

MINUTES OF THE PROCEEDINGS OF THE PLANNING COMMISSION OF THE CITY OF CHAMPLIN IN THE COUNTY OF HENNEPIN AND THE STATE OF MINNESOTA PURSUANT TO DUE CALL AND NOTICE THEREOF

REGULAR SESSION
APRIL 18, 2016
CITY COUNCIL CHAMBERS

CALL TO ORDER THE CHAMPLIN PLANNING COMMISSION MET IN REGULAR SESSION AND WAS CALLED TO ORDER BY CHAIRPERSON R.J. THIEL AT 7:00 P.M.

ROLL CALL PRESENT WERE: CHAIRPERSON THIEL, COMMISSIONERS STEPHANIE BITTERMAN, DAVID BOUCHARD, DAN COSTELLO, TIM LACROIX, AND NATE TRUESDELL. ABSENT: COMMISSIONERS MATT BOLTERMAN, KATHY MANEMANN, AND MICHAEL PETERSON. ALSO PRESENT WAS CITY PLANNER SCOTT SCHULTE.

ROLE OF THE COMMISSION CHAIRPERSON THIEL BRIEFLY REVIEWED THE ROLE OF THE COMMISSION.

APPROVAL OF AGENDA (APRIL 18, 2016) MOTION MOTION BY COMMISSIONER BOUCHARD AND SECONDED BY COMMISSIONER LACROIX, TO APPROVE THE AGENDA OF THE APRIL 18, 2016 PLANNING COMMISSION MEETING AS PRESENTED. ALL VOTED IN FAVOR AND THE MOTION CARRIED.

APPROVAL OF MINUTES (MARCH 21, 2016) MOTION MOTION BY COMMISSIONER LACROIX AND SECONDED BY COMMISSIONER COSTELLO, TO APPROVE THE MINUTES OF THE MARCH 21, 2016, PLANNING COMMISSION MEETING AS PRESENTED. ALL VOTED IN FAVOR AND THE MOTION CARRIED. COMMISSIONER BITTERMAN ABSTAINED.

OPEN FORUM NO ONE WAS PRESENT FOR OPEN FORUM.

PUBLIC HEARINGS

PROJECT 2016-04: SIDE YARD SETBACK VARIANCE; REQUEST FROM ACAIA HUSS-ZIRZOW FOR A 2.1 FOOT VARIANCE TO THE SIDE YARD SETBACK FOR AN EXISTING ATTACHED GARAGE LOCATED AT 13395 LINWOOD FOREST CIRCLE THE CITY PLANNER PRESENTED A VARIANCE REQUEST FROM THE PROPERTY OWNERS AT 13395 LINWOOD FOREST CIRCLE, WHO HAVE OCCUPIED THE HOME SINCE 2010. HE EXPLAINED THAT THE HOMEOWNERS ARE GOING TO LIST THEIR PROPERTY FOR SALE AND WERE ADVISED TO REVIEW THE RECORDS TO ENSURE THAT EVERYTHING WAS IN ORDER. HE EXPLAINED THAT THROUGH THIS PROCESS THE HOMEOWNERS IDENTIFIED A 2001 AS-BUILT LOT SURVEY, WHICH IDENTIFIED THEIR ATTACHED GARAGE ENCROACHING 2.1 FEET INTO THE SIDE YARD SETBACK. HE STATED THAT THE PREVIOUS HOMEOWNERS WERE AWARE OF THE ENCROACHMENT BUT CHOSE NOT TO SEEK REMEDIES AT THAT TIME. HE STATED THAT THE HOME WAS CONSTRUCTED IN 1980 AND THE ORIGINAL SURVEY PROPOSED A HOME AND ATTACHED GARAGE THAT MET THE REQUIRED SETBACKS. HE STATED THAT IT IS CLEAR BY THE AS-BUILT SURVEY DATED 2001 THAT THE HOME WAS NOT BUILT IN THE EXACT LOCATION IDENTIFIED IN THE ORIGINAL SURVEY. HE STATED THE STRUCTURE EXISTS AS AN ILLEGAL NON-CONFORMING STRUCTURE AND THEREFORE THE HOMEOWNER WOULD HAVE DIFFICULTY SELLING THE PROPERTY. HE REVIEWED THE OPTIONS AVAILABLE FOR RELIEF AND NOTED THAT STAFF RECOMMENDS THE ISSUANCE OF A VARIANCE AS THE REQUEST MEETS THE PRACTICAL DIFFICULTIES IDENTIFIED IN THE STAFF REPORT. HE STATED THAT A LETTER FROM THE HOMEOWNERS WAS ALSO INCLUDED IN THE PACKET FOR THE COMMISSION TO REVIEW ALONG WITH PHOTOGRAPHS OF THE PROPERTY. HE STATED THAT HE DID CONTACT THE ADJACENT HOMEOWNER AT 11395 LINWOOD FOREST CIRCLE WHO STATED THAT THEY DID NOT HAVE ANY CONCERNS WITH THE ISSUANCE OF A VARIANCE.

