

**MINNETONKA PLANNING COMMISSION
MINUTES**

AUGUST 15, 2002

1. CALL TO ORDER

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

2. ROLL CALL

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

Staff Members Present: Planning Director Geoff Olson, Principal Planner Cary Teague, Environmental Coordinator Jo Colleran, Intern Janice Waataja, and City Manager John Gunyou.

3. APPROVAL OF AGENDA: Olson reviewed items listed in the Change Memo dated August 15, 2002. The agenda was approved as submitted.

4. APPROVAL OF MINUTES: August 1, 2002

Gallop moved, second by Egge, to approve the August 1, 2002, meeting minutes as amended by the August 15, 2002 Change Memo and as follows:

Page 10 amended as follows:

Olson had previously handed out flyers on the upcoming Minnesota State Planning Conference. Chair Sodergren asked if someone from the City would be speaking at the conference Planning Commission Convention. Olson invited Commissioners interested in attending to contact staff to be registered. He stated that Councilmember Callison, executive director of the West Hennepin Affordable Housing Land Trust, is scheduled to speak on the land trust concept. Olson noted that this was another example of Minnetonka being on the “cutting edge” of innovative ideas. Chair Sodergren hoped staff would attend the event as well.

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

5. REPORT FROM STAFF

Olson briefed the Commission on land use applications considered by the City Council at its meeting of August 12, 2002:

- Adopted an ordinance which allows off-premises real estate marketing signs on Saturdays and Sundays and garage sale signs from Thursdays to Saturdays. The ordinance included a three-square-foot maximum size restriction and restrictions regulating the placement and number of signs allowed at the same location.
- Granted an extension of 60 days from August 30, 2002 for a request for approval of a two-lot subdivision, with lot width and lot area variances, at 5409 Woodland Road, after the presentation of new information.

Olson announced those interested in attending the Sensible Land Use Coalition's session on the costs of redevelopment to contact Donna Olson at City Hall by Friday, August 23, 2002.

Olson provided the Commissioners with an article published in the *Pioneer Press* that documented financial hazards of operating a municipal golf course.

Olson welcomed Gunyou, who was present to provide the results of the community survey and discuss a proposed increase of park dedication fees.

6. REPORT FROM PLANNING COMMISSION MEMBERS: None

7. PUBLIC HEARINGS: CONSENT AGENDA

No item was removed from the Consent Agenda for discussion or separate action.

Wagner moved, second by Yearwood, to approve the item listed on the Consent Agenda as recommended in the respective staff report as follows:

A. Items concerning display of non-political flags for Damon Farber Associates:

- 1) *Resolution approving a variance for Cargill Incorporated at 15407 McGinty Road West (89055.02a)*

Adopt the resolution on pages A1–A3 of the staff report, which approves the proposed variance for 15407 McGinty Road West. This resolution is based on the following findings:

- A. The proposal meets the standards outlined in the City Code, section 300.30.9 (j), regarding variances for non-political flags.

Approval is subject to the following conditions:

1. Record this resolution with the county before the City issues a sign permit for the corporate flag.
2. This variance will end on December 31, 2003, unless there is an approved time extension.

2) *Resolution approving a variance for Cargill Incorporated at 6000 Clearwater Drive (95010.02a)*

Adopt the resolution on pages A1–A3 of the staff report, which approves the proposed variance for 6000 Clearwater Drive. This resolution is based on the following findings:

A. The proposal meets the standards outlined in the City Code, section 300.30.9 (j), regarding variances for non-political flags.

Approval is subject to the following conditions:

1. Record this resolution with the county before a sign permit is issued for the corporate flag.
2. This variance will end on December 31, 2003, unless there is an approved time extension.

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

8. SPECIAL PRESENTATION

A. Presentation on the community survey results

Gunyou presented the results of the community. The results included:

- The quality of life scored “off the charts.”
- Police protection had positive remarks.
- Pavement repair rated twice as well as other communities.
- Fire protection had no negative marks.
- When asked if the City struck a balance between protecting the environment and respecting individual property owner rights, 71 percent of the respondents rated the City positively and 11 percent responded negatively.

