

**MINNETONKA PLANNING COMMISSION  
MINUTES**

**JANUARY 20, 2005**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Commissioners Allendorf, Bonoff, Periolat, and Hart were present. Britain, Gallop, and Maes were absent.

Staff members present: Principal Planner Cary Teague, Planner Susan Thomas, and Planning Intern Kyle Sobota.

- 3. APPROVAL OF AGENDA:** The agenda was approved with the removal of Item 8A, a front yard setback variance to remodel the home at 3926 Vandan Road for Kenneth Heim (04080.04a). The applicant requested it be postponed until the February 10, 2005 meeting.

Teague reviewed the January 20, 2005 change memo.

- 4. APPROVAL OF MINUTES:** January 6, 2005

*Allendorf moved, second by Periolat, to approve the January 6, 2005, meeting minutes as submitted.*

*Allendorf, Bonoff, and Periolat voted yes. Britain, Gallop, and Maes were absent. Motion carried. Hart abstained.*

- 5. REPORT FROM STAFF:** None.

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

- 7. PUBLIC HEARINGS: CONSENT AGENDA:** None.

**8. PUBLIC HEARINGS**

- A. Front yard setback variance to remodel the home at 3926 Vandan Road for Kenneth Heim (04080.04a)**

Postponed at applicant's request.

**B. Preliminary plat and a master development plan with variances to remodel the existing Chi Chi's restaurant into office space and build a new office building at 15550 Wayzata Boulevard for Mohagen/Hansen Architectural Group (04087.04a)**

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

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

Allendorf questioned why staff is recommending the proposal be approved, given the lot area variance. Teague answered that staff determined that the request is reasonable.

Bonoff wondered if the proposal would need a variance under planned unit development standards. Teague stated that staff felt that the variances are justified, the site would host a reasonable use, and the proposal would be in character with the neighborhood. The lot division would still require a variance under planned unit development standards.

Todd Mohagen, architect for the project, 1415 East Wayzata Boulevard, Wayzata, introduced himself and Dan Fazendin, owner of the Chi Chi's building, 18555 11<sup>th</sup> Avenue North, Plymouth, and David Ficzik, the developer of the project. He explained that his business was looking for a larger building in the area. He felt that the site was underutilized as a restaurant because of its inhibited accessibility. He stated that:

- The property could not be developed unless the Chi Chi's building could be developed as a separate entity.
- The second building being proposed would house his office on the second floor and the bottom floor would be available for purchase as office use.
- It is relatively expensive to develop sites along Interstate 394 due to soil issues and shortage of property. He has received a great deal of interest in the project. This will secure a long-term, substantial, secure business in the location.
- The difference in zoning from the planned Interstate 394 district and a planned unit development is very narrow. They are very similar.
- The proposal was done in the spirit that the planned Interstate 394 district was written.

Dan Fazendin provided his business history. He has been looking for an appropriate site for a few years. He stated that:

- The compatibility of the two buildings is important.
- He needs to build a landmark building.
- He sincerely requested the planning commission's approval of the application.
- It would improve the view of Minnetonka for motorists traveling down the hill.

Allendorf congratulated Mr. Fazendin for improving his business' image by moving it to Minnetonka. Allendorf questioned the need for individual ownership of the lots. Mr. Fazendin stated that it is difficult to deal with lenders for sites with multiple owners. It would also cause insurance and liability problems.

Perolat asked why he favored purchasable condominiums rather than owning and leasing the space. Mr. Fazendin explained that when he first looked into purchasing the site, he was not interested in acting as a land speculator. Cross easements would be obtained for parking and an effort will be made to have the buildings match.

Mr. Mohagen explained that the office condominium market has grown in the passed five to six years. He stated that:

- The low interest rates make it desirable for small businesses to own property.
- The price of real estate is very high. The high development cost would be spread out over several people.
- The site is a difficult site. It has poor soils as deep as 90 feet. The Chi Chi's building is on pilings that go down 90 feet.
- The site is tailor made for office condominiums.
- The State of Minnesota has a low unoccupied rate for office space; however, there is a market that is not being addressed. He was confident the spaces would be sold prior to the completion of the project.