PUBLIC HEARING CHAIRPERSON THIEL OPENED THE PUBLIC HEARING AT 7:08 P.M.

ACAIA HUSS-ZIRZOW, APPLICANT, STATED THAT THIS WAS THE FIRST HOME PURCHASE THEY HAD MADE AND BELIEVED THAT THEY FOLLOWED THE NECESSARY COURSE OF ACTION TO ENSURE THEY WERE PROTECTED. SHE ASKED THAT THE COMMISSION CONSIDER THEIR REQUEST AND THANKED THE CITY PLANNER FOR HIS TIME AND ASSISTANCE.

MOTION

MOTION BY COMMISSIONER TRUESDELL AND SECONDED BY COMMISSIONER BOUCHARD, TO CLOSE THE PUBLIC HEARING. ALL VOTED IN FAVOR AND THE MOTION CARRIED.

THE PUBLIC HEARING WAS CLOSED AT 7:10 P.M.

CHAIRPERSON THIEL NOTED THAT THE FENCE ON THE ADJACENT PARCEL RUNS PARALLEL TO THE GARAGE AND THEREFORE APPEARS SYMMETRICAL. HE STATED THAT THE ISSUANCE OF A VARIANCE APPEARS TO BE THE BEST COURSE OF ACTION.

THE CITY PLANNER STATED THAT IT WOULD BE RARE TO ENCOUNTER ANOTHER SITUATION OF THIS NATURE AS AS-BUILT SURVEYS HAVE BEEN REQUIRED SINCE 1985.

COMMISSIONER BOUCHARD STATED THAT HIS ONLY CONCERN WOULD BE THE POSITION OF THE NEIGHBOR BUT NOTED THAT THE NEIGHBOR HAD ALREADY SPOKEN WITH STAFF AND IS NOT CONCERNED.

COMMISSIONER COSTELLO ASKED IF A WRITTEN STATEMENT WOULD BE REQUIRED FROM THE NEIGHBOR.

THE CITY PLANNER STATED THAT ALTHOUGH IT IS HELPFUL THAT THE NEIGHBOR SUPPORTS THE REQUEST, A WRITTEN STATEMENT IS NOT REQUIRED.

COMMISSIONER COSTELLO ASKED IF A VARIANCE WOULD BE REQUIRED FOR THE FENCE ENCROACHMENT.

THE CITY PLANNER REPLIED THAT TYPICALLY FENCE ENCROACHMENTS ARE A CIVIL MATTER LEFT FOR THE PROPERTY OWNERS TO DISCUSS.

MS. HUSS-ZIRZOW STATED THAT THEY INTEND TO IDENTIFY THE FENCE ENCROACHMENT SO THAT THE NEXT HOMEOWNERS ARE AWARE.

MOTION

MOTION BY COMMISSIONER BITTERMAN AND SECONDED BY COMMISSIONER BOUCHARD, TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE 2.1 FOOT VARIANCE TO THE SIDE YARD SETBACK FOR THE ATTACHED GARAGE. ALL VOTED IN FAVOR AND THE MOTION CARRIED.

THE CITY PLANNER NOTED THAT THIS ITEM IS SCHEDULED TO MOVE FORWARD TO THE CITY COUNCIL ON MAY 9TH BUT MAY POSSIBLY BE CONSIDERED ON APRIL 25TH.

NEW BUSINESS

PROJECT 2016-06:
SIGN ORDINANCE
AMENDMENT;
REQUEST FROM THE
CITY OF CHAMPLIN TO
AMEND SECTION 118-7
OF THE SIGN
ORDINANCE
ALLOWING A THIRD
WALL SIGN FOR
COMMERCIAL
BUILDING

THE CITY PLANNER STATED THAT ALTHOUGH THIS ITEM DOES NOT REQUIRE A PUBLIC HEARING, HE STILL BELIEVED THAT IT WAS IMPORTANT TO BRING FORWARD TO THE PLANNING COMMISSION. HE EXPLAINED THAT THIS PROPOSED AMENDMENT TO THE SIGN ORDINANCE WOULD BE SPECIFIC TO COMMERCIAL DEVELOPMENT. HE STATED THAT THIS REQUEST WAS BROUGHT FORWARD BASED ON DISCUSSIONS WITH TOLL DEVELOPMENT REGARDING THEIR COMMERCIAL DEVELOPMENT AND THEIR DESIRE FOR A THIRD WALL SIGN TO INCREASE VISIBILITY FOR THE TENANTS. HE NOTED THAT OTHER COMMUNITIES ALLOW END CAP TENANTS TO HAVE THREE WALL SIGNS. HE STATED THAT STAFF BELIEVES THAT IT WOULD BE WORTHWHILE TO ALLOW A THIRD SIGN IN CERTAIN DEVELOPMENT SITUATIONS. HE STATED THAT THE PROPOSED AMENDMENT WOULD ALLOW UP TO THREE WALL SIGNS FOR CERTAIN COMMERCIAL BUILDINGS AND NOTED THAT STAFF DOES NOT SEE A DOWNSIDE TO THIS ALLOWANCE.

CHAIRPERSON THIEL NOTED THAT SAVAGE WAS INCLUDED IN ADJACENT COMMUNITIES.

THE CITY PLANNER NOTED THAT SAVAGE WAS INCLUDED AS TOLL DEVELOPMENT HAS DONE BUSINESS IN THAT CITY AND BECAUSE THEY HAD A UNIQUE ORDINANCE.

COMMISSIONER BOUCHARD REFERENCED ITEMS 3A2 AND 3A3, AND ASKED IF THE SIZE LIMITATIONS WERE INCLUDED IN BOTH ITEMS FOR A REASON.

THE CITY PLANNER STATED THAT LOGISTICALLY THE CITY WOULD PREFER FOR MORE SIGNAGE ABOVE THE FRONT DOOR AND THEREFORE A DIFFERENT ALLOWANCE IS MADE FOR THAT SIGN.

COMMISSIONER COSTELLO STATED THAT HE WAS A LITTLE CONCERNED THAT THIS WOULD OPEN A CAN OF WORMS TO ALLOW THE END CAP TENANT ON A STRUCTURE THAT HAS THREE TENANTS TO HAVE ITS OWN SIGN ON THE END, SPECIFICALLY WHETHER THAT WOULD BE DISCRIMINATING AGAINST THE OTHER TENANTS.

THE CITY PLANNER STATED THAT HE WOULD NOT USE THE WORD DISCRIMINATION, NOTING THAT TYPICALLY END CAP TENANTS PAY A HIGHER RATE OF RENT BECAUSE OF THE INCREASED VISIBILITY. HE NOTED THAT THE CITY ALSO REQUIRES FOUR SIDED DESIGN AND THEREFORE SIGNAGE COULD BE ALLOWED ON THE THIRD WALL. HE NOTED THAT MIDDLE TENANTS WOULD BE LIMITED AS THEY ONLY HAVE TWO WALLS TO PLACE SIGNAGE.

COMMISSIONER BITTERMAN STATED THAT THERE IS ALWAYS AN OPPORTUNITY FOR THE ADJACENT TENANT TO NEGOTIATE WITH THE END CAP TENANT FOR SHARED SIGNAGE.

THE CITY PLANNER STATED THAT THE CITY WOULD NOT REGULATE WHAT IS PLACED ON THE SIGN AND THEREFORE THE BUSINESS COULD SELL THE RIGHTS FOR THAT THIRD WALL SIGN.

COMMISSIONER LACROIX STATED THAT PART OF THE ECONOMIC VALUE OF AN END CAP UNIT WOULD BE TO HAVE THE ADDITIONAL THIRD WALL SIGN, ADDITIONAL VISIBILITY, AND DRIVE-THRU CAPABILITIES. HE DID NOT FEEL THAT THIS WOULD PROVIDE AN UNFAIR ADVANTAGE AS THE END CAP TENANT PAYS A HIGHER RATE FOR RENT.

THE CITY PLANNER STATED THAT STAFF ALSO CONSIDERED SINGLE COMMERCIAL DEVELOPMENT BUT CHOSE TO ONLY FOCUS ON MULTI-UNIT COMMERCIAL DEVELOPMENT AT THIS TIME.

CHAIRPERSON THIEL AGREED THAT IT WOULD BE BEST TO APPROACH THE ISSUE ONE STEP AT A TIME.

MOTION

MOTION BY COMMISSIONER COSTELLO AND SECONDED BY COMMISSIONER BITTERMAN, TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE SIGN CODE AMENDMENT AS PRESENTED. ALL VOTED IN FAVOR AND THE MOTION CARRIED.

OTHER BUSINESS

THE CITY PLANNER STATED THAT THE CITY COUNCIL DID APPROVE THE SITE PLAN FOR THE LEGENDS OF CHAMPLIN, WHICH IS THE PROPOSED SENIOR DEVELOPMENT NEAR THE CITY WATER TOWER.

ADJOURN
MOTION

MOTION BY COMMISSIONER LACROIX AND SECONDED BY COMMISSIONER BOUCHARD, TO ADJOURN THE MEETING. ALL VOTED IN FAVOR AND THE MOTION CARRIED. THE CHAMPLIN PLANNING COMMISSION MEETING ADJOURNED AT 7:36 P.M.

ROBERT J. THIEL, CHAIRPERSON

ATTEST:

SCOTT SCHULTE, CITY PLANNER