

**MINNETONKA PLANNING COMMISSION  
MINUTES**

**JULY 18, 2002**

**1. CALL TO ORDER**

Chair Sodergren called the meeting to order at 6:30 p.m.

**2. ROLL CALL**

Commissioners Clinton, Egge, Gallop, Knight, Wagner, Yearwood, and Sodergren were present.

Staff Members Present: Planning Director Geoff Olson, Principal Planner Cary Teague, Planner Susan Thomas, Environmental Coordinator Jo Colleran, and Planning Intern Janice Waataja.

- 3. APPROVAL OF AGENDA:** The agenda was approved as submitted. Olson pointed-out correspondence recently received from a neighbor in support of a project the neighbor previously opposed.

- 4. APPROVAL OF MINUTES:** June 20, 2002

*Egge moved, second by Wagner, to approve the June 20, 2002, meeting minutes as submitted.*

*Clinton, Egge, Gallop, Knight, Wagner, Yearwood, and Sodergren voted yes. Motion carried.*

**5. REPORT FROM STAFF**

Olson briefed the Commission on land use applications considered by the City Council at its meeting of June 24, 2002:

- Sent a resolution approving a two-lot subdivision, with lot width and lot area variances, at 5409 Woodland Road for RAM Construction back to staff to prepare a resolution to deny the application. The City Council found no justification for the variances; opposed a two-story home in a one-story home neighborhood; and was concerned with the tree removal required for compensating excavation. The applicants are preparing a revised plan, that would minimize tree loss, to submit to the City Council the first meeting in August.
- Postponed action on items, an ordinance adopting a PID master development plan and

approving final site and building plans and preliminary plat, concerning a proposed three-phased senior rental apartment building at 801 Sunset Drive and 12701 Fairfield Road West for Myron Kunin. The City Council had questions regarding including affordable housing in the project for the applicants who were not present at the meeting.

Olson briefed the Commission on land use applications considered by the City Council at its meeting of July 8, 2002:

- Approved a floodplain alteration permit at 3330 Fairchild Avenue for Thomas Bren Homes.
- Approved a preliminary plat to create four lots at 3545 and 3539 Shady Oak Road for David and Rose Schlueter.

Olson announced a neighborhood meeting was scheduled July 24, 2002, at 5:30 p.m. in the Boards and Commissions Room of City Hall. The meeting will focus on advising residents to determine how the wetland boundaries were determined. Olson directed those who wanted more information to find it on the City's web site under "Hot Topics" or to call City Hall.

Olson stated that the sign ordinance would not be on the August 12, 2002, City Council agenda, but, instead, is tentatively scheduled for the August 26, 2002, City Council meeting.

**6. REPORT FROM PLANNING COMMISSION MEMBERS:** None

**7. PUBLIC HEARINGS: CONSENT AGENDA**

No items were removed from the Consent Agenda for discussion or separate action.

*Yearwood moved, second by Clinton, to approve the items listed on the Consent Agenda as recommended in the respective staff reports as follows:*

**A. Resolution approving an aggregate side yard setback variance to build a two-stall addition on the property at 3129 Shores Boulevard for Dan and Cathy Reins (02031.02a)**

Adopt the resolution on pages A1–A3 of the staff report that approves an aggregate side yard setback variance at 3129 Shores Boulevard. This resolution is based on the following findings:

1. Strict enforcement would cause undue hardship because of the following

circumstances that are unique to this property:

- a. Hardship is caused by the property's minimal width. An attached garage with a standard width of 24 feet could not be built on the property without requiring a variance.
2. The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
  - a. A two-stall garage is generally considered a reasonable land use on a single-family residential lot; there is no garage currently on the site.
  - b. Side yard setbacks vary throughout the Shores Boulevard neighborhood.

Approval is subject to the following conditions:

1. Erosion control fencing must be installed along north and south property lines for staff approval between the existing home and Prospect Place. The fencing must be maintained throughout the construction process.
2. A driveway permit must be obtained for the proposed new driveway access. The applicants must work with staff to locate the drive meeting all engineering standards, while also minimizing tree loss.
3. Any new driveway must be paved to a depth of 35 feet.
4. Payment of any delinquent utility bills.
5. Submit proof of having recorded this resolution with the county before the City issues a building permit.
6. This variance will end on December 31, 2003, unless the City has issued a building permit for the project covered by this variance or approved a time extension.

**B. Resolution approving a rear yard setback variance from 40 feet to 15 feet for a second story addition above an existing garage at 15697 Woodgate Road South for Margaret Bicek (02034.02a)**

Adopt the resolution on pages A1–A3 of the staff report, which approves the rear yard setback variance at 15697 Woodgate Road South. This resolution is based on the following findings:

1. Strict enforcement would cause undue hardship because of the following circumstances that are unique to the property:
  - a. Hardship is caused by the existing, non-conforming rear yard setback, which would not allow an addition above the garage without a variance.
2. The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
  - a. The proposal would have minimal visual impacts for the surrounding properties due to existing vegetation and building elevations.
  - b. The building separation between the two rear yards would be 120 feet.

Approval is subject to the following conditions:

1. Submit proof of having recorded this resolution with the county before the City issues a building permit.
2. Install erosion control measures; including tree protections and silt fencing that are satisfactory to the city's environmental resources coordinator.
3. This variance will end on December 31, 2003, unless the City has issued a building permit for the project covered by this variance or approved a time extension.

**C. Resolution approving a front yard setback variance from 35 feet to 33 feet for an entry way at 13537 Larkin Drive for Sennes Design/Build Inc. (02035.02a)**

Adopt the resolution on pages A1–A3 of the staff report, which approves the proposed variance. This resolution is based on the following findings:

1. Strict enforcement would cause undue hardship because of the following circumstances that are unique to this property:

- a. The hardship is caused by the existing location of the home, which does not allow for reasonable expansion of the existing foyer without a variance.
  - b. The proposed addition closely resembles an architectural feature, which may extend into the required setback by 5 feet.
2. The variance would meet the intent of the ordinance since:
    - a. The proposal would provide adequate separation between the home and street.
    - b. The proposed addition will not affect neighboring properties.

Approval is subject to the following conditions:

1. Submit proof of having recorded this resolution with the county before the City issues a building permit.
2. Erosion control measures must be installed including silt fencing, a rock driveway and tree protection fencing satisfactory to the City's environmental resources coordinator, in conjunction with the City issuing a building permit.
3. This variance will end on December 31, 2003, unless the City has issued a building permit for the project covered by this variance or approved a time extension.

*Clinton, Egge, Gallop, Knight, Wagner, Yearwood, and Sodergren voted yes. Motion carried and the items on the Consent Agenda were approved as submitted.*

## **8. PUBLIC HEARINGS**

### **A. Resolution approving a shoreland setback variance from 75 feet to 50 feet for a house addition at 15613 Dawn Drive for Tracy Thie (02032.02a)**

Chair Sodergren introduced the proposal and called for the staff report.

Waataja reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Yearwood asked if the comment regarding clutter referred to the whole area or if it was directed at the proposed project site. Waataja stated that she visited the site and there was a large amount of playground equipment and one shed.

Egge asked if the existing shed complied with ordinance requirements. Waataja confirmed it was located within the required shoreline setback.

Charlie Gholl, 2015 Humboldt Avenue, Minneapolis, spoke on behalf of the applicant who was out-of-town. He stated that:

- the applicant's residence does not operate a day-care;
- his two children and neighborhood children visit frequently;
- a sandbox surrounds the play structure;
- there is a neat wood pile in the back yard;
- there is no one more concerned with the cleanliness of the lake than the applicants;
- Wing Lake is a pond created for over-flow drainage for two neighboring lakes and is used as a run-off for six sewer pipes;
- his child swam in Wing Lake once and exited covered with leeches;
- if cleanliness of the water is a concern, he questioned why two additional sewer lines were being considered to be added;
- a 16.5-foot setback is not reasonable; and
- reasonable steps have been taken to protect Wing Lake.

