

**MINUTES
CITY OF LONSDALE
REGULAR PLANNING & ZONING COMMISSION MEETING
APRIL 19, 2021**

MEMBERS PRESENT:

Voting Members: Jim Freid, Lou Jirik, Joe Kodada, Mark Ward, and Dave Webb
Council Representative: Kevin Kodada

MEMBERS ABSENT:

None

STAFF PRESENT:

City Planner Benjamin Baker, City Administrator Joel Erickson, and
Public Works Director Russ Vlasak

1. CALL TO ORDER

Chair J. Kodada called the meeting to order at 6:30 pm in the Council Chambers at 415
Central Street West.

2. AGENDA

J. Kodada asked if anyone had any additions or deletions to the agenda.

A motion was made by Freid and seconded by Webb to approve the agenda as presented.
Vote for: Freid, Jirik, Kodada, Ward and Webb; Against: None. Vote: 5-0. Motion carried.

3. APPROVAL OF MINUTES

J. Kodada asked if anyone had any comments or corrections to the Minutes.

A motion was made by Jirik and seconded by Webb to approve the Minutes from the March
22, 2021 Regular Meeting as presented. Vote for: Freid, Jirik, Kodada, Ward and Webb;
Against: None. Vote: 5-0. Motion carried.

4. PUBLIC COMMENT

None

5. PUBLIC HEARINGS

None

6. GENERAL BUSINESS

a. Consider Approval of a Conditional Use Permit (CUP 2021-01) for Outside Dining/Seating at Smoke, 115 Railway Street SW

Baker read through a Staff Report regarding a request for a Conditional Use Permit (CUP) for a 24' x 30' Outside Seating at Smoke restaurant/bar, 115 Railway Street SW. He detailed the property location, property size, owner/applicant, outside seating area information, related upcoming Council meetings, and zoning regulations. The Commissioners reviewed the associated maps, site plan, proposed fence example, and applicant's comments. Baker went through the Conditional Use Permit document and proposed conditions of approval. Kodada asked about available restrooms. BJ Bambenek, representative from Smoke, stated that there is not an outside portable restroom proposed at this time. Vlasak stated his concern for potential vehicle stacking impact near the main entrance/exit to/from Co. Rd. 4. He questioned if the site was previously required to have one-way traffic and an exit only onto Co. Rd. 4 based off an old conditional use permit. Baker and Erickson said that they were not aware of any such condition being imposed in the last sixteen/seventeen years and if there was a CUP issued prior to that, no owner has followed it nor has it been enforced. The Commissioners further reviewed and discussed the CUP request. J. Kodada said that Smoke has been a great addition to town.

A motion was made by Jirik and seconded by Freid to recommend approval of CUP 2021-01, allowing for Outside Seating at 115 Railway Street SW. Vote for: Freid, Jirik, Kodada, Ward and Webb; Against: None. Vote: 5-0. Motion carried.

Baker stated that City Council will hold a public hearing and review the Planning Commission's recommendation at their meeting on April 29, 2021.

b. Review Current Sign Regulations and First Amendment Rights Pertaining to Political and/or Non-Commercial Speech Signs/Flags

Baker presented the Commissioners with information from the City Attorney in regard to First Amendment Rights and political flags recently erected in Lonsdale. The Commissioners looked at pictures from two different properties that had multiple political flags, which the City received complaints about. Baker stated that the City received one complaint about a property having 7 political flags up. He said that after being notified about the City sign/flag requirements, the property owner reduced the number of flags to 4, which is within the current regulation limits. Baker said that the City received another complaint regarding a property which has two flying flags, two flags hanging on the garage wall, and one banner/flag hanging from a front window. Baker stated that one of the garage wall flags has vulgar language on it. Baker said that according to the City Attorney there isn't much the City can do about offensive or obscene flags, unless the flags/signs are extremely obscene, and per the City Attorney, that bar is very high. Baker reviewed the current Lonsdale Sign Ordinance requirements in regard to non-commercial speech, substitution clause, flags, and residential signs allowed. He also reviewed relevant information from the League of Minnesota Cities on the subject of First Amendment Principles. The Commissioners discussed examples of inappropriate signs/flags and provided brief comments on limiting the number/size of residential yard signs and preventing offensive signs/flags. Erickson said that many neighbor issues could be resolved if they actually decided to respectfully talk to each other.

c. Sign Ordinance Update Discussion

Baker and the Commissioners reviewed two additional sign related topics: 1) sign ordinance update, and 2) discussion on non-off-premise signs.

