

**MINNETONKA PLANNING COMMISSION
MINUTES**

JUNE 14, 2007

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Lehman, Schmitz, Adams, Brandt, Dahl, and Cheleen were present. Hart was absent.

Staff members present: Community Development Director Ron Rankin, City Planner Julie Wischnack, Principal Planner Susan Thomas, Planner Josh Metzger, and Planning Technician Jeff Thomson.

- 3. APPROVAL OF AGENDA:** The agenda was approved as submitted. Wischnack reviewed late comments and a change provided in the change memo dated June 14, 2007.

- 4. APPROVAL OF MINUTES:** May 24, 2007

Dahl moved, second by Brandt, to approve the May 24, 2007 meeting minutes as submitted.

Lehman, Schmitz, Adams, Brandt, Dahl, and Cheleen voted yes. Hart was absent. Motion carried.

5. REPORT FROM STAFF

Wischnack briefed the commission on land use applications considered by the city council at its meeting of June 4, 2007:

- Adopted a resolution approving a conditional use permit for an educational institution at 12007 Excelsior Boulevard for Faith Presbyterian Church.
- Adopted a resolution approving a preliminary plat for a two-lot subdivision with variances at 3515 Meadow Lane (McKelley Addition) for Thomas Fretham.
- Introduced an ordinance amending the city code regarding Dynamic Signs.
- Introduced an ordinance adopting a planned unit development master development plan and approving final site and building

plans, for Opus Corporate Center expansion, at 5700, 5720, 5740 Green Circle Drive and 10350 Bren Road West.

- Upheld an appeal of the planning commission's approval of the Minnetonka Crossing revised site plan for True North Investments.
- Adopted a flexible, interim development moratorium in its final form. It is effective now. The shoreland management ordinance will be reviewed by the planning commission in late July.

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.

Schmitz moved, second by Adams, to approve the items listed on the consent agenda as recommended in the respective staff reports as follows:

A. Preliminary and final plat with a variance for the Stageberg Addition two-lot subdivision at 17224 Lake Street Extension (90059.07a).

PRELIMINARY PLAT

- 1) *Recommend that the city council approve the STAGEBERG ADDITION preliminary plat, date-stamped May 8, 2007, with a lot width at the right-of-way variance from 80 feet to 0 feet for Lot 1. Approval is based on the following findings:*
 - a. The proposal meets the required standards and ordinances for a preliminary plat.
 - b. The proposal meets the required standards for a lot width at the right-of-way variance in Section 300.10, Subdivision 5(h)(2)(b).
 - c. The property cannot be subdivided into three lots and meet minimum city code requirements.

Approval is subject to the following conditions:

- a. The following items must be submitted to the city before the city releases the final plat:

- (1) An electronic CAD file of the final plat in microstation or DXF on a CD disk.
- (2) The following documents for the city attorney's approval:
 - (a) Title evidence that is current within thirty days before release of the final plat.
 - (b) A private driveway easement between the street right-of-way and Lot 1. The easement must state the maintenance responsibilities of each owner. The easement must be 34 feet wide, and the minimum driveway width must be as required by the city engineer and the fire marshal.
 - (c) A private utility easement between the street right-of-way and Lot 1.
 - (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.
 - (e) Submit a document, in recordable form, agreeing to deed the property right for further subdivision of Lot 2 to the City of Minnetonka.
 - (f) These documents must be recorded with the final plat, and a drawing of any easement must be attached to the easement deed.
- b. The following must be completed before the city issues a building permit:
 - (1) City approval of a grading and tree preservation plan for each lot. The plans must be in substantial compliance with the building pads shown on the preliminary plat and must preserve trees designated for preservation at the time of preliminary plat approval. The city may require adjustments in the house pad location to maximize tree preservation. The sewer and water services must be shown to minimize impact to any significant trees.

- (2) Install and maintain a temporary rock driveway, erosion control, tree protection and wetland protection fencing for each lot, as required by the city's natural resources staff.
 - (3) Submit a copy of the recorded plat and any easements or covenants required to be recorded.
 - (4) Pay a hookup fee for sanitary sewer and water.
 - (5) Submit a letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance. If the grading for proposed streets has not been completed, the planning director may approve a time extension to this requirement.
- c. A 13D automatic fire sprinkler system and a curbside street address along Lake Street Extension must be provided for the new home on Lot 1.
 - d. The grading for the new home on Lot 1 must be revised as to not impact the critical root zone of the two oak trees along the common lot line between Lots 1 and 2.
 - e. The floor area ratio of Lot 1 must not exceed 0.19. Therefore, the floor area of the new home cannot exceed 4,297 square feet, which includes the above-grade floor area, attached garage, and half the area of an exposed basement.
 - f. During construction, the streets must be kept free of debris and sediment, and the tree protection fencing and erosion control fencing must be maintained.
 - g. Trees must be planted to compensate for significant trees removed from each site that would be outside of the building pad and driveway area. The trees must be primarily species native to the area. They must be at least 2 ½ inches in diameter for deciduous trees and 6 feet tall for coniferous trees. The property owner or original developer must replace the required trees if they die within one year after installation.

- h. Before the city makes a final inspection of the house, the drive must be paved from the street to the house on Lot 1. A driveway setback of at least seven feet must be maintained from the side lot lines. The city may approve a time extension if weather prevents paving of the drive.
- i. 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 plat approval will be void.

FINAL PLAT

- 2) *Recommend that the city council approve the STAGEBERG ADDITION final plat, date-stamped May 8, 2007, and subject to the following conditions:*
 - a. Show the following on the final plat:
 - (1) A ten-foot-wide drainage and utility easement along the east lot line of Lot 2.
 - (2) A drainage and utility easement over the 903.0 floodplain elevation on the northwest corner of Lot 1.
 - b. Compliance with all preliminary plat conditions, especially the specific conditions for release of the plat.
 - c. Unless the city council approves a time extension, the final plat must be recorded within one year of council approval of the final plat.

Lehman, Schmitz, Adams, Brandt, Dahl, and Cheleen voted yes. Hart was absent. Motion carried and the item on the consent agenda was approved as submitted.

The city council is tentatively scheduled to review the item at its June 25, 2007 meeting.

8. PUBLIC HEARINGS

A. Items concerning the operation of a medical use at 16200 and 16184 State Highway 7 for Bill and Lesli Kramer (07010.07a)

Acting Chair Cheleen introduced the proposal and called for the staff report.

Metzer reported. He recommended denial of the application based on the findings.

The applicant was not present.

The public hearing was opened.

Brian Breems, 1255 Gun Club Road, White Bear Lake, was disappointed that the applicant was unable to attend the meeting. When he sold the office condominium to Dr. Kraemer, he did not realize that psychiatry was considered a medical use. He felt psychiatrists were similar to accountants and financial planners as professional consultants. Seven parking stalls would be sufficient for the practice. He would support staff's decision.

Acting Chair Cheleen confirmed with Metzer that even if half of a unit would be sold for psychiatric use and the parking requirements met, the proposal would still be considered a medical use and prohibited by ordinance. Metzer explained that additional building code issues would also have to be addressed.

Vickie Kemp, 16091 Highwood Drive, supported staff's recommendation. A medical use would not be appropriate for the site due to the increased traffic. Access to State Highway 7 would be a concern.

Adams concurred with staff's recommendation. He recalled approving the original project and recognized the impact to the surrounding property owners. A medical use would not be appropriate for the site and it would be appropriate for a different type of use. He was concerned that conditions currently in place are not being carried out, including landscaping intended to provide a sound barrier. Colleran explained the history of the landscape plan and storm water pond. Staff worked with the builder and excavator to create a berm. The landscape plan requires 22 evergreen trees to be planted on the berm. On the south side of the single family homes, 32 additional evergreens were required to be planted in the area. As of 4:30 p.m. that day, none of the trees had been planted. The builder has staked the site. Staff notified the developer last week that the city would use

the developer's letter of credit if landscaping was not installed by June 15, 2007 to complete the landscaping.

Schmitz agreed that the application does not meet the requirements for a conditional use permit. It is adjacent to residential properties and she was concerned with the access. The hardship requirement for a variance has not been met.

No additional testimony was submitted and the hearing was closed.

Acting Chair Cheleen felt the primary issue had been discussed.

