



**MINUTES
CITY COUNCIL MEETING
November 19, 2013**

CALL TO ORDER

The meeting was called to order at 5:30 pm.

Present: Mayor: Tim Hultmann; Council: Kurt Kaminski, Tom Skjaret, Donny Chillstrom, and Liz Olson

Staff Present: Fire Chief: James Van Eyll; Public Works Director: Marv Wurzer; Planning Consultant: Addison Lewis; and City Clerk: Jeanette Moeller

Absent: None

PLEDGE OF ALLEGIANCE

LONG LAKE NEWS UPDATE

Mayor Hultmann expressed his appreciation to residents for raking their leaves into their yards and keeping them out of the streets, thereby keeping fallen leaves from impacting storm sewers and the lake.

He also emphasized the importance of shopping local to support the community's businesses, and asked that people try to do their shopping in town whenever possible during the holiday season.

APPROVE AGENDA

A motion was made by Chillstrom, seconded by Skjaret, to approve the Agenda as presented. Ayes: all.

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of November 4, 2013 City Council Work Session
- B. Approve Minutes of November 4, 2013 City Council Meeting
- C. Approve Minutes of November 14, 2013 City Council Work Session
- D. Receive Unofficial Draft Minutes of November 12, 2013 Planning Commission Meeting
- E. Approve Vendor Claims and Payroll

A motion was made by Olson, seconded by Skjaret, to approve the Consent Agenda as presented. Ayes: all.

OPEN CORRESPONDENCE

No one appeared to address the City Council during Open Correspondence.

BUSINESS ITEMS

Planning Case #2013-05: Long Lake Chiro Center, 1865 W Wayzata Boulevard / Variance to Allow for a Wall Sign that Exceeds Maximum Area and Height Permitted

Planning consultant Lewis reported that the applicant, Long Lake Chiro Center, is requesting two variances from City Code relating to signs. The applicant wishes to install a wall sign on the south

façade of the building that exceeds the permitted area and height allowed in the B-2 General Business zoning district. In the B-2 district, City Code permits up to 45 square feet in area and a maximum height of 14 feet for wall signs. The proposed sign is approximately 72 square feet in area and 17 feet in height.

The subject building is oriented towards US Highway 12, where vehicles usually travel at speeds in excess of 60 mph. The applicant has stated that the variances are needed so that the sign can be reasonably visible to vehicles traveling at these greater speeds. Long Lake Chiro Center is located in the Long Lake Town Center building, which is the only building in the B-2 district with business frontage along US Highway 12. Most other buildings in this zoning district are oriented towards West Wayzata Boulevard, Brown Road or Lake Street where vehicles are traveling at much slower speeds.

In addition, there are grade changes that result in the building being situated at a higher elevation than the vehicles driving on US Highway 12. As a result, the lower half of the building can be difficult to see by passing vehicles.

A variance may be granted by the City Council when the applicant for the variance establishes that there are practical difficulties in complying with the provisions of the Ordinance. Lewis reviewed the following criteria finding for "practical difficulties":

1. *The property owner proposes to use the property in a reasonable manner not permitted by this Ordinance;*

Variance to sign area: The applicant is proposing a sign that is greater in area than permitted by City Code. The applicant states that the larger sign is needed in order to be visible to cars traveling at high speeds on US Highway 12. The Long Lake Town Center is the only building in the B-2 zoning district with business frontage oriented towards US Highway 12. The proposed sign is of a reasonable size and fits nicely within the inset portion of the gable on the building.

Variance to sign height: The City Code permits wall signs in the B-2 district to be up to 14 feet in height. The Applicant has proposed a sign approximately 17 feet in height. The Applicant has stated that the variance to sign height is needed in order to be visible to vehicles traveling along US Highway 12. The subject building is situated at a higher grade than vehicles traveling along US Highway 12, which results in the lower half of the building to be difficult to see for cars approaching from the west. In addition, the sign is proposed within the inset of the gable of the existing building which is a reasonable location for the sign to be located. The bottom of the inset portion of the gable is 12.5 feet off the ground, meaning that any sign in this location over 1.5 feet tall would require a variance to height.

2. *The plight of the landowner is due to circumstances unique to the property not created by the landowner;*

Variance to sign area: The Long Lake Chiro Center is oriented towards US Highway 12, where vehicles travel at speeds usually exceeding 60 mph. The property is unique in that it is the only building in the B-2 district with business frontage oriented towards US Highway 12. Most other businesses in the district are oriented towards West Wayzata Boulevard, Brown Road and Lake Street, where a maximum sign area of 45 square feet is reasonable. Staff finds these circumstances to be unique and not the fault of the property owner.

Variance to sign height: The variance to sign height is needed due to the grade change between US Highway 12 and the subject building which causes lower portions of the building to not be visible. The grade change present at the site is not the fault of the property owner and is believed to be generally unique to the property.

3. *The variance, if granted, will not alter the essential character of the neighborhood.*

Variance to sign area: The size of the proposed sign will not alter the essential character of the neighborhood. The sign is generally only visible from US Highway 12, as there is a sound wall, which screens the residential area on the south side of US Highway 12. The size of the sign is reasonable given its orientation towards a highway with fast moving traffic.

Variance to sign height: Granting the requested variance to sign height will not alter the essential character of the neighborhood. Approval of the variance would result in a sign just 3 feet higher than permitted by City Code. Given that lower portions of the building are not visible as vehicles approach the site on US Highway 12, the sign would not appear to be unusually high.

4. *Granting of the variance is in harmony with the general purpose and intent of the ordinance;*

Both variances: City Code states that "Regulations governing signs are established to allow effective signage appropriate to the planned character of each zoning district, to promote an attractive environment, to minimize adverse effects on nearby property, and protect the public health, safety, and welfare." In addition, Code states that "Adjustments to height, area, location, or other design elements of a sign or signs may be approved by variance pursuant to Section 27 of the Zoning Ordinance of the City if: There are site conditions which require a sign adjustment to allow the sign to be reasonably visible from a street immediately adjacent to the street or there are other unique circumstances and the variance may be granted without substantial detriment to another person or the public good, or inconsistent with the purpose and intent of the sign ordinance." The variances being requested are intended to allow the applicant to construct a sign which is reasonably visible from the adjacent street (US Highway 12).

5. *The variance is consistent with the Comprehensive Plan;*

Both variances: The purpose of the Long Lake 2030 Comprehensive Plan is to guide growth and redevelopment within the City. The plan guides this parcel for "Downtown Village Mixed Use". The use of the property will not change as a result of the requested variances.

At their regular meeting on November 12, 2013, the Planning Commission reviewed the request, held a public hearing, and recommended the City Council adopt a resolution to approve the requested variances for sign height and sign area.

Lewis noted that the owner of the Long Lake Town Center had submitted a letter of support for the applicant's request, and the Long Lake Area Chamber of Commerce had also adopted a resolution supporting the application for sign variances.

Council member Kaminski expressed concern about the substantial variance from ordinance requirements being requested, and stated he believed the sign plan could be scaled down to a smaller size that would still be viewable from the highway.

Council member Skjaret noted that the applicant could take better advantage of existing signage opportunities at the site, and indicated he would not support granting variances for signage nearly twice the size of the maximum allowed. He commented that if the sign were illuminated at night, it certainly would be visible from and impact the apartment and assisted living complexes on Brown Road, and would impact traffic traveling over the bridge. He also felt concern that approval of such a sign would set a precedent both for other tenants in the Long Lake Town Center and in other zoning districts.

Council and staff discussed the sign proposal, focusing on size and lighting concerns; and questioned whether existing signage opportunities at the site could be better utilized as well. Council members were in agreement that the sign proposed would be excessively over the maximum size requirements, and were not in favor of potentially setting a precedent for future sign requests for signage similarly in excess of size requirements at either the Town Center or throughout other zoning districts.

Mayor Hultmann encouraged the applicant to downsize their proposed sign and submit a revised sign plan to the Planning Commission for consideration at their next meeting.

A motion was made by Kaminski, seconded by Chillstrom, to remand this application back to the Planning Commission for further consideration, requesting that the applicant consider bringing forth a modified sign plan. Ayes: all.

OTHER BUSINESS

No other business was discussed.

ADJOURN

A motion was made by Kaminski, seconded by Skjaret, to adjourn the meeting. Ayes: all. The meeting was adjourned at 5:56 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk