

**APPROVED MINUTES
PLANNING COMMISSION
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
DECEMBER 8, 2009
7:00 PM**

CALL TO ORDER:

Planning Commission Chairman Frank Storm called the Regular Meeting of the Wyoming Planning Commission meeting of December 8, 2009 to order at 7:00 P.M.

CALL OF ROLL:

On a Call of the Roll the following members of the Wyoming Planning Commission were present: Frank Storm, Mark Lobermeier, Ken Meyers, Sean Wagner, and Judy Coughlin

Members Absent: None.

Also Present: Staff Member Fred Weck and Council Liaison Roger Elmore.

DETERMINATION OF A QUORUM:

Chairman Storm determined a quorum was present.

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

“An opportunity for members of the public to address the Planning Commission on items not on the current Agenda. Items requiring Planning Commission action maybe deferred to staff for research and future Planning Commission Agendas if appropriate.”

No members of the public spoke.

APPROVAL OF MINUTES:

- 1 Consider approving the minutes of the Regular Meeting of the Wyoming, Minnesota Planning Commission for November 24, 2009.**

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER, SECONDED BY PLANNING COMMISSION MEMBER MEYERS, TO APPROVE THE “REGULAR MEETING” MINUTES OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR NOVEMBER 24, 2009 WITH THE FOLLOWING CHANGES.

Change Commissioner Lobermeier to Commissioner Wagner as the person making the motion to approve the November 8, 2009 minutes.

Change \$1,800.00 to \$1,500.00 and \$500.00 to \$350.00 in the minimum park cash dedication motion.

Voting Aye: Coughlin, Lobermeier, Meyers, Wagner, and Storm.

Voting Nay: None
Abstain: None

PUBLIC HEARINGS

2 VARIANCE

Off-premise sign – Stars and Strikes Entertainment Southwest Corner of 273rd Street and Forest Boulevard

Sean Radel of Stars and Strikes Entertainment was present to represent the company's request. Weck explained to the Commissioners that he had met with the person supplying the sign to Stars and Strikes and that the size of the sign in the staff report of one hundred seventy seven (177) square feet includes the frame around the sign face and that the supplier stated that the actual sign face will not be larger than the one hundred sixty (160) square feet allowed by the ordinance.

Chairman Storm asked Mr. Radel if he had anything to add to the application, Mr. Radel responded that he would just like to get the process done and put up the sign.

Commissioner Wagner questioned the aesthetics of the sign and the bottom of the sign being six foot, eight inches off the ground and the possibility of it obstructing a driver's view of the intersection.

Commissioner Coughlin asked for clarification on how the size of the sign is determined. Weck explained that per the ordinance, the maximum size of a free standing sign does not include the support structure nor the frame enclosing the sign, only the face of the sign itself is measured.

Commissioner Meyers asked about other parcels in Wyoming Park Estates wanting to be on the Stars and Strikes sign as well. Mr. Radel responded that they had asked Regal Machine (the only other business currently in the development) if they wanted to be on the sign as well, and that Regal Machine had declined the offer. Mr. Radel also said that Stars and Strikes would be willing to redesign the sign face if in the future a business in the development asked to be included on the sign.

Commissioner Lobermeier asked if the sign will be illuminated, Mr. Radel responded that it is. Commissioner Lobermeier asked about the number of signs that may be along Forest Boulevard once the Development is built out. Weck explained that the ordinance allows a freestanding sign for each three (300) feet of public road frontage, and that only one lot in the development does not have frontage on Forest Boulevard.

Chairman Storm opened the hearing for public comment at 7:13 P.M., there being no comment, the public hearing was closed.

Commissioner Wagner was concerned about whether a condition be placed on the approval of the variance to require sign space be available to others if another business wanted to be on it, there being no strong opinion from the other commissioners the matter was dropped.

Chairman Storm stated that given the practical difficulties involved with Stars and Strikes location within the development and the need for a sign for the public to find them, and that he was in favor of granting the variance.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER COUGHLIN, SECONDED BY PLANNING COMMISSION MEMBER LOBERMEIER, TO RECOMMEND APPROVAL OF STARS AND STRIKES ENTERTAINMENT'S VARIANCE REQUEST FOR AN OFF-PREMISE SIGN AT THE SOUTHWEST CORNER OF 273rd STREET AND FOREST BOULEVARD BE APPROVED BASED ON THE FINDINGS THAT STANDARDS 1, 2, 3, 4, 5, 6, 7, and 8 FOR THE VARIANCE HAVE BEEN MET AND SUBJECT TO THE FOLLOWING CONDITIONS:

1. That the size of the off-premise freestanding sign does not exceed the one hundred sixty (160) square feet allowed by the ordinance.
2. That the temporary construction sign on the Stars and Strikes parcel is removed before the sign permit is issued.
3. That the existing temporary sign at the intersection of 273rd Street and Forest Boulevard is removed when the freestanding sign is installed.

Voting Aye: Storm, Lobermeier, Coughlin, Meyers, and Wagner

Voting Nay: None

Abstain: None

NEW BUSINESS

There was no New Business.

OLD BUSINESS

The Planning Commission continued to review City Ordinances to be updated as a part of the Orderly Annexation Agreement between the City and the former Township, beginning with the Subdivision Ordinance. Chairman Storm asked the commissioner if they had comments at this time, Commissioners Lobermeier, Meyers, and Wagner had no comments at this time. Commissioner Coughlin had the following comments:

1. Change Sec. 32 – 30, (3), (b), Wyoming Park Board to Joint Park and Planning Board.
2. Change Sec. 32 – 42, (11), (b), reference Sec. 32 – 48, to 32 – 50.
3. Sec. 32 – 45, septic system locations, Weck explained they are in Sec. 32 – 40, (2) (m).
4. Sec. 32 – 50, (2), (b), should read Final Plat, not Preliminary Plat.
5. Sec. 32 – 50, (8), "place" should be "placed".
6. Sec. 32 – 51, (2), add "and Planning Commission" after City Council.
7. Sec. 32 – 51, (2), (d), change "paid" to "satisfied".
8. Sec. 32 – 51, (8), should read "Division 8" instead of "Division 7".
9. Asked why the "County Surveyor Letter" was not included from the township ordinance. Weck explained that the County no longer does the letter and instead reviews the plat when it is brought in for recording.

10. Sec. 32 – 61, change "Comprehensive Park Plan and Comprehensive Park and Trail Map", to "Comprehensive Plan".
11. Sec. 32 – 80, (3), (d), add cities to "neighboring townships and the county".
12. Sec. 32 – 80, (4), change "Comprehensive Development Plan" to "Comprehensive Plan".
13. Sec. 32 – 98, (16), change "Final Plat" to "Preliminary Plat".
14. Sec. 32 – 110, (5), change "approval" to "approve".
15. Questioned Sec. 32 – 121, (1), and the city installing improvements in a development. Weck explained that it is an option for the city to do, not that they have to, and that traditionally the city and township did not do that, but that other cities do.

Commissioner Lobermeier commented that Sec. 32 – 82, (4) should read "sufficient surety", instead of "sufficient bond". Discussion developed about sureties, letter's of credit, and bonds. Weck said that when the ordinance is turned over to the City attorney for review that he would specifically ask him for an opinion about the issue.

Chairman Storm tabled further comments on the Subdivision Ordinance until the other Commissioners could complete their review.

The next ordinance that was discussed was the Nuisance Ordinance. Commissioner Wagner again commented on the how outdated the language in the ordinance is and that it was taken from language taken to rehabilitate blighted cities. Weck was directed to find ordinance examples from other cities and Chairman Storm tabled discussion on the ordinance until the next meeting.

The Off-Road Vehicle Ordinance was discussed next. Commissioner Wagner liked the changes that had been made after the last meeting comments. Commissioner Coughlin asked about golf carts, Commissioner Lobermeier said that some communities allow them and that more people are using them to be "green".

Commissioner Wagner asked that the definition of off-road vehicle include "but is not limited to" when describing the different vehicles. Commissioner Wagner also asked that the first sentence of Sec. 34 – 147 be changed to read, "With the exception of Sec. 32 – 146, the following uses are exempt from this ordinance:"

There was discussion about the ordinance specifying certain types of off-road vehicles, but not all types, it was decided to change references to read "snowmobile and off-road vehicle" in order to reduce confusion.

Sec. 34 – 146, (2), (b), add, "unless the building is owned by the owner of the established riding area."

Commissioner Myers asked if the speed limit in the ordinance would only apply to vehicle use within the right-of-way. Weck replied that he would talk to the Police Chief about the ordinance. Chairman Storm tabled discussion on the ordinance until the next meeting.

The ordinance creating a Joint Park and Planning Board was discussed next. Commissioner Coughlin commented that the number of members and meeting day needed to be changed to five (5) total members, with two (2) members coming from the Park Board and two (2) from the Planning Commission, and to change the meeting day from the first Tuesday to the second Tuesday. There being no further comments Weck stated that the ordinance would be added to Park Dedication section of the Subdivision Ordinance.

The Firearms Ordinance was discussed next. Commissioner Wagner commented that the city's current ordinance as written, Section (a), prohibits anyone from discharging a weapon in the city, including police and as an act of home defense. He also commented that the ordinance needs to be coordinated with state statutes and case law so that there are no conflicts. Commissioner Lobermeier noted that the ordinances seem to address all hunting and the use of firearms and that maybe they should be done as separate ordinances. He also thought that working within the DNR regulation of prohibiting the discharging a firearm within five hundred (500) feet of a building would be a starting point. Commissioner Meyers stated that the Woodbury ordinance starts with a good weapons definition but that the ordinance gets too restrictive from there. Commissioner Wagner asked that the commission get comments from the Police Chief, and the possibility of permitting for property owners.

Chairman Storm suggested that the Police Chief attend the first Planning Commission meeting in January to discuss the firearms, snowmobiles and sign ordinances, and that discussion on the firearm ordinance be tabled until that meeting.

Chairman Storm reminded the commission members to turn in their time cards for the meetings they have attended.

Chairman Storm referenced the newly adopted zoning ordinance and that it appoints Planning Commission members differently than the city's former ordinance. Instead of the City Council reappointing all of the commission members each year, the new ordinance rotates appointments so that no more than two (2) members and no less than one (1) members are appointed each year. After discussion, the commission members decided the following reappointment dates:

2010 – Frank Storm.

2011 – Sean Wagner and Judy Coughlin.

2012 – Ken Meyers and Mark Lobermeier.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER, SECONDED BY PLANNING COMMISSION MEMBER MEYERS, TO ADJOURN THE REGULAR MEETING OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR DECEMBER 8, 2009 AT 8:50 P.M.

Voting Aye: Coughlin, Meyers, Wagner, and Storm.

Voting Nay: None

Abstain: None