Gallop asked what the applicant's objection was. Mr. Gholl described the current buffer created by the applicant. It was unfair for the Thies to bear the cost and the burden of creating a 16.5-foot buffer. He stated that the proposed buffer would not make a difference since Wing Lake already received waste from the sewer.

Gallop asked what the costs would be for the applicant. Colleran estimated \$300 to \$500 would cover the costs of purchasing and planting appropriate vegetation. Colleran agreed that Wing Lake received stormwater, making it a "level two" body of water. If it did not receive any stormwater, the City would be recommending a 50-foot buffer. Colleran and Waataja had met with the Thies who stated that they were willing to establish a ten-foot to twelve-foot buffer. Colleran advised the applicants of the types of plants that could be used, including perennial wild flowers.

Mr. Gholl clarified that the property owners, Tracy and Kim, have different opinions on the buffer. Kim did not oppose the proposed buffer. Tracy opposed a buffer restriction that might restrict him from constructing an eight-foot addition that would not extend past the rear of the house. Mr. Gholl estimated that it would cost substantially more than \$500 to purchase and plant vegetation in a 16.5-foot by 90-foot area.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Yearwood asked what a property owner would be responsible for to be in compliance with

the proposed buffer ordinance. Colleran explained that once a buffer was installed, a conservation easement would be recorded with the property and would require the property owner to maintain the buffer.

Clinton asked what percentage of phosphorus in Wing Lake comes from sewers and what percentage comes from lawns. Colleran agreed that most of the phosphorus comes from the stormwater pipes.

Yearwood asked what the Department of Natural Resources's (DNR) role was in relation to approvals for the proposed project. Colleran explained that the DNR makes recommendations regarding what requirements shoreland and wetland ordinances should include, but the City makes the final decision. The DNR would support the variance if a 16.5-foot buffer was established.

Knight asked if the DNR could require a 16.5-foot buffer. Colleran answered in the negative, but the DNR strongly suggests that the City consider their comments in regard to protected wetlands.

Chair Sodergren asked how large the proposed property was. Waataja believed the property was over 22,000 square feet. She calculated that a 16.5-foot buffer would use ten percent of the lot.

Wagner asked if the existing vegetation around the lake was natural. Colleran stated that the existing vegetation had never been removed. There were no current easements covering the existing vegetation. A ten-foot to twelve-foot buffer would be a reasonable compromise.

Colleran stated that, after viewing the property, a 16.5-foot buffer was preferred, but given the unique circumstances of the lot, a ten-foot to twelve-foot buffer would be reasonable. She stated that, at the time she spoke to Kim and Tracy Thie, they both agreed that a ten-foot to twelve-foot buffer would be reasonable.

Knight stated that a one-foot buffer would be inadequate. He valued water quality. He favored a ten-foot to twelve-foot buffer for this specific case.

Egge was glad that staff considered the uniqueness of the site and offered some flexibility. She felt a twelve-foot buffer would be reasonable. She felt that moving the existing shed closer to the residence should be considered. To encourage those who put in a buffer, there may be a price reduction opportunity. She recognized that the current property owners are environmentally aware, but she felt secure knowing that an easement would remain with the property for future owners to adhere to. She supported staff's recommendation with a reduced buffer size to twelve-feet.

Clinton agreed with requiring a buffer in principle and with setting an example, but he did not support requiring a buffer in this case because the relative impact was not significant enough.

Wagner concurred with Clinton. Waataja clarified for Wagner that the installation of the buffer would not be required if a variance was not needed.

Yearwood noted that there was significant buffering vegetation currently surrounding the lake. She welcomed the opportunity to increase the buffer. She supported the reduced buffer requirement to a ten-foot or twelve-foot.