Schmitz moved, second by Brandt, to recommend that the city council adopt the resolution on pages A8–A11 of the staff report, which denies the proposed conditional use permit, master development plan amendment, and variances. Denial is based on the following findings:

- 1) The applicants' proposal does not meet the standards of the master development plan. Amendment of this plan is not reasonable as previous approval of the Tonkawoods Office Condo development was largely based on the understanding that the operation of medical uses would be strictly prohibited on site.
- 2) The proposal does not meet conditional use permit standards, as the site is located adjacent to low density residential properties.
- 3) The existing property only meets parking requirements through the use of proof-of-parking. With the proposal, the property would not meet parking requirements.
- 4) A parking variance is not reasonable as the variance standards would not be met:
 - a. The property owner has not demonstrated a hardship, as the owner has reasonable use of the property. The owner has the opportunity to operate office uses on site but not a medical clinic.
 - b. The property has been zoned and developed consistent with the property owner's original request. Therefore, any difficulties or hardships are self-created.
 - c. The proposed operation of a medical clinic on the subject property may increase traffic volumes in the area and would create higher

demand for parking on a site that has already been granted relief from ordinance parking standards with the original PUD approval.

Lehman, Schmitz, Adams, Brandt, Dahl, and Cheleen voted yes. Hart was absent. Motion carried.

B. An ordinance amending City Code Section 300.30 regarding dynamic signs (97054.07a)

Acting Chair Cheleen introduced the proposal and called for the staff report.

Wischnack reported. She recommended approval of the application based on the findings.

Acting Chair Cheleen asked if an existing dynamic sign would be grandfathered, exempt, from the ordinance. Wischnack explained that an existing dynamic sign would be considered nonconforming and that if the owner wanted to expand the sign, it would have to comply with the existing ordinance. The next step in the process would be to amend controls regarding message content.

In response to Acting Chair Cheleen's question, Wischnack will find out if the three-person panel would need to be unanimous in its decisions or if a majority would be sufficient.

Acting Chair Cheleen asked if the dynamic sign, traded for two static signs, would have to be located where one of the two static signs was located. Wischnack explained the rationale for the amendment.

Lehman asked how the permanent portion of a sign is defined and if it could be changed. Wischnack explained that in order to replace a sign, a permit would be required. A permanent sign face replacement would also require a sign permit. The permanent portion could not be dynamic.

Lehman asked how the ordinance would relate to an application for a permanent, totally electronic sign. Wischnack will discuss that point with the city attorney. Acting Chair Cheleen commented that back lighting may be considered dynamic.

Rankin explained the intent of the ordinance. Wischnack explained that allowing a percentage of the sign to be changed on a regular basis would be done to provide recognition for people trying to find their way to businesses.

Lehman asked why a permanent sign would have to be paint and wood and not electronic. He wanted to understand the rationale. Wischnack will review the issue with the city attorney to make sure that is covered.

Schmitz reviewed that up to 35 percent of a sign could be dynamic. Lehman did not see a definition of a permanent, static sign.

Schmitz stated that the Lecy Brothers Home sign is smaller than what is allowed. She was concerned sign owners would want to increase the size of signs in order to have 35 percent of it dynamic. Wischnack saw that possibility. There are no restrictions regarding limiting the size of a sign when replacing one.

In response to Schmitz's question, Wischnack stated that the amendments would only apply to pole signs and monument signs, not wall signs. A wall sign is not allowed to be dynamic.

Adams was most concerned with the Clear Channel billboards on Interstate 394. Wischnack explained that the billboards are considered nonconforming signs and are prohibited. A current lawsuit is in the settlement phase.

Wischnack explained that removing two signs would provide some benefit and could be traded for one sign that could be up to 100 percent dynamic and allowed to change every 8 seconds. A new permit would not be granted for an outdoor advertising sign.

Adams asked if the ordinance would result in Clear Channel having a monopoly in Minnetonka for billboards. Rankin confirmed that, coincidentally, Clear Channel currently owns many outdoor advertising signs. The result will end with an overall reduction for advertising signs.

Acting Chair Cheleen recognized another result would be that most of the signs would be located near the freeways.

Dahl asked if the ordinance would apply to signs on the back of trucks. Wischnack stated that the ordinance would not have jurisdiction over licensed vehicles traveling on roads. It also would not be applied to vehicles parked with the intent of being used primarily as a sign, but that is a good issue to consider.

The public hearing was opened.

