road. The ordinance allows for private streets only through the approval of a PUD. The Comprehensive Plan guides the property for low density residential use.

Planning Consultant Lewis provided a revised plat via overhead as a result from the last meeting. Lewis reported that the applicant, Jim Koch, has addressed feedback concerns and he is proposing a six-foot setback and that a five-foot privacy fence on the property line of County Road 112 be constructed to address headlight glare and provide space for snow storage. He further noted the County is comfortable with this plan as proposed.

Lewis reported Mr. Koch has provided a second separate driveway access to serve the properties to the north at 1010, 1020, and 1030 Old Long Lake Road. He pointed out this item is part of continuing discussion with the property owners, Hennepin County, the City of Long Lake, and the City of Orono. The developer will be required to comply with any decision made between Hennepin County and the two cities. A concept plan was displayed where homes would be developed as single-family homes.

Lewis reported with regard to tree preservation and stormwater management, stating the City of Long Lake defers to the Minnehaha Creek Watershed District's rules requiring that a permit be obtained. Mr. Koch has developed a plan but has not yet submitted this plan for review by the Watershed District, as he is requesting approval of the preliminary plat before applying to the Watershed District for a permit. He reported staff is supportive of this request since there are significant costs involved in the design and review of the stormwater

plans, and the Planning Commission and City Council may still request changes to the design of the plat, which would then require changes to the stormwater plans. If the preliminary plat is approved, staff is recommending that approval of the stormwater management plan by the Watershed District be required prior to the final plat approval and building plans cannot be permitted until the final plat is approved.

Lewis presented an overhead and reviewed the R-2 District Standards. He then provided an overview of the considerations given with regard to the PUD/Master Development Plan Review, as well as the three Potential Planning Commission Actions for this issue.

Commissioner Miner requested Planning Consultant Lewis provide a summary of the two new letters received by attorneys on behalf of neighboring residents of said property. Planning Consultant Lewis answered these are part of public record for review.

Commissioner Hughes asked if the Fire Department recommended a second hydrant be added due to the width of the road. Planning Consultant Lewis confirmed and also noted the entire street allows no parking on the south side.

Chair Adams asked if a 30% maximum hardcover applied to all lots. Planning Consultant Lewis answered in the affirmative, further stating this will affect the runoff that will be accounted for by the Watershed District and the properly managed Stormwater Plan, which will take into account the potential for 30% maximum hardcover including asphalt on the properties.

Chair Adams opened the public hearing at 6:47 p.m.

Michael Feldmann, 1010 Old Long Lake Road, stated he was one of the parties that submitted a letter from his representation, Olson, Lucas, Redford & Wahlberg, P.A., and he provided a brief overview of the major topics of concern which included: outstanding road access design questions, lack of a Master Development Plan, lack of a drainage plan, as well as his concerns regarding potential conflict of his 20-foot easement with rights to plant and maintain foliage within 25 feet of the centerline of the easement, along with having no available easement for access to Long Lake for the five new proposed lots. He encouraged the Commission to table the issue at this time.

Jane Davidson and Frank Kulacki, 1020 Old Long Lake Road, also submitted a letter from Attorney James Walston of Lindquist & Vennum LLP. They had requested their attorney review the easements as well as the rights and privileges with respect to driveway and to review the City Code to make sure the request is compliant. Ms. Davidson reported that Section 5, Subdivision 2, of the City of Long Lake Ordinance, requires the submission of a Master Development Plan in addition to the PUD zoning amendment prior to issuing any building permits or in advance of any approvals by the City Council. Ms. Davidson was concerned with regard to the lack of a master plan, as there is uncertainty as well as legal issues involving the easements and the driveway easement which could go on for years and pose additional problems. She stated there is currently a 20-foot easement and it is her intent to improve the driveway while the construction for Old Long Lake Road is underway. She reported the width of the driveway is currently 12-feet and in need of repair with drainage problems and safety issues, with no current plan in place for the potential added need of maintenance and repair. She expressed her extreme concern with regard to liability issues and would request a clause be included to require liability insurance. She feels a

master plan to review safety issues and rights and privileges of the easement needs to be addressed. She reported the most important issue is the road access point off of Old Long Lake Road. In November 2016, all neighbors were invited to attend several public meetings with negotiations for one-year in order to provide the current 20-foot easement. She stated the proposed plan is in violation of this easement, which requires attorney review. She added it does not appear there is collaboration between the two cities as to how the road will be maintained. She stressed the need to table the issue until further solidification of plans.

Ron Brockman, 1124 Underhill Circle, asked Planning Consultant Lewis to display the proposed driveway entrance plan via overhead. He pointed out the areas where the proposed plan would change the aesthetics of the area, as there are wild animals and turkeys that roam the properties and does not want that to become impacted. He expressed his concern with regard to the number of trees being removed, and the increased number with the addition of a privacy fence, as well as the infringement of the easement and water runoff going into the lake. He stated the raingardens are maxed out and in order for this property to meet the runoff, it would have to absorb all water. He questioned the easement for lake access and its intent. He requested to review a plan to see about transferring an easement to the five properties, as only one property currently has access. He stated his concern that the entire plan has not been presented, and does not desire review by piecemeal. At this point and time, he requested to not table this item, but to not approve this development.

Burt Joseph, 294 Glenmoor Lane and owner of Birch's on the Lake, stated his interest in purchasing one of the lots in the proposed development. He stated he has seen Long Lake grow and feels it is a necessity to provide new properties and development, and to enhance other neighbor's values and provide more opportunity. He stated his support of the project and did not view this development as having a negative impact.

Mr. Koch thanked all for the opportunity to speak. He stated his goal was to use resources to improve the property. As part of the process, he stated he had enlisted engineers, surveyors, designers, architects, and the City Planner to determine what would be beneficial for the City as well as many industry professionals. He stated this project is not being done by piecemeal, and not on a whim. He stated he enjoyed the Long Lake community and feels this to be a great opportunity. He stated he arrived at the plan after determining the best use of the property while working within parameters, noting the property can be subdivided in a number of ways and he is trying to determine the best use as well as working within official guidelines. He stated he has contacted neighbors and changes have been made per their request, such as changing the driveway entrance and providing two separate entrances, as well as taking into account the drainage. He stated this property has been subdivided into good-sized lots that surpass the minimum requirements and provided an overhead view of the proposed plan diagram. He explained the lots shapes were not meant to maximize the number of lots, but to maximize the enjoyment of the owners and be less impactful. He also explained fencing was added per Hennepin County's request, in order to move the road and construct a cedar fence to maintain privacy and safety benefitting all involved, and noted that addition of rain gardens would also enhance the property. He stated his desire to limit tree removal and provided a slide for review. Lastly, he stated he has invested a substantial amount of money with the engineer regarding the management of water and drainage design, while keeping the Minnehaha Creek Watershed District in mind for compliance with their requirements. He expressed his desire for this development was to

create a new tax base and he is trying to follow all requirements within the Comprehensive Plan. He feels this to be beneficial for the surrounding neighborhood and to the City, allowing residents to experience the village atmosphere, as well as enhancing the City aesthetically. He requested approval to move forward while continuing to work and abide by what is determined by neighbors and officials.

Chair Adams questioned the drainage ponds at the top of the plan drawings. Mr. Koch stated the NE houses will not be affected by the ponds and explained the ponds are upfront from the hardcover and the remaining drainage will fill into a few different systems which is part of the plan to meet the Watershed District guidelines. He explained this part of the plan is still in process with engineering. Mr. Kulacki asked if the homeowners exercise their easement rights, as he does not want to deal with a homeowner's association or become part of a homeowner's association. Mr. Koch explained easements run with the land and he would not have to become a part of a homeowner's association. Ms. Davidson asked if utility easements were in place and if this was submitted to the Commission, and that many issues remain unresolved. She requested this be tabled until more information is obtained.

Commissioner Hughes asked why there was no master plan. Mr. Koch replied these homes will be custom made and need to remain open to allow for custom plan flexibility.

Mr. Brockman stated his confusion regarding easement issues for driveway and lake access, as well as his concern for wetlands. He asked if an easement could be transferred for a different intent and wanted to know who would own the easement if subdividing. Chair Adams stated those easements are owned by the Homeowner's Association under the Ordinances, and that each lot that abuts the lake is allowed one dock, and adding another dock would require a variance. He added this plan requires deviances, not variances.

Dan Larson, 1120 Underhill Circle, pointed out his home on the overhead map and asked how his home would be affected by noise, privacy and lights, having streets in the front and back of his house.

Commissioner See asked about the conservation easement, as there are four trees scheduled to be taken out and she asked why this is being done as it is across the road from the proposed development. Mr. Koch clarified this was due to drainage and assured that no trees are being removed unnecessarily. She also asked about the lake easement and if it was possible to walk through the wetlands. Mr. Koch stated this would be highly unlikely. She also voiced her concern regarding the driveway easement.

Mr. Koch presented an example of a home plan drawing with a three-car garage, stating each footprint will range from 1,500 to 1,800 square feet.

Dan MacDonald, 335 Russell Lane, heard comments regarding the development of this area and voiced his concern regarding two houses that were built in his area, which resulted in problems with water backup in his basement. He stated the City did not comply with the proposed drainage plans and is concerned with this new plan. He requested tabling or denying this proposal to allow for appropriate time to legally work out these issues.

