



**CITY OF LONG LAKE
PLANNING COMMISSION MEETING MINUTES
May 10, 2016**

CALL TO ORDER

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

Present: Commission Members Adams, Erickson, Hughes, and Jerde; City Administrator Weske; City Planning Consultant Lewis.

Absent: Commissioner Keating.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVE AGENDA

Commissioner Jerde moved to approve the agenda as presented. Commissioner Adams seconded. Ayes: all.

CONSENT AGENDA

A. Minutes of the April 12, 2016 Planning Commission Meeting

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

OPEN CORRESPONDENCE

Greg Abbott, Ecto Properties, stated he and his partner had been looking at the BP lot but backed off that project because severe deed restrictions were placed in 2006 when BP sold to the franchise owner. The restrictions include a 15-year non-complete and land use restrictions. He stated they learned of the deed restrictions when they entered into a letter of intent and had asked for the deed restrictions to be lifted. In response, they were asked for justification to lift those complicated restrictions. Mr. Abbott stated the other problem is when they initially approached the broker, they received environmental documentation indicating the tanks were pulled and the MPCA had issued a closure letter. However, that is not the case as vapor issues remain, which may cost \$50,000 to mitigate. Another requirement was a short 90-day due diligence requirement, which was not long enough to resolve all of the issues. Mr. Abbott asked if the City could negotiate with BP to get the deed restrictions removed. He stated they have moved on to another property and project but if the deed restrictions are removed, they may be willing to look at the BP site again.

Commissioner Jerde asked what they had planned for the site. Mr. Abbott stated they were thinking about a restaurant/bar establishment. He stated he finds Long Lake to be a unique and quaint location and done properly, this property would be a gem.

Commissioner Adams stated he does not know what the City can do to help with the development of this site. Chair Erickson stated the Planning Commission deals with land issues and the use suggested would fit the existing zoning. He suggested Mr. Abbott contact the Economic Development Authority to see if they have interest.

The Planning Commission thanked Mr. Abbott for the update.

BUSINESS ITEMS

A. Planning Case #2016-05 (Michael and Amanda Straka) Request for a Variance from the Side Yard Setback to Allow for a Home Addition at 114 Lakeview Avenue

City Planning Consultant Lewis presented. He noted staff recommends the City Council adopt Resolution No. 2016-16 approving the requested side yard setback variance. He presented the request of the applicant to construct an addition to the existing single-family home at 114 Lakeview Avenue, which is located in the R-3 zoning district. The required setback for interior side yards in the R-3 district is 10 feet. Consultant Lewis displayed a site plan of the subject property, noting the existing home is located 15.2 feet from the north side lot line. The applicant is asking to construct an 8-foot addition, which would be located 7.2 feet from the side lot line, requiring a variance of 2.8 feet.

Consultant Lewis stated the applicant has indicated the house was constructed in 1956 with an undersized kitchen on the north side so expansion needs to be to the north or towards the front (west) side. The applicant has 5.2 feet to work with but indicated that would not be enough space to provide an adequately sized kitchen and mudroom.

Consultant Lewis presented the five criteria required to consider a variance, the applicant's response, and indicated that staff feels each criteria is met. He displayed photographs of the existing kitchen, exterior doors, deck on the north side of the house, roof issues, and the building plan for the proposed eight-foot expansion to the kitchen and mudroom. Consultant Lewis then displayed an aerial view of the neighborhood, pointing out several properties that do not meet the side yard setback. He asked whether the Planning Commission finds there to be a practical difficulty in meeting the side yard setback requirement as outlined.

Chair Erickson opened the public hearing at 6:49 p.m. and invited the applicants to make comment.

Michael Straka, 114 Lakeview Avenue, applicant, stated the previous owners were his grandparents and Consultant Lewis has done a good job describing their request. He described the deteriorated roof condition.

Amanda Straka, 114 Lakeview Avenue, applicant, stated the roof deterioration results in ice building up inside one of the bedroom closet, which sparked this issue. She described the small entry into the house, next to the kitchen, that offers no space for muddy boots or coats to be placed. Ms. Straka stated they need a larger kitchen and space for outdoor clothing and to repair the roof so there is no ice in their bedroom closet.

Commissioner Adams described his experience in remodeling an older home that had insulation with very low/no R-value. He stated this is a nice house on a nice lot.

Ms. Straka stated Consultant Lewis has been incredibly helpful during this process.

Chair Erickson complimented the applicants on their submittals that included a recent survey and professionally created elevation and drawings. He explained the consideration is whether there is reasonable use of this house, which is different from the perception of 1956. He stated people today expect larger-sized kitchens and mudrooms as well as higher R-value. He stated another factor that enters into the variance consideration is a unique feature, which in this case is the shape of the lot approaching triangular with curvature. Another factor is the existing garage is closer to the lot line than the proposed addition. He found a multiple number of reasons to support the variance request.

Former Mayor Tim Hultmann, 280 Lakeview Avenue, stated he is outside the area of notification but wanted the Planning Commission to know that all in the neighborhood support this request and want this couple to stay. He stated he would even support a ten-foot addition.

Chair Erickson closed the public hearing at 6:56 p.m.

Commissioner Hughes moved to recommend the City Council adopt Resolution No. 2016-16 Approving a Variance from the Required Side Yard Setback at 114 Lakeview Avenue. Commissioner Adams seconded. Ayes: all.

B. Planning Case #2016-04 (City of Long Lake) Second Reading of Proposed Ordinance Amendment to Chapter 8, Article V: Sign Regulations

Consultant Lewis presented. He noted staff is asking the Planning Commission to review the proposed ordinance changes, provide feedback to staff, and direct staff to schedule a public hearing for the ordinance changes. Consultant Lewis reviewed the Planning Commission's past consideration of this ordinance and changes previously discussed as detailed in the staff report.

Consultant Lewis stated another issue discussed was whether to regulate electronic changeable copy signs. Consultant Lewis stated Orono currently has two electronic changeable copy signs that were allowed because the uses were conditional uses so the CUP was amended to allow those signs. He referenced the regulations of other cities, as examples, and indicated the original proposed ordinance language was based on the Mahtomedi ordinance and is similar to the Lakeville ordinance.

Consultant Lewis stated at the last meeting, the hold time on an electronic changeable copy sign was also discussed and as a group, the Planning Commission was comfortable with eight seconds.

Commissioner Adams stated he would not favor disallowing animation.

Chair Erickson stated he read the past meeting minutes and observed electronic changeable copy signs in other areas and in that process, noticed some things he would enjoy seeing in Long Lake and one he hopes to not see in Long Lake. The electronic changeable copy signs he likes are the Orono High School sign, Trinity Church sign, signs allowed in new developments in Wayzata, and the TCF Bank sign in Colonial Square. Chair Erickson stated he finds those electronic changeable

copy signs to be attractive but he does not like the electronic changeable copy sign used by Holiday Station Store, which contains motion, animation, video, and multiple colors.

Commissioner Adams stated he is not comfortable with a stance to only allow signs that the Planning Commission finds attractive. Chair Erickson noted that to not set a standard is to not regulate. Commissioner Adams stated the ordinance already sets restrictions, such as square footage of signs, and he thinks it should be the business owner's decision whether to replace with an electronic sign.

Commissioner Adams stated he also reviewed signs in surrounding communities and saw a lot of them in various sizes including billboard sized, static wording, changing wording, and some with motion but did not find them to be distracting. He stated he did not see a rash of vehicle accidents caused by distracted drivers.

Commissioner Jerde stated it depends on the vision of Long Lake. She stated she does not mind animation and prefers to allow the property/business owners to make that decision if within reason.

Commissioner Adams noted that an electronic changeable copy sign could be placed inside the building under the current regulation. He asked if the City should stand in the way of progress, even if allowed by other communities, or let business owners make business decisions. Commissioner Adams stated this may solve the problem with tacky temporary plywood signs.

Commissioner Hughes noted the language still references 24 hours. Consultant Lewis explained that provision is only relevant if not allowing animation. Commissioner Hughes noted Mahtomedi does not allow motion but still says eight seconds. Consultant Lewis explained that Mahtomedi allows text that changes every eight seconds but it cannot include a picture or motion.

Commissioner Adams stated the only reason to regulate electronic changeable copy signs should be based on a safety issue with a distracted driver, which he does not think is the case. He noted the State uses electronic changeable copy message signs over freeways.

Chair Erickson stated another issue is aesthetics. Commissioner Hughes stated that is in the eye of the beholder. Commissioner Adams agreed and asked who would determine whether the sign is attractive before it is put up.

Consultant Lewis explained this consideration started to clean up the ordinance language that was not legal. He stated since those amendments were being made, he wanted the Planning Commission to discuss the issue of electronic changeable copy signs. He advised that most communities are not on board with electronic changeable copy signs that include movies and animation. He explained that in Long Lake, static lettered signs are not currently allowed but if the City wants to allow that type of sign, as a first step, it can always amend the ordinance in the future to include additional features such as animation.

Chair Erickson stated he supports allowing static lettered electronic changeable copy signs and prefers to consider additional features later, noting it is much more difficult to remove that ability once the ordinance is adopted. He asked the Commissioners to view the Holiday Station Store sign and asked whether they would want several of those types of electronic changeable copy signs within Long Lake. Commissioner Adams doubted whether more than one or two requests for that type of sign would be received.

City Administrator Weske asked whether logos or pictures could be allowed if not animated. The Planning Commission discussed the language and indicated support to allow a logo or picture, similar to a slide show that is not animated. *Planning Commission agreed to allow still pictures/logos, 8-second messages, and require that the message must change instantaneously.*

Commissioner Adams asked whether the size of the electronic sign portion needs to be regulated. Consultant Lewis advised the ordinance language allows 50% of the allowable square footage to be electronic. The Planning Commission discussed how the sign could be split to display one portion with a constant message while the other portion has a changing text message.

Consultant Lewis stated currently the largest sign allowed is 80 square feet so largest electronic changeable copy sign would be 40 square feet. Chair Erickson noted if there is a hardship consideration, a variance can be requested. Commissioner Adams stated this is the new technology and he thinks a maximum of 40 square feet is reasonable as a first step.

The Planning Commission agreed to not regulate color but to require an electronic changeable copy sign be a monument-style sign.

City Administrator Weske clarified that the consideration is not whether the electronic changeable copy sign is 'pretty' but whether the request is reasonable for the location and space.

Chair Erickson asked staff to redraft the ordinance prior to the Planning Commission taking action. Consultant Lewis answered in the affirmative and stated the public hearing could be held at the June 14 meeting.

Consultant Lewis raised the issue of temporary signs, noting they are currently allowed in Long Lake for up to 60 days. He referenced the restrictions in other communities.

Commissioner Adams stated if electronic changeable copy signs are allowed in some form, he thinks it will dramatically reduce the need for temporary signage. Commissioner Jerde agreed.

Consultant Lewis stated he thinks the current regulations for temporary signs are reasonable, noting the amendments are housekeeping and relate to complying with Statute.

The Planning Commission agreed.

Chair Erickson asked whether the City regulates the number of temporary signs. Consultant Lewis reviewed the restrictions for temporary signs. Chair Erickson asked if Birch's is in compliance. Consultant Lewis answered in the affirmative and stated they received a license for two temporary signs. He stated representatives from Birch's plan to attend the public hearing to make comment on the number of days temporary signs are allowed.

OTHER BUSINESS

Council Liaison Report – Council Liaison Kurt Kaminski reported on the issue with Birch's not cleaning the new grease trap system; moving forward with the Watertown Road improvement project; and that the MN Spring Ride wakeboard event permission was overruled by Orono. He stated some are having issues with Mediacom service so that is being addressed.

Commission Member Business – None.

Staff Business – City Administrator Weske reminded the Planning Commission of the EDA meeting next Tuesday, 5 p.m., at the City Hall. Chair Erickson stated he plans to attend and thinks there should be some discussion on the long-term plan to develop Virginia Avenue, which he would like to see entirely developed instead of leaving a row of houses. He noted that may require some EDA funding to make it feasible. Chair Erickson stated he would also like to see a long-term financial plan so when those Virginia Avenue houses come up for sale, they can be purchased and the property held for development.

ADJOURN

*Commissioner Jerde moved to adjourn the meeting at 7:40 p.m. Commissioner Hughes seconded.
Ayes: all.*

Respectfully submitted,

Scott Weske
City Administrator