Kelly Koenig, Brookings, South Dakota, applauded staff for considering an update to the sign ordinance. Many cities are doing the same and looking at Minnetonka's actions for guidance. He stated:

- Prohibitions and no restrictions would not be a good course.
- Performance based rather than technology based regulations are brilliant.
- Signs are designed for "way finding" and for advertising. The sign owner would best determine what percentage of the sign should be used for identification.
- Technology changes. To stand the test of time, a static sign may be comprised of different materials.
- The 20-minute change should be the same for advertising and public service announcements. Content is irrelevant. An Anoka County Judge ruled an ordinance unconstitutional that prohibited changing a message every 15 minutes except for time, temperature, and/or date because the restriction was content based.
- In order to get an entire thought across, a hardship would be created due to minimum character height and the sign restriction. It is his belief that the city would receive a number of requests for variances.
- The brightness portion of the proposal is perfect. If it appears too bright, then it probably is.

Lehman asked if Mr. Koenig represented a sign company. Mr. Koenig answered affirmatively. He worked for Daktronics, a manufacturer of electronic signs.

Lehman asked why an owner would want an electronic sign. Mr. Koenig explained that small business owners agree that electronic displays enable a business to advertise more economically than they can with any other type of medium. It can be owned, changed, and provides new advertising without having to change letters manually. That can be dangerous and cause property damage. One person would be able to operate a convenience store and change the gas price at the same time. It would make a business more profitable.

Lehman asked how the proposed ordinance would impact his business. Mr. Koenig explained that his business model would not change. The company would look for another city to sell signs in. Every business has a different frontage. One may only be able to fit two words to three words on the sign. To limit the physical size and the frequency of change would not be of much value to a business.

Gene Stageberg, 17224 Lake Street Extension, appreciates the low property taxes provided partially by successful businesses in Minnetonka. The sign a business is allowed to use is an important part of running a business. He disagreed with limiting electronic signs. The sign owner should be able to put what is most important to the business on the sign. The business owner invests money into the business and sign.

Roger Brown, Brookings, South Dakota, employed by Daktronics, stated that:

- He has been working with the city's consultants and looking at the ordinance as a whole. It has been a frustrating process.
- He did not believe that the ordinance is performance based and not technology based.
- There is no point to limit the dynamic portion of a sign to 35 percent. It would limit the amount of communication that a sign owner can communicate with the public. Electronic signs increase business by increasing communication with the public.
- The proposed ordinance's end result basically bans the company's products. It would be banning a medium of communication that is important to small and new businesses.
- It is almost silly for an ordinance to decide what the appropriate amount of area should be used to promote the name of a company. That determination is best left for the market place.
- To make a mandatory rule of how the sign could be used does not make sense. It would not be a good rule. It would be a content-based restriction.
- Clear Channel had something to bargain with. Small and new businesses are not here to argue that point, but it is a huge point when it comes to economics in the future. Sign owners are going to enter into a market that is already established, unable to communicate to the market as other establishments.
- There are situations where animation and video are appropriate. He left that for local communities to decide what to allow. He would not ban it everywhere in the city.
- He found it difficult to justify the 20-minute hold time. Billboards are allowed to change every 8 seconds. There is no argument that the changing messages would create a safety hazard. There has not been a study to determine if dynamic signs have a positive or negative impact on keeping drivers alert.
- The proposed ordinance would be an attack on the sign industry and business. It is a substantial government interest. The proposed

ordinance would regulate signs to the point that they would be banned and the purpose of having a dynamic sign would be defeated.

- This proposal is not the least restrictive way to appropriately regulate signs.
- Signs should be regulated for brightness and there should be a dimming capability.
- Aesthetics-based regulations need: a 1 second hold time per frame to stop any kind of flashing and prevent strictly eye-catching techniques rather than a communicative device and to allow animation in certain areas of the city.

Acting Chair Cheleen recalled that the ordinance does have a requirement regarding dimming. Wischnack provided the wording. Mr. Brown provided clarification of the methods available to dim a sign.

Acting Chair Cheleen suggested that reading part of a message, but not having the remainder of the message displayed prior to passing the sign would be distracting. Mr. Brown stated that no study has supported that theory. There still needs to be concise messages. Acting Chair Cheleen felt common sense indicated that a safety hazard would possibly be created by signs with scrolling messages.

Mr. Brown felt that on-premise signs should be regulated at a decreased amount. The 20-minute hold time makes no sense except to ban that type of sign.

Dahl asked if a market research study had been conducted. Mr. Brown did not know of market research. He is new to a fairly small company. The company's best practices guidelines are based on their business practices for the last 20 years.