Clinton pointed-out the hypocrisy of requiring a resident to install a shoreland buffer to protect water quality while the City is considering increasing the number of stormwater pipes that drain into Wing Lake. Colleran hoped that, over time, residents will become educated to reduce phosphorus use and dispose of other sources responsibly to reduce the amount entering into the stormwater and ultimately deposited in lakes. The City Council has directed staff to work on this education.

Gallop was concerned with requiring restrictions that do not have common sense; but in this case, he supported a ten-foot buffer, because a variance is requested.

***Yearwood moved, second by Egge, to adopt the resolution on pages A1–A3 of the staff report, which approves the proposed variance with a modification to require a minimum ten-foot buffer.***

In response to Wagner's request for a separate motion on the condition for a buffer, Yearwood withdrew her motion and Egge withdrew her second of the motion.

***Wagner moved, second by Clinton, to adopt the resolution on pages A1–A3 of the staff report, which approves the proposed variance, with a modification to eliminate all reference to a 16.5 foot-buffer requirement.***

***Clinton and Wagner voted yes. Egge, Gallop, Knight, Yearwood, and Sodergren voted no. Motion failed.***

***Yearwood moved, second by Egge, to adopt the resolution on pages A1–A3 of the staff report, which approves the proposed variance with a modification to require a minimum ten-foot buffer. This resolution is based on the following findings:***

- 1) Strict enforcement would cause undue hardship because of the following circumstances that are unique to this property:

- a. The current home has a nonconforming shoreland setback, which would be closer to the lake than the proposed addition.
- 2) The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
  - a. The proposed addition would not have a significant visual impact on the lake because it would be attached to the existing home with a farther setback than the southeastern corner of the existing home, and because of the relatively small size of the addition.
  - b. A buffer area would mitigate the environmental impact to the lake.

Approval is subject to the following conditions:

- 1) Complete the following before the City issues a building permit:
  - a. Submit proof of having recorded this resolution with the county.
  - b. Submit proof of having recorded with the County a ~~16.5~~ 10-foot conservation easement from the ordinary high water elevation of 940.3.
  - c. Install erosion control measures, including tree protection and silt fencing, that are satisfactory to the city's environmental resources coordinator.
- 2) Before completing the addition, a ~~16.5~~ 10-foot buffer area must be installed that is satisfactory to the City's environmental resources coordinator, consisting of native grasses, wildflowers, trees and shrubs.
- 3) This variance will end on December 31, 2003, unless the City has issued a building permit for the project covered by this variance or approved a time extension.

*Egge, Gallop, Knight, Yearwood, and Sodergren voted yes. Clinton and Wagner voted no. Motion carried.*

Mr. Gholl reiterated the applicants' commitment to support clean water and that the proposed and existing storm water pipes have a greater impact than the applicant's property. He felt that the City should do something about the proposed stormwater pipes draining into Wing Lake.

**B. Ordinance permitting temporary off-premises real estate marketing and garage sale signs (02029.02a)**

Chair Sodergren introduced the proposal and called for the staff report.

Olson reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Egge asked what the procedure and cost to enforce the sign ordinance would be. Olson explained that off-duty firefighters are paid to enforce the sign ordinance and nuisance complaints on the weekends. If a sign is located in violation of a setback, the sign would be moved back. If the sign is not allowed on the day it was displayed, it would be removed. The City would release the sign to a first-time offender; a second-offense carries a \$25 fee that escalates with each offense. He encouraged residents to contact City Hall to have illegal signs removed.

Egge asked if the City would give permission for a sign to be located on its property. Olson recalled that the City Council denied a request for an organization to put signs advertising a pancake breakfast in City parks to prevent setting a precedent.

In response to Yearwood's question, Olson stated that real estate and garage sale signs should be treated equally. He stated that the proposed ordinance would allow signs to be located in a public boulevard only when the adjacent property owner's authorization was received.

Yearwood asked if the average person would be able to determine where the allowed setback from a right-of-way would be located. Olson stated that a state law prohibits signs being located in County, State, and Municipal state-aid street right-of-ways. The City ordinance would reference all other streets.

Knight asked if there would be a fine included for a setback violation. Olson answered in the negative.

Knight asked if the City would notify realtors if the sign ordinance changed. Olson stated that a mailing list of most of the local realtors has been used to keep them current with the process and obtain feedback. Olson stated that the City annually sends a letter to the realtors informing them of the City's ordinances pertinent to their business.

In response to Knight's question, Olson stated that the size of signs was not being addressed by the proposed ordinance since it was not an issue.

Wagner asked why signs would not be allowed on Saturdays. Olson stated that a balance was met between property owners not wanting boulevards cluttered with signs and realtors and sellers favoring more days. He said it seemed a reasonable compromise to allow Sunday afternoons.

Gallop asked if garage sales primarily occurred on Thursdays, Fridays, and Saturdays. Olson stated that it seemed that most occurred on those days.

Gallop asked if compliance checks were done Monday through Wednesday or if something was done on a complaint basis. Olson stated that if an illegal sign is sighted any day of the week, it is picked-up and brought to City Hall.

Chair Sodergren asked if residents would be notified of the proposed ordinance to alert those selling their residence without a realtor. Olson stated that the ordinance would be advertised in the *Minnetonka Memo*. The first offense would be no charge and give staff an opportunity to educate the resident regarding the ordinance.

The public hearing was opened.

Bill Gerst, representing the Minneapolis Area Association of Realtors, urged a more liberal ordinance in regard to real estate signs. He stated that 32 percent of homebuyers use real estate signs when purchasing a residence. He received advice from legal counsel that stated that the use of real estate signs is a lawful activity; real estate signs help direct the traffic flow and prevent hazards; the restriction of off-site real estate signs to Sunday afternoons constitutes a near prohibition on the use of the signs; and the proposed ordinance unreasonably discriminates between real estate marketing signs and other types of off-property signs. Ordinances regulating off-site commercial speech cannot unreasonably discriminate based on content. He urged allowing the signs for a greater portion of the week and under no conditions treat real estate signs in a more restrictive manner than other commercial real estate signs or other commercial off-site signs.

Yearwood noted that half of the ten other cities surveyed did not allow off-premises signs. Yearwood stated that the proposed ordinance would change from prohibition of off-premises signs to allowing them for a specific time period. She asked what practices occurred in communities that prohibited off-premises signs. Mr. Gerst stated that he would repeat the same statements to them if their ordinances were being reviewed.

Clinton asked if he had issues with the other conditions regarding the number of signs and obtaining permission from property owners. Mr. Gerst agreed with Olson's comments and did not have concerns regarding the other requirements.

Chair Sodergren asked Mr. Gerst what time period he felt would be reasonable. Mr. Gerst requested allowing off-premises signs Tuesdays, Thursdays, Saturdays and Sundays.

Peter Halden, a builder employed by Ron Clark, who worked on the Willoughby Townhomes, stated that the developments are hard to find without signs. Allowing signs on

the weekend was his main concern.

Egge clarified with Mr. Halden that the signs could be put up at noon and taken down at 6:00 p.m. Saturdays and Sundays. Mr. Halden stated it is even tougher for older people to find the location without being able to look for a sign.

Jeff Bergon, employee of Coldwell Banker Burnett and Ron Clark Construction, agreed that signs make a big difference. He handles Clarion Hills off of Old Bren Road and people needed the signs to find the development. A lot of clients drive around looking for signs. Prime time is now Saturdays as well as Sundays. They have models open Thursday through Sunday.

Chair Sodergren asked if Mr. Bergon continued an open house until the property was sold. Mr. Bergon answered in the affirmative. He felt that not allowing signs on Saturdays was a huge issue. He stated that realtors use signs as well as different types of marketing, but that signs are a key tool.

