

APPROVED
Minnetonka Beach Planning Commission Meeting Minutes
February 26, 2018

1. Call to Order

Vice Chair Haag called the meeting to order at 7:00 pm.

2. Roll Call

Present: Vice Chair Haag, Commissioners Anderson, Halverson, Moriarty, and Council Liaison Bartel.

Absent: Chair Orehek, Breazeale

Staff in attendance: City Administrator Susanne Griffin, City Planner Ben Gozola

3. Approve Agenda

(Anderson Motion, Halverson second to approve the agenda adding “Median Island Refuge on Shoreline Drive Update” to Old Business; all ayes). Motion passed.

4. Approve Minutes: January 29, 2018

City Administrator Griffin pointed out the discussion held at the December and January Planning Commission meetings about commissioners’ preference to use the term pedestrian crossing when discussing the Shoreline Drive crossing.

(Anderson motion, Moriarty second to approve the minutes of the regular Planning Commission meeting of January 29, 2018; all ayes). Motion passed.

5. Public Hearing

5.1. Sign Ordinance Amendment -

Zoning Administrator Gozola went through his Executive Summary Report in the Planning Commission packet stating the history and issues with the current sign ordinance. Gozola pointed out that the in packet was a draft sign ordinance for commissioners to discuss. He stated that signage regulations were not a priority item during the recent zoning code changes so no changes were made at that time. It was discovered that the City’s sign regulations were out of date given recent court rulings. This item was put on the 2018 list of zoning regulations to be reviewed at a later date.

Gozola stated that the Commission wasn’t expected to take any action at this meeting, but to discuss it and hold a public hearing. Based on input at this meeting, Gozola will bring back a final ordinance for the Commission to act on at the next meeting.

Gozola provided a handout from the League of MN Cities entitled “*Sign Ordinances and the First Amendment*”. He reviewed highlights of the memo including key First Amendment principles:

- Do not regulate based on content
- Do not favor commercial speech (advertising) over noncommercial speech
- Restrictions on signs must accomplish substantial governmental interest and be no broader than necessary. The main substantial governmental interests recognized by courts are traffic safety and aesthetics.

He reviewed the League’s recommendations on what sign ordinances should and should not include. Gozola then reviewed the sections of the proposed sign ordinance: (A) Findings, Purpose and Effect; (B) Sign Standards by Use. Here Gozola explained Table 4-1: Sign Standards by Use which included sign type and sign size for residential and institutional property signs. Commissioner Moriarty asked how this ordinance would affect existing signs for the Lafayette Club and the Church. Gozola stated he would

check. He also stated that if the ordinance passed, what they currently have would be legal non-conforming.

He went on to sections C – Signs that require a permit and section D – allowed additional temporary signs such as election signs, for sale signs. Chair Haag mentioned that some folks have house for sale signs on the street side as well as the lake side. The ordinance would need to be amended to include the lake frontage signage. Commissioners agreed with that change. Size was discussed, and commissioners agreed that 8 square feet would be a better maximum with one per frontage.

Gozola discussed the section on signs that are prohibited and reviewed each type. They discussed names attached to a rock or other natural surface and names on mailboxes. Gozola explained that those wouldn't likely be a problem, but he would adjust the language to allow for this. Commissioner Moriarty also asked about no parking signs that residents put on their lawns. Gozola explained that these signs would be allowed, but not in the public right of way.

Gozola reviewed the general provisions of the ordinance. He discussed sign measurements and calculations. Commissioners asked Gozola to make Figure 2: Sign Height Calculation clearer as to where it is measured from.

They discussed eliminating time and temperature signs. Gozola discussed Dynamic Signs and commissioners asked to prohibit them.

Gozola will make the changes and bring the ordinance back to Commissioners at the March meeting. Moriarty asked for the draft as early as possible prior to the meeting so they have ample time to review it.

Chair Haag opened the public hearing at 7:45 p.m.

Resident Nell Mathews – 2643 Arcola Lane asked about contractor signs. She thought contractors were not allowed to post advertising signs. Historically the City did not allow those, but Gozola stated that now the City can't regulate the message, the property owner could allow these signs as long as they didn't exceed size requirements of 16 square feet.

Chair Haag closed the public hearing at 8:50 p.m.

Gozola stated that he is aware the City is hiring a new City Attorney and it might make sense to have that person review the sign ordinance and depending on the timing, it might be April before the Planning Commission would act on the ordinance.

6. New Business

6.1. Zoning Code "To Do" List

Planner Ben Gozola reviewed the Planning Commission List of Issues to Still be Addressed.

