

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

PRESENT: Chairman Kent Carlson, and Commissioners Jim Anderson, Gen McJilton, Melissa McNeill, Bill Sharpe, John Studer, and Bob Werneiwski

ABSENT: None

OTHERS PRESENT: Mayor Paul Skrede and Zoning Coordinator Dale Cooney

MINUTES OF October 18, 2016

Motion by Chairman Carlson, seconded by Commissioner Studer, to approve the minutes of October 18, 2016 as written. Motion carried 7-0.

PUBLIC HEARINGS

Consider the Conditional Use Permit request of Deephaven Woods Senior Living to replace existing non-conforming illuminated sign at 18025 Minnetonka Boulevard

Chairman Carlson introduced the agenda item.

Zoning Coordinator Cooney summarized the staff report. Cooney said that Deephaven Woods Senior Living is working in conjunction with The Church of St. Therese to replace the existing monument sign on Minnetonka Boulevard in order to make Deephaven Woods information more prominent. He said that the sign foundation and supports are remaining in place, and the overall size of the sign is not changing. He said that portion of the sign is proposed to be replaced with an LED sign. Cooney noted that the current sign is capable of being fully internally lit, however portions of the sign are unlit because of maintenance issues.

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 the overall area of the sign, including the “stained glass” area but excluding base and supports, is 67.36 square feet in size. He said that since the sign is two sided, the city would calculate the overall sign area as 134.72 square feet. Cooney noted 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 as it currently exists, the sign exceeds city regulations and should be considered a legal non-conforming sign and is permitted to be maintained, repaired or replaced, but not expanded.

Cooney said that the proposal would illuminate the cabinet sign internally with an LED light at the letters only, while the digital LED board could be fully illuminated. He said that the applicant has an alternate proposal that eliminates the LED board with an illuminated cabinet sign that allows for manually changing the lettering which is similar to what exists today.

Cooney said that Section 1115.03(12) defines Changeable Copy Sign as “A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face of the surface of the sign. Changeable copy signs do not include signs upon which characters, letters or illustrations change or rearrange only once in a 24-hour period.” He noted that changeable Copy Signs are considered prohibited signs under the sign ordinance. He said that the applicant has stated that the sign will be representing three businesses—St. Therese Church, St. Therese School and Deephaven Woods—and would need up to three messages to be rotated through the sign. He said that the applicant has stated that their preference would be to allow the copy on the LED board of the sign to change every minute.

Cooney stated that Section 1305.03(1) limits the hours a business can sell goods and services to consumers to between the hours of 6 AM and 9:30 PM and that exterior lighted signs are permitted to operate only during these business hours.

He said that the majority of the proposal could be considered maintenance of a legal non-conforming sign, but that the proposal for the LED board for the sign changes the nature and character of this portion of the sign. He said that in 2015, the city approved an LED sign for SpeeDee/Midas on State Highway 7. Cooney noted that the sign is allowed to change copy twice every 24 hours, and is only allowed to remain illuminated during business hours.

Cooney said that since the proposed sign is in an area that is more residential in nature than State Highway 7, he cannot defend allowing the LED portion of the sign to change more frequently than the SpeeDee/Midas sign. He said that he could not justify more frequent copy changes without granting similar rights to SpeeDee/Midas. Cooney said that if there is a desire to relax the restrictions on changeable copy signs, it is his opinion that an ordinance amendment should take place rather than create further exemptions from the ordinance.

Cooney said that he recommends approval of the conditional use request to replace the existing 134.72 square foot illuminated monument sign with a new sign of the same size. He said that there is a need to advertise the businesses and upon review of the application, it was determined that (a) the proposal will have no impact on the overall development of the community; (b) there will be no impact on the character and development of the neighborhood; (c) there will be no impact on the health, safety and welfare of the occupants of surrounding lands; (d) there will be no impact on traffic or parking conditions due to this signage; and (e) there will be no negative impact on property values on the subject property or those in the surrounding area.

Cooney said that the recommendation is made with the following conditions: that there be no net increase in overall signage for the property; that the hours of illumination for all signs be as outlined in Section 1305.03 of the ordinance; that the LED changeable copy area not change more than twice in a twenty-four hour period; and that, because of the residential nature of the community near the signage, the LED sign board maintain a black background.

Cooney concluded his staff report.

Shannon Donahue, the Executive Director at Deephaven Woods Senior Living, said that the digital board is to allow mass times and community events on the board at the same time. She said that it will be tastefully done with no flashing imagery.

Karen Larson, of Ebenezer Management Services/Deephaven Woods, said that they are trying to accommodate three business needs on one sign. She said that they considered two signs but did not feel like that was the right approach.

Chairman Carlson opened the public hearing.

Joyce Hertaus, a resident at Deephaven Woods, said that she uses Uber often and that they frequently get lost trying to find the place since it is impossible to see.

Chuck Christ, 3365 Shavers Lake Road, said that he is opposed to the sign. He said that the digital sign does not fit with the area. He said that this is not a commercial area.

Todd Goldwasser, 18002 Minnetonka Boulevard, said that if the sign is off by 9:30 at night he thinks it is a good idea.

Chairman Carlson closed the public hearing.

Commissioner Anderson asked if the upper portion of the sign was backlit. Donahue said yes. Anderson said that, if the message changes only once every few minutes, the people on Minnetonka Boulevard would only see one message. Larson said that the mass times and events would not all fit on the digital board.

Anderson said that the LED board would be an improvement for the applicants since they don't have to change the letters on the sign, even if there is not as much messaging as they would prefer. He said that he thinks that the non-message board component should remain lit all the time since it is a care facility that transcends commercial lighting needs. He said that it is important for emergency vehicles to be able to find the facility easily.

Studer said that he was supportive of the proposal but that he would like to maintain the messaging limitations of the ordinance. Sharpe said that he agreed, but also wanted to ensure that the brightness did not impact the residential neighbors across the street.

Werneiwski said that he would like to keep the message limitation to twice in 24 hours.

Motion to approve by Sharpe based on the findings and conditions of staff. Anderson made a friendly amendment to have the non-message board components of the sign remain lit all the time. The motion was conditioned that the city engineer would recommend a brightness limitation for the sign. Motion carried 7-0.

OTHER BUSINESS

Resignation of Planning Commissioner Gen McJilton; Interview Planning Commission Candidate Cindy Hunt Webster

Chairman Carlson said that Planning Commissioner Gen McJilton will be relocating out of state for work and has submitted her resignation from the Planning Commission. He said that Planning Commission Candidate Cindy Hunt Webster was invited to tonight's meeting to interview for the vacancy and that Cindy has been a member of the Park Board for the last 6 years.

Webster said that she has been a Deephaven resident since 1980 and is a recovering realtor. She said that she has been the Deephaven representative on the community education board. Webster said that she has a family history of public service and that her mother was president of the Wayzata Planning Commission.

Werneiwski said that her real estate background would be helpful. Webster said that she previously worked for CB Burnet Distinctive Homes.

Motion by Anderson to recommend Cindy Hunt Webster for appointment to the Planning Commission. Motion was seconded by Sharpe. Motion carried 7-0.

LIAISON REPORT

Mayor Skrede sat in for Council Liaison Gustafson. He thanked the Planning Commission for all of their work this year. Skrede said that he was interested in removing term limits for Planning Commission members since they often are just becoming savvy about the issues when they are term limited out of their position.

Anderson said that the members serve at the pleasure of the City Council. Skrede said that the City Council accepts appointments, but would not likely remove someone from the Planning Commission.

Skrede said that the variance request for 19725 Lakeview was approved. He said that the variance request for the pool at 20650 Bayview Court was approved. He said that it is starting to seem like the mitigation is becoming a quid-pro-quo for granting of a variance.

Skrede said that 20760 Linwood was approved on a 3-2 vote with he and Gustafson voting against. He said that he had issues with the idea that they were starting from a blank slate. He said that he also had a problem granting a variance that runs with the land when the land has a for sale sign on it.

He said that 3425 Northome was extended by 60 days to provide more detail. He said that there should be one more review of the plans before that application is out of the Planning Commission's hands. He said that the Planning Commission had been very generous of their time.

Skrede said that it is not important for him to see consensus votes from the Planning Commission. He said that if he sees 6-1 votes or 4-3 votes, he feels confident that the application has been thoroughly vetted and that the right questions have been asked.

ADJOURNMENT

Carlson thanked Commissioner McJilton for her service to the city and said that he hoped that she enjoyed her time on the Planning Commission.

Motion by Chairman Carlson to adjourn the meeting. Motion seconded by Commissioner Sharpe. Motion carried 7-0. The meeting adjourned at 7:44.

Respectfully submitted,
Dale Cooney
Zoning Coordinator