Chair Sodergren supported large projects having the exposure needed to be successful. Mr. Bergon stated that the signs may seem insignificant, but they do generate a large amount of their business.

Knight questioned why the size of a project should warrant more signs. He has not been persuaded to allow more signs for a large development. Mr. Bergon agreed that there should be one standard. He advocated signs for developments and individual homes on Saturdays and Sundays. He stated that buyers want to see houses on Saturdays and weekday evenings.

Mr. Bergon stated that the proposed ordinance would take business away from Saturday sales. As a compromise, he favored allowing signs Saturdays and Sundays.

Ken Johnson, Edina Realty manager, stated that when a Minnetonka resident sells his or her home, being able to post a sign would be the most important thing to the seller. He favored all signs being treated equally. He stated that since the realtors requested off-premises signs to be allowed Tuesdays, Thursdays, Saturdays and Sundays, the proposed ordinance would only provide for 25 percent of the realtors' request. Mr. Johnson stated the Parade of Homes will be starting soon and last for three weeks.

Egge clarified with Mr. Johnson that the Parade of Homes signs are installed continuously for three weeks. Olson stated that during the Parade of Homes, no realtor signs are picked-up.

In response to Knight's question, Mr. Johnson stated that the peak time buyers shop on Saturdays is from 12:00 p.m. to 5:00 p.m.

Melanie Greenstein, Rise Development, has resided and been a realtor in Minnetonka for 23 years. Her business has relied heavily on signs to market their Minnetonka projects. Fifty percent of her clients come from open houses; the other 50 percent come from the advertisements. She advocated allowing the signs on Saturdays and Sundays.

Mary Myss, resident of Minnetonka and realtor with Caldwell Banker Burnett, urged the City to work out a compromise with the Board of Realtors. Realtors have the interest of the City at heart.

Chair Sodergren asked how often a seller hosts an open house. Ms. Myss stated that the homeowner decides how many open houses to have and typically requests the realtor to host one. Ms. Myss stated that studies show that people sell logically, but purchase emotionally.

Ron Tyler, employee of Redirections, a company that produces and installs signs for property management companies, stated:

- for the past ten to eleven years, in Minnetonka, they install the signs on Saturdays morning and pick them up on Sunday at 6:00 p.m.;
- Chasewood Gates contacted him to install signs to assist renting the 400 units;
- forty-one percent of the people who entered Chasewood Gates did so because of the arrow signs;
- his business' studies indicated that 41 percent to 68 percent of traffic that visited the advertised properties were a direct result of signs;
- signs promote safety by giving notification of the location of the turn prior to being able to read a street sign; and
- his clients' main concern was being able to post signs on Saturdays.

Yearwood asked if his business could modify its practice to pick-up signs Saturday evenings. He needed to explore the options.

No additional testimony was submitted and the hearing was closed.

Chair Sodergren asked Olson to clarify what differentiation the proposed ordinance would make between different types of signs. Olson stated that signs attached to telephone poles would continue to be removed. Real estate signs would be the only signs allowed off-premises.

In response to Egge's question, Olson stated that the City received complaints from homeowners regarding numerous signs being located adjacent to their property and calls from residents in support of the proposed ordinance. Egge agreed that the roads in Minnetonka are difficult to navigate. She supported signs during peak times and limiting the

size of signs. She pointed-out current large signs she had seen in the City. Egge opposed a double standard for garage sale and real estate signs.

Gallop was concerned with different standards for garage sale and real estate signs. He questioned why it would matter what type of sign it was if one sign was sign pollution. He was concerned with the disparity of how a garage sale sign would be allowed to be posted for four days each week and a realtor sign for two days each week. He felt four days a week was excessive, possibly three days a week for each would be reasonable.

Knight felt signs are needed because of the difficulty of finding properties in Minnetonka. He was concerned that if the City had the same standards for real estate and garage sale signs, a too liberal standard would be set for real estate signs. He felt allowing a real estate sign to remain overnight from Saturday to Sunday would be reasonable.

Knight asked what time restrictions other cities in the western metro placed on signs. Olson reviewed the different standards. He stated that the major difference was other cities did not enforce their sign ordinance on the weekends. Waataja stated that her phone survey discovered that most cities do not restrict signs according to what day of the week it was, as the proposed ordinance would do.

Knight supported including a size restriction in the proposed ordinance. Waataja stated that the average size for the type of sign described was five square feet to six square feet.

Wagner favored a consistent sign ordinance for the number of days between garage sale and real estate signs. Because of the signs portability and clutter concerns, he favored removal of the signs after the time limit expired. He supported including a size restriction in the proposed ordinance.

Gallop concurred with requiring the removal of signs each night.

Clinton stated that his residence is located on a corner and he is a builder. He supported allowing real estate signs on Saturdays and Sundays. He did not have a problem establishing different standards for garage sale and real estate signs. He was comfortable with staff's recommendation

Egge stated that the peak time for garage sales is Thursdays, Fridays and Saturdays. They occur in the summer and after students go back to school for a short time. They do not occur in the winter.

Yearwood supported allowing real estate signs on Saturdays and Sundays from 12:00 p.m. to 6:00 p.m. and Thursdays, Fridays, and Saturdays for garage sale signs. She did not favor leaving the signs up over night.

Chair Sodergren asked Olson if restrictions regarding the number of signs allowed in one area was discussed with the group of real estate representatives. Olson recalled one realtor stating that multiple signs in one, small area was problematic.

Chair Sodergren identified other issues including: sign size restriction, sign distance from the advertised site, and multiple signs for the same site placed in the same location.

Knight favored allowing signs from 12:00 p.m. Saturdays until 6:00 p.m. on Sundays. Egge disagreed. She stated that open house signs only needed to be displayed during the open house. She did not support over-night signs. She favored continuing the discussion.

Yearwood asked Olson if the current sign ordinances would address the size requirements. Olson stated that a size limitation could be included in the proposed ordinance.

In response to Egge's question, Olson stated that the maximum size sign allowed is six square feet. Mr. Gerst stated that two feet by three feet is a typical standard for on-premises real estate signs. Open house signs are usually smaller.

Wagner asked what was considered a reasonable distance from a development or residence to the location of the sign. Mr. Bergon stated that a two-block perimeter would be appropriate.

Knight supported the weekend time restrictions. He preferred a ten-foot setback. Gallop concurred that a ten-foot setback would be safer. Mr. Halden stated that a ten-foot setback would put some signs in the woods.

Egge clarified that the minimum was a five-foot setback. She was comfortable with five-feet. Chair Sodergren concurred. Gallop clarified that the five feet was measured from the curb. Clinton stated that a ten-foot setback would put the signs closer to the homeowners' property. He was comfortable with a five-foot setback. The purpose was to keep the signs off the edge of the street.

***Clinton moved, second by Egge, to recommend that the City Council adopt the proposed ordinance allowing off-premises real-estate signs and garage-sale signs in accordance with staff's recommendation with modifications allowing real estate signs to be posted on Saturdays from 12:00 p.m. and 6:00 p.m., a maximum sign size of six square feet, and prohibiting signs to be located more than a ½ mile from the property it advertises.***

***Clinton, Egge, Gallop, Knight, Wagner, Yearwood, and Sodergren voted yes. Motion carried.***

**C. Ordinance requiring wetland buffer areas and increasing building setbacks around “preserve” wetlands from 35 feet to 60 feet (98063.02a)**

Chair Sodergren introduced the proposal and called for the staff report. She announced that the item will be continued until the August 15, 2002, Planning Commission meeting.

Olson and Colleran provided background regarding the development of a proposed ordinance requiring wetland buffer areas and increasing building setbacks around “preserve” wetlands.

Egge asked what types of fences would be allowed in the wetland buffer. Colleran stated that current fence regulations would apply in the wetland buffer.