Commissioners reviewed and discussed each item on the list and decided on the following actions with actions noted in caps:

1. Specialized Lakeshore setbacks will continue to be examined and potentially implemented in the future once further refined - COMMISSION DECIDED TO LEAVE AS IS FOR NOW
2. Appropriate patio setbacks – PRIORITY 1
3. Landscaping and Tree Preservation regulations may be examined in the future. Currently the City has limited requirements on both – REFER TO PARK COMMISSION FOR PARKS AND ROW – MODERATE PRIORITY-DON'T WANT TO OVER REGULATE ON PRIVATE PROPERTY
4. The City's Sign ordinance needs to be updated to address recent court rulings regarding regulation based on content – IN PROGRESS

5. The commission may look at whether additional regulations are needed to control the permitted Regional Trail use – REVIEW LIST OF ISSUES THAT WERE RAISED IN THE PAST – LOW PRIORITY
6. Further examination on regulating home occupations may be conducted - LEAVE AS IS – LOWER PRIORITY – COULD BE AN ISSUE IF THE CITY STARTS SEEING BUSINESSES POP UP
7. Potential minimum standards for floor area and width of dwellings may be discussed (in other words, are tiny homes appropriate in Minnetonka Beach, or should there be some minimum standards?) – NOT HIGH PRIORITY – REVIEW OTHER CITY’S LANGUAGE
8. Planned Unit Development language was drafted, but not yet finalized. Will need to be revisited at some point in the future – LAFAYETTE CLUB – MORATORIUM COULD BE INSTITUTED – LOW PRIORITY FOR NOW BUT GOZOLA FEELS THE ORDINANCE NEEDS TO BE REWRITTEN
9. Detached garages and other accessory structure regulations were set aside for a re-examination in the future. The Commission elected to maintain existing regulations on such, but indicated a desire to at least look at accessory structure height standards – REVIEW – PRIORITY 3
10. Gravel driveways: allow or prohibit? The current code and proposed ordinance allows for gravel driveways – LOW PRIORITY
11. Fence height regulations were discussed, but any changes were deferred to a later time once additional discussion could occur – LOW PRIORITY – COMMISSIONERS LIKE CURRENT LANGUAGE
12. Examining and enhancing outdoor storage regulations with “beauty of the City” in mind. This was a future study item identified during public hearing #2 – PRIORITY 2

Top three priorities are: patio setbacks, outdoor storage, and accessory structures.

7. Old Business

7.1. Transportation study review

Commissioner Halverson reviewed the history of the pedestrian crossing. Planning Commission made a recommendation at a previous meeting to the City Council to move forward with the city engineer completing design drawings and cost estimates for the access paths. At the last Council meeting the Council voted to approve the general concept of the Hennepin County improvement to Shoreline Drive with two median islands and have delineators placed in the locations of the medians. Council also authorized the city engineer to complete the design drawings and cost estimates for the access paths and to move forward with the grant application.

Halverson asked commissioners for a motion to recommend to the City Council that grant applications be prepared for funds to place the access paths. The amount is still being worked on by the city engineer, but the application process needs to get started before the March 30th submittal deadline.

Commissioner Anderson stated that she doesn’t want to commit funds to something that hasn’t been finalized. Commissioner Halverson stated that she was asking for support to ask Council to submit grant applications for funds to build access paths. Staff will work with Halverson and Council Member Myers on drafting the grants.

Resident Mathews asked about what paths they intend to build. Halverson explained that the paths would be on both sides of Shoreline Drive. On the south side the path would initially only go part of the way to Lafayette Road (phase 1), and later all the way to Woodbridge (phase 2). Grants could be applied for later for phase 2. Chair Haag reminded commissioners that improvements can happen over time. Liaison Bartel stated she felt that phase 2 is important to bring the city together. Halverson agreed.

(Halverson motion, Anderson second that the Planning Commission recommends that Council authorize Planning Commission representatives to begin the grant application process for the access paths (phase 1); all ayes.) Motion passed.

7.2 Review of Transportation Study Review of Outstanding Issues

Commissioners discussed next steps to creating a comprehensive plan for addressing the issues. The packet contained a spreadsheet of the transportation issues that came out of the 2016 study, the Planning Commission recommendations to the City Council after the 2016 study, information on a 2017 speed bump study proposal.

Resident Mathews stated that she believes the city process for transportation issues is confusing to residents. She suggested the commission establish a process. Administrator Griffin stated that there is a policy in place that Council adopted in 2002 but it wasn't widely known. She stated she has provided it to the Commission in the past.

Next steps would be to prioritize the items on the topic list, establish funding, and a timeline and present a plan to the City Council to address the issues that were raised. For the next meeting the spreadsheet will be formatted by topic and commissioners will discuss traffic calming (speed bumps) and parking. Staff will find earlier information on speed bumps and include it in the March Planning Commission packet. The last attempt for speed bumps was the Lafayette Road stretch. Staff will send the transportation spreadsheet to commissioners.

Administrator Griffin reminded commissioners that at the March Planning Commission meeting a public hearing will be held on the Draft Comprehensive Plan.

8. Reports

- 8.1. Chairperson – No Report
- 8.2. Commissioner Reports- No Reports
- 8.3. Council Liaison Bartel – reviewed the actions of the last council meeting. She reviewed the council action relating to the previously discussed grant application process.
- 8.4. Planning and Zoning Administrator – no report
- 8.5. Building Permit Report – No report to date

9. ADJOURNMENT

(Halverson motion, Moriarty second to adjourn; all ayes). Motion passed. Meeting adjourned at 8:55 p.m.

PUBLIC IN ATTENDANCE – The following individuals signed the sign-in sheet: Nell Mathews

Minutes respectfully submitted by City Administrator Susanne Griffin.

Susanne Griffin, City Administrator