



**CITY OF LONG LAKE
PLANNING COMMISSION MEETING MINUTES
JUNE 11, 2013**

CALL TO ORDER

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

Present: Commission Members Adams, Erickson, Hughes, and Stephenson; City Administrator, Terry Post; Planning Consultant, Ann Perry, and City Councilmember Skjaret.

Absent: Commission Member Jerde (excused).

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVE AGENDA

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

CONSENT AGENDA

A. Minutes of the May 14, 2013 Planning Commission Meeting

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

OPEN CORRESPONDENCE

None.

NEW BUSINESS

A. Case #13-01, Mike Straka, 114 Lakeview Avenue, (Front Yard Fence Setback Variance) Public Hearing

City Planning Consultant Perry reported that the applicant lives at the intersection of Watertown Road and Lakeview Avenue, which has a large setback. She explained that the applicant would like to install a fence within one foot of the property line at a height of three and one half feet. She noted that although the City Code does not allow a fence that close, the City Public Works Director Wurzer visited the site and did not believe that the fence would interfere with the line of sight. She stated that staff believes there are findings that would support this request and recommended approval of the request subject to the conditions listed in the staff report.

Chair Erickson opened the public hearing at 6:37 p.m.

The applicant, Mike Straka, stated that he would like to install the fence for safety as Watertown has become a road that moves considerable traffic through the area and he has a two-year-old child and five-year-old dog that he would like to keep safely in his yard and away from traffic.

Commissioner Stephenson confirmed that staff did not see any problems when they visited the site.

Mr. Straka confirmed that the setback is large and his yard drops one to two feet lower than the roadway, which together would not cause the fence to interfere with the visibility of drivers.

City Planning Consultant Perry confirmed that Public Works Director Wurzer does not have any objections.

Commissioner Adams commented that he did not see any reason to deny this request.

Chair Erickson closed the public hearing at 6:41 p.m.

Chair Erickson stated that, generally speaking, the City should avoid issuing too many variances but noted that the Ordinance would remain strong if the unique characteristics of this request were stated. He reviewed the unique circumstances of this lot regarding size, orientation, and setback. He believed the fencing would allow the homeowner to use the side portion of the yard in a similar manner as a backyard.

Commissioner Stephenson moved to recommend that the City Council adopt a resolution to approve a variance for a fence of 3.5' (42") in height to be located within the 30' sight triangle of a corner lot for property located at 114 Lakeview Avenue with the findings of fact noted in this memo and expressed at the Planning Commission meeting. Commissioner Hughes seconded. Ayes: all.

City Administrator Post advised the applicant that the action recommended by the Planning Commission will be reviewed by the City Council at their meeting the following Tuesday, June 18, 2013.

B. Case #13-02, Nordic West LLC, 1810 W Wayzata Boulevard (Master Planned Unit Development (PUD) Amendment, Street ROY Setback Variance, and Site Building Plan Review) Public Hearing

City Planning Consultant Perry stated that the applicants are requesting an amendment to the Master PUD in order to continue construction with the phase two building. She stated that staff feels the applicant and their staff have created a very nice site plan and building that should coordinate well with the existing campus. She noted that the window space for the first floor is slightly below the required amount but believed the applicant could correct that before the review by the City Council. She noted that a landscaping plan would also be required. She stated that the parking seems to work well for the site and advised that on-street parking is available as well, with additional on-street parking available in the future

with the CSAH 112 turnback project. She stated that as a part of this process the City has requested the applicant to apply for a setback variance, noting that staff believes that there is justification for the variance because of the unique position of the building and the orientation to the Mill Street/West Wayzata Blvd. intersection. She recommended approval of the requests subject to the conditions listed in the staff report.

Chair Erickson opened the public hearing at 6:48 p.m.

Co-applicant, Jan Guenther, explained that as a retail storeowner, windows take away from wall space that can be used to display merchandise.