Sign Ordinance Update. Baker said that Lonsdale's Sign Ordinance was last updated back in April of 2008, 13 years ago. He said that in 2015, the Reed v. Gilbert court case changed the world of sign ordinances. He explained how First Amendment Principles relate to signs as speech, and how Cities are now limited in regulating signs based on content or the message of the sign. Baker stated that the City Attorney reviewed Lonsdale's current Sign Ordinance to see what may need to be changed/updated. She suggested a few tweaks in regard to: 1) limiting favoritism of commercial over non-commercial speech and vice-versa, 2) regulating temporary signs based on content, 3) direction signs, and 4) off/on-premise signs. The Commissioners reviewed further comments from the City Attorney regarding off/on-premise signs. Baker recommended implementing some or all of the Attorney's suggestions to avoid a potential losing position for the City, if the Sign Ordinance was ever challenged.

Economic Development Authority (EDA) – Discussion on Off-Premise Signs. Baker explained that currently off-premise signs are not allowed, except with special approval by the City Council. He said that the intent of the exception was to allow for occasional special community event signage and downtown business promotional signage without having to go through the variance process every time. Baker noted that there currently is no specific guidelines for the City Council to approve/deny an off-premise sign exception. The Planning Commissioners reviewed an EDA Staff Report, by Administrator Erickson, pertaining to off-premise signage. Baker said that over the years, some EDA members and local business owners have suggested that an off-premise sign or two is necessary to help advertise and direct people towards Lonsdale's businesses, particularly Downtown Lonsdale businesses. Baker said that the EDA discussed this topic again at their April 15, 2021 meeting, where Erickson asked some very detailed questions about any potential off-premise sign, such as: is it necessary; what size; type of design; ownership; and location. Baker and Erickson said that the EDA members have different opinions on such signs, and they asked the Planning Commission for their input. The Planning Commissioners agreed that off-premise signs should not be allowed or limited because of the issues that surrounds those types of signs and the cluttered visual impact that they can make on the community. The Commission also agreed that limited temporary off-premise signs for community-wide/community events should continue to be permitted.

d. Review and Provide Direction on a Request from a Neighboring Property Owner for the Sale of a Willow Creek Ponds Outlot (City Property)

Baker stated that the Planning Commission is responsible for reviewing and providing recommendations on potential City land sales. He said that the property owners at 926 Bluff Heights Drive SE recently contacted the City to see if there was interest in selling the 3.7 acre pond outlot located behind their property in Willow Creek Heights. Baker stated that in 2018, City Staff and the Planning Commission went through a comprehensive review and report of all City owned properties, which listed certain properties that the City was willing to release or sell. He said that during that process, it was found that the subject pond property should remain in City ownership. Baker noted that the property was currently zoned as parkland. Vlasak said that he is in favor of a sale to private owner, to eliminate maintenance responsibilities for Public Works. Baker explained and showed on a map the different methods of how natural pond/wetlands and storm ponds are subdivided in residential neighborhoods. Jirik stated that the other 17 surrounding property owners should also be given a chance to purchase and City property. Baker and Erickson explained the timely process that is required to convey City owned land. The Commissioners discussed the pros and cons of keeping or selling the property. Baker and Erickson recommended leaving the pond area outlot as-is, in City ownership.

A motion was made by Webb and seconded by Ward to recommend keeping Outlot A, Willow Creek Heights and Outlot B, Willow Creek Ponds in the ownership of the City and remain zoned as Parkland. Vote for: Freid, Jirik, Kodada, Ward and Webb; Against: None. Vote: 5-0. Motion carried.

7. MISCELLANEOUS

- First Quarter 2021 - Building Permit Update. The Commissioners reviewed a spreadsheet showing new home permit statistics to-date. Baker noted that there have been 10 new home permits issued and 7 currently under review.
- J. Kodada asked about the status of the broken fence, surrounding the pond, located southwest of the Co Rd 2 and TH 19 intersection in northwest Lonsdale. City Staff said that they would check into the issue.
- Erickson provided a brief update on the status of the Crusader Ridge development. He said that the County's requirement for a turn-lane is holding the project up.

8. ADJOURNMENT

A motion was made by Ward and seconded by Freid to adjourn the meeting. Vote for: Freid, Jirik, Kodada, Ward, and Webb; Against: None. Vote: 5-0. Motion carried. The meeting ended at 7:30 pm.

Respectfully Submitted:

Benjamin Baker, City Planner