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

In response to Allendorf's inquiry, Teague confirmed that a simple majority of the commission would be required to approve a motion.

Chair Hart asked the reasoning for the three-acre requirement. Teague was unsure of the history behind it. He said that there are existing lots in the area smaller than three acres. The site to the west is approximately an acre and a half. Teague added that the parcels to the east are even smaller. Teague explained that the planned Interstate 394 ordinance was adopted in 1988, so the majority of the lots in the area predate the ordinance. Chair Hart noted that it could be considered similar to a small lot neighborhood.

Britain arrived at 7:03 p.m.

Chair Hart reviewed the issues and focused on the reasoning for the lot subdivision.

Bonoff concurred with staff's conclusion that it is reasonable. She based that on the fact that if there was a sole owner, both buildings could have been built. She was intrigued by having the Interstate 394 corridor be a new type of real estate. It made good economic sense to own rather than lease. She felt it would improve the aesthetics of the area. It looks abandoned now. She supported the variance in this case.

Allendorf struggled with the justification of the hardship. Variances are taken seriously. Financing is not a consideration for the planning commission. He focused on the area and it does contain a number of lots less than three acres in size. It would appear to be one lot. It would be a fine project and the city would be gaining a number of good businesses. He supported staff's recommendation.

Periolat felt that the design would be beautiful. The current site's appearance is disturbing. The proposal would be a reasonable use of the site. She also had trouble meeting the hardship standard. The reason to subdivide the lot would be to provide condominium ownership of the office spaces. Chair Hart confirmed with the applicants that the lot division would provide the cost of the site to be split between two owners.

Periolat confirmed with Teague that the subdivision would result in an additional 7,000 feet of green space. She would reluctantly vote for approval of the project. It would be a great improvement for the Interstate 394 corridor.

Britain lives across the interstate from the site. He missed the restaurant, but felt the project would be reasonable for the site. He supported it.

Chair Hart expressed her difficulty seeing a clear-cut hardship. However, all of the other small lots in the area make the proposal in character with the neighborhood.

***Bonoff moved, second by Allendorf, to approve the items relating to the remodel of the existing Chi Chi's restaurant into office space and construction of a new office building at 15550 Wayzata Boulevard for Mohagen/Hansen Architectural Group with the modification provided in the January 20, 2005 change memo as follows:***

***MASTER DEVELOPMENT PLAN, WITH VARIANCE***

- 1) Recommend that the city council adopt the ordinance on pages A1–A5 of the staff report, which approves the master development plan for Twelve Oaks Center 2<sup>nd</sup> Addition, with a building setback variance from 50 to 25 feet. This ordinance is based on the following findings:
  - a. The proposal would meet the required standards and ordinances for a site and building plan approval.
  - b. The proposal would meet the required standards for a variance, because:
    - (1) There is a unique hardship to the property caused by the existing size of the lot, which is below the three-acre lot size minimum.
    - (2) The variance would meet the intent of the ordinance because the new building would contain setbacks similar to other structures in the area, including the existing building on the lot, and the adjacent building to the west.

Approval of the master development plan is subject to the following conditions:

- a. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
  - Site plan date stamped December 17, 2004
  - Grading plan date stamped December 17, 2004
  - Landscaping plan date stamped December 17, 2004
  - Illumination plan date stamped December 17, 2004