Co-applicant, Brian Knutson, referenced the setback and noted that the footprint would be the same as the existing convenience store and carwash buildings with only height being added and the buildings being connected.

Chair Erickson asked for some background on the first floor 30 percent guideline for windows and why that is included in the City Code.

City Administrator Post believed that it created opportunities for sidewalk window shopping in the downtown area but thought that the additional windows would not provide much benefit because of the proposed setback orientation of the building.

City Planning Consultant Perry stated that the sign area is more than what is allowed within the Ordinance and staff recommends that the applicant amend their design to bring that proposed sign within the allowable size.

Jan Guenther confirmed that she would make the sign smaller.

Bruce Cornwall, LHB Architects, project architect noted that he was present if there were any additional questions.

Chair Erickson commented that he would be in favor of second floor signage that could possibly be seen over the Hwy. 12 sound wall to attract customers but noted perhaps that would better fit the existing phase one building.

City Planning Consultant Perry advised that roof signs are not allowed by the Ordinance at all, and noted that it would be fine to place higher signs on the east and west elevations.

Chair Erickson referenced the sign on the east side of the phase one building, the yellow sign for the bike shop, and advised that at this time of year the sign is surrounded by foliage and is difficult to see. He questioned if that sign complies with the Ordinance.

City Planning Consultant Perry believed that the phase one building was maxed out on sign square footage but advised that she could review that information prior to the Council meeting.

Jan Guenther stated that she does not have the funds for another large sign to install on the phase one building.

Commissioner Adams stated that he agrees with the applicant on the placement of the windows and the need for useable retail wall space.

Mr. Cornwall noted that they attempted to add more visibility to the east and west sides where passersby would actually see in attempt to create more wall space on the south wall.

Brian Knutson stated that every window that is placed in the design handicaps the storeowner in terms of retail placement. He explained that most retail stores do not have windows, or many windows.

Chair Erickson stated that he would support the variance for the window area.

Commissioner Hughes referenced Condition A and provided amended language to fit with that desire.

Commissioner Stephenson stated that he was also in agreement with the requests and simply asked that the landscaping on the Mill Street corner be kept low to assist intersection visibility.

Chair Erickson closed the public hearing at 7:12 p.m.

City Planning Consultant Perry confirmed that the language would be amended to read "The amount of window area shown on the elevations for the west, south and east sides shall be as submitted on the plan submit with the land use application."

Commissioner Adams moved to recommend that the City Council approve the amendment to the Planned Unit Development (PUD) Master Plan for the Gear West, the Final Site and Building Plan Review for the Phase II building, and the street setback variance from W. Wayzata Boulevard for the south building setback for the Phase II building with the findings of fact noted in the staff report and expressed at the Planning Commission meeting. Commissioner Stephenson seconded. Ayes: all.

It was confirmed that this item would be reviewed by the City Council at their next meeting on Tuesday, June 18, 2013.

C. Case #13-03, Tonka Auto and Marine, 2305 Daniels Street (Sign Square Footage Variance) Public Hearing

City Planning Consultant Perry noted that this property is located in the I1 District and reviewed the sign regulations for that district. She advised that the applicant is proposing a sign that would exceed those limitations and noted that staff has difficulty recommending approval of this request because there is not a hardship. She advised that all the other business owners in the I1 zoning district have complied with the sign regulations and staff had difficulty proving hardships for the site. She stated that if the Planning Commission has sympathy for the request, staff would recommend that the site be brought into compliance as the property currently does not meet the requirements of the I1 zoning district in regard to amount of outside storage, the visibility of the outside storage and a few other items.

Chair Erickson opened the public hearing at 7:15 p.m.

Commissioner Stephenson questioned the purpose of the sign.

The applicant, Kelli Gillespie, advised that the NAPA sign would advertise that automobile repair is also conducted on site and many passersbys are unaware of that service. She stated that this is the only sign option she has with NAPA. She stated that in order to do the monument sign she would also be painting the building, as those actions would need to go hand in hand. She stated that she has been working to clean-up the site for the two years they have been at that location. She stated that her business is an auto care center endorsed by NAPA. She stated that the reader board portion is attached to the NAPA sign and noted that is the only size the sign comes in for monument use.

