



**CITY OF LONG LAKE
PLANNING COMMISSION MEETING MINUTES
JULY 9, 2013**

CALL TO ORDER

The meeting was called to order at 6:40 p.m. by Chair Erickson.

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

Absent: Commission Member Adams (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.

OPEN CORRESPONDENCE

None.

CONSENT AGENDA

A. Minutes of the June 11, 2013 Planning Commission Meeting

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

NEW BUSINESS

A. Case #2013-03, Tonka Auto and Marine, 2305 Daniels Street (Sign Square Footage Variance) Remanded Back to Planning Commission by City Council

City Administrator Post stated that this case is being remanded back to the Planning Commission. He advised that this item was tabled at the June 18th City Council meeting with the direction that the Commission state findings of fact supporting the recommendation. He noted that City Planning Consultant Perry's packet memorandum identifies various options that the Planning Commission may take and summarized those options.

City Planning Consultant Perry stated that at the last Planning Commission, the applicant was concerned that the Commission did not have pictures of other signs in the industrial

zoning district that she felt exceeded the limits within the City Code. Perry stated that the City retains signage files back through 1999, as in accordance with the State record retention mandates. She advised that all of the signs referred to by the applicant within the I-1 zoning district all meet the requirements of the district. She stated that is one reason for a motion to reconsider the decision that was made at the public hearing during the June meeting. She advised that if the Commission chooses to reconsider their previous action, a motion would be needed for that, and another motion would be required that included findings of fact. She provided additional information regarding the granting of variances and reviewed the criteria that must be met prior to issuing a variance.

Chair Erickson referenced the State law and confirmed that the Commission should not be granting a variance if there is no practical difficulty.

City Planning Consultant Perry provided additional information regarding the State Supreme Court ruling regarding variances. She explained that the Commission must consider that if this variance request is approved, the Commission should expect more requests for variances to come through as the essential character of the neighborhood will have changed.

Commissioner Jerde questioned if any other businesses in the zoning district are exceeding the sign requirements.

City Planning Consultant Perry confirmed that the businesses in the I-1 zoning district do not exceed the sign requirements. She advised that the properties across the street are in another zoning district and still do not have signs as large as proposed by the applicant. She provided additional information on the sign dimensions provided by the applicant.

Commissioner Hughes confirmed that the Tera Nova sign is within the City requirements.

City Planning Consultant Perry noted that there would be options to reduce the size for the applicant.

Chair Erickson noted that if the middle portion were left out of the sign the sign would then meet the square footage requirements for the district and he believed that would be adequate for the business. He stated that he did go online to do some research on NAPA and found that NAPA has a relationship with a national sign company that usually offers several sizes, noting an experience with another business in the City.

Commissioner Stephenson stated that the applicant has said that there was no other sign option at the last meeting.

Chair Erickson stated that he did not believe that because of the information he has found.

Commissioner Jerde stated that it could be true that is the only size the applicant could get under her agreement with NAPA but noted that there is a possibility to obtain a different size. She advised that there are other improvements, including painting the building that may be cost-shared by NAPA.

Chair Erickson stated that on the NAPA partner website he found a variety of services are included by the sign company including review of City Ordinance and variance requests,

noting that the Commission has not seen any of those. He stated that he spoke with the owner of a similar NAPA business in Navarre that spent four years obtaining a sign permit from the City of Orono for the monument sign picture he displayed. He stated that the business owner is very happy with the sign, which would meet the requirements of the Long Lake Sign Ordinance.

Commissioner Stephenson questioned if the applicant dropped off any information for the City Council, in regard to proof that this size was the only sign she could obtain from NAPA. He noted that he also advised that the applicant should consider meeting with a member from the City Council prior to the meeting to provide that information.

City Councilmember Skjaret stated that he was not aware of the applicant meeting with City Councilmembers. He believed that all members of the Council have visited the property at one time or another and are familiar with it.

City Administrator Post advised that, by statute, financial hardship is not a consideration in determining practical difficulty.

Chair Erickson stated that if the free paint job is lost because the sign is too small, that would not be a factor in the decision of the Commission. He noted that he did speak with the NAPA business manager in Navarre with a smaller sign, so it is possible.

Commissioner Hughes stated that it would be nice to have a working relationship but noted that the applicant is not here to work with.

Chair Erickson asked if the applicant has indicated on a site plan specifically where the sign would appear.

City Planning Consultant Perry stated that she asked the applicant to submit a site plan but did not receive anything.

Commissioner Jerde believed that the Commission should offer guidance to the applicant.

Chair Erickson noted that the request could be denied and the applicant could still apply for a sign permit under the City size and siting regulations and the item would not need to appear before the Planning Commission.

City Planning Consultant Perry stated that it would be dangerous to use the finding that the company will not offer a different size sign, as any business could use that excuse and then every business could violate the Ordinance. She stated that if the Commission is uncomfortable with the size of the signs allowed in the I-1 district, the City could amend the Zoning Ordinance to increase the limitations but stated that it would get into dangerous territory for the Commission to approve the request simply because the applicant states that the company only offers one size of sign.

Commissioner Stephenson stated that he told the applicant that if she wanted to move forward with this she would need to provide additional information stating that NAPA would only allow one size sign, and she has not done that.

Commissioner Hughes questioned the type of communication that has occurred between City staff and the applicant.

City Planning Consultant Perry stated that after the variance request was made she asked the applicant the size of the sign and was told that there was only one size available; she asked the applicant where the sign would be located and she did not know; she advised the applicant about the setback requirements and the applicant assured her that the setbacks would not be encroached.

Commissioner Hughes suggested that staff use an hour of time to communicate with the applicant and try to work with her to develop a solution.

City Administrator Post stated that the issue at hand is the variance request, in which practical difficulties must be documented as a finding of fact.

Commissioner Hughes stated that he did not believe the applicant understood that.

City Administrator Post noted that the applicant is a Mound City Councilmember and is likely very familiar with the variance approval process from an elected official's perspective.

City Councilmember Skjaret stated that it is not the duty of City staff or Council to provide a list of options for the applicant and put additional staff time into this matter.

City Planning Consultant Perry stated that in her conversations she has not gotten much response or willingness from the applicant.

City Councilmember Skjaret noted that there are many other items that are out of compliance on this site, of which the applicant has been made aware of, and noted that the burden of proof falls to the applicant or landlord to prove otherwise. In his opinion, he did not believe that the City Council should even consider requests until other compliance issues at the property are resolved.

Commissioner Jerde stated that in regard to the outside storage limits she believed that there were other properties out of compliance.

City Councilmember Skjaret stated that the Ordinances are enforced on a complaint-driven manner and complaints have been made.

Commissioner Stephenson stated that he was willing to visit the site to determine if the outside storage limits are exceeded but did not believe that other items, such as the barbed wire, were her responsibility and should be the responsibility of the landlord.

Commissioner Hughes questioned why this request was even being considered if the item was not going to be approved.

City Administrator Post stated that this planning case, like all others, are considered by both the Planning Commission and the City Council.

Chair Erickson stated that if the applicant were to use the size of sign used by the Navarre NAPA business, she would not need approval or review by the Planning Commission or the City Council.

Commissioner Jerde confirmed that if the applicant pulled a sign permit for the Navarre-sized sign it would be approved. She stated that it appears there is friction between the applicant and the City and believed that someone should visit the site to work out these issues.

City Administrator Post noted that the issue tonight is solely the proposed sign and noted that the proposed sign exceeds the maximum Ordinance size requirements and therefore a variance would be required.

Chair Erickson stated that he did not believe that there was a City Councilmember of any city that does not understand that if a sign meets the Ordinance, it would not require a variance.

Commissioner Jerde suggested that a group of people including staff, a Commissioner and a Councilmember visit the site and attempt to work out this issue.

City Administrator Post noted that the issue tonight is the decision on the variance request. He explained that the recommendation made to the City Council did not include practical difficulties with their motion and that is why the issue was remanded to the Commission.

Chair Erickson stated that the photo he took from the Navarre business is photographic evidence that the smaller sign can be done. He stated that economic reasoning is not a practical difficulty.

City Councilmember Skjaret confirmed that even if the sign were only to come in one size that would not be a practical difficulty.

Chair Erickson stated that the Commission is bound by State law that a variance cannot be issued without practical difficulty, which does not exist in this case.

Commissioner Hughes agreed.

Commissioner Hughes moved to reconsider the previous motion made by the Planning Commission at the June 11, 2013 meeting in regard to a sign square footage variance request from Tonka Auto and Marine. Commissioner Stephenson seconded. Ayes: all.

Chair Erickson stated that after reviewing the information again, and through photographic evidence, there is no practical difficulty found in this request. If the applicant were to create a sign of the proposed size, it would be the largest sign within the I-1 zoning district.

Commissioner Stephenson stated that he believed that staff should investigate further whether the sign is the only size provided through NAPA. He believed that there should be information provided by NAPA as to why this is the only size available.

Chair Erickson stated that the State law specifies which items are practical difficulties and which items are not and that would not be a practical difficulty.

City Planning Consultant Perry read the Ordinance, which is taken from State law and reviewed the practical difficulties described under State law.

Commissioner Stephenson stated that the applicant should be informed of that information to determine if those apply to her.

City Administrator advised that the land use application includes a space to include a practical difficulty explanation and the applicant did not provide any information.

Chair Erickson stated that a sign twice as large as any other business in that area would change the character of the neighborhood.

Commissioner Jerde questioned why the application was allowed if it cannot be approved.

Commissioner Hughes questioned why staff did not advise the applicant that it would not be approved to save the application fee. He stated that he would recommend that the application fee be refunded as well.

Commissioner Hughes moved to recommend that the City Council deny the sign square footage variance request from Tonka Auto and Marine with the finding that there is no practical difficulty, and also recommended that the application fee of \$300 be refunded to the applicant. Commissioner Stephenson seconded. Ayes: all.

Commissioner Hughes believed that the work done by Chair Erickson to find this other sign option may be of great service to the applicant.

B. Discuss Proposed Draft Zoning Ordinance Amendments City Council Work Session Meeting Comments

City Administrator Post advised that the City Council did review the amendments to the Zoning Ordinance that had been recommended by the Planning Commission and did not recommend any other changes. He advised that a public hearing would be noticed for the August 8, 2013 Planning Commission and from there the item would move onto the City Council for the first Ordinance reading, possible second reading, and adoption.

OTHER BUSINESS

Council Liaison Report

Councilmember Skjaret reported that at the June 18th Worksession a representative from the Minnehaha Watershed Creek District provided an update on the stabilization of the creek that began this week and advised of future cleanup and a 2014 phase 2 expansion that will occur in a former sewage settling pond area. He advised that at the regular City Council meeting on June 18th the Council approved a one percent increase to the Fire Pension Plan, along with a fence variance for 114 Lakeview, and a Master PUD amendment for the Gear West Phase 2 building. He believed that construction would begin in spring 2014 for Gear West. He advised that the Summer Fest event took place and was well attended. He noted that a seasonal worker was hired under the Parks Department and advised that on June 21st there was a storm that caused down trees and power lines. He noted that an emergency Council meeting was held the following Monday afternoon to approve emergency assistance,

advising that the last pickup of trees and brush would occur the on July 10th. He advised that at the July 2nd Council workshop meeting a company that owns a senior apartment building was looking to add nine additional parking spaces off of Dexter Avenue and believed that would come before the Planning Commission at a future date for site plan review. He stated that the Council also adopted an amendment to adopt the Wellhead Protection Plan Phase 1, noting that the water supply for Long Lake is very safe and will be for a notable time into the future. He explained that the clay cap found within Long Lake actually provides a great level of protection to the ground water within the City. He advised that on June 26th a Fire Advisory Board meeting took place with the Long Lake Fire Department and the communities that are served by the department. At that meeting, a proposed 2014 Wayzata Triathlon was discussed will be discussed more in the future.

Commission Member Business

Commissioner Hughes referenced the permits for use at the beach and questioned how one would obtain a permit for use on a Saturday or Sunday.

City Administrator Post advised that a reservation would be issued by the City Clerk. He noted that it is operated on a first come first serve basis. He confirmed that only one person can reserve the pavilion per time slot per day to avoid contention issues.

Commissioner Hughes stated that a local lacrosse team spoke with him and was told that only one reservation could be made per weekend day because of garbage pickup.

City Administrator Post stated he doubted that garbage pickup is not the reasoning; it is more likely the already issuance of a reservation for that day. He suggested that group speak with the City Clerk directly on park facility reservation matters.

Chair Erickson reported that the Commission met earlier tonight with the City Council in a worksession to discuss the possibility of scheduling additional sessions regarding limited topics that could be handled in 20 to 30 minutes during the regular Commission meeting. He stated that he would be interested in discussion transit orientated design and making the City more transit friendly in a session of that nature in the future.

Staff Business

City Administrator Post referenced the recent storm event and noted that a significant amount of cost was incurred by the City, estimated at approximately \$18,000, and advised that those totals were submitted to Hennepin County along with additional figures from neighboring cities to FEMA for assistance. He advised that he will be meeting with representatives from FEMA the following day to determine the amount, if any, that FEMA would qualify for reimbursement. He addressed future training sessions discussed by Chair Erickson and noted that perhaps additional information could be distributed to the Commissioners regarding City Zoning Code and Comp Plan. He noted that an open house will occur at Lake Community Bank in the Community Room from 4:30 p.m. to 7:00 p.m. on Thursday in regard to the County CSAH 112 Turnback Project. He noted that the open house will identify the different segments of the project. He encouraged Commissioners to attend and provide feedback. He advised that the seasonal Public Works employee recently hired has tendered her resignation due to another job offer.

ADJOURN

Commissioner Jerde moved to adjourn the meeting at 7:55 p.m. Commissioner Hughes seconded. Ayes: all.

Respectfully submitted,

Terry Post
City Administrator