



**CITY OF LONG LAKE
PLANNING COMMISSION MEETING MINUTES
September 10, 2024**

CALL TO ORDER

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

Present: Chair: Roger Adams; Commissioners: Judd Axelson, Virginia See, Lori Goodsell, and Anita Secord; City Administrator: Scott Weske; Planning Consultant: Hannah Rybak; and City Engineer: Jeff Oliver

Absent: None

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVE AGENDA

Commissioner Secord moved to approve the agenda as presented. Commissioner See seconded. Ayes: all.

CONSENT AGENDA

A. Minutes of the May 15, 2024 Planning Commission Meeting

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

OPEN CORRESPONDENCE

No one was in attendance to address the Planning Commission during Open Correspondence.

BUSINESS ITEMS

A. Public Hearing: Review of Development Application for "Wilds of Wayzata" Proposed Subdivision, 925 Wayzata Boulevard W (Flip and Gina Carlson, Wilds on Wayzata, LLC/Property Owners; Dylan Carlson & Alec Martinez)

City Planner Rybak noted that the City was into the 17th month of reviewing this project and explained that the applicants had provided many different configurations of this project in order to subdivide the property into three or four lots. Staff had provided feedback throughout the process on the various configurations including a detailed list of insufficient information and an incomplete application letter that was sent in May of 2024. Further, staff had responded to a list of questions regarding the letter that centered around avoiding variance requests and utilization of the PUD process. Staff had informed the applicants that in their opinion, the project did not meet the criteria to be considered under a PUD

and had also informed them that staff could not support a request for a four-lot configuration and were recommending that the lot be split into two lots. After that communication, the applicant submitted the PUD application that is under consideration tonight; however, the plans do not address the majority of the items that had been identified within the original incomplete letter from staff. The applicants had not relented on attempting to move forward with their four-lot configuration, so despite the application technically being incomplete, staff was bringing it forward to the Commission for action or feedback. On September 6, 2024, the applicants had requested that this be postponed in order to allow them to address the concerns in the staff report prepared for the Planning Commission packet, but because the public hearing had already been noticed and the packet sent out, staff could not administratively pull the application. She reminded the Commission that the applicant had been aware of the staff's position and most of the issues that were identified in the report since May/June of 2024, but had chosen not to address them in their current submittal. She indicated that the Commission could choose to postpone action, but pointed out that there were neighbors in attendance at the meeting that she believed wished to speak at the public hearing.

It was the consensus of the Commission to proceed with the public hearing on this item, as planned.

Rybak reviewed the project location, zoning, future land use guidance, existing conditions, and details of the proposed site plan. She reviewed the project for compliance with the current R-1 single-family zoning and outlined which items would require variances for a subdivision. She clarified that rather than requesting these variances, the applicants requested to rezone the property to a PUD, though a PUD designation was primarily intended for properties that were located within the Downtown Village/Mixed Use District within the Comprehensive Plan. She reviewed the criterion for eligibility for a PUD and stated that staff did not find that any of the criteria for eligibility for a PUD were met, so this project would not be eligible to be processed through a PUD. She discussed lot and building requirements for R-1 and PUD zoning and noted that all of those would be satisfied with the exception of the lot area for a PUD because the subject property was under the required two acres in size. She continued her review of the application and outlined details from the tree preservation and replacement plan and landscape plan. Based on the grading plan submitted, staff felt that the proposed development would require the removal of nearly all trees on the property and may also damage the root systems of trees located on neighboring properties. She noted that while some tree removal is expected for development, clear-cutting would not be in conformance with Section 33 of the City's code. She read aloud the comments made by Fire Chief Heiland and explained she felt that the plans did not meet the requirements in the Fire Code.

City Engineer Oliver introduced himself and noted that this was his first meeting with the City. He shared that he has had a 35-year career serving local government and 30 years as a City Engineer for first-ring suburbs. He stated that he supported the concerns that were raised by Chief Heiland about access and maneuvering of fire equipment with the proposal. He reviewed some of the general engineering comments related to the ALTA Survey, Preliminary and Final Plats, watermain and sanitary sewer, and storm sewer related to compliance issues, potential problem areas, and additional items that would need to be completed. He explained that from an engineering perspective, there were a number of shortcomings as well as short and long-term maintenance issues that had possible solutions, but all of them must be addressed prior to approval of the proposal.

Rybak reviewed the criterion of a PUD Master Development Plan and noted that staff found none of the criteria to be met. She stated that based on the findings in the staff report, they were strongly

recommending denial of the Master Development Plan and rezoning the property to a PUD. She gave a brief overview of the plat requirements and noted that staff also recommended denial of the proposed Preliminary and Final Plats. She reminded the Commission of the primary issues that should be considered in evaluating the application and reiterated that staff was recommending denial of all the requests and did not believe that submission of any of the outstanding information would be able to achieve full compliance of the application. She stated that overall, this development just did not fit in the area where it was being proposed and would cause more harm than good.

Chair Adams asked if the Minnehaha Watershed District had commented or given any permits.

Rybak responded that they had provided a letter stating that the applicant would need to connect with them as soon as possible and obtain the necessary permits from them. She added that they had not provided any real comments on the application other than that they would need to do a full review.

Chair Adams recalled that for the last project that was done, the Minnehaha Watershed District had required the developer to ensure that no run-off from the property would occur and had to be handled through a filtration pond. He asked where the sewer would go in order to connect to the existing system.

Oliver replied that it went into Lindawood Lane and explained that the sanitary sewer kind of angles towards the northwest. He observed that it was very difficult to ask moving water to take two consecutive right turns and felt that would create turbulence in the water which would result in solids accumulating in the pipe. He stated that once these facilities were constructed, they would be owned and maintained by the City, resulting in increased maintenance. The solution that would be best would be to extend both utilities out to connect to the existing system. He stated that this was a very unusual circumstance and noted that he had seen anything quite like what was being proposed.

Chair Adams opened the public hearing at 6:55 pm.

Gina Carlson, 925 Wayzata Boulevard (applicant), explained that the subject property belonged to her son. She stated that they had a few corrections and some additional insight that they wanted to share with the Commission and shared that she and her husband had done development and housing for a number of years. She mentioned that her background was in architectural design and her husband's was in contracting. She showed photos of a few of the homes that they have designed in Long Lake. She noted that she first wanted to address the trees and noted that of the 55 trees that were on the property, 24 of them were boxelder which is a prohibited tree in the City, so removing them would actually be a good thing. She stated that four of the trees were elms which are also prohibited, four were maple, and the trees located along the property border would remain. She indicated that there were also four apple trees and noted that ornamental trees were prohibited, but was not sure if apple trees fell into that category or not. She stated that there were four pine trees but noted that some of those would also remain. She pointed out other trees that would remain.

Commissioner Goodsell interrupted and asked if the trees she had just pointed out were actually located on the neighboring properties.

Ms. Carlson confirmed that those trees were located on the neighboring properties but noted that they had been included in part of the overall 55 tree count. She added that there are some spruce trees that

are almost dead and she wasn't sure if they would be able to be saved and had planned to have an arborist take a look at them.

Commissioner Secord stated she felt that the spruce trees would still be viable and explained that she had experience with them on her property.

Commissioner Goodsell commented that she found the proposal painful because Long Lake is not a town that clear-cuts large swaths of property in order to construct as many houses in as possible.

Ms. Carlson stated that she understood and assured the Commission that was not their intent and would even describe herself as a 'tree hugger'.

Oliver stated that his opinion of the grading plan was that there was probably not a square foot within the property boundaries that would not be graded.

Ms. Carlson clarified that they did not necessarily have to grade to the property line because they can put in a retaining wall to save the pine trees, if needed. She stated that would also be saving the trees in the corners. She indicated that they had not had a chance to talk to their engineers yet; adding that they had gotten the report late Thursday and had contacted the City on Friday asking to table this item in order to allow them to meet with their engineers about the grading and drainage.

Commissioner Goodsell observed that she felt the big question was whether it was in the City's legal guidelines to rezone it to a PUD and she did not see any evidence that it was.

Flip Carlson, applicant, asked that they be allowed to finish their presentation and noted that they had not interrupted staff when they were doing their presentation.

Chair Adams encouraged the applicant to finish their presentation.

Ms. Carlson stated that the City has had 2 other PUDs, Gear West and Aava Vetta. She explained that their two uses for the property would be to have it remain residential and provide off-street parking for the proposed homes. She noted that they had spoken to Hennepin County and they would prefer that the driveway be moved to the center of the property because it is close to the shared driveway to the south, and also one to the north that is a shared driveway to three properties. She indicated that the County wanted them to only have one access point so if they left it there they could slope a driveway through in order to access the site which would require removal of the trees in that area, but they would be able to save two of the pine trees. She mentioned that the length of the frontage along Wayzata Boulevard W was actually 225 feet and not 215 feet. She stated that the square footage was also an error because according to the Hennepin County PID it is 1.24 acres which is 53,920 square feet. She recalled that when they had previously spoken with City Planner Rybak about the variances, they felt that five variances would be needed and she felt that wouldn't work as well as just going in with a PUD would. Ms. Carlson felt that their application met the criteria for a PUD with two land uses as outlined but acknowledged that the site was less than two acres. She pointed out that the PUD at Aava Vetta was also less than two acres in size with 11 residential units on it, and they were only proposing four on this parcel. She indicated that the minimum lot square footage per house was 10,000 square feet and these lots range from 10,500 up to 16,000 square feet, and the footprint for the home sizes are about 2,500 square feet. She referenced their proposed layout with the driveway in the center of the property

and explained that they felt it did fit into the neighborhood. She commented that they had not planned for fire trucks having to go down the driveway and had anticipated that they would park out further. She read aloud a portion of Appendix D from the 2020 Fire Code that says that there was no turnaround requirement. She stated that for garbage pick-up, the homeowners would put their cans out front along Wayzata Boulevard W just like they do now and stated that the shared driveway would be plowed by the homeowners and not the City.

The Commission and the applicant discussed a private road versus a street road and how snow plowing would be handled.

Ms. Carlson noted that just across the street was a four-lot development that the City approved called The Landings at Long Lake which has a frontage road that is 277 feet long.

Rybak explained that was a shared driveway and the development had received a variance for it.

Ms. Carlson noted that if the shared driveway idea was better that would go through the property from the current driveway location, they felt that would also be workable. She stated that they were not proposing anything different or more dense than the surrounding area, adding that there are lots in the Lindawood Lane neighborhood that are directly to the west that have the same sized lots. She stated that Lindawood Lane has 19 homes on the public street that has just one access to Wayzata Boulevard W. She reiterated that they would like to have time to work with their engineer to address the drainage issues that have come up and noted that she also felt that they needed to take a closer look at the 55 trees because they were not all viable trees due to over half of them being prohibited trees. She mentioned that three sides of the property were lined with buckthorn and had noxious weeds in some areas so they would also like to clean that up. Related to drainage, currently, there is a swale on the west side of the property that takes a huge chunk of the drainage and by incorporating the new drainage they would be taking a substantial amount of the property and draining it to the rain garden pond that they were proposing out front. With regard to impacting the neighbors, the neighbors on Lindawood Lane drain into the swale and other neighbors drain to Wayzata Boulevard W. She commented that she was sure that they could work on the drainage from the neighboring properties without any issues. She stated that The Landings at Long Lake driveway access was 15 feet wide and 277 feet long and their proposed driveway would be 20 feet wide and 137 feet in length, so it was less than half of what the City had already approved right across the street. She noted that she had also taken a look at trees on other recently approved developments and referenced the development at 905 Wayzata Boulevard W, indicating that their driveway will remove 14 pine trees which is not the same kind of situation as for their project because the trees they would be removing were scrub trees and prohibited trees. She recalled that The Landings subdivision had also taken down a lot of trees because it had been densely forested before. She asked that the Commission look at their application as being comparable to projects that had already been approved and not automatically nix it because the staff report was negative; and asked the Commission to table discussion of their project at this time.

Chair Adams sought confirmation that Ms. Carlson was asking that the Commission table this item.

Ms. Carlson confirmed that she was asking them to table this.

Chair Adams noted that Ms. Carlson had used the word 'prohibited' frequently in discussion of the trees and asked what she meant by that description.

Ms. Carlson replied that in Section 33 of the code, subd. 4b lists prohibited trees, and in that list were boxelders and buckthorn.

Chair Adams clarified that those were prohibited trees for new plantings and did not mean that existing trees would be prohibited.

Ms. Carlson explained she was saying that they were coming from the position that they have existing boxelder trees and now the City's ordinance says they are prohibited.

Chair Adams reiterated that they were just prohibited from being planted, so it did not apply to this situation.

Ms. Carlson stated that what they would like to do is be able to replace the boxelder trees, which were now prohibited, with trees that were viable and not prohibited.

City Administrator Weske commented that was what the planting and landscape plans were supposed to show the City.

Chair Adams pointed out that the tree preservation and replacement plan was a requirement to have completed before submitting an application.

Ms. Carlson disagreed and indicated that was not her understanding. She referenced page 3 of her letter where she had asked for a concept review with the Commission before they proceeded with the necessary level of detail that would be necessary for a full-blown approval. She stated that now that they have heard comments from the City about the trees, they can go back and make adjustments and bring back plans for landscaping, tree preservation, erosion control, and drainage plans. She commented that she realized they still had a lot of work to do, but this is the first time they had been able to hear this kind of feedback.

Chair Adams asked if Ms. Carlson was telling him that she had not gotten any feedback from the City Planner or City staff in the last one and a half years.

Ms. Carlson stated that the first submittal was to keep the house on the lot which is in the center of the property and then building on either side but that was not conducive to their plans. Then, they went in with the idea of a cul-de-sac and had submitted different configurations of how that would work but they ended up with pie-shaped lots, so they determined that going down the center with a private road would be the best solution. She reiterated that they were requesting a PUD so they did not have to request five variances.

Commissioner Goodsell observed that she felt that the question was whether the application met the requirements of a PUD, and she felt it did not.

Ms. Carlson mentioned that it does not meet the two-acre requirement, but another one of the approved PUD developments also did not meet that requirement.

Chair Adams noted that the PUD development she was referring to had different zoning.

Ms. Carlson stated that it was the same zoning.

Chair Adams explained that it was changed to a PUD because within the Comprehensive Plan it was guided for future development as multi-family.

Rybak clarified that the Aava Vetta development was located within the Downtown Village/Mixed Use District and that district allows PUDs of any size.

Chair Adams noted that area was guided for a higher density development, so it was a different situation and was not really comparable.

Commissioner Goodsell commented that at the end of the day, her concern was how the application applied to the City's existing ordinances and zoning standards.

Commissioner Secord expressed concern that the applicant believed fire trucks would just park on Wayzata Boulevard W and not drive in to be able to save a home, or people, or be able to render medical aid. She stated that she would not vote to approve anything like that because she has been an EMT/firefighter and also a Police reservist with the Orono Police Department. What first responders have to endure after rendering aid in any kind of situation is traumatizing in some sense, so in this case, they would not be able to do their job properly with proper access. She stressed that she could not envision firefighters dragging their fire hoses from Wayzata Boulevard W into the homes.

Ms. Carlson stated that she completely agreed and asked how it was handled at the Landings because their driveway is only 15 feet wide and assumed that they park along Wayzata Boulevard W.

Commissioner Secord stated that they are able to drive right up.

Mr. Carlson asked what was different from their proposal.

Oliver clarified that each of the homes in The Landings subdivision was required to have a fire suppression system installed within the home as a condition of subdivision approval.

Weske pointed out that there was also a fire hydrant at the corner.

Oliver indicated that there were adequate facilities for firefighting.

Ms. Carlson stated that they could meet those standards as well.

Chair Adams asked if there was anyone else in the audience that wanted to speak on this proposal.

Mr. Carlson suggested that the Commission come to the property so they can see how bad the trees are. He stated that boxelders are filthy trees and they want to get rid of them along with the buckthorn.

Commissioner Goodsell noted that he could get rid of all of them now because they live at the property.

Mr. Carlson responded that if they do the development, then they can put in the proper trees.

Commissioner Goodsell noted that she had done similar work in her own yard with a buckthorn wrench.

Commissioner Secord shared that when she moved in 31 years ago, she also had to do this because her property was like a brush farm and she had also cleaned out the buckthorn and unwanted trees. She stated that this was the Carlsons' personal property and they needed to maintain it and not use this proposal as their solution.

Tom Berlitzki stated that he was in attendance representing Mike Chite, the owner of 905 Wayzata Boulevard W. He noted that there had been a two-lot configuration mentioned, and asked about there having been a statement made that the County had an issue with an access being parallel to the old Highway 12.

Ms. Carlson explained that the County had issues with having an access so close to Wayzata Boulevard W because the turn lane has to be reworked and should not be the way it is.

Chair Adams indicated that he had lived off that road for about 66 years and there is no turn lane there.

Mr. Carlson stated that there is a turn lane.

Chair Adams stated that there was a turn lane further down for the Trails of Orono facility.

Ms. Carlson reiterated that there was a turn lane here.

Chair Adams clarified that it was actually a wide shoulder, but not a turn lane.

Mr. Carlson reiterated his statement that there was a turn lane.

Ms. Carlson stated that traffic can park and wait because the road is wide enough in that area, but for the properties at 905 and 915 Wayzata Boulevard W, the road starts to narrow so there is really no place for them to stop before they turn.

Chair Adams stated that he was surprised because his driveway fronts on County Road 112 and they did not get a turn lane.

Mr. Carlson indicated that there is a turn lane extending almost down to Birch's.

Chair Adams clarified that was a center turn lane for left turning traffic.

Mr. Carlson confirmed that was what they were talking about.

Commissioner Secord asked if they were referring to a center turn lane where there would be parking on the street.

Ms. Carlson stated that they did not want there to be parking on the street and their parking would be along the new private road.

Chair Adams recalled that part of Ms. Carlson's presentation talked about the second use in the proposed PUD being off-street parking.

Ms. Carlson explained that the off-street parking would be for residents who may have a party that could park along the new private road.

Chair Adams stated that he was not sure that would be considered a second 'use' and gave examples of what would be considered another use.

Ms. Carlson referenced the PUD for Aava Vetta which lists off-street parking listed.

Chair Adams reiterated that Ms. Carlson was talking about something that was not comparable with her proposed development because it was located in the Downtown Village guided area which meant that different rules applied to that development.

Ms. Carlson stated that according to the Comprehensive Plan that she had seen, the condos are not part of the Downtown Village district and were part of the residential district.

Rybak stated that Aava Vetta is located within the Downtown Village Mixed Use district.

Chair Adams reiterated that Ms. Carlson's proposed development and Aava Vetta were not comparable.

Weske stated that staff was asking for direction from the Commission on how they want to proceed.

Chair Adams asked if anyone from the audience wanted to comment during the public hearing.

Drake Flemmer, 207 Lindawood Lane, mentioned that there is a sewer manhole cover and a fire hydrant on his property. Comments had been made about fire and sewer, and he questioned how this would affect him and how the proposed project would have to tie into it.

Chair Adams stated that they would have to tie into it which meant that there would be impacts to his yard.

Commissioner Goodsell asked if they needed to make a motion.

Commissioner Secord stated that she thought it had been tabled.

Chair Adams clarified that the Commission had not tabled this item or taken any action on it, the applicant had just asked for the City to table it.

Weske noted the public hearing was also still open.

Michael Oleksa, 206 Lindawood Lane, voiced concern about the proposed development being so densely populated with homes so close to each other. He explained that it would be against everything else that the Lindawood Lane has to offer because the neighborhood makes it feel like you are really far west and remote rather than feeling like you were located in the suburbs or a more urban area like downtown Wayzata. He stated that having four homes in close proximity there will take away from the

feel of the neighborhood, which would be his biggest issue. He also was concerned about how area residents may be impacted by adding more sewage because the sewer lines also runs through his yard.

Chair Adams closed the public hearing at 7:33 pm.

Chair Adams commented that he had served on the Planning Commission for almost 20 years and noted that he had never seen an application come in for anything that had this many instances of 'criterion not met' and/or 'incomplete'. He indicated that one thing he had learned in his career was that if you were facing a challenging situation, you make sure that your paperwork was in order, ducks were in a row, t's were crossed and i's were dotted, but that had not happened in this case. His other concern was that the City has ordinances with standards in them which are there for a reason, which is to protect the health, safety, and welfare of the community. The number one standard in this application to even be eligible for a PUD is that it has to be at least two acres in size and this application clearly does not meet that requirement. He stated that from his personal experience, the PUD is a wonderful tool that can be utilized by the City to help an advantageous development proposal proceed and it is typically because there are some minor issues. He recalled that he had seen instances where mischief had occurred because developers try to use a PUD to get things done that they could not achieve through the normal subdivision process. He observed that what this situation looks like to him is that the applicants felt that they could probably not get the variances that they would need so they decided to ask for a PUD; but then also did not provide a complete application, master development plan, tree preservation plan, drainage plans, or permits from the appropriate agencies.

Ms. Carlson stated that she completely agreed with Chair Adams and noted that they want to be able to complete this project and the process.

Chair Adams stated that, as presented, he felt that four lots was probably not going to happen.

Commissioner Goodsell moved to recommend the City Council deny the Master Development Plan, rezoning to the PUD District, Preliminary and Final Plans for "Wilds of Wayzata" Proposed Subdivision, 925 Wayzata Boulevard W (Flip and Gina Carlson, Wilds on Wayzata, LLC/Property Owners; Dylan Carlson & Alec Martinez) Commissioner Secord seconded. Ayes: all.

Ms. Carlson questioned if she could ask for approval of a two-lot subdivision.

Chair Adams explained that she would have to go through a new application process for a two-lot subdivision request. He recommended that Ms. Carlson work with City staff so that when the proposal comes before the Commission it is actually complete.

Oliver noted that he felt that the biggest issue with the application was its incompleteness and recommended that if the applicants choose to come back to the City with a different plan, that they ensure that they are submitting a complete application with all the necessary documentation.

Ms. Carlson agreed and added that was why she had wanted to table her request in order to avoid this.

OTHER BUSINESS

No other business was discussed.

ADJOURN

Hearing no objection, Chair Adams adjourned the meeting by general consent at 7:39 pm.

Respectfully submitted,

Scott Weske
City Administrator