- Building elevations date stamped December 17, 2004
  - Utility plans date stamped December 17, 2004
- b. Before starting any site work or obtaining a grading permit, complete the following work:
- (1) The installation and maintenance of a temporary rock driveway, erosion control, tree protection, and wetland protection fencing for each lot must be installed, subject to review by the city's environmental resources coordinator.
  - (2) Submit final site, grading, drainage, utility, and erosion control plans for staff approval. The applicant must work with the city engineer to channel runoff from the entrance driveway onsite toward the ponding area.
  - (3) Submit a letter of credit or cash escrow for 150% of the estimated cost to comply with grading permit requirements and restore the site.
  - (4) Submit a construction management plan for staff approval.
- c. The following must be submitted to the city before the city issues a building permit:
- (1) A final landscape and irrigation plan for staff approval
  - (2) A letter of credit or cash escrow for 150% of the estimated cost of all required landscaping
  - (3) All required hook-up fees
  - (4) Record this ordinance with the county.
- d. The property owner is responsible for replacing any required landscaping that dies.
- e. All rooftop and ground-mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in

with the building architecture are exempt from the screening requirement.

- f. The northern driveway entrance must be removed, and the area restored with grass and landscaping.
- g. Approval does not include the signs shown on the drawings. Separate permits are required from staff.
- h. Construction must begin by December 31, 2006, unless the planning commission grants a time extension.

***PRELIMINARY PLAT WITH VARIANCE***

2) *Recommend that the city council give preliminary approval to the Twelve Oaks Center 2<sup>ND</sup> Addition, with lot area variances from 3 to 1.35 acres for each lot. Approval is subject to the following findings:*

- a. Except for the variance(s), the proposal meets the required standards and ordinance for a preliminary plat.
- b. The proposal meets the required standards for a variance, because:
  - (1) There is a unique hardship to the property caused by the small lot size, which is below the 3-acre lot size minimum.
  - (2) The variance would meet the intent of the ordinance because a second building could be built on the site without lot area variance.
  - (3) The variance is necessary so each building could be held under separate ownership.

Approval is subject to the following conditions:

- a. Complete the following before final plat approval:
  - (1) Show the following on the final plat:
    - (a) At least ten-foot-wide drainage and utility easements next to any existing or proposed public street rights-

of-way and at least seven-foot-wide drainage and utility easements along all other lot lines.

- (b) Utility easements over existing or proposed public utilities, as determined by the city engineer.
  - (c) A private utility easement over the southern lot to the northern lot.
- b. The following items must be submitted to the city before the city releases the final plat:
- (1) An engineering/utility inspection fee.
  - (2) Payment for traffic signs and installation, as required by the city engineer.
  - (3) An electronic CAD file of the final plat in microstation or DXF on a CD disk.
  - (4) The following documents for the city attorney's approval:
    - (a) Title evidence that is acceptable to the city attorney. Title evidence must be current within thirty days before release of the final plat.
    - (b) A private driveway and parking easement between the two lots. The easement must state the maintenance responsibilities of each owner, and allow shared parking and access for each lot.
    - (c) A private utility easement having sufficient width to cover utilities across Parcel B for the benefit of Parcel A.
    - (d) Provide restrictive covenants to be recorded against the individual lots with the plat. The covenants must include the conditions that have not been met as of the release of the plat. These covenants must first be submitted for the city attorney's approval.

These documents must be recorded with the final plat, and a drawing of any easement must be attached to the easement deed.

- (5) Any other requirements included with final plat approval.
- (6) The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.
- (7) The applicant must enter into an agreement with the property owner to the west for shared maintenance of the stormwater pond on the adjacent site.

***Allendorf, Bonoff, Britain, Periolat, and Hart voted yes. Gallop and Maes were absent. Motion carried.***

**C. Appeal of the staff's decision that the English Rose Suites group home is a permitted use in the R-1 zoning district (04091.05a)**

Chair Hart introduced the item and called for the staff report.

Teague reported. He recommended that the commission uphold the staff decision.

Eric Galitz, attorney for English Rose Suites, requested that he address the issues raised after the appellants spoke. He agreed with staff's recommendation.