Dahl asked Mr. Brown if he knew what percentage of small businesses use Daktronic's signs. Mr. Brown guessed it would be a small percentage. The signs are expensive and would not be affordable for numerous privately owned small businesses. Pharmacies and restaurants use the signs. The proposed ordinance would block on-premise signs that would otherwise be provided in the city.

Dahl stated that the Minnetonka High School sign and the Minnetonka City Hall signs communicate messages effectively with short messages. Mr. Brown stated that his business recommends the scrolling message be set up depending on the traffic speed, number of vehicles, and screening in the area. The one-second hold time prevents the most obtrusive use of the signs. A sign owner would

understand the best way to use the sign. Dahl felt messages could be communicated and meet the proposed ordinance's requirements.

Dahl asked if businesses complained that products could not be advertised on signs. Wischnack stated that the proposed ordinance would address content based signs.

Mr. Brown stated that a meeting was held with the sign industry. A room-full of people were concerned with the proposed changes to the ordinance. It would hurt the businesses.

John Baker, attorney who represents the City of Minnetonka, clarified:

- With one exception, dynamic signs have been denied flatly in Minnetonka for 41 years. That exception is for electronic message centers that provide time and temperature. Time and temperature exceptions are not content based. What makes time and temperature different is that it is the kind of information that becomes inaccurate if it is not allowed to change frequently. In its customary use, it is of the form that is least likely to distract because it is the kind of information that people are able to digest in a single glance. Public service information does not have as clear a determination.
- The city is considering creating an opportunity that right now does not exist, and has not existed for 41 years, for people to use signs as described that would control the distraction. The font requirements and the measurements came from the International Sign Association.
- The sign owner could use the sign to permanently advertise. The more important message is identifying the business. City's have the right to prefer the value of "way finding" over the value of the business because if it is allowed to cycle through messages frequently, then it would increase the likelihood that when a motorist looks at that part of the sign he or she may miss the name and become lost.
- Proof of cause and effect is elusive in this field, but that does not preclude thoughtful regulation. Legitimate studies of sign safety conducted by parties who do not have a financial interest form the pieces of a broader puzzle. The SRF report helps demonstrate that the replacement of static signs by dynamic, frequently changing signs can create an added safety hazard. That is all that is needed to regulate them and has been allowing cities to regulate them for

decades. There is reason to believe that billboards cause distraction and there is reason to believe that dynamic billboards distract drivers to a greater degree. When people expect something to change, they will look at it longer. The city has an absolute right and authority to write an ordinance to preclude that.

- The occasion in which a sign with a 20-minute hold changes would not be the pattern. The change would be the rare exception. That is how the safety consequences relate to the proposed ordinance changes.
- If the businesses placed the same weight on safety that the city does and subordinated the interest in letting the public know that a soft drink is on sale, there would not be a need for regulation. The police power exists because there are circumstances, just like this, in which there is a greater good.

Chris Erickson, 1225 Orono Oaks Drive, Orono, owns a business in Minnetonka. He stated that:

- He could see the point that a large retailer would have an advantage over a small business owner who could only have one sign at the one location.
- If a sign was not well lit, a person might have to strain to see and cause a traffic accident. He questioned if one complaint should be able to limit the brightness.

Adams asked Mr. Erickson his opinion regarding what would be appropriate regulations for a dynamic sign. Mr. Erickson understood the need for a safe environment; however, if a business owner puts a lot of money into the sign, he or she should receive some benefit from it. If the safety issue is inconclusive, then the regulations would be a waste of time. It would definitely be worth regulating if it caused a safety hazard. He suggested waiting until there was a safety concern and then deal with the issue. Mr. Erickson was considering a dynamic sign, but was going to use the capital for something else. He understood the benefit of advertising products. Adams appreciated hearing from a business owner.

Mr. Brown responded to the report done by SRF and Mr. Baker's comments:

- He knew of a case in Fridley and one in New Hampshire that he felt indicated there was no nation wide settled case law.

- A business owner knows best what to include on the sign to drum up business. It should not be the city's place to mandate over two thirds of what a business owner's sign should say.
- No study has shown that dynamic signs cause safety hazards. Studies have shown that distractions that occur inside the vehicle are a greater concern.
- The number of billboards has already been limited. The dynamic signs are expensive and would not be that popular because many businesses would not be able to afford them.