Chair Adams closed the public hearing at 7:50 p.m.

City Administrator Weske advised the Commissioners to review the 12 conditions recommended by staff in the packet, as well as the addition of Condition #13-Access to the Property from Old Long Lake Rd; and #14-To Review the Easements for Legal Review. He requested that City Council take the time to review #14 and to send back to the Planning Commission to approve or deny. He stated these conditions address all concerns and requested to allow planning to move forward in the meantime.

Commissioner See addressed the stormwater issue with basement flooding. City Administrator Weske stated the Watershed District would need to approve this to be captured on site. Commissioner See wanted to make sure conditions have changed in this regard to avoid the flooding Mr. MacDonald has experienced as a result.

Commissioner Keating asked for clarification of changes since the last meeting. Planning Consultant Lewis stated the applicant has addressed the County's concerns, driveway access, and has compromised the stormwater concern. Chair Adams requested this plan move forward and to not table the issue.

Commissioner Miner applauded Mr. Koch for his uphill battle and his work with four different agencies as well as his financial investment. He agrees the property needs improvement as well as updating for the current home. He expressed his concern on the affect with the City and having five lots with the driveway running through the properties.

Planning Consultant Lewis stated this proposal will move on to the City Council whether the Planning Commission provides its approval or denial. Unless there are changes, he requested a motion be made to recommend or deny. He advised that the City has 60-days to review the applications, and a final decision for this issue is due by Mid-January 2018.

*Commissioner Hughes moved to recommend the City Council approve the preliminary plat with the addition of Conditions #13 and #14. Motion failed due to lack of a second.*

Chair Adams offered his opinion that five lots is excessive for this particular location as he wished to embrace density. He is also not in favor of this particular plat. Commissioner See agreed.

*Commissioner Keating moved to recommend the City Council deny of the application as the development requires deviances and also requires variances from the R-2 requirements. The proposal is for more lots than should be on this particular property.*

Jim Koch felt there to be more than enough space to accommodate five lots.

*Commissioner Miner seconded due to inconsistency with the City's Subdivision Ordinance Items A, C, and H. Ayes: Keating, See, Adams, Miner. Nay: Hughes. Motion carried.*

## **OTHER BUSINESS**

**Council Liaison Report** – Council member Skjaret reported that City Council and Economic Development Authority had approved entering into an agreement with Bullseye Media to provide consulting services and assist in implementation of the Business District Initiative (BDI) grant received from Hennepin County. He reported that some of the BDI grant funds have been used for shopping signs in preparation for the holiday season, for installation of a

bicycle pump and repair station, as well as other initiatives within Long Lake. He reported the EDA is reviewing the best direction to pursue for development of the Virginia Avenue property. He stated the Lions Club presented with regard to the frisbee golf course, and the City Council also approved a new lease agreement with American Tower Corporation for the next 20 years for the water tower cellular facility lease, of which the City Attorney negotiated a positive contract. He stated there was discussion to administer a survey to gauge public view with regard to raising the minimum age for tobacco purchases from 18 to 21 by ordinance, but the issue was tabled until a decision is made first by the State of Minnesota.

Councilmember Skjaret reported a Special Work Session was held for the 2018 budget, noting the water and sewer fund was now depleted. He stated further review will be provided to replenish this fund with an increase to be spread out over the next few years. He added a rate study had been done and will be reviewed prior to proceeding. He reported a 7% levy may be considered in 2018; clarifying this would not involve property taxes. He stated this levy would be used for the School District and Hennepin County to gain solid financial footing and building reserves, as well as targeting lakefront railings, fencing, and safety features for pedestrian crossings. He reported that a vacant building appeal was discussed regarding a fine that was imposed at 2073-A Wayzata Blvd, Stoneridge Plaza strip mall, and the appeal was denied. He noted this building had not been developed in the last 10 years.

Councilmember Skjaret reported the City Council accepted the resignation of Jason Goehring, Public Works Director, noting this to be a great loss for the City and that the City Administrator was working hard to recruit for this position. He then reported that Hennepin County made a presentation regarding the County Road 112 project and noted the project will continue until weather no longer permits. Lastly, he stated bids will go out for Phase II regarding the area from Cemetery Road to Luce Line for completion by the fall of 2018.

**Commission Member Business** – None.

**Staff Business** – None.

**ADJOURN**

*Commissioner Adams moved to adjourn the meeting at 8:45 p.m. Commissioner See seconded. Ayes: all.*

Respectfully submitted,

Scott Weske  
City Administrator