



**CITY OF LONG LAKE
PLANNING COMMISSION MEETING MINUTES
August 11, 2010**

CALL TO ORDER

The meeting was called to order at 6:49 p.m. by Chair Crump

Present: Committee Members Crump, Skjaret, Hughes and Loosen; Mayor Gilbert; City Planning Consultant Perry, and City Administrator Post

Absent: Committee Member Hultmann (with prior notice)

APPROVE AGENDA

Commissioner Loosen moved to approve the agenda as presented. Commissioner Skjaret seconded. Ayes: all.

CONSENT AGENDA

A. Minutes of the July 13, 2010 Planning Commission Meeting

It was noted on page one, under call to order, it should indicate: Chair Crump absent with notice.

Commissioner Skjaret moved to approve the Consent Agenda as amended. Commissioner Hughes seconded. Ayes: all.

OPEN CORRESPONDENCE

None.

NEW BUSINESS

A. Discussion of State Supreme Court Ruling With Respect to the Granting of Variances

City Administrator Post reviewed the staff report for the Planning Commission. He advised that since the last discussion there have been several conversations with different agencies and noted that City Planning Consultant Perry was present to provide an update and explain the impact the decision will have.

City Planning Consultant Perry explained the ruling of the State Supreme Court in regard to granting variance and advised that cities would not be able to grant a variance without a noted hardship which would make the property unusable. She provided an example of a recent variance that had been granted by the City that would not be allowed under the new rules. She advised that it would be very difficult for any variance to be granted from a city, and explained the risk that the City could be liable for under the new rules. She stated that the League of Minnesota Cities has gathered a group of City Attorneys who will discuss and prepare legislation that could be brought forward. She stated that in speaking with other city planners and staff; most have agreed to not grant variances for the time being, while others are reviewing ordinances to determine if relaxation could be given to some ordinances.

City Administrator Post stated that he reviewed the previous variances that had been granted by the City in the last four years and explained the type of variances that were requested. He noted that most of the past variances had pertained to signs. He advised that the City had granted zero variances in the current year and a maximum of three in the past four years.

Chair Crump asked for further clarification on the definition of reasonable use.

City Planning Consultant Perry explained that while she would think the example would be a reasonable use the State Supreme Court would not. She believed that two exceptions are allowed, solar and handicap access.

City Administrator Post noted that the City's Land Use Application form would need to be amended to remove the variance request section, as the City would not be able to grant variances at this time.

Chair Crump suggested adding language to ordinances regarding height limits for wind turbines, shared driveway, and other things that may limit the amount of development on the property. He believed that the sign ordinance could be amended to allow for additional flexibility for creativity that was previously allowed by variance.

Commissioner Loosen asked for additional information regarding the Red Rooster sign.

City Administrator Post explained that the owner of the Red Rooster had originally proposed to change the sign to a neon model, which the previous Commissions and Councils were not supportive of. He noted that the design and lighting had been changed and was set to be reviewed at the Planning Commission meeting tonight, prior to the ruling from the State Supreme Court. He explained that the Council had the authority to review the alteration under City ordinance because of the nonconformity, and approved the new design of the sign, which will be smaller in size, will not be internally lit, and will see the projecting Pabst beer sign facing Wayzata Boulevard removed.

City Planning Consultant Perry advised of two options that could be given to signage, which would be to make signs nonconforming to allow for City Council review or to make the sign a PUD item.

Chair Crump noted that some developers have expressed difficulty in meeting the 35 foot height maximum in the downtown PUD zone and asked for additional information.

City Planning Consultant Perry provided additional information and recommended that item be removed from the regulations and instead including a maximum height to allow for additional flexibility.

Chair Crump questioned if immediate action was needed.

City Administrator Post advised that there would be no impact to proposed development at the current time and explained that the ordinances could be reviewed at a later time.

Chair Crump recommended reviewing the variance section of the ordinances, reviewing the ordinances to remove items that are not conducive to future development, reviewing setback ordinances for eaves and decks, reviewing height and setbacks throughout the City, and to remove the link to signage to encourage signage in the village district while remaining with the preferred aesthetics.

City Administrator Post questioned if a member of the Planning Commission could be present at the Council work session meeting, Tuesday, September 7th to present and discuss the recommendations from the Commission. Chair Crump volunteered to appear on behalf of the Commission.

Commissioner Skjaret suggested also making the changes to the ordinances regarding green technologies while these changes are taking place.

OTHER BUSINESS

Council Liaison Report

Mayor Gilbert thanked the members of the Planning Commission for their time and effort. He stated that he had spoken with area State Representatives in regard to the recent ruling, as he believes this ruling is taking away more power from the City and giving it to the State. He explained that many reasonable variances have been issued and have made Long Lake a great city. He suggested that the City sit back and review the new legislation in regard to this item as redevelopment activity in the City is currently slow. He believed that this issue could be discussed further after elections this fall as members of the Council will change as well as members of the State legislature. He also provided an update on the Police Services RFP. He apologized for the lack of attendance from Council Liaisons in the past few years as he viewed the Council Liaison as an important part of the process.

Commission Member Business

Commissioner Skjaret advised that the Chamber of Commerce has invited Councilmembers, Planning Commissioners and staff to participate in the Corn Days parade this weekend.

Commissioner Hughes asked for an update regarding the golf dome.

City Administrator Post advised that a party was interested and attempting to obtain financing, but noted that, with this ownership, the facility use would change to indoor soccer rather than the current golf and mini-golf.

Staff Business

City Administrator Post noted that the new Red Rooster sign would be re-hung in the next 60 to 90 days. He advised that a new land use applicant may come forward in the near future in regard to a conditional use permit to allow retail use for a virtual or indoor car sales. He stated that at the previous Council meeting a proposal was accepted from a prior City Attorney who will handle all future items regarding Elite Auto, as the RFP for attorney services would not be completed until fall.

Commissioner Loosen stated that he believed the owners of Elite Auto believe that this issue is completed.

City Administrator Post advised that the owners of Elite Auto were notified of the new City Attorney status in regard to this issue.

ADJOURN

Commissioner Skjaret moved to adjourn the meeting at 7:33 p.m. Commissioner Loosen seconded. Ayes: all.

Respectfully submitted,

Terry Post
City Administrator