Paul Tietz, 1709 Pondview Terrace, appellant, stated that:

- He and his wife were concerned that a commercial use could be permitted in a residential neighborhood.
- He reviewed the statutes and found numerous conflicting and confusing statutes and regulations.
- This is not a "not in my back yard" issue. It is a facility being located in a residential neighborhood. He was concerned with how it would function. He lives near a fire station and two nursing homes.
- He hated being on the other side of a staff report.
- He was looking for the right answer.
- There is a conflict between the zoning ordinance and the state law. The zoning ordinance addresses only licensed facilities. It is clear that the proposed facility would be registered. However, there is a big difference between a licensed facility and a registered facility.

- A licensed facility must follow statute guidelines.
- A license is required for a facility that has more than four mentally ill patients. He would appreciate that being addressed. He requested a finding done by the state commissioner of health to determine if a license for the facility would be required.
- The Minnetonka zoning ordinance addresses licensed facilities, but not registered facilities.
- Unregistered facilities are totally unregulated.
- The preemption of state law refers to the right to live in a residential area, it does not preclude from applying its normal standards to the facility.
- A state representative told him that the city's ordinances supercede the state's statues and a city representative told him that the state statutes supercede the city's ordinances.
- He reviewed the reasonable use statute. It said nothing to prohibit residents from prohibiting commercial signs being placed and vehicles being parked in the yard.
- The normal zoning regulations would apply to this facility.
- Licensing at an assisted living facility carries no state law provision regarding zoning. It is only registered and not licensed as a residential facility.
- He does not want them to begin until the facility meets all technical requirements and all of the regulations are in place so everyone knows what is permitted.
- His wife was told that the house would have awnings and a flag with the corporate logo to clearly identify it.
- The facility in Edina without identifying marks preserved the character of the neighborhood much better than the other facilities owned by English Rose.
- He wants action on the proposal to be postponed until a new ordinance is in place to address traffic, safety, and health concerns. He requested a moratorium be put in place to allow time for consideration of such an ordinance.

Chair Hart summarized Mr. Tietz's primary concerns as:

- The difference between licensed and registered facilities.
- How the facility would be regulated.
- If the zoning code can impose reasonable restrictions on the operations of the proposal.
- Signage.

- Defining Alzheimer's patients as being mentally ill.

Mr. Tietz paraphrased the regulatory definition of Alzheimer's by the department of health as a condition diagnosed by a physician that impairs the ability of an individual to function normally during the day.

Mr. Tietz stated that he was prohibited from having a sign on his residence that stated he is an attorney, but it is allowed for English Rose Suites to have a corporate logo on the residence.

Britain asked Mr. Tietz if he was opposed to the proposal altogether, or if he only wanted more regulations for the facility. Mr. Tietz wanted to make it very clear that he was not against a residential care facility being located in a residential area. But, technically, it would not be covered by the city's ordinances at all, like a home business would, and the state statute does not have proper regulations for an unlicensed, registered facility.

Britain confirmed with Mr. Tietz that he was requesting a postponement to change the ordinance to adequately address the needs of this type of facility. Mr. Tietz noted that a childcare facility is required to have a fence to prevent a child being harmed. He wanted regulations to provide for the safety of the residents.

Allendorf visited four similar facilities. He requested Teague clarify the difference between licensed and registered facilities. Teague consulted with the city attorney regarding the difference between the two and she was quite clear that the state statute does refer to a, "licensed care facility or housing with services establishment registered under 144d having six or fewer persons . . ." The city's ordinance does not specifically state, "housing with services establishment," however, the city attorney believes that the city's definition was adequate. The state statute trumps the city's ordinance. The applicant's certificate of registration states it is a "service establishment registered for housing with services" which illustrates that the application meets the state statute and is a permitted use.

Allendorf confirmed with Teague that all residences in a residential zoning district are required to meet all the city's nuisance ordinances.

Teague stated that the proposed facility would be allowed to have a two-square-foot identification sign. Allendorf asked what ordinance or statute made that restriction. Teague explained that city code allows every single-family residence to have a two square foot identification sign. It must be limited to the name and or symbol of a development, institution, or person on the premises of where the sign

is located. Teague agreed with Allendorf that Mr. Tietz could display a sign that said, "Tietz Esquire."

Allendorf asked if residents could meet with city staff to discuss how the facility would be governed. Teague responded positively. Teague stated that the city would issue the facility's lodging and food license.

Perolat clarified that the facility would be considered a licensed facility after it would be remodeled. After the remodeling, the facility would go through a licensing process. Teague stated that the applicant has applied for the city's food service and lodging licenses and has received the certificate of registration from the state. The facility's service providers would need to be licensed by the state. He invited the applicant to provide additional information.

Eric Galitz, attorney for the applicant, appreciated staff's work and explained that statute 144D considered the proposed facility a permitted single-family use. The statute requires the proposed facility to be treated as a single-family use. The city's ordinance is broader than the state's. The facility is a registered facility and, therefore, permitted as a single family use subject to regulations as a single-family use. He agreed with the city attorney's interpretation. Mr. Galitz introduced Brent Longtin and Mary Youle to discuss the licensing of employees.

Perolat asked if the applicant could receive licenses before remodeling the facility. Teague stated that the certificate of occupancy would not be issued until the proper licenses are in place. The building permit covered construction of a handicap accessible deck in the garage that any single-family residence would be allowed to have.

Bonoff asked if the city attorney considered if Alzheimer patients were included in the mentally ill housing statute. Teague received the information earlier that day. The city attorney skimmed the information, but did not have time to provide a response. Mr. Galitz stated that the facility is registered as a residential care facility. It is a specific use.

Brent Longtin, co-owner of English Rose Suites, applicant, stated, as a nurse practitioner, that Alzheimer's disease is not a mental illness or mental retardation. He described a profile of a typical resident. Daily activity is very quiet. No aggressive or violent people are admitted. Manicures, pedicures, dancing, listening to music, and assisting with cooking are common activities. They reside at the facility until they pass. The average stay is one and a half years. The facility exceeds national care standards with a one to three care ratio of caregiver to resident. He welcomed having a meeting with neighbors to address concerns,

but he has not been given that chance. Residents would not be wandering around or fall in ponds.

Mary Youle, Director of Housing and Community Services for the Minnesota Housing and Health Alliance, helped write the statutory requirements. She explained that the housing registration is not a license. It is an additional requirement that was added on top of the existing licenses. Small group settings, like the proposed facility, are required to carry either a foster care home license or a lodging and food license. The department of health is responsible for the food and lodging license, but it has delegated that responsibility to the City of Minnetonka. Inspections occur annually.

Mrs. Youle stated that the facility would also be required to have a home care license. That would cover the health-related services that would be provided to residents. The state is the licensing agent and does monitor the health care standards. Chair Hart asked at what point in the process the home care license would be received. Mrs. Youle explained that English Rose already has a home care license that would also cover the proposed facility.

Britain clarified that the home care license relates to the health care providers and not to the building in any way. Mrs. Youle answered in the affirmative.

Britain asked about the specifics of the remodeling.

Jane Claremont, co-owner of English Rose Suites, applicant, stated that the remodeling would add sprinklers to the building, a ramp to provide wheelchair accessibility, and a half wall to make one large master suite into a companion suite.

Britain questioned how the residents would maneuver between the different levels of the residence. Ms. Claremont stated that a chairlift would be installed to use if needed. Most of the residents are able to go up and down the stairs initially. A chairlift would not be installed initially.

The public hearing was opened.

Jim Winkle, 1715 Linner Road, stated that:

- The registration can be obtained in the mail for \$35. There is no review of the people that are requesting the registration.
- There would be no state health department employees that would inspect the facility once it would be in operation.

Teague confirmed for Chair Hart that the food and lodging licenses would require annual inspections.

Mr. Winkle stated that no one would make sure that the residents are bathed or cleaned or treated properly.

Ms. Youle stated that the care of the residents falls under the jurisdiction of the home care license. Surveyors do visit the site and review the documents related to the facility. The department of health is responsible for that registration process.

Mr. Tietz reiterated the definition of mental illness provided by the state department of health. The statute does not mention that the physician is a psychiatrist or psychologist. It is a definition because the legislature was worried about impaired people being in a house without regulation of a care facility. He felt it was applicable. The city's ordinances are inadequate to address the nature of the proposed facility. He was concerned with 25 vehicles being parked in the front yard and shift changes in the middle of the night. None of the licenses carry zoning weight. A home health care license is not a permitted residential use. A permitted use is either a 245A licensed facility or a 144D registered facility. The 144D-registered facility does not require licenses.

Gail Kvenvold, Minnesota Health and Housing Alliance, explained that the state policy favors caring for individuals in homes for as long as they can and when they no longer can, to allow them to live in a setting that feels as much like home as possible. She has visited English Rose Suites. It was difficult to distinguish it from the other homes in the area. She described her positive experience. Mr. Logtin and Ms. Claremont set the standard for dementia care. The proposal would be a wonderful asset for the community.

John Rappaport, 1545 June Avenue, Golden Valley, supported the facility. His mother has had Alzheimer's for ten years and requires 24-hour care. He has known Ms. Claremont for 20 years. English Rose Suites is the best care opportunity his mother can have. He requested that the project move forward as soon as possible.

Lorraine Lowe, 1714 Pondview Terrace, was concerned with parking. Teague stated that four vehicles would be allowed to park outside, with the same regulations as any single-family residence. Parking is allowed on the street. Ms. Lowe stated it would be difficult to exit her driveway if vehicles parked in the street.

Chair Hart advised Ms. Lowe that if a parking nuisance occurred, she should contact city hall.

No additional testimony was submitted and the hearing was closed.

Britain has experience with assisted living facilities. He stated that group homes were designed for smaller towns that could not afford a large facility. He did not oppose group homes being located in bigger cities, but he was concerned with a two-story building causing a safety hazard. He did not support the project because of the two stories.

Allendorf summarized that the planning commissioners must determine if this is a permitted use. The difference between licensed and registered has been covered and will be covered further by the city attorney at the city council meeting. The proposal would have to adhere to all of the ordinance requirements of a residential zoning district. If there would be a violation of the ordinances, such as parking, the correct action is to call the police department and have the rules enforced. The use is permitted in a residential district.

Bonoff understood Britain's concern, but left that to the home health care experts and the state. The city attorney will address the licensing issues. The proposal is a permitted use.

Perolat understood the neighbors' concerns. It is troubling to have to take action to enforce one's rights, but, never the less, that is the way the laws and ordinances are written. She appreciated Britain's input. Licensing and registration is outside of the commission's jurisdiction. Upholding the zoning code for the City of Minnetonka is the commissioner's job. Both sides are well represented. She referred to the letter of the law rather than speculating what might happen. Ordinances are in place to cover nuisances. She supported staff's recommendation.

Britain understood that the use is permitted. He did not argue that. He agreed with the commissioners. He had a philosophical reason to not support the project.

Chair Hart determined that the proposal is a permitted use.

***Allendorf moved, second by Bonoff, to adopt a motion upholding the decision of staff that the proposed licensed residential care facility is a permitted use in the R-1 district, and staff should issue a certificate of***

***occupancy once the building remodeling has been completed to the satisfaction of the building official.***

***Allendorf, Bonoff, Periolat, and Hart voted yes. Gallop and Maes were absent. Britain voted no. Motion carried.***

Chair Hart stated that a written request to appeal the planning commission's decision must be given to the planning director within ten days.

**D. Ordinance revising scoreboard requirements (04070.04a)**

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

Thomas reported. She recommended approval of the ordinance revising scoreboard requirements.

