

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

**PRESENT:** Chairman Werneiwski, Commissioners Jeff Eaton, Melissa McNeill, John Studer, and Cindy Hunt Webster.

**ABSENT:** Commissioners John Daly, Doug Nagle, and City Council Liaison Tony Jewett.

**OTHERS PRESENT:** Zoning Coordinator Dale Cooney

**MINUTES OF SEPTEMBER 18, 2018**

Motion by Webster, seconded by Studer, to approve the minutes of September 18, 2018. Motion carried 5-0.

**PUBLIC HEARINGS**

**Consider the conditional use permit request of Engel & Völkers to illuminate a 20 square foot business identification sign for the property located at 18202 Minnetonka Boulevard.**

Chairman Werneiwski introduced the agenda item.

Zoning Coordinator Cooney presented the staff report. Cooney said that Engel & Völkers is doing business at 18202 Minnetonka Boulevard and is seeking a conditional use permit to externally illuminate the existing non-illuminated sign on the property.

He said that the business owners replaced the previously non-illuminated sign on the building with the new sign. Cooney noted that Section 1115.05 of the city code allows the replacement of a business identification sign in the same location as long as the sign is not illuminated or prohibited. He said that, in this case, it is the proposed external illumination that triggers the conditional use permit, not the sign itself.

Cooney said that the existing sign is 20 square feet in size and approximately 1.5% of the front façade area. He said the sign would be externally illuminated from above with two gooseneck lights.

He noted that Section 1305.03(1) limits the hours a business can sell goods and services to consumers to only between the hours of 6 AM and 9:30 PM and that Section 1305.03(3) states that interior and exterior lighted signs permitted to businesses may operate during business hours only.

Cooney said that he recommends approval of the conditional use permit request of Engel & Völkers to illuminate a 20 square foot business identification sign at 18202 Minnetonka Boulevard as proposed based on the following findings:

Upon review of the application, it was determined there would be no negative impact on development of the community, the character and development of the neighborhood, the health, safety, and welfare of occupants of surrounding lands, existing and anticipated traffic conditions, including parking facilities, on adjacent streets, and the effect on property values of the subject premises and in the surrounding area.

Cooney said that the recommendation is conditioned that the hours of illumination of the sign be as outlined in Section 1305.03 of the ordinance.

Cooney concluded the staff report.

Webster asked about Lakeside Nails lighting. Cooney said that sign was an internally illuminated sign whereas this would be externally illuminated.

Werneiwski opened the public hearing.

Geoffrey Bray, property owner, said that he was here to answer any questions. He said that he was the building owner as well as the owner of the Engel & Völkers residential real estate business at the location.

Werneiwski closed the public hearing.

Studer asked about the difference between lighting from the property versus lighting from the signage. Cooney said that signage lighting is more strictly regulated whereas there are broad limitations on overall property lighting.

Eaton asked about the sign that was recently approved at 18315 Minnetonka Boulevard. Studer said that was the same concept with external lighting, but from the ground.

Webster asked about hours of illumination. Cooney said that the code has a limit for hours which was noted in the staff report as a condition of approval.

Studer asked about the site lighting and if there was overnight lighting. Bray said that there was not any site or security lighting that stayed on all night.

Eaton noted the letter of objection from the neighbors, but he said that he did not have any issue with the proposal. The other planning commissioners expressed their support of the proposal.

Motion by Werneiwski to approve the conditional use permit request as proposed based on the findings and conditions of staff. Motion was seconded by Eaton. Motion carried 5-0.

#### **NEW BUSINESS**

Cooney said that the request by the City Council to look into ordinances regarding short term rental properties was put on hold.

Cooney said that the property owners who have the Airbnb listing came to the October 1 City Council meeting to tell their side of the story to the city council. Webster said that the neighbors of that property said that they had not been impacted by the situation and that the owners stay in the house at the same time as the renters.

#### **LIAISON REPORT**

Cooney said that the variance request at 18710 Azure Road was approved.

Cooney said that there was a ribbon-cutting ceremony for the warming house on Saturday.

Webster asked if the surface for the hockey rink was supposed to freeze better than just the raw ground. Studer said that it does not freeze better and that it might be worse when the sun is out. He said that the main function of the surface is that it can be used in the summer with rollerblades.

#### **ADJOURNMENT**

Motion by Werneiwski to adjourn the meeting. Motion seconded by McNeill. Motion carried 5-0. The meeting adjourned at 8:15.

Respectfully submitted,  
Dale Cooney  
Zoning Coordinator