

CALL TO ORDER: Chairman Werneiwski called the meeting to order at 7:00 p.m.

PRESENT: Chairman Bob Werneiwski, Commissioners Barbarajean Brandt, Kent Carlson, Scott Hemink, Walter Linder and John McGary (7:03)

ABSENT: None

OTHERS PRESENT: Council Liaison Paul Skrede, Councilmember Elect Josh Hackney and Zoning Coordinator Gus Karpas

MINUTES OF November 16, 2010

Motion by Commissioner Werneiwski, seconded by Commissioner Linder, to approve the minutes of November 16, 2010 as presented. Motion carried 6-0.

PUBLIC HEARINGS

Variance - Variance requests of Mark and Gina Wheaton, 19800 Lakeview Avenue to remove and rebuild the existing attached garage roof which would encroach into the required north side and front yard setback.

The proposed alteration would encroach approximately eight feet, eight inches into the required ten foot north side yard setback and twenty feet, six inches into the required thirty five foot front yard setback.

Zoning Coordinator Karpas presented his staff report. He said the request to replace the entire garage roof, which includes converting the flat roof portion to a pitch to match the existing pitched portion of the roof. He said the neighbors have submitted letters indicating they support the request. He said he recommended approval for the request and outlined his findings.

Mark Wheaton was present to answer any questions. He said they were working on a residing and roofing project on the garage when it was discovered the framing for the gable roof was undersized and the rubber membrane on the flat portion of the roof was deteriorating and pulling away from the framing. This was causing issues with snowmelt and water draining properly. He said the plan was to construct a hip roof across the entire garage to match the pitch of the existing home. He said changing from a gable to hip roof is the cause for the slight increase in height.

Commissioner Onstad asked if there was any intent to use the structure for anything other than a garage. Mr. Wheaton said it would be used as a garage only.

Chairman Werneiwski opened the public hearing. Hearing no public comment, the hearing was closed.

Commissioner Linder said he's always sensitive to increases in height given the location near the road, but feels this request would have a minimal impact and increases the quality of the structure. He is supportive of the request.

Commissioners Brandt and Hemink have no concerns about the request and were supportive.

Commissioner McGary noted the proposal was mostly a repair project and he was supportive of the request. He commented a gable roof would give the applicant more storage but he understood the intent to match the pitch of the home.

Commissioner Onstad was supportive of the request stating it would be an aesthetic improvement. Commissioner Carlson agreed adding the request was more of a maintenance issue; he was in favor of the request.

Chairman Werneiwski was in favor of the request.

ACTION: Motion by Commissioner McGary to recommend the City Council approve the variance requests to encroach eight feet, eight inches into the required ten foot north side yard setback and twenty feet, six inches into the required thirty five foot front yard setback for the replacement of the existing garage roof, as presented at 19800 Lakeview Avenue, based on the findings of staff. Commissioner Werneiwski seconded the motion. Motion carried 7-0.

NEW BUSINESS

Ordinance Amendment – Discuss the adoption of an Intoxicating Liquor Ordinance

Zoning Coordinator Karpas presented a draft of the proposed ordinance, stating that it was a combination of ordinances from other cities.

Chairman Werneiwski said the Commission should start by addressing what types of licenses the Commission wants to include in the ordinance. He said when he originally read the ordinance he didn't know that off-sale licenses were an option. Commissioner Hemink agreed stating the Commission needed to break off segments to review instead of trying to take the ordinance as a whole.

Zoning Coordinator Karpas explained the six types of licenses included in the proposed ordinance.

Commissioner Brandt said she was not clear on what properties could apply for licenses and felt that the zoning ordinance should be looked at first. Commissioner Hemink said it was conceivable that the liquor ordinance could rule out all properties due to setback requirements.

The Commission briefly discussed the types of licenses in the ordinance. They reviewed the types of licenses in terms of what they would support in the city. They wanted to discuss each license in a broad sense first and then look at the individual requirements separately.

The Commission agreed to include on-sale licenses for restaurants.

In discussing off-sale licenses, Commissioner Hemink said he didn't see the logic in permitting off-sale licenses in the city due to their potential impact on the aesthetics of the city. Commissioner Linder said there are areas in the city such as along Highway 101 and Highway 7 where off-sale establishments could be placed. The Commission discussed the concept of

permitting off-sale establishments only in the C-2 Commercial Districts. Chairman Werneiwski felt there should be a clearer definition of off-sale and whether it allowed the sale of wine.

The Commission agreed to include on-sale wine licenses in the ordinance.

The Commission agreed to include Sunday on-sale intoxicating licenses though they wanted clarification if wine was included.

The Commission discussed the Combination license which would permit both on-sale and off-sale liquor sales. Commissioner Linder questioned the need to permit a restaurant the ability to off-sale liquor. Commissioner Hemink questioned if it was limited to beer and wine. Linder said the focus should be on the sale of food and not liquor. Chairman Werneiwski suggested removing the Combination license from the ordinance. Hemink agreed stating he could see where there could be some confusion whether it was the sale of unopened liquor or the ability to take an open bottle of wine from your meal home. Commissioner Carlson said the city should try and avoid the "to-go" scenario. Commissioner Onstad agreed there appeared to be no reason to keep this type of license in the ordinance. The Commission agreed to remove the Combination license from the ordinance.

The Commission discussed the One Day Permit. Commissioner Hemink asked if the consumption of liquor would be limited to the facility that was issued the license. Zoning Coordinator Karpas said that could be a requirement. Commissioner Linder didn't feel there was a need to include intoxicating liquor in a One Day Permit. The Commission agreed.

The Commission discussed the individual requirements for each license.

In discussing On-Sale Licenses the Commission agreed to keep subdivisions A and B, limiting licenses to restaurants and only on property located in the C-1 and C-2 Commercial districts.

The Commission discussed the 500 foot setback requirement from schools and churches. Commissioner Hemink said he would feel differently if the On-Sale License included bars. Commissioner Linder agreed and questioned the need for a required setback. Zoning Coordinator Karpas said there could be concerns about illumination and other items such as dumpster location. Hemink said issues like that can be address in the Zoning Ordinance. Chairman Werneiwski said he would be in favor of removing the setback requirement completely, but could also support a reduced setback. Commissioner Carlson said there could be issues if there was an outside patio area. Linder said that could also be addressed in the Zoning Ordinance. The Commission agreed to remove the setback requirement.

The Commission discussed the number of On-Sale Licenses permitted. The proposed ordinance limited the number of licenses to two. Commissioner Hemink said he was inclined to permit a higher number of licenses. Zoning Coordinator Karpas said the intent was not to create a situation where you have a number of On-Sale establishments in a row. Hemink said that could be avoided by requirements in the Zoning Ordinance such as parking. Councilmember Elect Hackney said he read that the state permits up to five On-Sale licenses. The Commission agreed to allow five On-Sale Licenses in the city.

In discussing Off-Sale Licenses the Commission wanted to include the sale of wine and intoxicating malt liquor in subdivision A, outlining the types of liquor that could be sold under the license.

Under subdivision B, permitted location for Off-Sale establishments the Commission discussed limiting them to the C-2 Commercial District along Highway 101 and Highway 7. It was clarified by Councilmember Elect Hackney that the commercial property along Highway 7 was actually C-1. Commissioner Hemink expressed some hesitation, due to public perception, on allowing liquor stores in the Chowen's Corner area. He asked about the process for rezoning the property at Highway 7 to C-2. Zoning Coordinator Karpas said it would be difficult because it would have to include modification of the city's Comprehensive Plan. Commissioner Linder felt that the Chowen's Corner area, based on traffic patterns, would not be a suitable location for off-sale establishments. He said that and zoning requirements would limit the number of such establishments in the area. Commissioner Brandt felt the ordinance should be more inclusive and not less. Hemink said he was just looking at the future and discussed a scenario where a large portion of property could be demolished and a larger liquor store could be constructed in Chowen's Corner. Commissioner Carlson said he could not foresee a large volume business such as an MGM liquor store locating in that area. Linder agreed he would not be supportive of a large liquor warehouse type of business, but isn't concerned that one would locate in the area due to zoning restrictions.

The Commission discussed the 500 foot setback requirement from schools and churches. Commissioner Hemink felt this would be a good way to restrict larger establishments from locating in Chowen's Corner. Commissioner Brandt agreed this may be a protection the city uses. Commissioner Linder asked how much of the Deephaven Court property would be excluded if there was a 500 foot setback requirement. Council Liaison Skrede said the south portion of the property would be cut out, but the amount would be based the setback the city decided to enforce. Commissioner McGary said the size of an establishment, in terms of floor area could be limited in the Zoning Ordinance. The Planning Commission agreed to remove the setback requirement.

The Commission discussed the number of Off-Sale Licenses permitted. Commissioner Linder said he was inclined to have less than the maximum permitted by the State. The Commission agreed and asked staff to research the number of licenses permitted by the State.

In discussing On-Sale Wine licenses, the Commission wanted to add subdivisions A and B from the previous licenses, limiting licenses to restaurants and only on property located in the C-1 and C-2 Commercial districts. The Commission removed the maximum 14 percent alcohol restriction and asked staff to research the maximum alcohol percentage allowed by the State for wine. Commissioner Hemink said the number of permitted licenses should be included in the number of On-Sale licenses. Commissioner Onstad recommended removing the last line of the paragraph permitting on-sale of intoxicating malt liquor. The Commission agreed.

The Commission discussed Sunday On-Sale Intoxicating Liquor licenses. They agreed to remove the minimum number of guests an establishment served, requiring no minimum.

The Commission agreed to remove the Combination Liquor license from the proposed ordinance.

The Commission discussed One Day Permits. The Commission discussed the number of licenses any one applicant could be issued in a calendar year. The Commission agreed to limit the number to 12 permits a calendar year per applicant. The Commission also agreed to remove the restriction that only nonprofit organizations qualified for One Day Permits.

LIAISON REPORT

Council Liaison Skrede informed the Commission that Councilmember Kask asked that he extend his thanks for all the hard work the Commission had done over the past year. Skrede introduced Councilmember Elect Josh Hackney to the Commission indicating that he will begin serving as the Council Liaison starting in January.

Skrede said the Council approved the subdivision request of Mary McCulloch on Summerville Road. He said the Council directed the applicant to work with city staff on the removal of the landscaping plastic to determine the viability of removing the plastic on the lakeside of the home. He said that access to the property was limited to Summerville Road and that all applicable fees must be paid prior to filing the subdivision at the county.

ADJOURNMENT

Motion by Commissioner Werneiwski to adjourn the meeting. Commissioner Carlson seconded. The motion carried 7-0. The meeting adjourned at 9:00 p.m.

Respectfully submitted,
Gus Karpas
Zoning Coordinator