



**CITY OF LONG LAKE  
PLANNING COMMISSION MEETING MINUTES  
October 10, 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; and City Planning Consultant Lewis.

Absent: none.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**APPROVE AGENDA**

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

**CONSENT AGENDA**

**A. Minutes of the August 9, 2017 Planning Commission Meeting**

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

**OPEN CORRESPONDENCE**

None.

**BUSINESS ITEMS**

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

City Planning Consultant Lewis presented stating the owners of the property as Merry B. and Kevin Hovey, and the applicant as Jim Koch. City Planning Consultant Lewis presented an overhead of the area for clarification and discussion. He reported the property site is located at 1070 W. Wayzata Boulevard, totaling 2.52 acres, containing a single-family house, and

zoned as R-2 Lakeshore Single Family Residential, located within the Shoreland Overlay District; although not a lakefront property. He further reported the property to the north and west is also zoned R-2; and property to the east includes Summit Beach and located in the City of Orono; and property to the south, on the other side of Wayzata Boulevard is zoned R-1 Single Family Residential.

City Planning Consultant noted Mr. Koch is requesting approval of a preliminary plat and re-zoning to Planned Unit Development (PUD) to allow for five single-family lots, without development plans at this time, but is intending the lots be sold for single-family residential development. He reported that access to the lots would be provided from a proposed private street connecting to Old Long Lake Road, of which the ordinance allows for private streets only through the approval of a PUD. He reported the comprehensive plan guides the property for low-density residential use.

City Planning Consultant Lewis provided a brief overview of the PUD and reported that Mr. Koch has requested several deviations unless the City determines otherwise. He then reported one deviation with respect to lot design, asking that side lot lines shall be at right angles to street lines, radial to curved street lines, or radial to lake or stream shores unless the City determines that due to topographic conditions, an alternative layout will result in a better street or lot plan.

City Planning Consultant Lewis reported that the proposed use of property is consistent with the Comprehensive Plan and the proposed lots meet the area and width standards for the R-2 district, which is the current zoning on the properties surrounding this area, which also would not be out of character with the surrounding area. He reported the design of the proposed lots does not perfectly conform to the requirements of the subdivision ordinance, however, the lots appear to still provide a buildable area and careful consideration will be given to whether the proposed lot design will result in undesirable parcels due to the lot shape and the presence of the driveway easement that touches all five of the rear properties. He stated that without the Master Development Plan, application of the R-2 district standards will ensure that future development is consistent with surrounding area and review of the Final Site and Building Plan review will be required prior to any building permits being issued. He then provided a brief overview of staff recommended conditions of approval as described in the staff report.

City Planning Consultant Lewis reviewed the R-2 District Lot Size/Design standards for use, stating this will be used as a baseline to analyze the proposed five single-family lots, of which all are in conformance with. He reported that grading and filling in a shoreland area requires a Conditional Use Permit (CUP). City Planning Consultant Lewis reviewed staff recommendations for conditions of approval. He provided review of the PUD / Master Development Plan Review and the Potential Planning Commission Actions he requested.

City Planning Consultant Lewis provided the following supporting information: PUD District Ordinance, R-2 District Ordinance, Hennepin County comment letter, Land Use App 1, Land Use App 2, Preliminary Plant Sheet 1-Existing Conditions, Sheet 2-Proposed Plat, Sheet 3-Grading Plat, Sheet 4-Erosion, and Sheet 5-Tree Removal.

Commissioner Hughes asked if it was feasible to have the 75-foot setback revision as a recommended condition. City Planning Consultant Lewis stated this was included with the plans required by the Minnehaha Creek Watershed District. Commissioner Miner asked if the

road issue had since been resolved with the County. City Planning Consultant Lewis responded that a decision was made that access would be provided with this current plan. Chair Adams asked if there is an agreement with the proposed developer and property owners. City Planning Consultant Lewis knew of none.

Chair Adams had concerns due to the prior interaction with attorneys related to the private road issue, which would also affect the hardcover requirements applied to Lots 1-5. Chair Adams was also concerned about drainage on the property as almost half of the lot is at a significant downhill slope. Mr. Koch responded that the Stormwater Drainage Engineer would channel the drainage and that he discussed this issue with the Minnehaha Creek Watershed District and with a stormwater drainage plan, this will control the water better than what is currently on the property.

Commissioner See requested review of the final plan before agreeing to move forward with this plan due to the number of trees that will need to be removed, as this will decrease the quality of the lake. Mr. Koch responded that only trees with certain measurement requirements would qualify for removal, and the County has already removed a portion of the targeted trees. Mr. Koch stated a rain garden concept is also being considered, explaining that all water is managed within the rain gardens and drainage would occur by the Watershed District's runoff plan.

Mr. Koch stated he plans on building his residence on one of these lots and asked for input as to the best way to operate within the city limits and has added plans for this unique parcel to build the lots back in order to limit the amount of tree removal. He reported that the City recommended the private road as their primary focus, stating the property can be subdivided for the best use of the public and potential owners. He added he is looking to the compliance of the City and its recommendations in order to improve the property with a desirable design.

His referred to a letter from Coldwell Banker with their support and commented that this desirable design would easily attract buyers, and they would work to use the projection for an average footprint with a lot of that size, reserving 30% for the home structure.

Commissioner See asked about subdividing the property into three lots as opposed to five. Mr. Koch responded that the five lots would be over the City's minimum requirement of 10,000 ft. each. Mr. Koch also reported that the proposed homes would range from \$599-\$799.

Chair Adams opened the public hearing at 7:12 p.m.

Mike Feldmann, 1010 Old Long Lake Road, had questions and concerns with regard to some features of this development relative to the R-2 district regulations. Mr. Feldman stated he measured the front of the lots and he arrived at 57 feet. He stated the lots sizes relative to the neighborhood are smaller which would appear to require a number of variances to ensure a proper fit. He asked if the footprints on the map are real houses or placeholders, for these skinny lots. He was concerned about the previous lengthy work by Long lake on the issues for private driveways. He feels this would increase the hardcover and have a negative impact for the wetland and lake. He was extremely concerned with extra water running across his driveway during the winter, as his lot rests at the bottom of this new development. He provided a 2008 map via overhead, which was used for his dock proposal,

to address the wetland and easement of the property, showing how it connects with Outlot A, which shows there is no means to reach the shore without going through the wetland. He wondered about the intent of the easement

Jane Davidson, 1020 Old Long Lake Road, stated numerous public meetings were held among all homeowners, as well as the owner of 1070 Old Long Lake Road, and after ten months of difficult negotiations and compromises, they developed an intersection. She stated this section was finally agreed upon to be a public road in Orono, with the City of Long Lake agreeing to be responsible for the pavement maintenance plan. She explained that surveying had been done and she noticed differences with the new plan which would cut-off access to their roads. She stated she had not been contacted by the developer to discuss this matter. Ms. Davidson's other item of concern was the relatively large easement that goes through the property, noting the attorney stated it would be remiss to think that you don't have hardcover for the whole 20 feet, which may be something that would come up in the future. She shared the concern with regard to lot size, stating Long Lake is a small place where everyone considers everyone their neighbor. She provided an overhead of the R-2 Lakeshore District and totaled the other properties square footage, excluding the 1070 property, arriving at an average of 35,535 feet. She stated the Minnehaha Watershed District shows the lot is severely impaired and cited stormwater and land development as impediments for this lot, as well as being concerned it is inconsistent with the neighborhood and that the property is contrived. She stated her concern about not having enough information without the master plan to make an aesthetic decision. Her last concern was how residents will get to the lake without having to go through their neighbor's property. She ended stating she would need to see the whole plan and hoped this item would not be approved as it stands today until review of the Master Plan.

Tom Skjaret pointed out this was only a proposal to take it to the next level, and stated as a developer, he would not make an investment unless there was potential to move forward. He explained there are 14 conditions that need to be met and these same challenges have been brought up in the past. He stated his own property is odd-shaped as well as his neighbors, which he considers to be a part of his neighborhood. He stated with regard to the driveway, this was the City of Orono's road, so if there was going to be a change, this would be their responsibility. He stated this property has been neglected for the last 6-8 years and this would provide the opportunity to bring in more families, more revenue, and more students within the school district. He expressed his encouragement to move forward.

Chair Adams closed the public hearing at 7:34 p.m.

Commissioner Miner asked if the lot width was a minimum of 75 feet, as it appears it is wider at the southern end. City Planning Consultant Lewis replied width is measured at the 35-foot setback from the property line and can narrow from there, and that the R-2 District requirements are being used as a baseline to analyze these standards.

Commissioner See asked if the private drive on the outlot was not part of the 30% hardcover. City Planning Consultant Lewis stated each of the individual lots will be subject to this and in terms of the total land disturbance, there will be a need to address stormwater management by the Watershed District. Commissioner See asked about the outlot covered by a paved road. City Planning Consultant Lewis stated it served as a right-of-way, so the outlot would not apply to these standards.

Commissioner Keating stated that when driving past this area, the current house is an eyesore, and would not be opposed to upgrading the area. On the other hand, he stated that if issues arise due to changes of the property and the water quality, then he would be opposed. He cautioned the need to be careful how this is managed.

Chair Adams stated the property slopes down and increases as it goes, causing the need for drainage, requiring control and maintenance of vegetation, trees, etc., which would significantly reduce this issue. He noted that easements are forever and there is an easement for access to the lake which goes across the swamp. He asked how the City views dockage wondering how the single dock would work with the easement. City Planning Consultant Lewis stated if a second dock is requested, a variance would be required. Commissioner Adams expressed his concern about drainage and where that water would go. He asked the Commission to consider consistency with the character of the neighborhood and safety. He was concerned about tree removal with cars coming around the corner and shining headlights into the lots without the foliage to protect the property.

Mr. Koch reported discussion has occurred with regard to the construction of a 10-foot stone cedar fence to alleviate this issue, which would result in reconfiguration of the lots shapes. City Planning Consultant Lewis added the County was open to either a 10-foot setback or screening, or a combination of both, and informed Mr. Koch he would need to propose this to the County for additional comment, which is part of the conditions attached.

Councilmember Skjaret commented on the water runoff, stating that the Minnehaha Creek Watershed District is the most strict and thorough, and would not allow this developer to move forward if this would affect the lake.

Chair Adams was concerned that some parties negotiated with the City of Orono to agree on how the driveways will intersect with the public road, as well as the proposed driveway, and the easement to the lake. He asked if the DNR or Watershed District been contacted about putting a dock in. Mr. Koch has been going along with what has been proposed and has been in contact with the Watershed District, noting there are many ways to control this issue and he has no intention of pursuing a dock or advertising the property as lakeshore property and would leave that up to the resident. His conversations have been about water management and the way the property sits and its current condition, which appears more hazardous than this new development.

Ms. Davidson stated that driveway design is not consistent with the current intersection plan, as the intent of the public road was to not burden the homeowners and to provide safety by allowing the placement of mailboxes off Old Long Lake Road, which would now be negated with this new proposal, cutting off their driveways. Mr. Koch replied he can adapt to that, as there is concern for safety of his children as well. Mr. Koch stated he would take the new, updated county map provided to him by Ms. Davidson, and forward the map to the engineer to update the plans in order to adapt to fit, as he is willing to accommodate the County. He stressed this plan is about making it safe and good for everyone. Ms. Davidson noted one of the dangers of the proposed road would be when turning into the driveway off of Highway 112, as she is concerned about the number of cars using the driveway.

City Planning Consultant Lewis stated this item needed to be further addressed, and it was recommended to add this item to the staff recommended conditions as Item #15.

Commissioner Keating stated there are many items in the air yet and remains undecided.

Commissioner Hughes stated there are enough safety conditions in place for the plan to be completed properly and hopes for more communication between the homeowners and the developer. He stated he would be comfortable approving the preliminary plat.

Commissioner See would like to review more information with regard to stormwater drainage.

City Planning Consultant Lewis asked the Commission to consider the lot design for the five lots to make sure it is consistent with the configuration. He encouraged feedback on the design.