Bonoff referred to the sign ordinance compliance chart that showed a significant percentage of scoreboards do have advertising. The scoreboards in compliance may be negatively impacted, since the other parks and fields are able to take advantage of their non-conforming status and of the revenue from the advertisements.

Periolat questioned the difference between sponsor identification panels and product advertising. Thomas explained that a sponsor panel would identify a non-profit organization either involved with the operation or use of the field.

Allendorf asked if the Glen Lake Optimists would meet that definition. Thomas stated that if the Glen Lake Optimists were directly related to the day-to-day operation of the field, it would be allowed. The existing sign would be allowed to remain, regardless.

Periolat confirmed with Thomas that the existing signs that do not conform would remain nonconforming signs.

The public hearing was opened.

Dan Johnson, Activity Director of the Hopkins School District, stated that:

- The district has four scoreboards in compliance.
- The ordinance would be a hardship by eliminating a potential source of revenue.

- Before this moves further, he would propose a conversation be held with all scoreboard owners.

Steve Hacker, 12504 Briarwood Terrace, represented Hopkins Babe Ruth baseball. The scoreboard does not have advertising now. He confirmed with Thomas that advertising is currently not allowed and the new ordinance would also prohibit it. In other cities, his group put up fence panels in April and took them down in July. The panels were only in place during the baseball season. He felt there is a disparity between organizations. With the exception of Rigley Field in Chicago, most scoreboards contain sponsorship. He felt the sponsorship definition is difficult to quantify. He supported creating a way to allow temporary or permanent advertising under the city's guidelines.

No additional testimony was submitted and the hearing was closed.

Bonoff was formerly a president of Babe Ruth baseball and is active in the Hopkins School District. She is very aware of the budget shortfalls of the school district. High on the list of revenue producing options is receiving funds for advertising from corporations. One contract may keep a certain sport from being cut. Ultimately, it is the city council that will write the ordinance, but she opposed prohibiting advertising on scoreboards.

Allendorf felt that the ordinance should reflect the views of the community. He considered advertising at sports fields a given. He was prone to allow it. The financial decision would affect playing opportunities for the children in the community. He brought up the Glen Lake Optimists because that group purchased the field and gave it to the city. If anybody should be memorialized, it should be the group that came up with the money originally. He favored adding language to include sponsors of all types rather than voting in opposition of the recommendation.

Periolat respected staff, but she preferred that a variance application for the Big Willow sign would have been reviewed by the planning commission rather than a change to the ordinance. Philosophically, having fields for children to play in is a good thing. Since there have been no complaints against the current signs and they do have corporate sponsors, she requested that the recommendation be changed.

Chair Hart stated that 5 out of 20 fields are in compliance right now. If compliance had been enforced along the way, the city would be in a better position to make this change. She concurred with commissioners to change the recommendation.

Bonoff questioned if fence signing should also be included. Thomas stated that the current ordinance specifically prohibits fence panels. The proposed ordinance does not address fence panels. Bonoff requested staff look at allowing fence panels as a separate issue.

***Allendorf moved, second by Bonoff, to direct staff to come back with an enabling ordinance that would allow for recognition through sponsorship and advertising on scoreboards.***

***Allendorf, Bonoff, Britain, Periolat, and Hart voted yes. Gallop and Maes were absent. Motion carried.***

Allendorf suggested that staff meet with Dave Johnson to identify all groups who may be affected by the ordinance. These groups should be included.

Chair Hart recognized the city's conflict. Product advertising signs are not allowed anywhere in the city. So, it needs to be stated clearly that something unique is being done for the schools and athletic organizations.

Britain asked if there had been any adverse response to signs. Chair Hart answered in the negative. Britain asked if there are fence panels in the city. Thomas stated that Bennett Park has fence panels.

Chair Hart directed staff to address fence signs.

## 9. ADJOURNMENT

***Britain moved, second by Allendorf, to adjourn the meeting at 9:00 p.m. Motion carried unanimously.***

By: \_\_\_\_\_  
Lois T. Mason  
Planning Secretary