Gallop asked that the differences between preserve and other types of wetlands be identified. Colleran explained the differences as defined in the City’s Water Resources Plan.

Wagner asked what the impact of the proposed ordinance would be to residences adjacent to preserve wetlands. Colleran stated that the residences would be legal non-conforming uses. Any future addition, that would change the grade and increase the amount of run-off, would need to maintain or install a 50-foot buffer.

In response to Wagner’s question, Colleran clarified that the proposed ordinance would not be enforced retroactively.

The public hearing was opened.

Charley Gholl, 2015 Humboldt Avenue, Minneapolis, stated:

- the wetland issue is very important;
- the City mows the grass to the edge of the pond in front of City Hall; and
- the City should apply the same standard to itself that it applies to residents.

Chair Sodergren explained that the pond in front of City Hall was not a preserve wetland and was not one of the areas included in the proposed ordinance.

Colleran described the program for in-house management of land surrounding wetlands. She stated that the public works director instructed that the grass not be mowed all of the way to the wetland. She agreed that the City needs to set an example.

Mr. Gholl complimented the City for addressing this issue and for the hard work of the Planning Commission.

Knight asked for an explanation of wetland types. Colleran summarized the eight types of wetland classifications.

Knight asked if the City would be exempt from the ordinance. Colleran answered in the negative.

Olson added that the City will be looking for ways to establish buffer areas in developed areas as well as complying with the proposed ordinance requirements for areas with new construction and redevelopment.

Chair Sodergren asked if other parts of the state were adopting similar ordinances. Olson answered in the affirmative.

Joel Toso, consultant, asked if the proposed ordinance would affect managed 1 and 2 wetlands and if there were technical standards used to define preserve wetlands. Colleran explained when managed 1 and 2 wetlands would be impacted by the proposed ordinance. She stated that the City's engineering department and Barr Engineering set standards to identify the City's preserve wetlands. She invited Mr. Toso to meet with the City's engineers to obtain more detailed information.

No additional testimony was submitted and the public hearing was closed.

Egge asked if there would be opportunities for a managed 1 or managed 2 wetland to become a better quality wetland. Colleran stated that small steps do add-up over time. She stated that it would depend on the condition of the wetland.

Wagner asked how often the City would reclassify a wetland and what the notification process for the affected properties would be. Colleran explained the water hydrology process. She stated that the City will notify residents when it updates the Water Resources Plan.

Clinton noted that markers he saw in Eden Prairie, located on single-family properties, were effective. He favored installing signs at least during construction. Colleran stated that the

proposed ordinance would require a silt fence be put in for new construction at the buffer area. All commercial and multi-family developments would have markers installed. Colleran agreed that markers would be particularly important where lawn care companies are used.

Clinton stated that landscaping done by a contractor after the residence is constructed would be another chance for the buffer to be compromised. Colleran stated that signs for single-family residences were not included in the proposed ordinance because of concerns by the City Council about sign pollution.

Chair Sodergren favored markers being included in single-family lots to preserve the buffer and create a positive statement for the quality of life in Minnetonka. Clinton felt small signs in a natural color would not be obtrusive.

Yearwood asked if the Planning Commission's comments would be used to revise the proposed ordinance. Colleran stated that Staff was looking for feedback.

Wagner questioned how a street currently located in the buffer would be handled. Colleran stated that it would be considered a legal, nonconforming use. A new street would be required to stay out of the buffer.

Chair Sodergren invited residents to review the Water Resources Plan at City Hall.

*Yearwood moved, second by Wagner, to postpone action and continue the public hearing to August 15, 2002.*

*Clinton, Egge, Gallop, Knight, Wagner, Yearwood, and Sodergren voted yes. Motion carried.*

## 9. ADJOURNMENT

*Knight moved, second by Egge, to adjourn the meeting at 10:30 p.m. Motion carried unanimously.*

By: \_\_\_\_\_  
Bernadette H. Leaf  
Planning Administrative Assistant