- When asked if the residents are given the opportunity to provide appropriate input on planning-related issues, the ratio was approximately three or four to one in the affirmative.
- City staff rated very well.
- Residents named the *Minnetonka Memo* as the main source of City information.
- Nine out of ten people in Minnetonka use the internet.

Knight asked what other cities ranked high in their studies. Gunyou stated that Plymouth, Edina, and Woodbury ranked high. Gunyou stated that staff examines what the high-ranking cities do that their residents like.

Yearwood asked if consultants use similar questions for each city to achieve comparable results. Gunyou answered in the affirmative and explained the comparison process.

9. PUBLIC HEARINGS

A. Ordinance that increases the park dedication fees (86060.01b)

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

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

Yearwood asked what rationale lead to the residential share being set at 50 percent. Gunyou stated that it was decided that the benefits of parks were shared equally between residential and commercial uses.

Wagner asked if the park dedication fee applies only when land is subdivided. Gunyou answered in the affirmative.

Wagner asked if fee adjustments would be made as purchase and development costs of park-land escalate. Gunyou stated that the fee is reevaluated from time to time. Because the City is relatively developed, it is not a huge issue and would not be done regularly. The acquisition and development costs were calculated by the tax assessors.

Chair Sodergren asked when park dedication fees were established and if they had always been used for new park land acquisition. Gunyou stated that the park dedication fee has always been used for acquisition of land and for developing and expanding parks. It cannot be used for on-going operating or maintenance costs.

Gallop asked if staff calculated a metro average. Gunyou stated that a survey of cities

comparable to Minnetonka was used.

Egge asked how waiving the park dedication fee for affordable housing developments would be implemented. Gunyou stated that negotiations would occur with each developer. Egge appreciated the approach that was taken.

Clinton supported the approach taken with the report. He was concerned with automatically waiving the fee for affordable housing. He felt it could be used as a valuable tool, but did not want it to be a given. Gunyou agreed with Clinton and suggested that the Commission recommend wording clarifying the intent that waiving the fee was to be used as a tool in negotiating with the developer.

Clinton supported new development “buying in” and contributing to the assets of the City.

Chair Sodergren commended the consistency of the Mayflower Park area residents who brought to the City’s attention the need for a park in that neighborhood. Gunyou concurred with Chair Sodergren. He stated that the bond referendum has raised residents’ expectations for parks. He stated that there have been discussions regarding acquiring property along the creek to expand existing parks.

Chair Sodergren noted the difficulty of establishing a master plan. She acknowledged the City’s desire to remain flexible to take advantage of future opportunities.

In response to Knight’s question, Gunyou stated that park dedication fees could be used for park development or acquisition of land to be used as a park.

Knight asked if there would come a time when the City would be fully developed and there would be no need for more park land. Gunyou stated that redevelopment to higher densities will likely continue the steady growth pattern.

Knight asked if the City would purchase land to create new parks. Gunyou answered in the affirmative. In response to Knight’s question, Gunyou stated that park dedication fee funds cannot be used for maintenance of parks, but can only be used for the purchase, expansion or improvement of land to be utilized as a park.

Wagner asked if developers had input regarding the proposed increase and if phasing in the fees had been discussed. Gunyou encouraged Commissioners to consider the amount and how it should be implemented.

Knight had a philosophical difference with the staff point of view. He did not see the need for a 400 percent increase. He felt it should be closer to the rate of inflation or stretched out over time. He preferred Minnetonka keeping its “taxes” below average. He did not support

the proposal. He complimented staff on the thorough report.

Chair Sodergren clarified that the proposed fee would be average with other cities, not above average.

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

Egge moved, second by Clinton, to recommend that the City Council adopt the ordinance on pages A1–A3 of the staff report with the addition that the City Council may waive or reduce the park dedication fees if the subdivision contributes to the City’s affordable housing goals or another public purpose.

Yearwood suggested language be added to clarify that contributing to affordable housing would not be an automatic waiver from paying park dedication fees. Egge included the word “may” in her motion to provide the City Council discretion for negotiation.

Egge did not feel that staggering the fee was necessary, but she was open to Commissioners’ comments.

Wagner proposed a friendly amendment to the motion to immediately increase the fee by half of the proposed rate and implement the full amount in two years. Wagner intended the staggering to apply to the residential fee.

Yearwood preferred the staggering to be consistent for residential and commercial uses.

Yearwood seconded Wagner’s friendly amendment.

Clinton felt that the impact would be small in relation to the costs included in a development. The proposed park dedication fee would be in-line with what developers pay in other cities. He understood the rationale behind it, but he did not believe phasing was necessary.

Olson stated that the nearly unanimous reaction staff receives from developers when they learn what the current park dedication fee is, “Is that all?” He appreciated the consideration of phasing the proposed fee increase, but stated that most developers view Minnetonka’s park dedication fee as a good bargain.

Knight suggested phasing the proposed fee over a 100-year period by a four percent increase each year. He opposed the proposal. He felt it should be implemented the same for commercial and residential uses.

Chair Sodergren commented that since the City has not reviewed the park dedication fee in seven years and the proposal would put the City’s fees in the average range that maybe the

other cities are also considering raising their fees and would leave Minnetonka out-of-step again.

Wagner retracted his friendly amendment to the motion. Yearwood withdrew her second of Wagner's friendly amendment.

Egge moved, second by Clinton, to recommend that the City Council adopt the ordinance on pages A1–A3 of the staff report with the addition that the City Council may waive or reduce the park dedication fees if the subdivision contributes to the City's affordable housing goals or another public purpose.

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

Chair Sodergren stated that the item was tentatively scheduled to be heard by the City Council at its September 9, 2002, meeting.

B. Ordinance amending the wetland overlay district, including requirements or wetland buffer areas, which would increase building setbacks around "preserve" wetlands from 35 feet to 60 feet (98063.02a)

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

Olson informed the Commission that the Builders Association contacted staff and requested that action be postponed until the September 5, 2002, Planning Commission meeting to allow them time to gather information. The Builders Association planned to perform a study on the impact of the proposed ordinance on undeveloped property in Minnetonka.

Olson pointed-out new material included in the staff report that addressed how the proposed ordinance compares to other cities and other agencies standards. Since the August meeting had been advertised, he recommended that the Commission take public testimony, ask questions about the ordinance, and advise staff of additional information desired for the September meeting.

Colleran reported. She compared the proposed ordinance with results of a cities survey and watershed district regulations.

Yearwood asked if the setback to the buffer would be required for all types of wetlands. Colleran answered in the affirmative. She described the variations for each type of wetland. The biggest impact would be on preserve wetlands. The proposal would change the setback to the buffer from 35 feet to 60 feet.

Chair Sodergren asked what the proposed ordinance would mean to an average homeowner. She asked if the property owner would just stop mowing the grass located in the setback. Colleran stated that the ordinance would apply only to new development. She stated that the most successful buffers are created when the existing lawn area is killed, but left there to prevent erosion, and then overseeded with native vegetation.

Chair Sodergren asked if geese prefer lawns without wetland buffers. Colleran agreed that geese want a direct line of sight to water. Geese are scared by people and avoid yards with buffers, because it obstructs their view of and access to the water.

Egge asked if native plants are preferred over grass because of its height capacity. Colleran answered in the affirmative and added that native grasses also provide habitat for wildlife.

Yearwood questioned why the setback would not apply to retaining walls. Colleran explained that retaining walls may benefit wetlands by minimizing erosion and sediment loading.

Clinton asked if a home addition would be considered an impact on a preserve wetland. Colleran answered in the affirmative due to the increase in hard surface runoff to the wetland, which may create erosion. Each application would be reviewed on a case-by-case basis.

Chair Sodergren asked if the cities in the survey used the same buffer definition. Colleran answered in the affirmative.

Colleran clarified for Wagner that a Class I Wetland, referred to in the study included in the Planning Commission's packet, is equivalent to the City's preserve wetlands.

Chair Sodergren favored providing the Builders Association with the information given to the Commissioners so it will understand the background and reasoning behind the proposal. Olson confirmed that staff will send the Builders Association a copy.

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

Yearwood moved, second by Wagner, to postpone action and continue the public hearing until September 5, 2002.

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

9. ADJOURNMENT

Egge moved, second by Knight, to adjourn the meeting at 8:15 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary