

**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, John McGary and Pete Onstad

**ABSENT:** None

**OTHERS PRESENT:** Council Liaison Paul Skrede and Zoning Coordinator Gus Karpas

**MINUTES OF August 17, 2010**

Motion by Commissioner Linder, seconded by Commissioner Onstad, to approve the minutes of August 17, 2010 as presented. Motion carried 6-0-1. Chairman Werneiwski abstained.

**PUBLIC HEARINGS**

**SPECIAL USE PERMIT – Streeter and Associates, 18312 Minnetonka Boulevard, (C-1, 10,000)** request to erect a fifteen square foot, non-illuminated monument sign. The overall height of the proposed sign would be four feet, ten inches.

Section 1115.09(d) permits monuments signs only with the issuance of a special use permit. Monument signs shall not exceed one hundred square feet or be over eight feet in height.

Zoning Coordinator Karpas presented his staff report. He informed the Commission that the applicant's proposal complies with the ordinance requirements.

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

Mike Lawrance of Signcrafters was present to speak to the request. He said the applicants are looking for better visibility than they get from their current hanging sign, which will be removed. He said by having a monument sign, customers will have an easier time finding the building.

Commissioner Hemink supported the request, stating the proposed signage is consistent with the other signage in the area.

Commissioner McGary noted the existing sign is illuminated and asked if the proposed would also be. Mr. Lawrance said it would not. McGary said the sign looked nice and he was in favor of the request.

Commissioner Onstad supported the request and also feels the sign looks good.

Commissioner Kask was in favor of the request and agrees it will help direct the applicant's clients to the building.

Commissioner Werneiwski confirmed the size of the sign. Mr. Lawrance said it would be three by five. He said his client wanted a small, subtle sign that fits with the building.

Commissioners Linder and Brandt agreed with the comments of the other Commissioners and were in support of the request.

**ACTION:** Motion by Commissioner Hemink to recommend the City Council approve the special use request to construct a four feet, ten inch high monument sign containing a total of thirty square feet of display area, as presented at 18312 Minnetonka Boulevard. The proposal complies with the ordinance requirements for signs. Commissioner Linder seconded the motion. Motion carried 7-0.

## **NEW BUSINESS**

**Ordinance Amendment** - Discuss the amendment of Section 1310.13(1)(d) requiring police approval for all on street parking for constructions projects.

Zoning Coordinator Karpas explained the intent of the ordinance and the reasoning behind the proposed change. He said the Police have noticed growing issues with parking on city streets by construction companies. The change would require contractors to obtain Police approval on a parking plan prior to the issuance of a building permit. He asked if there was anything the Commission would like to add to the proposed language.

Chairman Werneiwski said he would like some language pertaining to the job duration and hours of operation.

Commissioner Onstad asked about smaller jobs such as the installation of a water heater. Zoning Coordinator Karpas said it would apply only to building permits.

Commissioner Brandt discussed the use of temporary no parking signs, which she has noticed in Cottagewood that pushes parking away from the construction site onto the side streets. Zoning Coordinator Karpas said the city only places temporary no parking signs when issues have been raised by neighbors.

Council Liaison Skrede said by getting the Police involved in the beginning, some of the issues can be addressed before they become a problem.

Commissioner Brandt asked if a problem arises during a project, can the parking plan be changed. Skrede said the Police would be able to mitigate any parking issues if they arise.

Commissioner Hemink asked how the Police are going to know if a contractor is following the plan, stating he's not sure how the proposed amendment would help the neighbors. Zoning Coordinator Karpas said the Police may not necessarily know if a contractor's parking is following the approved plan, but if an issue arises, they can fall back on the approved plan and correct any deviations from it.

Commissioner Brandt asked why the proposal was before the Commission. Council Liaison Skrede said the issue was brought up by the Police at the Public Safety meeting. They would like the opportunity to address parking issues in advance and the proposed amendment adds teeth to the regulation of construction parking.

Chairman Werneiwski asked if Commissioner Brandt had any issues. She said she didn't but feels the property owner should handle their own construction parking on their property. Commissioner Linder noted that language to that affect is in the ordinance and the amendment was to address street parking.

Commissioner McGary likes the proposed change since it gives contractors an idea of what's expected of them from the beginning.

The Commission directed staff to schedule a public hearing on the proposed amendment for the October meeting.

## **LIAISON REPORT**

Council Liaison Skrede presented his Liaison Report. He said the Special Events Permit was approved, that the amended Special Use request by the Cottagewood Store was also approved with expanded conditions, which he read to the Commission and the variance request by the Gemmill's was also approved.

Skrede discussed the Gemmill request in more detail, noting the screened porch shown as proposed when presented to the Commission was included in the Council review. He said Mr. Gemmill realized that, given the recent MN Supreme Court decision on variances, he would most likely not be granted the necessary variance at a later date.

Skrede said the Council understood the rationale behind the Commission's decision regarding the massing, but said they felt they could not regulate something that is not part of the ordinance. He said the applicant also brought in pictures to show that the proposed house was not out of character with those in the neighborhood. Mr. Gemmill also showed how the size was minimized by moving the proposed home off Azure Road.

Mayor Skrede said the previously approved garage for the Baldwin's on Cottagewood Avenue will be back in front of the Council, due to an issue with the proposed sink. He said the Council approved the request subject to the sink drain being discharged into a

sewer sump pump. The Plumbing Inspector has informed the contractor that doing so does not comply with the plumbing code. He has told them that the plumbing needs to be attached to the home and that a separate connection to the private line is not permitted. The Council needs to amend its decision and either allow the sink with the plumbing attached to the house or require the removal of the sink.

The Commission discussed the issue of massing in regards to the Gemmill request. Commissioner Hemink noted that the request required a variance, so he thought the location of the home in relation to the road could be a consideration. He also noted the homes in the photographs submitted by the applicant are further from the street than the proposed Gemmill residence. Commissioner Carlson noted the home is actually twenty-four feet from the edge of the road, so visually, unless the city expands the road, the home would not look overpowering.

Commissioner Linder summarized his concern that the proposed home was too large for the narrow lot, noting the existing home is only one story. He said he previously used the term massing to reflect the fact that the proposed home, at essentially two stories with a high pitch roof, presented a much larger visual presence given its close proximity to Deephaven Avenue.

The Commission discussed the addition of the porch to the request, with some Commissioners feeling it was kind of a back door way of getting it approved. Zoning Coordinator Karpas said the Council has the discretion to permit a modification to a request. They determined that they were willing to consider it at the meeting rather than sending the request back to the Commission.

## **ADJOURNMENT**

Motion by Commissioner Werneiwski to adjourn the meeting. Commissioner Hemink seconded. The motion carried 7-0. The meeting adjourned at 7:57 p.m.

Respectfully submitted,  
Gus Karpas  
Zoning Coordinator