Commissioner Stephenson questioned why a monument sign would be used rather than replacing the signage on the building.

Kelli Gillespie stated that she is at her square footage limit for the wall signage on the building and advised of the proposed location for the monument sign.

Commissioner Stephenson stated that the corporate NAPA sign size requirements could be the hardship in this situation.

Commissioner Hughes asked the applicant what she thought about the requirement that she would need to come into compliance with the I1 zoning district 25% outside storage requirement if the additional signage were approved.

Kelli Gillespie did not think she was out of compliance with the zoning requirements. She stated that staff has not been out to the site to actually measure and felt confident that she was within the requirements.

Chair Erickson believed that staff did an excellent job researching this issue. He stated that if this were simply a sign variance he would have difficulty approving the request and noted that all other businesses in the zoning district comply with the requirements. He stated that this property does not have any of the unique characteristics pointed out in the other variance requests heard tonight. He noted that there are a number of properties in the area that have the same size lots and followed the requirements. He agreed that issuing a variance in this case could set a precedent and open the zoning district to similar requests. He stated that in addition to the sign ordinance there are other items that are out of compliance, which he believed support the reason to not issue the variance.

Kelli Gillespie believed that there are two other properties in the Industrial Zoning District, Outdoor Escapes and AmericInn, which have larger signs than she is requesting and questioned how the City could discriminate against her. She again stated that her property is not out of compliance.

Commissioner Adams stated that he would like to see the information on the other signs to ensure they are within the required size.

Commissioner Stephenson recommended further investigation into this matter to ensure that the other signs in the district comply with the regulations. He also asked that staff actually verify that the property is out of compliance.

City Planning Consultant Perry stated that staff has met with the applicant before to discuss the out of compliance issues and noted that the burden of proof lies with the applicant. She stated that it is very evident that the outside storage of boats exceeds the limitations and the boats are stored and not screened in some areas. She stated that the City has not received a drawing from the applicant, which shows the outside storage.

Kelli Gillespie states that she does not feel that she is responsible to provide that burden of proof.

Chair Erickson closed the public hearing at 7:31 p.m.

Chair Erickson referenced the suggestion made by the applicant that there are other signs that exceed the limitation in the district and stated that the fact is the regulation exists and it does not matter if someone else violates that.

Commissioner Adams stated that while he appreciates the staff report, he would question why signs larger than the regulations were in existence, if there are.

Commissioner Hughes moved to recommend that the City Council adopt a resolution to approve a variance for sign area from 30 square feet to 44 square feet to place a freestanding sign on property located at 2305 Daniels Street, Long Lake for Tonka Auto and Marine as requested by Kelli Gillespie. Commissioner Adams seconded. Ayes: Stephenson, Hughes, Adams. Nays: Commissioner Erickson.

Commissioner Stephenson stated that he would be willing to go with staff to measure the outside storage and attempt to bring the property into compliance. He noted that he could also follow up on the signs referenced that may be out of compliance. He spoke to the applicant and noted that she will have to work with staff to resolve the other issues addressed in the staff report.

City Administrator Post noted that the City Council will review the issue of the sign variance request at their meeting the following Tuesday, June 18, 2013.

D. Annual Review of Granted Conditional Use Permits

City Planning Consultant Perry noted that the Ordinance requires the Planning Commission and City Council to review the list of Conditional Use Permits each year in June. She noted that a few of the CUP's require additional explanation. She provided additional information on the Dome property, noting that a new permit request would come before the Commission in July. She referenced the Tonka Auto and Marine and stated that the request to remove the barbed wire from the last year has been ignored and a new letter will be sent. She advised that the new Mexican restaurant has outdoor patio seating and noted that would require a CUP. She advised that staff would send a letter to alert that property owner as well.

Chair Erickson referenced the paragraph regarding Tonka Auto and Marine and noted that a request to remove the barbed wire from the fence was sent the previous June and no action was taken.

Commissioner Stephenson advised that the building owner is separate from the owner of Tonka Auto and Marine. He stated that the issue of the barbed wire is a landlord issue and not an issue with Tonka Auto and Marine.

City Planning Consultant Perry stated that it is unclear if the barbed wire was allowed at one point, even though it is not allowed at this time.

Chair Erickson stated that the past use of an automobile junk yard would have been screened by a six-foot fence but noted that the six-foot chain link fence does not adequately screen the boats being stored on trailers. He believed that an eight-foot fence, as required by the Ordinance, would be a better attempt to screen the property.

Commissioner Stephenson stated that the letter from the City was a request to remove the barbed wire and was not a demand. He noted that removing the barbed wire would bring the height of the fence down to six feet, rather than the current height of eight to nine feet with the barbed wire. He agreed that the outdoor storage limits are applicable to Tonka Auto and Marine while most of the site improvements lie with the landlord.

City Planning Consultant Perry noted that the barbed wire is not allowed and is a nuisance under the ordinance. She confirmed that you could not apply for a variance to use that material.

Commissioner Stephenson noted that if the barbed wire is removed and the six-foot fence is left, he would ask that the six-foot fence be allowed. He suggested that the City sit down with Tonka Auto and Marine and the landlord in attempt to resolve the matter and identify allowable outside storage.

Commissioner Adams stated that the fence should be made opaque all the way around, as required.

City Planning Consultant Perry stated that staff has met with Tonka Auto and Marine previously to do that.

Councilmember Skjaret stated that he did not believe the owner of Tonka Auto and Marine was unaware of the outdoor storage limit prior to leasing the property. He noted that the business has also violated outdoor storage requirements in storing boats between the street and the fence during the winter.

Commissioner Hughes confirmed that staff has heard complaints regarding the level of outdoor storage at Tonka Auto and Marine.

Councilmember Skjaret noted that the other business owners in the district are in compliance with the outdoor storage limits. He stated that those business owners worked hard to meet the requirements and observe if others are not meeting those requirements.

Commissioner Stephenson stated that it is important that letters be sent to the landlord and the business owner of Tonka Auto and Marine so that those issues can be addressed. He noted that following those letters and meetings, if the outdoor storage and other items are not met, fines should be issued.

E. Review Proposed Draft Zoning Ordinance Amendments Proposed by Sub-Committee

City Planning Consultant Perry stated that the Sub-Committee met following the last Commission meeting and noted the changes that were recommended from that meeting. She noted that the only changes recommended since the May Commission meeting was the removal of religious uses the PUD of the downtown area, as well public and semi public buildings. She advised of another use that was removed from the downtown area.

City Administrator Post noted that this item would be reviewed by the City Council at the July 2, 2013 Worksession.

OTHER BUSINESS

Council Liaison Report

Councilmember Skjaret noted on May 21st Eric Evenson from the Minnetonka Watershed District gave his annual report and advised of a shore stabilization project that will take place along Long Lake Creek. He noted that the plan would be to dredge the old sewage settling pond area to act as a water retention wetland for the Creek. He stated that the Council met the previous week with Hennepin County Engineer Jim Grube regarding planning for the CSAH 112 turnback project, noting that a public meeting is scheduled for Thursday, July 11, 2013 at Lake Community bank.

Commission Member Business

Commissioner Adams stated that he received resident inquiry regarding the potential use for the Billy's Lighthouse property.

City Administrator Post noted that there have been rumors but nothing has yet been officially submitted to the City.

Commissioner Hughes stated that he is a fan of the new green and white street signs.

Staff Business

City Administrator Post had nothing further to comment.

ADJOURN

Commissioner Stephenson moved to adjourn the meeting at 8:20 p.m. Commissioner Hughes seconded. Ayes: all.

Respectfully submitted,

Terry Post
City Administrator