

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

**PRESENT:** Chairman Bob Werneiwski, and Commissioners Walter Linder, Melissa McNeill, Bill Sharpe, John Studer, and Cindy Hunt Webster

**ABSENT:** None

**OTHERS PRESENT:** City Council Liaison Tony Jewett and Zoning Coordinator Dale Cooney

**MOMENT OF SILENCE:** Chairman Werneiwski asked for a moment of silence in memory of Planning Commissioner Jim Anderson who passed away over the weekend.

**OATH OF OFFICE:**

Zoning Coordinator Cooney administered the Oath of Office to Walter Linder.

**MINUTES OF December 20, 2016**

Motion by Werneiwski, seconded by McNeill, to approve the minutes of December 20, 2016 as written. Motion carried 5-0 with Linder abstaining.

**PUBLIC HEARINGS**

**Conditional Use Permit Request of The Wabi Sabi Shop to Install Commercial Signage at 3620 County Road 101**

Chairman Werneiwski introduced the agenda item. He said that the applicant is requesting a Conditional Use Permit to install a 66.6 square foot illuminated business identification sign that would be attached to the structure.

Zoning Coordinator Cooney summarized the staff report. Cooney said that Kay Frandsen, owner of the building and The Wabi Sabi Shop at 3620 County Road 101 is requesting a Conditional Use Permit to install a 66.6 square foot illuminated business identification sign that would be attached to the structure. He said that the business, located in the C-2 (Commercial District 2) zoning district, is a permitted use within the zoning district.

Cooney said that Section 1115.04(2) states that no sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a Conditional Use Permit. He said that it further states the content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Cooney said that the proposal would illuminate the cabinet sign internally with an LED light.

Cooney said that Section 1305.03 regulates business hours and limits the hours a business can sell goods and services to consumers to only between the hours of 6 AM and 9:30 PM. He said that the section states that interior and exterior lighted signs permitted to businesses may operate during business hours only.

Cooney said that Section 1115.09(a) states that the size of a sign may not exceed 15 percent of the wall area of the front façade of the structure in which it is located and in no case exceed 100 square feet for all other types of signs. He said that the façade of the applicant's suite is approximately 1,950 square feet (195 feet wide x 10 feet tall). The proposed sign area of 66.6 square feet equals 3% of the front façade area. No other signs are proposed. Cooney said that in reviewing the property file, staff found that a similarly sized sign was approved for Counselor Realty in 1992, but that the sign was not permitted to be illuminated.

Cooney said that staff was unable to find any documentation regarding a conditional permit for the monument sign. He said that the building was constructed in 1986, and staff assumes that the monument sign was constructed at that time. He said that currently, the sign contains signage totaling 38 square feet (19 square feet on two sides). He said that the sign is illuminated with downcast lighting in the monument eaves. He said that Section 1115.09(d) states that monument signs shall not exceed 100 total square feet of display area and shall not exceed 8 feet in height, and that the monument sign is compliant with existing regulations.

Cooney said that he recommends approval of the conditional use request to install a 66.6 square foot illuminated business identification sign that will be attached to the structure. There is a need to advertise the business and upon review of the application, it was determined there would no negative impacts on the development of the community, the character of the community or on the health, safety and general welfare of the occupants of surrounding lands. The proposal would not impact traffic conditions or impact property values. The recommendation is conditioned that the hours of illumination be as outlined in Section 1305.03 of the ordinance. Cooney concluded his staff report.

Sharpe asked how late the sign would remain lit. Kay Frandsen, applicant, said that the sign would not remain lit past business hours and that they close at 7 p.m. on the weekdays, 5 p.m. on Saturdays, and 4 p.m. on Sundays.

Webster asked if the sign would be on a switch that might get left on. Frandsen said that the sign would be on a timer.

Werneiwski opened the public hearing.

Cliff Reep, of 3616 Comet Lane, said that he lives directly across the street and that his property is 150 feet from the sign. He said that he estimates that the 66 square foot sign would be three times as big as the temporary sign on the building now. He said that this will be an illuminated sign in a residential area. He said that there is already a monument sign for the business. He said that the sign running parallel to the street would be dangerous since people would have to turn their heads to see it. He said that it should not be a backlit sign at this location.

Lorie Wasgatt of 3624 Comet Lane said that this is more typical of a sign that might be at a strip mall. She said that in the winter it gets dark at 4:30, so the sign will be illuminated towards her back yard for several months of the year. She said that it would impact the value of her house, and that the sign should be non-illuminated.

Ali Broback of 3551 Lilac Lane said that she is concerned about the additional ambient lighting. She said that from the heavily treed neighborhood she can see the holiday sign down the road and that another sign would decrease property values.

Werneiwski closed the public hearing.

Frandsen said that she purchased the building in August and that she has been in business 8 years at another location Plymouth. She said that the sign is not that big and that the light is a soft green color. She said that the sign was built for her Plymouth property but that she is repurposing it for this property. Frandsen distributed images of the sign on her Plymouth property. She said that it is low voltage lighting, with a vinyl covering on the face of the letters. She said that it is not a bright white. Frandsen said that in the winter it would be lit, at most, 4 hours and that in the summer it would not need to come on at all. She said that people frequently call her saying that they cannot find her business, and that they cannot see the monument sign. She said that the monument is big but that the signs on it are small. She said that the monument is pretty, but not functional and that she would almost prefer to knock down the monument sign since it doesn't do any good.

Sharpe asked about the lumens of the sign. Frandsen said that she did not have that information.

Webster asked the neighbors if they lost trees during the Highway 101 construction. Reep and Wasgatt said that they did lose a few trees. Webster asked if they can see the building during the summer. Wasgatt said that she can see the building year round. Wasgatt said she can see the illuminated monument sign as well.

Linder asked if they were concerned with the size or the lighting. Reep said that it is bigger than what is there and he has concerns about both. Wasgatt said that she is concerned about the illumination since it would shine into the house. Wasgatt said they are envisioning a neon sign. Webster said that this is not that type of sign.

Werneiwski asked if the applicant was proposing to only illuminate the sign when it is both dark and the store is open. Frandsen said yes, from about 4:30 until 7:00.

Webster said that it seems reasonable for a business to advertise their business, and that even St. Therese church, which faces a residential area, is allowed an illuminated sign. She said that she does not think the city can deny the applicant, and that 4 p.m. to 7 p.m. is reasonable.

Studer said that he agreed. He said that he sympathized with the neighbors, but that the application meets the requirements of the ordinance.

Motion to recommend approval by Werneiwski based on the findings of staff, with the conditions that the sign remain unlit during the morning, during daylight hours, and is illuminated no later than 7:15 p.m. Motion was seconded by Studer. Motion carried 6-0.

## **NEW BUSINESS**

### **Review 2040 Comprehensive Plan Update, Sections I and II**

Chairman Werneiwski introduced the agenda item. He said that every 10 years, Minnesota state law requires cities, townships and counties in the seven-county metro area to prepare comprehensive plan updates. He said that tonight the Planning Commission will discuss Sections I and II of the 2040 Comprehensive Plan Update.

Cooney summarized his staff report. He said that Deephaven's local comprehensive plan is statutorily required to address several plan elements: Land Use, Transportation, Water Resources (Wastewater, Surface Water, Water Supply), Parks and Trails, Housing, and Implementation. He noted that Deephaven is a developed community and is not expected to see a significant change in population or housing units over the term of this comprehensive plan update. Cooney said that region-wide systems such as wastewater or transportation will be, at most, minimally impacted by any changes within the City of Deephaven. He said that, due to these conditions, no significant changes to the city's comprehensive plan are proposed, and most areas of the plan are anticipated to be simply updated to meet statutory requirements.

Cooney said that, while the city's physical characteristics are expected to remain stable, the city's goals and policies may have changed over time. Staff is not aware of any specific policy goals that are not addressed via the existing comprehensive plan, but now is the time to begin addressing those omissions if there are any.

Cooney said that it did not make sense to do line by line edits of the document. He said that he has updated the data tables and narratives, but has left the city's goals and policies unchanged. He said that he has highlighted those goals and policies that might not be reflected via the city's implementation over the last 10 years and that he would like the Planning Commission to discuss those items.

Cooney said that, in reviewing the demographic information, he would summarize that over the last 10 years, Deephaven has become both wealthier and older. He said that based on local and state demographic trends, he expects the aging of the city to continue.

Cooney noted that the Metropolitan Council is projecting a large increase in employment within the city and he said he did not expect such a sharp increase. Linder asked what might be driving those numbers, and that there might need to be policies to address these changes. Webster said that she assumed it was simply a formula. Cooney agreed that it was a formula. Werneiwski said that he did not expect the city would be doing something differently regarding employment or commercial areas.

Regarding goals and policies, Werneiwski asked about the highlighted passages. Cooney noted that the passage "*Development control standards will require information regarding soil loss in tons/acre/year both during and after construction*" is not something the city requires. The Planning Commission agreed that the language should be removed and possibly replaced with more general language.

Werneiwski asked about the language related to tree preservation. Cooney said that there are no tree preservation laws within the city, and that the city currently has no ability to limit the cutting of trees on a property. Webster said that, while it is not part of the ordinance, she would like to keep the language in the plan. Linder agreed that having language in the comprehensive plan as an aspirational goal could serve the city in certain circumstances. The Planning Commissioners recommended keeping the language as is.

Werneiwski asked about the language related to rental maintenance and inspection. Linder said that he was curious as to what is driving the increase in rental housing. Webster said that some of the old houses could be turned into rental houses and put the renters in danger. Linder said that, considering the growing rental population, there should be some analysis given to the concept of rental inspections. Webster agreed. McNeill said that probably a house converts to rental when they cannot sell it.

Studer said that he felt Deephaven was attracting a different kind of renter. He said people are moving here for a reason, and not because they do not have other options.

Jewett said that he did not know how the rental numbers were generated since the city does not track this information. Cooney said that this is Census data, which is based on surveys and then extrapolated from there. He said that this is not a hard number count based on specific city rental information.

Werneiwski said that he is hearing that this passage is best left as is since it allows the city flexibility to implement this in the future.

Werneiwski asked about the next passage relating to a variety of housing types and costs. Linder said that the PUD districts within the city have addressed this with both senior housing and townhomes.

Werneiwski asked about the passages related to encouraging investment in commercial districts. Linder said that a developer had proposed changes to the commercial development across from Beanhaven stating that the current configuration was not commercially viable. Webster said that the building form is likely obsolete for small stores with little visibility. The Planning Commission did not have any suggested changes for these passages.

Werneiwski said that he did not have an issue with the passage that stated "encourage a cooperative effort between the school district and the city in the acquisition, development and usage of recreational facilities." Webster said that she would like to keep this passage in the plan.

Werneiwski asked about the passage related to solar. Cooney said that something related to solar access needs to be in the plan, but the city does not make any special exceptions for solar as the passage

suggests. Studer suggested that solar square footage could be reduced from impervious calculations. Werneiwski suggested that the passage remain as is and the other commissioners agreed.

Cooney asked if there were any city priorities not currently being addressed in the plan. McNeill said that she would like to see more enforcement related to building permits. She said that this plan is probably not the place for it. Sharpe said that there have been issues with construction sites that sit stagnant for years. Cooney said that there is a court date set for the container issue on that property.

#### **LIAISON REPORT**

Jewett said that the shed on 4530 Linwood Lane was approved and that the City Council voted to waive stormwater mitigation requirements. He said that the grading and fill variance for 20400 Lakeview was approved.

Jewett said that the City Council approved a showcase event permit for 19615 Manor, a property that was recently subdivided and on which a home is currently being constructed. He said that the house will be on the Luxury Home Tour in the early summer.

He said that the City Council approved a minor lot reconfiguration at 3630 and 3610 Northome. He said that the council also passed a stormwater review fee of \$100 for additions and new houses to offset the engineering costs for stormwater review.

He said that Keith Kask has retired from his service with the city after 33 years. Jewett said that Kask had served on both the Planning Commission and City Council, and that the city is losing its planning historian.

Jewett said that Mayor Skrede, Councilmember Erickson, and Councilmember Carlson were sworn in.

#### **ADJOURNMENT**

Motion by Chairman Werneiwski to adjourn the meeting. Motion seconded by Commissioner Sharpe. Motion carried 6-0. The meeting adjourned at 8:22.

Respectfully submitted,  
Dale Cooney  
Zoning Coordinator