Commissioner Miner asked if the past proposals for this property had been the same. City Planning Consultant Lewis stated this is the first time this developer has come forward and the number of lots have been reduced.

Chair Adams wanted to think about some of the lot lines going all the way back from 25 feet to the center line of the driveway easement, and if that is appropriate with the consistency of the neighborhood. Mr. Koch added that some garages are side-entrance and some are back-entrance for these medium-sized, walkout homes, and is not concerned about the hardcover, as there is not much difference from the homes on Underhill Circle.

Discussion was held regarding vegetation and the number of trees that will be cut down. Chair Adams pointed out the easement holders have the final decision on tree removal and they may not allow the removal of the proposed trees.

Frank Kulacki, 1020 Old Long Lake Road, asked if the homes were custom-built homes. Mr. Koch answered he was not sure if they would be built from the same developer, but knows the homes would be smaller and more modestly priced.

*Commissioner Hughes moved to recommend the City Council approve the preliminary plat and rezoning to PUD request subject to the conditions outlined in the staff report with conditions #3, #9, and the addition of #15.*

City Attorney Thames reported the cooperative agreement had not yet been approved as far as maintenance for the private road in question. He reported the proposed cooperative agreement stated Hennepin County will build it, and the right-of-way is Orono's responsibility, with maintenance provided by Long Lake. City Planning Consultant Lewis stated it would need to be revised as approved by the county.

*Commissioner Keating moved to recommend this item be tabled until additional information is obtained. Commissioner Miner seconded. Ayes: all.*

## **OTHER BUSINESS**

**Council Liaison Report** – Tom Skjaret reported there was no meeting last month and that all of the work for Phase I will be completed by Thanksgiving. He reported he understood there would be tree removal and guard rails installed along the lakefront, and commented that one of the big items was the Public Works Director obtained a new retaining wall for

Nelson Lakeside Park and a drinking fountain water line for Dexter Park worth approximately \$50,000 through Eureka Construction at no cost to the City of Long Lake as part of a negotiation for Phase I. He reported that City staff hired a temporary employee for 20 hours a week to free-up City staff and assist in collecting water bills and overdue bill payments. He extended his appreciation to City Attorney Thames for his wonderful job with regard to the water tower. He announced that Mayor Schneider has been working on holding a Veteran's Day ceremony at Union Cemetery and Nelson Lakeside Park, which will be published on the website once finalized, adding that Red Rooster will provide coffee. He reported the Fire Department's Relief Association Fund has increased their pension fund in the amount of \$4,350 per person, reflecting the good investments within this fund, which is also an incentive to help retain staff. Councilmember Skjaret reported that Pillar Homes has not responded within the 120- day response agreement, so the agreement has expired and the City Council is looking for a development presentation by Overland Properties and one from Atlas Homes, with two additional from the next EDA meeting. Councilmember Skjaret feels more density is needed in the downtown area. He further reported the EDA has contracted with Bullseye Marketing to work with city businesses with part of the grant money from the economic fund for the Highway 112 Turnback from all local people, and that Bullseye Marketing has a strong track record and a focused plan to print ads, flyers, and social media in order to gain exposure for the City of Long Lake businesses.

Commissioner Hughes requested an update with regard to the limited use of personal watercraft. Councilmember Skjaret reported the ordinance reverted back to what State Law currently permits. City Attorney Thames stated an ordinance was passed with the City of Orono as well, to be in compliance and consistent with the State of Minnesota DNR Regulations.

Commissioner Hughes inquired about potential future development of property on Orono Orchard Lane and the sewer connection situation. Councilmember Skjaret answered there are quite a few connections that come into our sewer, where we charge a fee and then reimburse payment to the Metropolitan Council. Councilmember Skjaret confirmed that area has water but not sewer.

**Commission Member Business** – None.

**Staff Business** – None.

**ADJOURN**

*Commissioner See moved to adjourn the meeting at 8:32 p.m. Commissioner Hughes seconded. Ayes: all.*

Respectfully submitted,

Scott Weske  
City Administrator