Mr. Koenig stated that dynamic signs create awareness and increase "way finding." The signs have been around for decades. If there was a safety factor, then it would be in the news and restricted in many more places. A pharmaceutical company installed a dynamic sign and found that it increased the opening day's foot traffic by 30 percent. The signs do more good than negative. The two complaints relate to too bright at night and flashing messages. A minimum hold time of 1 second and limiting the night-time illumination with the use of a photo cell would create a very successful ordinance. Mr. Koenig would stare at a sign for 20 seconds to see the time and temperature.

No additional testimony was submitted and the hearing was closed.

Dahl felt that the studies may have been inconclusive because if there is a traffic accident, then a driver would not report to the city that it was caused by staring at a dynamic sign.

Lehman disclosed that he was involved in purchasing an electronic sign from Daktronics. He has no financial interest in the company. He felt that the proposed changes are leaning in the direction of solving more problems than exist. It might be going a little farther than he would expect in certain respects. The 20-minute hold changes the dynamic sign into a static sign. The individual view would get one message from the sign. He leaned toward allowing the sign to be 100 percent electronic.

Schmitz was distracted by dynamic signs she saw in another city. She did not pay attention to the traffic light or turn arrow. She complimented staff for taking on the issue. Her recommendation would be to allow 35 percent of a sign allowed by ordinance to be dynamic. This would allow a smaller sign to have equal amount of dynamic space as that of a sign as large as the maximum allowed by ordinance. The changes would not regulate content. Billboards would need a large font size and be in areas predominantly utilized by businesses. On-site

signs would be located close to residential areas, be more distracting, and the traffic patterns would create a lot more stopping and starting again.

Adams felt the safety issue needs to be considered. SRF provided reports that indicated increase crash rates in areas that had dynamic signs. He would consider increasing the dynamic area up to 50 percent. The 20-minute hold would not be fair to some businesses. He agreed with Schmitz that a more frequent change would create an issue. He noted that the Minnetonka City Hall sign would be nonconforming. Wischnack confirmed the sign is 67 percent dynamic and would become nonconforming. He would consider a larger dynamic area and shorter change duration.

Dahl concurred. He asked if another company or several other companies could advertise a product on a different business' sign. Mr. Baker stated that off-premises advertising currently was and would still be prohibited by the sign ordinance. The more variety allowed for a dynamic sign, the more a sign owner may push the envelope. A business in St. Louis Park has ads for AAA.com and a travel package on its dynamic sign. Because Georgia Tech stadium sells a particular soft drink, the department of transportation in Georgia said that it could advertise that soft drink on the dynamic sign. The off-premise and on-premise distinction becomes blurred. That equals challenges to enforcement and constitutional distinctions.

Brandt does not like the aesthetic impact billboards create. Advertising is important for businesses and needs to be controlled. He believed 20 minutes would be too long to wait for a change. He proposed a shorter time, 5 minutes to 7 minutes, be recommended to the city council.

Acting Chair Cheleen felt the main priority should be to protect public safety. Free speech and the need for businesses to do well are also priorities. The city council may want to take a closer look at restricting the dynamic area to 35 percent and decreasing the 20 minute hold time.

In response to Lehman's procedural question, Wischnack explained that the planning commission has the right to recommend changes to the proposed ordinance. Concerns regarding increasing the dynamic proportion; decreasing the 20 minute hold; and making sure the ordinance does not prohibit the content of the permanent portion of the sign would be contained in staff's report. She suggested including the changes in the motion.

Lehman moved, second by Schmitz, to recommend that the city council adopt the ordinance found on pages A43-A54 of the staff report with the

inclusion of statements of interest regarding modifications that are appropriate for consideration by the city council and modifications provided in the change memo dated June 14, 2007.

Lehman, Schmitz, Adams, Brandt, Dahl, and Cheleen voted yes. Hart was absent. Motion carried.

Rankin explained that staff will present the planning commission's discussion to the city council.

Lehman reiterated the issues: increasing the dynamic proportion; decreasing the 20 minute hold; and making sure the ordinance does not prohibit the content of the permanent portion of the sign.

Acting Chair Cheleen recognized the issue was not an easy one. It needs to be closely looked at by the city council. It is tentatively scheduled to be reviewed by the city council on June 25, 2007.

9. ADJOURNMENT

Adams moved, second by Lehman, to adjourn the meeting at 9:05 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary