Agenda
Minnetonka City Council
Regular Meeting, Monday, May 23, 2016
6:30 P.M.
Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Acomb-Wiersum-Bergstedt-Wagner-Ellingson-Allendorf-Schneider
4. Approval of Agenda
5. Approval of Minutes: April 25 and May 9, 2016 regular council meetings
6. Special Matters:
   A. Retirement recognition for Engineering Construction Coordinator Keith Rude
      Recommendation: Recognize Keith Rude
   B. Retirement recognition for Police Chief Jeff Sebenaler
      Recommendation: Recognize Jeff Sebenaler
7. Reports from City Manager & Council Members
8. Citizens Wishing to Discuss Matters Not on the Agenda
9. Bids and Purchases:
   A. Bids for Oakland Road Rehabilitation Project
      Recommendation: Award the contract (majority vote)
10. Consent Agenda - Items Requiring a Majority Vote:
    A. Resolution approving agreement with MnDOT
    B. Resolution approving a conditional use permit for Partner's in Excellence, a school in an industrial district, at 5501 Feltl Road

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C. Request to install additional temporary signs on the Civic Center Campus for the Minnetonka Farmer’s Market at 14600 Minnetonka Boulevard

11. Consent Agenda - Items Requiring Five Votes: None

12. Introduction of Ordinances: None

13. Public Hearings:
   A. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for LTF Club Operations Company, Inc. dba Life Café, 3310 Co Rd 101
      Recommendation: Continue the public hearing and grant the licenses (5 votes)

14. Other Business:
   A. Consideration of a park board recommendation to develop a park in the Robinwood neighborhood
      Recommendation: Consider the project in the 2017-2021 Capital Improvements Program (4 votes)
   B. Transit Cooperation Agreement Amendment
      Recommendation: Approve the amendment (4 votes)
   C. Amendment to the sign ordinance
      Recommendation: Adopt the ordinance (4 votes)

15. Appointments and Reappointments:
   A. Amended reappointments and appointment to the senior citizen advisory board
      Recommendation: Approve the recommended amended reappointments and appointment

16. Adjournment
1. **Call to Order**

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

2. **Pledge of Allegiance**

All joined in the Pledge of Allegiance.

3. **Roll Call**

Council Members Bob Ellingson, Patty Acomb, Brad Wiersum, Tim Bergstedt, Tony Wagner, and Terry Schneider were present. Dick Allendorf was excused.

4. **Approval of Agenda**

Bergstedt moved, Wiersum seconded a motion to accept the agenda with addenda to items 10C, 13C, 14A. All voted "yes." Motion carried.

5. **Approval of Minutes: April 11, 2016 regular meeting and LBAE meeting**

Wagner moved, Acomb seconded a motion to approve the April 11, 2016 regular council meeting minutes and April 11, 2016 LBAE meeting minutes, as presented. All voted "yes." Motion carried.

6. **Special Matters:**

   A. **Proclamation declaring May 3, 2016 as National Teacher Day**

Schneider read the proclamation.

7. **Reports from City Manager & Council Members**

   City Manager Geralyn Barone reported on upcoming meetings and events.

   Schneider noted he testified before the Minnesota House of Representatives Property Tax and Local Government Finance Division against proposed changes to TIF. The author of the bill chairs the committee.

8. **Citizens Wishing to Discuss Matters not on the Agenda**
9. Bids and Purchases:

A. Bids for 34\textsuperscript{th} and Opus Lift Station improvements

Barone gave the staff report.

Wiersum moved, Wagner seconded a motion to award contract to Minger Construction Co., Inc. in the amount of $355,233.75 and amend the Capital Improvements Program (CIP). All voted “yes.” Motion carried.

B. Bids for Trunk Forcemain Lining – Phase III

Barone gave the staff report.

Acomb moved, Bergstedt seconded a motion to award contract to Visu-Sewer, Inc. in the amount of $1,290,312. All voted “yes.” Motion carried.

10. Consent Agenda – Items Requiring a Majority Vote:

A. Resolution designating Ridgehaven Lane as a Municipal State Aid street

Wiersum moved, Acomb seconded a motion to adopt resolution 2016-030 designating Ridgehaven Lane as a Municipal State Aid street. All voted “yes.” Motion carried.

B. Resolution approving polling place change and renaming the eight city precincts for the 2016 elections

Wiersum moved, Acomb seconded a motion to adopt resolution 2016-031 changing the polling place for Ward 1 Precinct D from Faith Presbyterian Church to Grace Apostolic Church and renaming eight precincts in the city. All voted “yes.” Motion carried.

C. Agreements for Metropolitan Council LHIA funds

Wiersum moved, Acomb seconded a motion to approve the agreement with the Metropolitan Council for LHIA funds and the sub-recipient agreement with Homes within Reach. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes: None
12. Introduction of Ordinances:

A. Amendment to the sign ordinance
City Planner Loren Gordon and City Attorney Corrine Heine gave the staff report.

Schneider noted the proposed changes included a lot of detail and a study session to discuss the goals of the ordinance might be useful. This could be a joint study session with the planning commission.

Wiersum noted the size of the ordinance and that there were a lot of different situations that were governed by the ordinance. He thought the amendment was a move in the right direction and having the planning commission give it a thorough review was a good idea. He agreed a study session to review the ordinance was also a good idea.

Barone noted at a study session visual examples could be provided.

Wagner moved, Wiersum seconded a motion to introduce the ordinance and refer it to the planning commission. All voted “yes.” Motion carried.

13. Public Hearings:

A. On-sale liquor license for Redstone American Grill, Inc., 12401 Wayzata Boulevard

Schneider continued the public hearing from March 14, 2016 at 7:02 p.m. No one spoke. He closed the public hearing at 7:02 p.m.

Wagner moved, Bergstedt seconded a motion to grant a new license for Redstone American Grill, Inc., at Ridgedale Mall (12401 Wayzata Boulevard), and rescind the transfer of the license from 12501 Ridgedale Drive. All voted “yes.” Motion carried.

B. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for Field Day Ridgedale, LLC, 12259 Wayzata Boulevard

Barone gave the staff report. She noted the police department requested an extension to complete the background check.

Wiersum moved, Acomb seconded a motion to continue the public hearing to May 9, 2016. All voted “yes.” Motion carried.
C. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for LTF Club Operations Company, Inc. dba Life Café, 3310 Co Red 101

Barone gave the staff report. She noted there were a couple of comments included in the addendum.

Schneider opened the public hearing at 7:05 p.m. No one spoke.

Wiersum moved, Bergstedt seconded a motion to continue the public hearing to May 23, 2016. All voted “yes.” Motion carried.

14. Other Business:

A. Resolution approving a conditional use permit and final site and building plans for a licensed day care facility at 14730 Excelsior Boulevard

Gordon gave the staff report.

Jon Fahning, 6278 Mallory Lane, Eden Prairie, said he was with the real estate company representing the developer and also the general contractor representing the tenant for the project. Part of the reason the proposal was for a new building rather than redeveloping the existing building was the overall use. He said the access off of Williston was moved to align with the road to the west.

Bergstedt asked if everything goes as planned, what the possible opening date might be. Fahning said the plan was to start construction in June and then deliver the building to the tenant by the end of December.

Bergstedt said he was glad to see the day care proposal come back before the council because he thought a day care was an excellent use for the site. It would work as a nice transition between the commercial and residential districts. The concern council and staff previously had with the previous approval was if an aging hardware store truly could be retrofitted to become daycare facility. He was glad the current building was being taken down. Parking was never good in the area but the high traffic times for the daycare would be different from the other businesses and post office in the area.
Bergstedt moved, Acomb seconded a motion to adopt resolution 2016-032, replacing Resolution No. 2015-018 and approving a conditional use permit and final site and building plans, with a front yard setback variance, for a licensed day care facility at 14730 Excelsior Boulevard. All voted “yes.” Motion carried.

B. Consideration of petition for environmental assessment worksheet for 2016 Pavement Rehabilitation Project – Libbs Lake, Project No. 16401

Heine and City Engineer Will Manchester gave the staff report.

Devon Ekland, 3218 Shores Boulevard, said the city did not do a good job with its communication about the project. He urged better communication in the future.

Richard Koppy, 3013 Lake Shore Boulevard, said the residents had a disagreement with the city about the project. It wasn’t they did not want the project but he wanted everyone to understand what the residents were going through. He said the big issue was the trees and no one in the neighborhood had understood the impact as the project was approved. The neighborhood to the north has the same character and if the same thing was being done there, the residents would have similar concerns with the tree removal. The decision for the project type was due to water main breaks. The water main reconstruction was the reason for the majority of the tree destruction. He questioned why the water main reconstruction area was not focused on where the problem was. He said the neighbors want the city to look at just doing a water main replacement and street improvements in the very bad area. The rest of the streets should be done similar to what was being done in the neighborhood to the north. Curb and gutter should be removed from the project. He said the homes in his neighborhood on the south side of Libbs Lake do not have the property value of the homes on the north side of the lake but they have the same environmental values.

Koppy noted the agreement the city had reached with the Schmidts. He said the agreement should be used to save even more trees. Altering the road design and putting a trench box in place would save quite a few trees. Using a different installation method for the service line would save at least 30 percent of the trees. He showed pictures of trees that he thought could be saved by using trench boxes and the different installation method using a pneumatic gopher for the service lines. He said a tree replacement program should also be considered.
Bill Webster, 3209 Larchmore Avenue, said he was told by the University of Minnesota that the tree in front of his house was well over 200 years old and it was very healthy. He said communication was an issue. He went through all the material the city had sent and there was no mention of curb and gutters. It would save the city a lot of money not to put in curbs and gutters. The way his driveway is configured would require that he drive over a curb to the area where he parks his car.

Manchester noted the city’s construction coordinator was watching the meeting remotely and had indicated that all but two of the trees Koppy had shown as being removed would be saved. Trees are marked and then staff meets with property owners to determine if there were things that could be done to save the trees. Schneider asked if the tree Webster had mentioned would be saved. Manchester said it currently was planned to be saved.

Heine noted there was an agreement in concept with the Schmidt’s but had not been signed and finalized. She said the contractor had been very cooperative in working with staff to identify trees where using options like a trench box would restrict the impact to tree roots. Some of the things like relocating service lines could only be done with the permission of the property owner. She said some trees could not be saved. If the tree was a public hazard because too much of the critical root system was removed, it would have to come down. The city believes other trees, like the Schmidt’s, will likely die because of the impact to the root system. Those trees might survive the actual construction but it was unknown how long they would live. The city would only allow the owner to keep trees in that category if the owner signs an agreement similar to the Schmidt’s agreement.

Schneider said the city engineering staff had numerous meetings about the project but a lot of things could not be known until the field work began. This was part of the normal process. He believed the staff had a very consistent message since day one saying they would continue to work with residents on a one to one basis to identify ways trees could potentially be saved. Relocating the service lines was always an option that could be looked at. He noted the item before the council was not taking action on the project. The item before the council was whether to proceed with the EAW or if the project was exempt for the reasons staff indicated.

Wiersum said the council and city cared passionately about trees. The city wanted to do everything it could on a one to one basis to save as many trees in the area as possible. When he voted for the project it was with the knowledge of the infrastructure issues in the city. People wanted repaired
infrastructure but they didn’t want to lose any trees. The reality was there were going to be trees lost no matter what construction method was used. He believed staff was doing what always was done in working with residents to look at options to save trees. He said curb and gutter was the standard in the city and the reason was it was cheaper in the long term.

Schneider said staff does a thorough job in balancing the right areas to do reconstruction versus doing an overlay. The bottom line was that eventually all the roads would need to be reconstructed. Cast iron pipe wasn’t meant to last 100 years.

Wagner said it was great the residents were passionate about saving trees. What he heard was that trenches would be used where they could be used as would the pneumatic gopher for service lines.

Bergstedt said it sounded like a tentative agreement had been reached with the Schmidt’s. The council had not seen the agreement. The agreement provided that the Schmidt’s would take on liability to save trees. If there were additional costs involved the Schmidt’s would be responsible. It seemed everything was being done to save some trees. He asked if other property owners had the same option as the Schmidt’s. If they did, how that would be reconciled with the schedule to start removing trees the next day if the EAW was not approved. Barone said staff would continue to work with residents and the tree removal would occur over a period of weeks.

Heine noted there were three categories of trees being discussed. There were trees the contractor, in working with city staff, had identified as ones that it was believed enough impact to the root system could be avoided that the trees likely would survive. The city would do whatever was necessary to save all of those trees. The next category was even if the city did everything it could, it was likely the tree would die because of the impact to the root system. For those trees, the city would remove them unless the property owner agreed to take on responsibility for removing the tree if it died or the potential liability and costs if it falls over. Even then, if the tree became hazardous during construction, it would be removed. The third category were trees that would come down in order to get the water main in using the chosen method of construction and following the Minnesota Department of Health’s rules.

Ellingson asked if a determination had been made on all the trees and what category they fell into. Manchester said all trees had been looked at and property owners could contact staff to find out the category the tree was in. Ellingson asked if the tree was in the category that required the property owner to sign an agreement but the property owner never
contacts the city, what would be done. Heine said the operating assumption given all the attention that had been raised, was if the property owner had not contacted the city about a tree it was probably a property owner who did not want to assume the liability of the tree.

Wagner said there had been a good discussion and dialogue with the neighbors but it gave him pause that trees would start to be removed the following day. He asked if that could be delayed without impacting the project. Manchester said there would be potential delays if the beginning of the removal was delayed. He recommended starting the next day.

Schneider asked if it was possible to post information online about which trees were scheduled to come down over the next few days. Wiersum asked if the trees that the city and contractor knew could not be saved would be removed first versus going into a neighborhood and cutting down trees regardless of what category they were in. The former would require more work and going into a neighborhood multiple times but would allow some trees on the cusp to be saved. Barone said an alternative would be for staff to reach out to those who had contacted the city with concerns. Manchester said it was best if the staff and contractor looked at the trees in the field to determine the best approach. Wiersum said if the process started with the trees that it was known would have to be removed, he was confident that the presence of chainsaws would cause people not watching the meeting to call.

Wagner said he believed staff would take the council’s direction and comments into account. Schneider said the contractor was willing to work with the city as much as he could but he also had a deadline to meet. No one wanted a project that dragged out. Wagner noted the project in his ward last year was overly challenging. School buses could not drive into the neighborhood until November. Rain delayed the project and nothing really was started until August. He said the council had heard the residents’ concerns and everybody loves trees. He appreciated all the information the neighborhood had brought forward.

Wiersum said decisions about the project had not been easy for anyone. He thought staff had done an outstanding job at making the project as good as it could be. There were a lot of challenges ahead. The convenience and difficulty associated with the digging and all the things that are going to happen in front of the homes would be significant.

Wiersum moved, Acomb seconded a motion to adopt resolution 2016-033 determining that the project is exempt from environmental review. All voted “yes.” Motion carried.
15. Appointments and Reappointments: None

16. Adjournment

    Bergstedt moved, Wiersum seconded a motion to adjourn the meeting at 8:23 p.m. All voted "yes." Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk
Minutes
Minnetonka City Council
Monday, May 9, 2016

1. Call to Order

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

2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

3. Roll Call

Council Members Dick Allendorf, Patty Acomb, Brad Wiersum, Tim Bergstedt, Bob Ellingson, and Terry Schneider were present. Tony Wagner was excused.

4. Approval of Agenda

Wiersum moved, Bergstedt seconded a motion to accept the agenda, as presented. All voted "yes." Motion carried.

5. Approval of Minutes: April 25, 2016 LBAE meeting

Bergstedt moved, Acomb seconded a motion to approve the April 25, 2016 LBAE meeting minutes, as presented. Acomb, Wiersum, Bergstedt, Ellingson, and Schneider voted "yes." Allendorf abstained. Motion carried.

6. Special Matters: None

7. Reports from City Manager & Council Members

City Manager Geralyn Barone reported on upcoming events and meetings.

Schneider noted he attended a meeting in Eden Prairie earlier in the day. The topic was transportation. Legislators and business leaders were present to discuss what might happen at the legislature.

8. Citizens Wishing to Discuss Matters not on the Agenda

9. Bids and Purchases:

A. Purchase of fire turnout gear equipment

Barone gave the staff report.
Wiersum moved, Allendorf seconded a motion to authorize the purchase of 78 sets of structural firefighting turnout gear from Honeywell/Morning Pride through its distributor, Jefferson Fire & Safety, at a cost of $159,396.90 per the JPA; and to amend the Capital Improvements Program to accommodate the purchase using the city’s Public Safety Fund for $131,000 of that cost. All voted “yes.” Motion carried.

10. Consent Agenda – Items Requiring a Majority Vote:

A. Resolutions providing for the issuance and sale of:

1) $10,000,000 General Obligation Utility Revenue Refunding Bonds, Series 2016A; and
2) Aggregate $10,000,000 General Obligation Bonds, Series 2016B (Utility Revenue and Open Space

Barone gave the staff report.

Allendorf moved, Acomb seconded a motion to adopt resolution 2016-034 providing for the issuance and sale of approximately $10 million General Obligation Utility Revenue Refunding Bonds, Series 2016A; and Resolution 2016-035 providing for the issuance and sale in aggregate approximately $10 million General Obligation Bonds for both water and sewer system improvement ($7.5 million) and open space purchases ($2.5 million). All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances: None

13. Public Hearings:

A. Items concerning Field Day Ridgedale, LLC, 12259 Wayzata Boulevard:

1) Resolution approving a conditional use permit for Field Day, by Good Earth, a restaurant at Ridgedale Center at 12259 Wayzata Boulevard

2) On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for Field Day Ridgedale, LLC, 12259 Wayzata Boulevard

Community Development Director Julie Wischnack gave the staff report.

Schneider continued the public hearing from April 25 at 6:42 p.m.
Alan Ackerberg, 4200 Forest Road, St. Louis Park, said he was one of the partners. Field Day is a fast casual restaurant. It will serve natural, wholesome, healthy and unprocessed food.

Schneider closed the public hearing at 6:44 p.m.

Wiersum moved, Bergstedt seconded a motion to adopt resolution 2016-036 approving the conditional use permit and granting the licenses. All voted “yes.” Motion carried.

B. Resolution authorizing the Issuance, Sale, and Delivery of Multifamily Housing Revenue Bonds; Adopting a Housing Program; and Authorizing the Execution and Delivery of the Bonds and Related Documents

Wischnack gave the staff report.

Schneider opened the public hearing at 6:45 p.m. No one spoke. He closed the public hearing at 6:45 p.m.

Acomb moved, Allendorf seconded a motion to hold the public hearing and adopt resolution 2016-037 authorizing the issuance, Sale and Delivery of Multifamily Housing Revenue Bonds; Adopting a Housing Program; and Authorizing the Execution and Delivery of the Bonds and Related Documents. All voted “yes.” Motion carried.

14. Other Business: None

15. Appointments and Reappointments: None

16. Adjournment

   Bergstedt moved, Wiersum seconded a motion to adjourn the meeting at 6:46 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk
City Council Agenda Item #6A  
Meeting of May 23, 2016

Brief Description: Retirement recognition for Engineering Construction Coordinator Keith Rude

Recommended Action: Recognize Keith Rude

Background

It is the practice of the city council to recognize the contributions of retiring city of Minnetonka employees.

Keith Rude

Keith Rude will be retiring June 30, 2016, after serving the city for 42 years in the Engineering Department.

Keith started with the city of Minnetonka on April 8, 1974 at the age of 24 years old. He had originally applied for a drafting position and didn’t get the job; however, a few weeks later received a call offering him a position on the survey crew. He accepted at a starting wage of $3.15/hour and for the next five years was busy staking sewer/water projects throughout the city. After five years, Keith was promoted to survey crew chief and continued survey work for roadway and utility projects in existing neighborhoods as well as new subdivisions that were now expanding into undeveloped areas.

In the mid 80’s Keith was offered an opportunity to move into construction inspection and later was promoted to construction coordinator, the position he holds today. From this time forward, Keith has coordinated hundreds of millions of dollars of construction working at some point on nearly every street in Minnetonka, which includes more than 250 miles.

Keith has worked on a range of successful projects that included street reconstruction, new utilities, burial of power lines, parking lots, plazas, walkways, landscaping, and pond construction to name a few. His easy going, positive approach has been an incredible asset to the city over the years, making these projects successful.

Keith’s very notable projects have included the city hall/community center/police station improvements, kicking off and continuing the annual street rehabilitation program that began in 1995 and earned him the City Engineer’s Association of Minnesota project of the year, the Lake Windsor area street/utility improvements, Shady Oak Road reconstruction, and the Baker Road/Excelsior Boulevard intersection. He continued to take on new learning opportunities in 2014 leading the construction of the I-394/Ridgedale westbound on-ramp project which was completed two weeks ahead of
schedule in time for the holiday shopping season. He was recognized for this project as the overall city of Minnetonka Leadership award recipient for his outstanding efforts.

He wanted to note he has greatly enjoyed his 42 years with the city of Minnetonka, but is very excited to move on to new adventures with his family, without any defined schedules. Keith will be missed and we graciously thank him for his exemplary service and wish him the best as he retires from the city and begins a new chapter.

Recommendation

Recognize Engineering Construction Coordinator Keith Rude.

Submitted through:  
   Geralyn Barone, City Manager

Originated by:  
   Will Manchester, P.E., Director of Engineering
City Council Agenda Item #6B  
Meeting of May 23, 2016

**Brief Description:** Retirement recognition for Police Chief Jeff Sebenaler

**Recommended Action:** Recognize Jeff Sebenaler

**Background**

It is the practice of the city council to recognize the contributions of retiring city of Minnetonka employees.

**Jeff Sebenaler**

Police Chief Jeff Sebenaler has been with the Minnetonka Police Department since 1990, serving first as an officer, then being promoted to sergeant and to captain before being appointed chief in 2014. He began his law enforcement career in 1984 in Thief River Falls, Minnesota.

Chief Sebenaler earned a bachelor's degree in criminal justice from Bemidji State University and attended the Law Enforcement Skills Program at Alexandria Technical College. He is a graduate of the FBI National Academy in Quantico, Va., an invitation-only professional course of study for U.S. and international law enforcement leaders. He has noted this is the most memorable training opportunity in his career, as he learned valuable leadership skills and, more importantly, joined a network of law enforcement leaders from across the world who he's reached out to over the years.

During his tenure, Chief Sebenaler worked as a school resource officer at both Hopkins and Minnetonka High Schools, a most rewarding assignment for him. He observed the many positive things young people are involved in on a daily basis. Further, he developed strong relationships with staff, teachers and parents who are still in contact with him even after 20 years have passed.

Chief Sebenaler was a member of the SWAT team for nine years, having served both as an operator and supervisor. The additional training received was excellent, and repelling off buildings was an added plus for him, as he likes a little adventure in the day.

Other career highlights for Chief Sebenaler include helping to deliver a baby, saving a choking child, and performing live saving CPR on a number of heart attack victims. As chief, he has enjoyed the many internal and external relationships fostered from meeting people from all walks of life.
Chief Sebenaler’s commitment to exceptional customer service and ‘service before self’ will benefit our community for years to come. The police department has thrived under his leadership. While we are sad to see such a fine team member go, we wish him well as he embarks on this new chapter.

We thank Jeff for his dedication and many contributions to the city of Minnetonka.

**Recommendation**
Recognize Chief Jeff Sebenaler.

Submitted through:
Geralyn Barone, City Manager

Originated by:
Perry Vetter, Assistant City Manager
City Council Agenda Item #9A
Meeting of May 23, 2016

**Brief Description:** Bids for the Oakland Road Rehabilitation Project

**Recommended Action:** Award the contract

**Background**

On March 28, 2016, the city council adopted a resolution accepting the plans and specifications for the 2016 Street Rehabilitation Project in the Oakland Road area. This project is located on Oakland Road between Essex Road and the Oakland Road Bridge.

The project includes full water main replacement, street and trail reconstruction and resurfacing, intersection improvements, isolated storm sewer and sanitary sewer improvements, and minimal tree removal. Full replacement of the water main along Oakland Road is proposed due to deficiencies in the system which include 23 documented water main breaks, most within the last few years. Staff looked at ways to minimize disruption to the adjacent neighborhoods through the evaluation of alternative water main rehabilitation methods including structural cured-in-place-pipe liner and pipe bursting.

Both of these alternative methods are emerging technologies for rehabilitating smaller diameter water mains and have not been feasible on past projects. The limited number of water services, in addition to the existing sanitary sewer and storm sewer systems both in relatively good condition, allow these methods to be feasible options. Also, Oakland Road is one continuous roadway segment which makes these alternatives extremely viable options due to very minimal setups required for these methods. In addition to open cut excavation, both the liner and pipe bursting were bid as alternates to ensure competitive bidding between the options.

The open cut excavation alternative for the water main on this project requires additional costs for full removal and replacement of infrastructure that is in good condition, including curb and gutter and a majority of the existing in place storm sewer. It also requires extensive tree removal, retaining wall removal, and the potential for additional easement acquisition.

**Bid Opening**

Bids were opened for the project on May 17, 2016 and included options for the three alternatives considered for water main replacement. Three bids were received in response to the call for bids, and the results are as follows:
The low bidder utilizing pipe bursting as the selected watermain replacement alternative, Dave Perkins Contracting, Inc., has satisfactorily completed projects in Minnetonka.

### Estimated Project Costs and Funding

The total estimated construction cost, including engineering, administration, and contingency is $2,090,000. The budget amount for the project is shown below and is included in the 2016 – 2020 Capital Improvements Program (CIP).

<table>
<thead>
<tr>
<th>Budget Amount</th>
<th>Proposed Funding</th>
<th>Expense</th>
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</thead>
<tbody>
<tr>
<td>Construction Costs</td>
<td>$1,650,000</td>
<td></td>
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<tr>
<td>Contingencies – 10%</td>
<td>$160,000</td>
<td></td>
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<tr>
<td>Engineering, Administration, and Indirect Costs</td>
<td>$280,000</td>
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<td>Street Improvement Fund</td>
<td>$800,000</td>
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<td>Utility Fund</td>
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<td>Storm Sewer Fund</td>
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<td><strong>Total Budget</strong></td>
<td>$1,995,000</td>
<td>$2,090,000</td>
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The attached “2016 Street Rehabilitation Funding Summary” provides a recap of estimated costs and funding sources for all 2016 street projects. The proposed funding is within the appropriated amount as shown in the 2016-2020 CIP.

### Schedule

If the recommended actions are approved by council, construction will likely begin mid-to late June. The project is planned to be completed in two phases which will each be closed to through traffic during construction. With less excavation, the surrounding neighborhood will be able to utilize the existing pavement for an extended period of time which will significantly improve local access to properties during construction as compared to typical full open cut construction methods.
**Recommendation**

Award the contract for the Oakland Road Rehabilitation Project No. 16402 to Dave Perkins Contracting, Inc. in the amount of $1,628,881.25.

Submitted through:
- Geralyn Barone, City Manager
- Will Manchester, P.E., Director of Engineering

Originated by:
- Jeremy Koenen, P.E., Assistant City Engineer
### 2016 Street Rehabilitation Funding Summary

<table>
<thead>
<tr>
<th>Funding Sources</th>
<th>2016 CIP</th>
<th>2015 Carryover ¹</th>
<th>Libb's Lake Area</th>
<th>4th Street</th>
<th>Oakland Road</th>
<th>Balance</th>
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<tbody>
<tr>
<td>Street Improvement Fund - Local Stree Rehab</td>
<td>$ 4,000,000</td>
<td>$ 300,000</td>
<td>$ 2,900,000</td>
<td>$ 63,000</td>
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¹ Estimated Project Savings from 2015 Pavement Rehabilitation Project.
² $560,000 balance of total CIP appropriation for local street preservation to be used for Public Works Department projects.
2016 Rehabilitation Program

- Reconstruction Area

This map is for illustrative purposes only.
City Council Agenda Item #10A
Meeting of May 23, 2016

**Brief Description:** Resolution approving agreement with MnDOT

**Recommended Action:** Adopt the resolution

**Background**

On April 28, 1988 Trunk Highway No. 62 was transferred from Hennepin County to the Minnesota Department of Transportation (MnDOT) in the area of County Road No. 61 (Shady Oak Road). At that time, the agreement between parties did not fully address the responsibilities for the traffic control signals located at the intersection of Trunk Highway No. 62 and County Road No. 61, related to power, maintenance, and operation between the county, state and cities of Minnetonka and Eden Prairie.

The traffic control signal maintenance agreement is essentially a housekeeping agreement related to services between MnDOT, Hennepin County, the city of Eden Prairie and the city of Minnetonka. The agreement is needed to allow MnDOT to work on various services for the city related to the traffic control signals, and then invoice the city for their work as appropriate. An example of this work arrangement would include MnDOT’s maintenance operations for a number of other traffic signal systems throughout the city.

The attached agreement simply replaces and supersedes the existing agreement with updated language modifications and does not impact existing practices, procedures, or costs which are currently in place. The agreement has been approved by the city attorney.

**Recommendation**

Adopt the attached resolution authorizing the traffic control signal maintenance agreement with the Minnesota Department of Transportation, Hennepin County and the city of Eden Prairie.

Submitted through:
   Geralyn Barone, City Manager

Originated by:
   Will Manchester, P.E., Director of Engineering
Resolution No. 2016

Resolution approving agreement No. 1000407 with the State of Minnesota Department of Transportation for traffic control signal on TH 62 at CSAH 61

Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. Agreement No. 1000407 has been prepared by MnDOT and presented to the City of Minnetonka to provide for the power, operation, and maintenance for the existing Traffic Control signals and Emergency Vehicle Pre-emption Systems on Trunk Highway No. 62 and County State Aid Highway No. 61 (Shady Oak Road) North Ramps, and on Trunk Highway No. 62 and County State Aid Highway No. 61 (Shady Oak Road)/West 62nd Street South Ramps; and the existing Interconnect on Trunk Highway No. 62 from County State Aid Highway No. 61 (Shady Oak Road) North Ramps to County State Aid Highway No. 61 (Shady Oak Road)/West 62nd Street South Ramps, in the Cities of Minnetonka and Eden Prairie, Hennepin County, Minnesota.

Section 2. Council Action.

2.01. Agreement No. 1000407 is hereby approved.

2.02. The mayor and city manager are hereby authorized to execute Agreement No. 1000407 and any amendments to that Agreement, provided that any aggregate increase in City cost under the amendment(s) does not exceed $100,000.

Adopted by the City Council of the City of Minnetonka, Minnesota, on May 23, 2016.

________________________________________
Terry Schneider, Mayor

ATTEST:

________________________________________
David E. Maeda, City Clerk

ACTION ON THIS RESOLUTION:
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on May 23, 2016.

__________________________
David E. Maeda, City Clerk
STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
And
CITY OF MINNETONKA
And
CITY OF EDEN PRAIRIE
And
HENNEPIN COUNTY
TRAFFIC CONTROL SIGNAL
MAINTENANCE AGREEMENT

Control Sections (C.S.): 2773
Trunk Highway Numbers (T.H.): 62 = 384
Signal System IDs 22503 North Ramp 38236 South Ramp

This Agreement is between the State of Minnesota, acting through its Commissioner of Transportation ("State"), the City of Minnetonka acting through its City Council ("Minnetonka"), the City of Eden Prairie acting through its City Council ("Eden Prairie"), and Hennepin County acting through its Board of Commissioners ("County").

Recitals

1. Minnetonka, Eden Prairie, the County, and the State wish to define their respective power, operation, and maintenance responsibilities for the existing Traffic Control Signals ("Signal Systems") and Emergency Vehicle Pre-emption Systems ("EVP Systems") on Trunk Highway No. 62 and County State Aid Highway No. 61 (Shady Oak Road) North Ramps, and on Trunk Highway No. 62 and County State Aid Highway No. 61 (Shady Oak Road)/West 62nd Street South Ramps; and the existing Interconnect ("Interconnect") on Trunk Highway No. 62 from County State Aid Highway No. 61 (Shady Oak Road) North Ramps to County State Aid Highway No. 61 (Shady Oak Road)/West 62nd Street South Ramps, in the Cities of Minnetonka and Eden Prairie, Hennepin County, Minnesota; and

2. The transfer of County Road No. 62 (presently Trunk Highway No. 62) from the County to the State covered in Agreement No. 64760, dated April 28, 1988 did not address the power, operation, and maintenance of the above Signal Systems, EVP Systems, and Interconnect.

3. The State's operation and maintenance responsibilities covered under this Agreement will be performed by the County on a reimbursable basis with the State and payment will be covered in Master Agreement No. 01807 between the County and the State.

4. Minnesota Statutes § 161.20, subdivision 2 authorizes the Commissioner of Transportation to make arrangements with and cooperate with any governmental authority for the purposes of constructing, maintaining and improving the trunk highway system.

Agreement

1. Term of Agreement; Survival of Terms

1.1. Effective date. This Agreement will be effective on the date the State obtains all signatures required by Minnesota Statutes § 16C.05, subdivision 2.
1.2. **Expiration date.** This Agreement will expire when all obligations have been satisfactorily fulfilled.

1.3. **Survival of terms.** All clauses which impose obligations continuing in their nature and which must survive in order to give effect to their meaning will survive the expiration or termination of this Agreement, including, without limitation, the following clauses: 5. Liability; Worker Compensation Claims; Insurance; 7. State Audits; 8. Government Data Practices; 9. Governing Law; Jurisdiction; Venue; and 11. Force Majeure. The terms and conditions set forth in Article 2. Signal Systems, EVP Systems, and Interconnect Power, Operation, and Maintenance may be terminated by another Agreement between the parties.

2. **Signal Systems, EVP Systems, and Interconnect Power, Operation, and Maintenance**

Power, operation, and maintenance responsibilities will be as follows for the existing Signal Systems and EVP Systems on Trunk Highway No. 62 and County State Aid Highway No. 61 (Shady Oak Road) North Ramps (System “A”), and on Trunk Highway No. 62 and County State Aid Highway No. 61 (Shady Oak Road)/West 62nd Street South Ramps (System “B”); and the existing Interconnect on Trunk Highway No. 62 from County State Aid Highway No. 61 (Shady Oak Road) North Ramps (System “A”) to County State Aid Highway No. 61 (Shady Oak Road)/West 62nd Street South Ramps (System “B”).

2.1 **(System “A”),** Trunk Highway No. 62 and County State Aid Highway No. 61 (Shady Oak Road) North Ramps

A. **Power.** Minnetonka will pay all monthly electrical service expenses necessary to operate the Signal System, EVP System, and Interconnect.

B. **Minor Luminaire Maintenance.**

Minnetonka will provide for the following at its own cost:

- Maintain the signal pole mounted LED luminaires, including replacing the luminaires when necessary. The LED luminaire must be replaced when it fails or when light levels drop below recommended AASHTO levels for the installation.

C. **Minor Signal System Maintenance.**

The County will provide for the following at its own cost:

i. Replace the Signal Systems LED indications. Replacing LED indications consists of replacing each LED indication when it reaches end of life per the MnDOT Traffic Engineering Manual, fails, or no longer meets Institute of Traffic Engineers (ITE) standards for light output.

ii. Clean the Signal System controller cabinet and service cabinet exteriors.

iii. Clean and paint the Signal Systems and luminaire mast arm extensions.

D. **Major Signal System Maintenance (State Responsibilities Performed by the County on a Reimbursable Basis)**

Operation and maintenance activities covered below are the responsibility of the State and will be performed by the County on a reimbursable basis.

i. **Interconnect, Other Maintenance, and Timing.** The County will maintain the interconnect (between System “A” and System “B”) and signing, and perform all other Signal System and signal pole luminaire circuit maintenance. All Signal System timing will be determined by the County subject to State's approval.
ii. **Locating.** The County will perform Gopher State One Call Locating for System “A” and for the interconnect between System “A” and System ”B”.

iii. **EVP System Operation.** The EVP System will be operated, maintained, and removed according to the following conditions and requirements:

All maintenance of the EVP System will be done by County forces.

Emitter units may be installed only on authorized emergency vehicles, as defined in Minnesota Statutes § 169.011, Subdivision 3. Authorized emergency vehicles may use emitter units only when responding to an emergency. Eden Prairie, Minnetonka, and the County will provide the State's District Engineer or their designated representative a list of all vehicles with emitter units, if requested by the State.

Malfunction of the EVP System must be reported to the County immediately.

In the event the EVP System or EVP components are, in the opinion of the State, being misused or the conditions set forth in Paragraph ii. above are violated, and such misuse or violation continues after Eden Prairie, Minnetonka, and the County receives written notice from the State, the State may remove the EVP System. Upon removal of the EVP System pursuant to this Paragraph, all of its parts and components become the property of the State.

All timing of the EVP System will be determined by the County subject to State’s approval.

E. **Payment** The State and the County will refer to Master Agreement No. 01807-R between the State and the County for payment of the actual costs incurred in performing said operation, maintenance, and timing activities.

2.2 (System “B”), Trunk Highway No. 62 and County State Aid Highway No. 61 (Shady Oak Road)/West 62nd Street South Ramps.

A. **Power.** Eden Prairie will pay all monthly electrical service expenses necessary to operate the Signal System, EVP System, and Interconnect.

B. **Minor Luminaire Maintenance.** Eden Prairie will provide for the following at its own cost:

Maintain the signal pole mounted LED luminaires and all internal components including replacing the luminaires when necessary. The LED luminaire must be replaced when it fails or when light levels drop below recommended AASHTO levels for the installation.

C. **Minor Signal Maintenance**

The County will provide for the following at its own cost:

i. Replace the Signal System LED indications. Replacing LED indications consists of replacing each LED indication when it reaches end of life per the MnDOT Traffic Engineering Manual, fails, or no longer meets Institute of Traffic Engineers (ITE) standards for light output.

ii. Clean the Signal System controller cabinet and service cabinet exteriors.

iii. Clean and paint the Signal System signal poles and luminaire mast arm extensions.

D. **Major Signal System Maintenance (State Responsibilities Performed by the County on a Reimbursable Basis)**
Operation and maintenance activities covered below are the responsibility of the State and will be performed by the County on a reimbursable basis.

i. **Interconnect, Other Maintenance, and Timing.** The County will maintain the interconnect (between System “A” and System “B”) and signing, and perform all other Signal System and signal pole luminaire circuit maintenance. All Signal System timing will be determined by the County subject to the State's approval.

ii. **Locating.** The County will perform Gopher State One Call Locating for System “B” and for the interconnect between System “A” and System "B".

iii. **EVP System Operation.** The EVP System will be operated, maintained, and removed according to the following conditions and requirements:

All maintenance of the EVP System will be done by County forces.

Emitter units may be installed only on authorized emergency vehicles, as defined in Minnesota Statutes § 169.011, Subdivision 3. Authorized emergency vehicles may use emitter units only when responding to an emergency. Minnetonka, Eden Prairie, and the County will provide the State’s District Engineer or their designated representative a list of all vehicles with emitter units, if requested by the State.

Malfunction of the EVP System must be reported to the County immediately.

In the event the EVP System or EVP components are, in the opinion of the State, being misused or the conditions set forth in Paragraph ii. above are violated, and such misuse or violation continues after Minnetonka, Eden Prairie, and the County receives written notice from the State, the State may remove the EVP System. Upon removal of the EVP System pursuant to this Paragraph, all of its parts and components become the property of the State.

All timing of the EVP System will be determined by the County subject to State’s approval.

E. **Payment** The State and the County will refer to Master Agreement No. 01807-R between the State and the County for payment of the actual costs incurred in performing said operation, maintenance, and timing activities.

2.3 **Replacement and Relocation** As owner, the State is responsible for scheduling future Signal and EVP System replacement and relocation.

2.4 **Termination of Power, Operation and Maintenance Terms.** Each party may terminate the power, operation, and maintenance terms covered under Article 2 by providing 30 days' notice to the other party. Minnetonka’s or Eden Prairie’s termination requires a resolution of each City’s Council, the County’s termination requires a resolution of the County Board, and the State's termination requires a letter from the State's District Engineer. Upon termination, Minnetonka will perform the power and luminaire maintenance activities as stated in Articles 2.1.A and 2.1.B; Eden Prairie will perform the power and luminaire maintenance activities as stated in Articles 2.2.A and 2.2.B; the County will perform all of the operation and maintenance activities as stated in Articles 2.1.C and 2.2.C, and the State will perform all of the operation and maintenance activities previously performed by the County under Article 2.1.D and 2.2.D.

2.5 **Right of Way Access.** Each party authorizes the other party to enter upon their respective public right of way to perform the maintenance activities described in this Agreement.

2.6 **Related Agreements.**
This agreement will terminate and supersede any existing agreements for the power, operation and maintenance of the Traffic Control Signals and Emergency Vehicle Pre-emption Systems at the intersections of Trunk Highway No. 62 and County State Aid Highway No. 61 (Shady Oak Road) North Ramps (System “A”), and on Trunk Highway No. 62 and County State Aid Highway No. 61 (Shady Oak Road)/West 62nd Street South Ramps (System “B”); and the existing Interconnect on Trunk Highway No. 62 from County State Aid Highway No. 61 (Shady Oak Road) North Ramps (System “A”) to County State Aid Highway No. 61 (Shady Oak Road)/West 62nd Street South Ramps (System “B”).

3. Authorized Representatives

Each party’s Authorized Representative is responsible for administering this Agreement and is authorized to give and receive any notice or demand required or permitted by this Agreement.

3.1. The State’s Authorized Representative will be:

Name/Title: Allan Espinoza, MnDOT Metro District Traffic Engineering, (or successor)
Address: 1500 County Road B2 West, Roseville, MN 55113
Telephone: (651) 234-7812
Fax: (651) 234-7850

3.2. Eden Prairie’s Authorized Representative will be:

Name/Title: Rod Rue, Eden Prairie City Engineer (or successor)
Address: City Center, 8080 Mitchell Road, Eden Prairie, MN 55344
Telephone: (952) 949-8314

3.3 Minnetonka’s Authorized Representative will be:

Name/Title: Will Manchester, Minnetonka City Engineer (or successor)
Address: 14600 Minnetonka Boulevard, Minnetonka, MN 55345
Telephone: (952) 939-8239

3.4. The County’s Authorized Representative will be:

Name/Title: Christopher Sagsveen, Transportation Department Director of Operations (or successor)
Address: 1600 Prairie Drive, Medina, MN 55430
Telephone: 612-596-0330

4. Assignment; Amendments; Waiver; Contract Complete

4.1. Assignment. Neither party may assign or transfer any rights or obligations under this Agreement without the prior consent of the other party and a written assignment agreement, executed and approved by the same parties who executed and approved this Agreement, or their successors in office.

4.2. Amendments. Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Agreement, or their successors in office.

4.3. Waiver. If a party fails to enforce any provision of this Agreement, that failure does not waive the provision or the party’s right to subsequently enforce it.
4.4. **Contract Complete.** This Agreement contains all prior negotiations and agreements between the State, the City, and the County. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

5. **Liability; Worker Compensation Claims; Insurance**

5.1. Each party is responsible for its own acts, omissions and the results thereof to the extent authorized by law and will not be responsible for the acts and omissions of others and the results thereof. Minnesota Statutes § 3.736 and other applicable law govern liability of the State. Minnesota Statutes Chapter 466 and other applicable law govern liability of the City and County.

5.2. Each party is responsible for its own employees for any claims arising under the Workers Compensation Act.

6. **Nondiscrimination**

Provisions of Minnesota Statutes § 181.59 and of any applicable law relating to civil rights and discrimination are considered part of this Agreement.

7. **State Audits**

Under Minnesota Statutes § 16C.05, subdivision 5, the City and County’s books, records, documents, and accounting procedures and practices relevant to this Agreement are subject to examination by the State and the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Agreement.

8. **Government Data Practices**

The City, County, and State must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by the State under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the City and County under this Agreement. The civil remedies of Minnesota Statutes §13.08 apply to the release of the data referred to in this clause by the City, County, or State.

9. **Governing Law; Jurisdiction; Venue**

Minnesota law governs the validity, interpretation and enforcement of this Agreement. Venue for all legal proceedings arising out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

10. **Termination by Mutual Agreement**

This Agreement may be terminated by mutual agreement of the parties.

11. **Force Majeure**

Neither party will be responsible to the other for a failure to perform under this Agreement (or a delay in performance), if such failure or delay is due to a force majeure event. A force majeure event is an event beyond a party’s reasonable control, including but not limited to, unusually severe weather, fire, floods, other acts of God, labor disputes, acts of war or terrorism, or public health emergencies.

[The remainder of this page has been intentionally left blank]
HENNEPIN COUNTY

The undersigned certify that they have lawfully executed this contract on behalf of the Governmental Unit as required by applicable charter provisions resolutions or ordinances.

Approved:

By: [Signature] 2/25/15
   (Chair of County Board) Date

And: [Signature] 1/30/16
   (County Administrator) Date

And: [Signature] 1/30/16
   (Assistant County Administrator) Date
   (Public Works)

Approved as to form:

By: [Signature] 11/12/15
   (Assistant County Attorney) Date

Approved as to execution:

By: [Signature] 2/25/16
   (Assistant County Attorney) Date

Attest by: [Signature] 2/25/16
   (Deputy/Clerk of County Board) Date

Recommended for Approval:

By: [Signature] 1/3/16
   (County Highway Engineer) Date

Recommended for Approval:

By: [Signature] 1/3/16
   (Director, Transportation Department – Operations) Date
CITY OF EDEN PRAIRIE

The undersigned certify that they have lawfully executed this contract on behalf of the Governmental Unit as required by applicable charter provisions, resolutions or ordinances.

By: [Signature]
Title: Mayor
Date: 7-14-15

DEPARTMENT OF TRANSPORTATION

Recommended for Approval:

By: [Signature] (District Traffic Engineer)
Date: 

Approved:

By: [Signature] (District Engineer)
Date: 

COMMISSIONER OF ADMINISTRATION

By: [Signature] (With delegated authority)
Date: 

-8-
CITY OF MINNETONKA
The undersigned certify that they have lawfully executed this contract on behalf of the Governmental Unit as required by applicable charter provisions, resolutions or ordinances.

By: __________________________________________

Title: _________________________________________

Date: ___________________________________________________________________

By: __________________________________________

Title: _________________________________________

Date: ___________________________________________________________________
RESOLUTION NO. 2015-45

STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF EDEN PRAIRIE

I, the undersigned, being the duly qualified and acting City Clerk of the City of Eden Prairie, hereby certify that the attached and foregoing is a true and correct copy of a resolution duly adopted by the City Council of Eden Prairie at its meeting on April 15, 2015, as the same is recorded in the minutes of the meeting of such Council for said date, on file and of record in my office.

Dated this 20th day of August, 2015.

Kathleen A. Porta, City Clerk
City of Eden Prairie

SEAL
CITY OF EDEN PRAIRIE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 2015-45

RESOLUTION APPROVING TRAFFIC CONTROL SIGNAL AGREEMENT
WITH MnDOT AND HENNEPIN COUNTY FOR TRAFFIC SIGNALS
ON SHADY OAK ROAD (CSAH 61) AT THE HIGHWAY 62
NORTH AND SOUTH RAMP INTERSECTIONS
L.C. 11-5799

WHEREAS, MnDOT has prepared a traffic control signal agreement that identifies the
maintenance, operation and electrical energy requirements for the traffic signals at the CSAH 61
(Shady Oak Road) / TH 62 South Ramp and the CSAH 61 (Shady Oak Road) / TH 62 North Ramp
intersections.

NOW, THEREFORE, BE IT RESOLVED by the Eden Prairie Eden Prairie City Council that
Traffic Control Signal Agreement No. 1000407 is hereby approved, and the Mayor and City
Manager are hereby authorized to execute said agreement on behalf of the City of Eden Prairie.

ADOPTED by the Eden Prairie City Council on April 15, 2015

Nancy Ted-Lukens, Mayor

ATTEST:

SEAL

Kathleen Porta, City Clerk
STATE OF MINNESOTA

COUNTY OF HENNEPIN

CLERK OF THE BOARD

I, Deputy Clerk to the Board of the above named County, do hereby certify that I have compared the papers writing, to which this certificate is attached, with the original

Resolution No. 16-0046 adopted by the County Board of Commissioners on February 9, 2016

as the same appears of record and on file in the said Clerk to the Board’s office, at the Government Center in said Hennepin County, and find the same to be true and correct copy thereof.

IN TESTOMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County at the City of Minneapolis, this 09th day of March A.D. 2016

YOLANDA C CLARK
Deputy Clerk to the County Board

by: [Signature]
Deputy or Clerk to the County Board
Hennepin County, Minnesota
RESOLUTION NO. 16-0046
[2016]

The following Resolution was offered by Public Works, Energy & Environment Committee:

BE IT RESOLVED, that Agreement PW 15-40-15 (State Agreement 1000407) with the Minnesota Department of Transportation, City of Minnetonka and City of Eden Prairie for maintenance and operation of the traffic control signal systems at CSAH 61 (Shady Oak Road) and TH 62 north ramp in the City of Minnetonka, and at CSAH 61 (Shady Oak Road/West 62nd Street) and TH 62 south ramp in the City of Eden Prairie, at an estimated annual county cost of $1,000 for an estimated annual receivable of $1,500, be approved; that the Chair of the Board be authorized to sign the agreement on behalf of the county; and that the Controller be authorized to disburse funds as directed.

The question was on the adoption of the resolution and there were 7 YEAS and 0 NAYS, as follows:

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RESOLUTION ADOPTED ON 2/9/2016

ATTEST: [Signature]

Deputy/Clerk to the County Board
City Council Agenda Item #10B
Meeting of May 23, 2016

Brief Description  Resolution approving a conditional use permit for Partner’s in Excellence, a school in an industrial district, at 5501 Feltl Road

Recommendation  Adopt the resolution approving the request

Proposal
Partner’s in Excellence, an early intervention center for children diagnosed with autism, started in 2001 and currently operates four locations throughout the metro area and Wisconsin. Partner’s, represented by Bruce and Deb Thomas, is proposing to open a center within the existing building at 5501 Feltl Road. To accommodate the school, a significant amount of interior remodeling of the building is proposed. But for a small outdoor play area, no external modifications are proposed at this time. The proposal requires a conditional use permit to operate a school within an industrial district.

Planning Commission Hearing
The planning commission considered the request on May 5, 2016. The staff report from that meeting is attached and various plans and documents describing the proposed project may be found on pages A1–A12. At that meeting, a public hearing was opened to take comment. One person attended the public hearing and asked questions about the ownership structure and parking needs.

Following the public hearing, the commission asked questions and discussed the proposal:

- **Parking:** Commissioners confirmed with staff that the parking needs of the center could be accommodated onsite.

- **Outdoor play area:** Commissioners inquired about the size of the outdoor play area. The applicant responded that the size of the proposed outdoor area was based on their other locations and would be sufficient in size.

- **SWLRT:** Commissioners asked staff to elaborate on the impacts of the upcoming SWLRT on the site.

Planning Commission Recommendation
On a 5-0 vote, the commission recommended that the city council approve the proposal. Meeting minutes may be found on pages A20–A22.
Since Planning Commission Hearing

There have been no changes to the proposal or additional information received since the planning commission’s meeting on this item.

Staff Recommendation

Recommend the city council adopt the resolution on pages A13–A19, approving the request.

Through:  Geralyn Barone, City Manager
Julie Wischnack, AICP, Community Development Director
Loren Gordon, AICP, City Planner

Originator:  Ashley Cauley, Senior Planner
MINNETONKA PLANNING COMMISSION  
May 5, 2016

Brief Description  A conditional use permit for a school in an industrial district at 5501 Feltl Road

Recommendation  Recommend the city council approve the request.

Introduction

Partners in Excellence, an early intervention center for children diagnosed with autism, started in 2001 and currently operates four locations throughout the metro area and Wisconsin. Partners, represented by Bruce and Deb Thomas, is now proposing to open a fifth location in the existing building at 5501 Feltl Road. At full capacity, the center would serve up to 40 children and would have approximately 50 staff members. The center would typically be open from 8 a.m. to 5 p.m., Monday through Friday. (See the “Supporting Information” section of this report for more information.)

The applicant is proposing a significant amount of interior remodeling of the building to accommodate the center. No external modifications are proposed for the building at this time. The proposal includes a 1,000 square foot fenced-in play area in the rear of the building. The proposal requires a conditional use permit. (See narrative and plans on pages A1-A12.)

Staff Analysis

A land use proposal is comprised of many details. In evaluating the proposal, staff first reviews these details and then aggregates them into a few primary questions or issues. The following outlines the primary questions associated with the applicant’s request and staff’s findings.

1. **Is the use generally reasonable?**

   Yes, the conditional use permit request is appropriate and would meet the standards outlined in city code. While the city’s industrial district does not contain any provisions for schools, daycares, institutions, or gathering spaces, the ordinance does allow – as conditionally permitted uses – public buildings and “other uses similar to those permitted in this section, as determined by the city.”

   On several occasions, the city has reviewed schools under this “other uses similar to” provision. This city has found that schools operate similarly to public buildings in that they are spaces in which large groups of people gather at specified times for a specific purpose.
The only specific conditional use permit standard required by ordinance for public buildings is that the proposal must receive site and building plan approval. Site and building plan standards are outlined in the “Supporting Information” section of this report. This proposal would meet all of the required standards.

2. **Would the specific proposal be appropriate for the site?**

Yes, the proposed facility would be appropriate for the site. The subject property is in a mixed use area of residential, industrial, and commercial land uses.

**Traffic and transportation**

Properties within the Opus Overlay District are allocated a maximum number of p.m. peak hour trips to avoid overloading the Bren Road and TH 169 interchange. The allocated numbers are not the number of trips at the driveway. Rather, the allocation is based on the zoning, land use and number of trips anticipated to use the interchange based on its proximity to the interchange. Based on review of the proposal and the Institute of Traffic Engineers, the proposal would generate less than half as many trips as allocated for the property. More information about the trip generation can be found in the “Supporting Information Section” of this report.

**Upcoming LRT**

It is anticipated that construction of the Southwest Light Rail Transit line (SWLRT) will begin in 2017. From the Shady Oak Station, the LRT line would run directly south until it turns south east –running directly “behind” the subject property – and then continues south to the Opus Station. (See page A6.)

The proposal would not negatively impact the implementation of the SWLRT. However, the construction of the line will result in some disruption, tree removal, and grading on the site.

**Staff Recommendation**

Recommend the city council adopt the resolution on pages A13–A18. This resolution approves a conditional use permit for Partners in Excellence at 5501 Feltl Road.

Originator: Ashley Cauley, Senior Planner
Through: Loren Gordon, AICP, City Planner
Supporting Information

Project No.  
95008.16a

Property  
5501 Feltl Road

Applicant  
Bruce and Deb Thomas, on behalf of Partners in Excellence

Surrounding Land Uses  
Northerly: Apartments, zoned PUD and guided for mixed use  
Easterly: Light industrial, zoned PUD and guided for mixed use  
Southerly: Industrial, zoned PUD and guided for mixed use  
Westerly: office, zoned PUD and guided for mixed use

Planning  
Guide Plan designation: Mixed use  
Zoning: PUD, planned unit development

Background  
In 1991, the city council approved a master development plan for the 40-acre Feltl Road office/industrial planned unit development.

In 1995, the city council approved site and building plans to construct the 21,000 square foot office/industrial building on the subject property.

In 2008, the city council approved a minor amendment to the master development plan to allow a 5,300 square foot addition onto the north side of the existing building.

Site and property Features  
The subject property is 3.5 acres in size and is improved with a single-story building. The 26,300 square foot building was predominately used as office space; however, a small portion was used as warehouse space.

The site currently has two access points along Feltl Road with parking areas on the south and west sides of the building. The lot currently has 82 parking spaces and an additional 12 spaces available as proof-of-parking.

Proposed use  
Partners in Excellence would be staffed by 50 employees. The center would provide a range of therapy services, including applied behavior analysis, applied verbal behavior therapy, occupational therapy and speech therapy. The center would serve up to 40 children ranging in age from one to 10-years-old.

Programming would generally be offered from 8:00 a.m. to 5:00 p.m., Monday through Friday. Similar to the other Partners
locations, the proposed center would offer part-time and full-time scheduling options:

<table>
<thead>
<tr>
<th>Hours</th>
<th>Part time</th>
<th>Full time</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8:00 a.m. to 12:00 p.m.</td>
<td>8:00 a.m. to 4:00 p.m.</td>
</tr>
<tr>
<td></td>
<td>8:30 a.m. to 12:30 p.m.</td>
<td>8:30 a.m. to 4:30 p.m.</td>
</tr>
<tr>
<td></td>
<td>9:00 a.m. to 1:00 p.m.</td>
<td>9:00 a.m. to 5:00 p.m.</td>
</tr>
<tr>
<td>12:30 p.m. to 4:30 p.m.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1:00 p.m. to 5:00 p.m.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The interior of the building would be remodeled to accommodate the indoor play areas, sensory rooms, lunch areas, administrative offices and therapy rooms.

**Land use**

Partners for Excellence does not neatly fit into those land uses outlined in the zoning ordinance. As such, staff compared the proposed use to a both medical clinic and school use:

1. **Medical clinic.** Based on the therapy sessions provided, Partners in Excellence could be considered a medical clinic. However, the center would not function like a traditional clinic. While a traditional medical clinic would experience a high, unpredictable and inconsistent number of vehicle trips throughout the day, the proposed center would not. Children are enrolled into the program either on a full-time or part-time basis. The children would attend the center on a consistent and predictable schedule.

2. **School.** The 40 children attending the proposed center would be dropped-off and picked-up at times based on their enrollment schedule. The center’s overall hours would be from 8:00 a.m. to 5:00 p.m., Monday through Friday. Despite the therapy services provided, the hours of operation, traffic patterns, parking needs, and persons served, the center would operate similarly to a school.

**Traffic generation**

To avoid overloading the Bren Road and TH 169 interchange, all non-residential parcels within the Opus District are subject to trip generation requirements. Following construction of the Bren Road interchange, p.m. peak trip generation numbers were assigned to each parcel based on maximum development potential and current zoning standards. By current ordinance, the property is allocated 20 trips during the p.m. peak hours. This
assumes that 40 percent of the trips to and from the property will use the interchange.

By ordinance a site redevelopment which would increase the amount of trips generated to the interchange is required to pay a trip generation fee to recover the city’s portion of the interchange’s construction cost. To determine the amount of trips generated by a use, the city reviews rates provided by the Institute of Traffic Engineers (ITE). By the ITE, the proposal would generate a total of 9 p.m. peak hour trips to the interchange.

As such, the proposed use would generate fewer trips than the maximum amount allocated to the property. Further, the proposed use would generate fewer trips than other allowed uses would generate.

<table>
<thead>
<tr>
<th></th>
<th>Trips generated at driveway</th>
<th>40% to the interchange</th>
</tr>
</thead>
<tbody>
<tr>
<td>School</td>
<td>22 trips</td>
<td>9 trips</td>
</tr>
<tr>
<td>Office</td>
<td>40 trips</td>
<td>16 trips</td>
</tr>
<tr>
<td>Warehouse</td>
<td>20 trips</td>
<td>8 trips</td>
</tr>
<tr>
<td>General light industrial</td>
<td>29 trips</td>
<td>12 trips</td>
</tr>
</tbody>
</table>

Additionally, the applicant anticipates that, based on their other locations, approximately 15 percent of the children attending the center would be bussed to the site. This would further reduce the number of trips generated by the proposed use.

**Parking**

Generally, city code parking requirements are based on land use and the size of the building in which that land use is occurring. However, this is not the case for schools. Rather, city code parking requirements are related to the amount of users rather than the size of the occupied space.

The subject property has 82 parking stalls available onsite. Following an approval for a building addition in 2008, an additional 12 stalls were included as proof-of-parking stalls. While these stalls could be constructed to meet future parking demand, the construction of these stalls would impact the adjacent steep slope.

Staff finds that the proposed school use of the building would have a lesser parking demand than other allowed uses of the building.
### Calculation required by ordinance | Number required by ordinance
---|---
School | 0.28 stalls per student | 12 stalls
Office use | On space for every 250 square feet | 105 stalls
Warehouse or industrial use | One space for every 1,000 square feet | 26 stalls

**CUP Standards**

The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.2:

1. The use is consistent with the intent of this ordinance;

   **Finding:** A public building is a conditionally-permitted use within the industrial district. The city has conditionally allowed schools as a use similar to a public building under the “other uses similar to” section of the ordinance.

2. The use is consistent with the goals, policies and objectives of the comprehensive plan;

   **Finding:** The site is part of the Opus 2 development, which is guided for mixed-use. The larger development includes industrial, commercial, office and residential land uses.

3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and

   **Finding:** The proposal has been reviewed by the city’s building, engineering, planning, natural resources, and fire staff. Staff has determined that it would not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.

4. The use is consistent with the city’s water resources management plan;

   **Finding:** The proposal is consistent with the city’s water resources management plan. No significant changes to the property are proposed at this time.

5. The use is in compliance with the performance standards specified in Section 300.28 of this ordinance; and
**Finding:** The majority of the performance standards outlined in the zoning ordinance are related to development and construction. The proposal is for the use of an existing building within very minimal impacts to the site and exterior of the building. As such, a majority of the standards are not applicable.

6. The use does not have an undue adverse impact on the public health, safety or welfare.

**Finding:** Staff does not believe this proposal would have undue impact on the public health, safety or welfare.

### Specific CUP standards and Site and Building Plan Standards

City Code §300.21 Subd. 6(e) requires that public buildings meet site and building plan standards as outlined in City Code §300.27:

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;

   **Finding:** The proposal has been reviewed by the city's building, engineering, planning, natural resources, and fire staff to ensure consistency with the city's development guides.

2. Consistency with this ordinance;

   **Finding:** The proposal meets all minimum ordinance requirements.

3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

   **Finding:** But for a small newly created fenced in play area on the northeast side of the building, no exterior changes are proposed to the site at this time.

4. Creation of harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

   **Finding:** But for the new outdoor play area, all changes are interior to the existing building. As such, the proposal would
not visually change the visual appearance of the surrounding area. However, the visual appearance of the surrounding area will change over time based on the subject property’s proximity to the future LRT line.

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

a. An internal sense of order for buildings and uses on site and provision of a desirable environment for occupants, visitors and the general community;

   **Finding:** As currently proposed, a fenced-in play area would be located on the north east side of the building. This location would not have an impact on the property’s interior circulation or sense of order.

b. The amount and location of open space and landscaping;

   **Finding:** As proposed, the proposal would not decrease the amount of green space available on the property.

c. Materials, textures, colors and details of construction as an expression of the design concept and with compatibility of the same with the adjacent and neighboring structures and uses; and

   **Finding:** No changes to the exterior of the building are proposed at this time.

d. Vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

   **Finding:** The proposal does not include any changes to the existing parking lot or interior circulation within the site.

6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and
**Finding:** The proposal is for the reuse and remodel of an existing building.

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sign buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

**Finding:** The proposal would not negatively impact adjacent or neighboring properties.

**Approving Body**
The planning commission makes a recommendation to the city council, which has final authority to approve or deny the request. (City Code §300.06 Subd. 4)

**Motion Options**
The planning commission has the following motion options:

1. Concur with staff’s recommendation. In this case, a motion should be made recommending the city council approve the proposal based on the findings outlined in the staff-drafted resolution.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the request. The motion should include findings for denial.

3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

**Neighborhood Comments**
The city sent notices to 33 area property owners and received no comments to date.

**Deadline for Decision**
August 8, 2016
Location Map

Project: Partners in Excellence
Address: 5501 Feltl Rd
Project No. 95008.16a

This map is for illustrative purposes only.

City of minnetonka

Partners in Excellence
5501 Feltl Road
95008.16a
Partners In Excellence offers hope to parents of children diagnosed with autism. Our treatment approach helps children diagnosed with an Autism Spectrum Disorder gain acceptance in the community by focusing on gaining social competency, communication skills and reducing challenging behaviors.

Partners' goal-oriented treatment is specifically tailored to an individual child's needs. Our highly trained professionals utilize Applied Behavior Analysis (ABA) and Applied Verbal Behavior (AVB) methods. Each child receives therapy in a fun and safe environment.

Parental involvement is essential in the planning and implementation of each child's success. We provide parents with the tools to continue the nurturing support at home with hands-on training and ongoing educational sessions.

Partners changes the lives of families with children diagnosed with autism.
Partners' goal is to **increase** each child's functional language and social interaction skills while **reducing unwanted behaviors**. We strive to maximize their potential.

**Communication Skills**
Partners focuses on developing and increasing functional communication skills. Children gain the ability to effectively express themselves through their primary mode of communication. This could include vocal communication, sign language, Picture Exchange Communication System (PECS) and/or assistive technology devices.

**Social Skills**
Being part of a center-based program exposes children to opportunities to practice social skills with a variety of peers. Children at Partners learn skills that will help them fit into different social situations while also helping them to understand, compensate and advocate for their own needs. Partners' therapists work with the children in both individual and group therapy sessions to capture teachable moments.

**Focusing on the Child's Individual Needs**
Partners In Excellence utilizes research-based techniques to acquire the best possible outcomes for children diagnosed with Autism. The goal-oriented program shows measurable progress and tracks the child's improvement. Each child receives between 20-40 hours of Applied Behavior Analysis (ABA)/Applied Verbal Behavior (AVB) therapy. Therapy is typically conducted individually with trained behavior therapists. As therapy progresses, children have opportunities to build relationships through facilitated peer interactions and small group activities.

**Specialized Programs**
Within the ABA/AVB treatment model, Partners offers a variety of specialized programs for children. The Early Learner (toddler) program offers an appropriate learning environment for young children (1-3) that focuses on emerging language skills and learning through play. The Intermediate Program places strong emphasis on small group instruction and increasing social skills. The Bridges program transitions your child from a one-on-one learning model to a structured group setting that places emphasis on school readiness. This gives your child the skills necessary to successfully integrate and find acceptance in school.

**Coordinated Services**
Occupational Therapy and Speech and Language Therapy are offered in addition to the ABA/AVB therapy. These services provide individual treatment to maximize a child's gross and fine motor skills, sensory, language self-help, and social and emotional skills. Learn more about these therapies at our website partnersmn.com.

**Partners offers year-round treatment with full and half-day scheduling options.**

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**The Enrollment Process**
To start the enrollment process, call or e-mail Partners' intake coordinator. A behavioral therapist will conduct a play-based assessment to determine if Partners in Excellence is a good fit for your child's development. While your child is being evaluated, you will have the opportunity to meet our staff and tour our facility.

To assist the therapist with the assessment, please bring the following medical records:

- Download enrollment forms from website
- Psychological testing and evaluations, including cognitive and autism assessments
- Occupational, speech and/or physical therapy reports and evaluations
- School reports

Call 952-818-2876(MN) / 608-785-4100(WI) or e-mail intake@partnersmn.com to start the enrollment process.

Partners uses **early intervention therapy** that is **clinically proven**, cost effective and evidence based.
5501 FELTL ROAD
5501 FELTL ROAD
MINNETONKA, MN

INDUSTRIAL FOR SALE

PROPERTY INFORMATION | AERIAL #1 | AERIAL #2 | INTERACTIVE MAP

27,320 SF BUILDING

WAREHOUSE

OFFICE

Current Layout

CUSHMAN & WAKEFIELD

Partners in Excellence

5501 Feltl Road
95008.16a
5501 FELTL ROAD
MINNETONKA, MN

INDUSTRIAL FOR SALE

PROPERTY INFORMATION | AERIAL #1 | AERIAL #2 | INTERACTIVE MAP

27,320 SF BUILDING

Proposed Layout

CUSHMAN & WAKEFIELD
Partners in Excellence
5501 Feltl Road
95008.16a
Proposed fence for play area
Resolution No. 2016-
Resolution approving a conditional use permit for Partners in Excellence at 5501 Feltl Road

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 Bruce and Deb Thomas, on behalf of Partners in Excellence have requested a conditional use permit to operate a therapy-based school within an existing building. (Project 95008.16a).

1.02 The property is located at 5501 Feltl Road. It is legally described as:

Lot 4, Block 1, Opus 2 Sixth Addition

1.03 City Code §300.20 Subd.4(e) allows public buildings as conditional uses within the I-1 zoning district.

1.04 City Code §300.20 Subd. 4(l) allows “other uses similar to those permitted within this section, as determined by the city” as conditional uses within the I-1 zoning district.

1.05 Based on the hours of operation, traffic patterns, parking needs and persons served, the center would operate similarly to a school.

1.06 The proposed school would be similar to a public building, as it is a place where a group of people would gather at a specified time for a specific purpose.

1.07 On May 5, 2016, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.
Section 2. Standards.

2.01 City Code §300.21 Subd. 2 lists the following general standards that must be met for granting a conditional use permit:

1. The use is consistent with the intent of the ordinance;
2. The use is consistent with the goals, policies, and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;
4. The use is consistent with the city's water resources management plan;
5. The use is in compliance with the performance standards specified in §300.28 of the ordinance; and
6. The use does not have an undue adverse impact on the public health, safety and welfare.

2.02 City Code §300.21 Subd. 3(m) outlines the following specific standards that must be met for granting a conditional use permit for public buildings:

1. Site and building plan pursuant to section 300.27 of this ordinance.

2.03 City Code §300.27 Subd. 5, states that in evaluating a site and building plan, the city will consider its compliance with the following:

1. Consistency with the elements and objectives of the city’s development guides, including the comprehensive plan and water resources management plan;
2. Consistency with this ordinance;
3. Preservation of the site in its natural state to the extent practicable minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;
4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the building;
5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

a) An internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;

b) The amount and location of open space and landscaping;

c) Materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with adjacent and neighboring structures and uses; and

d) Vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and arrangement and amount of parking.

6. Promotion of energy conservation through design, location, orientation and elevation of the structures, the use and location of glass in structures and the use of landscape materials and site grading; and

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Section 3. Findings.

3.01 The proposal would meet the general conditional use permit standards outlined in City Code §300.21 Subd.2.

1. A public building is a conditionally-permitted use within the industrial district. The city has conditionally allowed schools as a use similar to a public building under the “other uses similar to” section of the ordinance.

2. The site is part of the Opus 2 development, which is guided for mixed-use. The larger development includes industrial, commercial, office and residential land uses.

3. The proposal has been reviewed by the city’s building, engineering,
planning, natural resources, and fire staff. Staff has determined that it would not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.

4. The proposal is consistent with the city’s water resources management plan. No significant changes to the property are proposed at this time.

5. The majority of the performance standards outlined in the zoning ordinance are related to development and construction. The proposal is for the use of an existing building within very minimal impacts to the site and exterior of the building. As such, a majority of the standards are not applicable.

6. The proposal is not anticipated to have any undue impact on the public health, safety or welfare.

3.02 The proposal would meet the specific conditional use permit standards outlined in City Code §300.21 Subd. 3(m) and as found in Section 3.03 of this resolution.

3.03 The proposal would meet the site and building plans standards outlined in City Code §300.27 Subd. 5:

1. The proposal has been reviewed by the city’s building, engineering, planning, natural resources, and fire staff to ensure consistency with the city’s development guides.

2. The proposal would meet all minimum ordinance standards.

3. But for a small, newly-created, fenced-in play area on the northeast side of the building, no exterior changes are proposed to the site at this time.

4. But for the new outdoor play area, all changes would be interior to the existing building. As such, the proposal would not visually change the appearance of the surrounding area. However, the visual appearance of the surrounding area will change over time based on the subject property’s proximity to the future LRT line.

5. With no major site or building changes proposed at this time, the proposal would not negatively impact the existing green space on the property or building. Further, the proposal would not change the existing circulation patterns interior to the site.
6. The proposal is for the reuse and remodel of an existing building.

7. The proposal would not negatively impact adjacent or neighboring properties.

Section 4. City Council Action.

4.01 The above-described conditional use permit is approved, subject to the following conditions:

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans:
   - Site plan date-stamped April 8, 2016
   - Outdoor play area plan date-stamped April 8, 2016
   - Floor plans date-stamped April 8, 2016

2. This resolution must be recorded with Hennepin County prior to issuance of a building permit.

3. The applicant must inform city staff in writing if any significant changes are made to the schools programming that would increase the p.m. peak trip generation. This includes, but is not limited to, general programming and an increased number of children or staff, as this may require a traffic study. If the study would indicate a negative impact on the surrounding roadway system or parking demand, staff may require the conditional use permit be brought back to the city council for further review.

4. If food is provided by the school for the students, the kitchen must meet all food code requirements, including construction and equipment.

5. The building must comply with all requirements of the Minnesota state building code, fire code, and health code.

6. Sign permits are required for any exterior signs. All signs must comply with City Code §300.30 Subd. 6.

7. Any change to the approved use – including an increase in total enrollment – that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.
8. The city council may reasonably add or revise conditions to address any future unforeseen problems.

Adopted by the City Council of the City of Minnetonka, Minnesota, on May 23, 2016.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

**Action on this resolution:**

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on May 23, 2016.

David E. Maeda, City Clerk
EXHIBIT A

That part of the Northwest Quarter of the Southeast Quarter of Section 22, Township 117 North, Range 22 West of the 5th Principal Meridian lying east of a line which is perpendicular to the north line of said Northwest Quarter of the Southeast Quarter and which intersects said north line a distance of 356.23 feet west from the northeast corner thereof. Except the west 46.00 feet thereof. And except that part lying southerly of the northerly right-of-way line of State Highway No. 7 and that part lying easterly of the westerly right-of-way line of County Road No. 60.

Subject to a public road easement over the north 33.00 feet thereof.
8. Public Hearings

A. A conditional use permit for a school in an industrial district at 5501 Feltl Road.

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

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

Chair Kirk asked if the right of way of the SWLRT would impact the existing parcel. Cauley provided an illustration on Page 6 of the staff report that shows the right of way. Chair Kirk noted that a fairly sizable northeast piece of the parcel would be removed. The site’s size is still generous. Cauley stated that engineering staff have reviewed the proposal with the SWLRT’s 100 percent plans and found no impact.

Powers asked for the reasoning used to determine the size of the outdoor area. Cauley explained that the ordinance does not have outdoor-area-size requirements that would apply to the application. She invited the applicant to comment.

Knight asked if there would be additional parking created. Cauley explained that proof of parking was established in 2008. Staff finds that the existing parking would be sufficient with the current proof of parking.

Bruce Thomas, representing the applicant, stated that a current facility in Edina would migrate to this site. He was available for questions. The proposed playground area would probably be larger than what would be needed. The applicant would be willing to work with staff to determine the size of the playground area.

Powers thought that the playground area would be too small for 40 students. Mr. Thomas said that approximately 14 students would be outside at a time. Powers favored utilizing the area used by a couple parking stalls to add on to the playground area. Mr. Thomas stated that the playground area could be increased.

Odland agreed with Powers. She asked for the dimensions of the Burnsville play area. Mr. Thomas estimated 100 feet by 25 feet.
Mr. Thomas stated that being a part of the school is very rewarding and the program helps the students immensely.

The public hearing was opened.

Tom Rendahl, 5640 Feltl Road, asked if the entire building would be purchased and used. He asked how the students would be transported to and from the site. There should be 50 parking stalls if there would be 50 employees. He was concerned that the outside play area would not be large enough because of the drop off and the new transportation system. The area already has traffic problems.

No additional testimony was submitted and the hearing was closed.

Mr. Thomas explained that there would be staggered drop off and pick up times. The Burnsville facility has 87 parking stalls for a building 36,000 square feet in size and it works fine. Parking would not be a problem.

Chair Kirk asked if more classes could be added. Mr. Thomas answered that the five-year plan would be to add another site rather than increase the number of students at this one.

Mr. Thomas explained that vans instead of buses would be used to transport some students.

Cauley reviewed that the proposal includes 82 existing stalls and 12 additional stalls that are shown as proof of parking. There is a chart in the staff report that illustrates how the proposal meets parking ordinance requirements for schools.

Chair Kirk asked if there would be events where students and parents would be at the school at one time. Mr. Thomas said that there are annual Halloween and Christmas parties. Arrangements would be looked at for the two or three times that would occur each year.

Chair Kirk noted that the topography of the site would limit the size of the playground area more than the SWLRT would and would also provide a natural buffer.

Odland asked if the sound created by the SWLRT would impact the students. Mr. Thomas answered in the negative.
Odland likes the concept. It would be a good use of the space and it would be good to have the program available to the community.

Chair Kirk felt the program would be an amenity.

Powers agreed. The program would be a valuable addition to the city. He favored more playground area.

**Odland moved, second by Knight, to recommend that the city council adopt the resolution on pages A13-A18 of the staff report. This resolution approves a conditional use permit for Partners in Excellence at 5501 Feltl Road.**

**Hanson, Knight, Odland, Powers, and Kirk voted yes. Calvert and O’Connell were absent. Motion carried.**

This item is tentatively scheduled to be reviewed by the city council at its meeting on May 23, 2016.
City Council Agenda Item #10C  
Meeting of May 23, 2016

**Brief Description**  
Request to install additional temporary signs on the Civic Center Campus for the Minnetonka Farmer’s Market at 14600 Minnetonka Boulevard

**Recommendation**  
Approve the temporary signs

**Background**

By City Code, temporary signs are permitted on public or institutional property only with city council approval. On any one property, the city council’s first approval of temporary signs may be associated with only one event. Subsequent council approvals may be for recurring use of the same signs for a period of up to five years.

To appropriately direct visitors to the Farmer’s Market, the council approved a one year term for three temporary signs on the Civic Center Campus along Williston Road in 2010. The subsequent five year approval was approved in 2011. This approval is set to expire at the end of the 2016 Farmer’s Market season.

**Proposal**

The Minnetonka Farmer’s Market will begin on June 28, 2016 and will be held each Tuesday for the proceeding twelve weeks. To direct visitors to the Farmer’s Market, staff is proposing additional A-frame signs be placed on the Civic Center campus along Minnetonka Boulevard. Similar to the existing Farmer’s Market temporary signage, the signs would be put up each Tuesday prior to 3:00 p.m. and be removed after 7:00 p.m. that same day.
**Future Action Preview**

By ordinance, the council can approve a subsequent five year approval following the approval of an initial one-year approval. Pending approval of the current proposal, staff will bring back a comprehensive sign package with all five temporary signs for council review in the spring of 2017.

**Staff Recommendation**

Approve two temporary signs associated with the Minnetonka Farmer's Market to be displayed along Minnetonka Boulevard on the Civic Center Campus. Signs may be displayed every Tuesday from Tuesday, June 28, 2016 to Tuesday, September 20, 2016.

Through: Geralyn Barone, City Manager  
Julie Wischnack, AICP, Community Development Director  
Loren Gordon, AICP, City Planner

Originator: Ashley Cauley, Senior Planner
City Council Agenda Item #13A
Meeting of May 23 2016

Brief Description
On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for LTF Club Operations Company, Inc. dba Life Cafe, 3310 Co Rd 101

Recommendation
Continue the public hearing and grant the licenses

Background
The city has received applications from Life Café, for on-sale wine and on-sale 3.2 percent malt beverage liquor licenses, for use at the restaurant located within the Life Time Fitness facility. The licenses would be an addition to the regular menu and for special club events. (See page A1).

Business Ownership
Life Café is owned by LTF Club Operations Company, Inc. Life Time Fitness Inc. is the sole owner, owning 100% of LTF Club Operations Company, Inc., since 2005. No corporate officer, corporate officer's spouse, individual or combination of individuals, holds more than 10% of the stock of Life Time Fitness, Inc.

Business Operations
Beer and wine will be available in the café Monday thru Friday, noon to 10 pm and on weekends from noon to 5 pm. (See page A2). The licensed premise will include an outdoor eating area which will be open no later than 9:00 p.m. as stated in the 2001 approval for the conditional use permit (CUP). (See page A10).

It is expected that no more than 10 percent of their sales will be from wine and beer.

Alcohol can only be served by team members that are 18 years of age and older. The team member must complete the Life Time provided online alcohol serving certification before serving any alcohol. In addition, the team signs a commitment page, committing to following proper serving procedures. Management team members commit to the Life Time alcohol management procedures. Recertification in alcohol serving happens each year.

Outdoor Patio
The licensed premise will include the existing outdoor patio. The city approved a conditional use permit (CUP) for the outdoor eating area in April 2001. The approval was subject to conditions of approval. The patio is a cordoned area with at least one
opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access must be only through the principal building. Recently, it was discovered that speakers were installed on the patio by Life Time staff that were unaware of the conditions of approval. An amendment to the conditional use permit would be required to allow for the speakers but the applicant is not requesting it at this time. The speakers were removed from the patio on April 20, the day after Lifetime discovered the conditions of the 2001 approval. (See pages A3-A9).

**Neighborhood Feedback**

A public hearing notice was mailed to the neighborhood. The attached feedback has been received from neighboring residents and the Breconwood Homeowners Association regarding the request from Life Time Fitness for a liquor license. (See pages A12-A17).

**Application Information**

Application information and license fees have been submitted. The police department’s investigative report is complete and will be forwarded to the council separately.

**Recommendation**

Staff recommends that the city council continue the public hearing from April 25 and grant the licenses with the condition that future noise complaints could impact the liquor license renewal each year if staff and/or council determine that the complaints are a violation of the noise ordinance.

Submitted through:
- Geralyn Barone, City Manager
- Julie Wischnack, AICP, Community Development Director

Originated by:
- Kathy Leervig, Community Development Coordinator
LTF Minnetonka Restaurant Company, LLC
DBA Life Cafe, 3310 Co Rd 101

This map is for illustrative purposes only.
Minnetonka Alcohol Serving Narrative

Day to Day Operations

The Minnetonka LifeCafe will continue to serve the same Athletic cafe menu as before with the addition of serving beer and wine in single service containers. Offerings will include six wine selections and four beer selections.

Beer and wine will be available in the LifeCafe each day between 12:00pm and 10:00pm Monday thru Friday and 12:00pm to 5:00pm Saturday and Sunday. As required by the 2001 Conditional Use Permit, the outdoor patio area will close no later than 9 PM. Beer and wine will be served as part of the regular menu and for special club events.

Estimated revenue generated by the addition of alcohol sales should bring an additional 10% to the overall revenue of the LifeCafe or at most an additional $500 per week.

Alcohol can only be served by team members that are 18 years of age and older. The team member must complete the Life Time provided online alcohol serving certification before serving any alcohol. In addition, the team signs a commitment page, committing to following proper serving procedures. Management team members commit to the Life Time alcohol management procedures. Recertification in alcohol serving happens each year.

Auditing of alcohol serving is done by the Education Specialist, who manages national LifeCafe certification. The Regional Category Leader inspects overall alcohol serving procedures and verification that team members are of age to serve.
April 19, 2016

RE: Sound and Noise Management Plan for LTF Club Operations Company, Inc. Alcohol License Application at Minnetonka Life Time Athletic and Life Spa

To Whom It May Concern:

As part of Life Time's recent application for an on-site alcohol consumption license, Life Time would like to include its outdoor patio as a portion of the licensed area. The outdoor patio is equipped with tables and chairs as well as a fence that surrounds the entire patio area save for a portion of the border that consists of an outdoor water feature (see attached pictures). In conjunction with its alcohol application and to maintain good relationships with its neighbors, prior to the service of alcohol at the Minnetonka location, Life Time Fitness agrees to remove any and all outdoor speakers and amplified noise devices that may currently exist. All exits, in both the cafe and outdoor patio area will be signed according to the law and will indicate that, "no alcohol is allowed beyond this point."

Life Time Fitness is aware of the past noise/sound complaint(s) received by its neighbors and has taken steps to provide a peaceful environment for all in the area. Life Time believes that the complaints arose from what Life Time calls "Tonka Tuesday," which takes place one-day a month during the months of June, July, August, and September. Tonka Tuesday involves an outdoor work out and patio party. To address the concerns of its neighbors, Life Time has shortened the length of the event to the hours of 6:30-8PM and has removed its use of microphones and amplified sound devices.

Life Time is confident that the steps it has taken will allow for an enjoyable experience by both Life Time members and its Minnetonka neighbors. Life Time is dedicated to providing a healthy, safe, and enjoyable environment for its members, guests, and neighbors alike.

If you have any questions or concerns, please do not hesitate to contact me at: 952.401.2570.

Sincerely,

Adam Luebke
Corporate Counsel
Life Time Fitness, Inc.
aluebke@lifetimefitness.com

Enclosures

I CAN DO IT ALL IN MY LIFETIME
D. Resolution approving a conditional use permit for an outdoor café (LuLu's Café) at 3310 County Road 101 for Wellspring.

Tauer moved, Allendorf seconded a motion to adopt Resolution No. 2001-039, approving a conditional use permit for the outdoor eating area at 3310 County Road 101. This resolution is based on the following findings:

1) The proposal meets the standards outlined in the city code, Section 300.21.2, regarding general standards for conditional use permits for business zoning districts.

2) The proposal meets the standards outlined in the city code, Section 300.21.4, regarding accessory sidewalk cafes and outdoor eating areas. Approval is subject to the following conditions:

   a. Record this resolution with the county before the city issues a building permit.
   b. The outdoor café must not be open longer than 6:00 a.m. to 9:00 p.m. seven days per week, during the months of May through September.
   c. Liquor may not be served in the outdoor eating area, unless the city approves a conditional use permit.
   d. Must not have speakers or audio equipment in the outdoor eating area.
   e. The property owner shall be responsible for the replacement of any landscaping that may die.
f. The city council may reasonably add or revise conditions to address any future unforeseen problems.
g. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.
h. The applicant must agree to the above conditions in writing.

All voted "yes." Motion carried.
Thank you Kathy for your prompt response.

Here is a letter I am comfortable with you sharing at this evening’s City Council meeting:

I am a resident of Minnetonka and have serious concerns about Lifetime’s request to secure a liquor license. As we live close to Lifetime, this would significantly impact my husband and me.

We have had problems in the past with Lifetime Fitness violating the city’s noise ordinance with outdoor fitness classes starting at 6:30 am which include heavy tires being bounced around and loud, boistrous instructions being given to participants in the class. In the past, the police have been involved due to ongoing disregard of the city’s noise ordinance.

As Lifetime Fitness is a Fitness/Health Club, it does not appear to be congruent with selling alcohol to its patrons.

This will likely result in behavior which will be disruptive to nearby residents.

I have discussed this situation with our neighbors and there is significant concern being expressed by many.

Sincerely,

Karen Linnea Benson
Minnetonka resident

On Mon, 4/25/16, Kathy Leervig <kleervig@eminnetonka.com> wrote:

Subject: Lifetime Liquor License
To: "linneabsn@yahoo.com" <linneabsn@yahoo.com>
Date: Monday, April 25, 2016, 10:14 AM
Hello Ms. Benson—
You left a message regarding your concern for issuing a liquor license for Lifetime. The best way to relay your concerns would be in an email or letter to me and I will provide it to the city council. Anything contained in the email will be public, with the exception of your email address and/or phone number. There is a meeting tonight, April 25. If you have time to send the email today by 4:00, I will submit it to the council for tonight’s meeting, otherwise, it will be submitted for the next meeting on May 23.

Kathy
Leervig | Community Development Coordinator | City of Minnetonka | 14600 Minnetonka Blvd.
Minnetonka, MN
55345 |
p. 952.939.8274 | f. 952.939.8244 |
www.eminnetonka.com
Hello,

I'm an owner/resident of Breconwood, directly behind Lifetime. To my knowledge, Lifetime closes their cafe by 8 pm, so as long as the liquor license doesn't change the general character of the business (meaning it remains a little cafe and patio for a quick snack that might now include a glass of wine or beer, as opposed to another full service restaurant), I have no objection to the license being granted.

Thank you for passing my comments on to the council.

Renée Wilson
REALTOR - Edina Realty

“No Surprises.....No Missed Opportunities”

Click here to download my mobile app: http://app.edinarealty.com/ReneeWilson
Ms. Leervig,

I would like to include my comments in opposition to a liquor license for Lifetime Fitness. Lifetime’s parking lot is located directly behind our home and I don’t want to promote more potential drunk drivers or those under the influence of alcohol carrying on in the parking lot or driving on the roads in such close proximity to our home. I consider it a potential danger to my family and neighbors from the increased number of alcohol related injuries and driving fatalities that may occur if this liquor license is granted. We already have a liquor store directly behind us and Spasso’s bar and their attached liquor store in the neighborhood. I strongly oppose a liquor license for Lifetime Fitness in Minnetonka.

Please let me know if these email comments are adequate or if you require comments to be made by written letter.

Thank you,

Robert Callan
3325 Breconwood Circle
Minnetonka, MN 55391
Ms Leervig,

I'm writing you concerning the liquor license that Lifetime Fitness has applied for.

First of all I don't see a need for another liquor establishment when we have a good off sale sharing their parking lot and Spasso wine shop and restaurant across the street.

As Breconwood residents, I have a concern about additional noise on the back side of Lifetime Fitness. We already listen to tractor tires being flipped at all times of the day and night.

When they are outside working out, it sounds like a drill Sargent barking out orders.

The previous occupant, Wellness was a great neighbor and there was never an issue.

I also don't see what drinking alcoholic beverages has to do with working out?

Is this exclusively for the inside of the building or are they planning for drinking outside and building on a patio type scenario?

Can't imagine the increase in noise with liquor consumption along with everything else.

I hope the commission takes this into consideration and drives around LTF and understand how it will adversely affect their neighbors.

I have spoken with other residents in Breconwood I & II and found no one in favor of this.

Thanks,
Roger Nelson
President
Breconwood II
May 11, 2016

City of Minnetonka
Licensing Division
14600 Minnetonka Blvd
Minnetonka, MN 55345

Attn: Kathy Leervig

Re: Public Hearing Notice
Application for On-Sale Wine and On-Sale 3.2% Malt Liquor
At 3310 Co Rd 101 (Lifetime Fitness)

Dear Ms. Leervig:

We have read through the agenda permit paperwork for the above application. As their closest neighbors we are pleased to note they are removing the speakers and amplified sound devices from the outdoor café and not asking permission to have them. Also noted, they were not permitted to have them per 2001 permit. This removal is important to us along with no extension of the stated hours.

We noted that in answer to neighborhood complaints, their Tonka Tuesday hours are to be shortened for outside activities to 6:30-8:00 pm and that no microphones or amplified sound devices will be used. We would appreciate Lifetime sending a letter directly to Breconwood Homeowners Association communicating their plans in this regard.

We know we can’t stop them from getting a license but we do request that they strictly, as well as the Minnetonka police, monitor that alcohol is not permitted to leave the outdoor café and go into their general parking area and that entry into the outdoor seating area is such that it can only be done from inside the building as stated in the permit paperwork.

We appreciate the fact that all written comments will be included in the staff report for council review on this application request.

Sincerely,

BRECONWOOD HOMEOWNERS ASSN., INC.

Duane Olmsted
President

Joan Warner
Secretary
City Council Agenda Item 14A  
Meeting of May 23, 2016

**Brief Description:** Consideration of a park board recommendation to develop a park in the Robinwood neighborhood

**Recommended Action:** Consider the project in the 2017 – 2021 Capital Improvements Program

**Background**

In August of 2015, staff received a resident petition with 31 signatures requesting consideration to develop a new park in the Robinwood neighborhood. Robinwood is located in the Neighborhood Park Service Area (NPSA) 13, defined on the attached map as an area extending north/south from Minnetonka Boulevard to Highway 7; and east/west from County Road 73 to the 494 corridor. Only two parks, Guilliams and Orchard, currently exist in NPSA 13. Guilliams Park is an athletic field complex that does not provide play equipment, and Orchard Park is located approximately .75 miles to the southwest of the Robinwood neighborhood.

At the September 2, 2015 park board meeting, the board heard a formal request from the petitioning residents to construct a mini-park on a vacant lot owned by the city at the end of the Royzelle Lane cul-de-sac. Since the property does not have an assigned address, it will be referred to as “Outlot A” for this report. Outlot A was conveyed to the city by a plat developer in 1959 with a contingency that it be used for public purposes exclusively. Development of a park would meet this contingency. If converted to a park, the size of the property would only allow for the placement of a park in the city’s mini-park classification. Staff reviewed two other city-owned parcels within the neighborhood which were not deemed suitable for a park due to size, wetland impacts, topography, and tree loss.

At the January 6, 2016 meeting, the park board held a neighborhood meeting and subsequent discussion on how to proceed with the request for a new mini-park in the Robinwood neighborhood. In response to feedback received by those opposed to the addition of a park, the board requested that staff complete a feasibility study for the construction of a park on Outlot A; as well as information requested by neighborhood residents related to park-related crime statistics and impacts on neighboring property values and report back to the board at the March 2, 2016 park board meeting.

The feasibility study and requested crime and property valuation data was presented to the board at the March 2, 2016 meeting. The study indicated that use of Outlot A for a park would be restricted in part due to wetland impacts on the site, however staff reported that a park, approximately .35 acres in size, could be developed. Staff concluded the feasibility study review by indicating that the estimated cost for development of the park is $103,125. After residents voiced their opinions both in favor and opposed to the construction of a new park, the park board approved a motion on a
6-1 vote to support the construction of the new park. The one opposing vote was related to logistical concerns with the development of a park at the end of a cul-de-sac and the associated traffic concerns that would not be realized if the parcel was on a through street. When considering the 2017 – 2021 CIP, the park board supported including the project in 2020 or 2021.

Summary

Throughout the course of the two meetings on January 6, 2016 and March 2, 2016 where public input was received by the park board, it became very evident that the neighborhood was split between those supporting and opposing the development of a new park. The following provides a summary of concerns raised on both sides of the issue:

Expressed support for the project

Those supporting the project indicated that their neighborhood lacked sufficient access to park property that could serve as a gathering place for neighbors. As is true throughout the city, the Robinwood neighborhood is experiencing turnover with new, and often younger residents moving into the area. Access to park and school properties with play equipment for younger children in the immediate area requires traveling along County Road 73 which does not have a trail or sidewalk and either the crossing of County Road 73 to access Eisenhower Elementary School, or crossing Minnetonka Boulevard to access Big Willow Park. As noted earlier in this report, the need for additional park property is justified in NPSA 13. The National Recreation and Park Association (NRPA) provides guidelines for typical park classifications, number of acres for a public park system, and recommended service levels based on population. It is recommended that mini-parks be designed to attract residents who live within walking distance to the park, which typically means a .25 mile radius of service, and should not require crossing any major roads. Mini-park service levels are recommended to be 0.25 to 0.5 acres per thousand residents. Based on Minnetonka’s population of 51,368 in 2013, the overall service level of mini-parks is 0.22. The addition of this mini-park would raise the service level above the minimum to 0.26.

Expressed opposition for the project

Those opposing the project are concerned about a number of issues including increased pedestrian and vehicle traffic, loss of privacy, an increased possibility for crime, impact on the natural resources, costs for development and ongoing maintenance, impacts on property values, and a general disagreement that additional neighborhood park access is needed. Information collected by staff in response to these concerns includes the following:
Increased Pedestrian and Vehicle Traffic: The city does not have a method for tracking park use on an annual basis, so actual use of the park is difficult to determine. As previously noted, mini-parks are designed to attract residents who live within walking distance to the park, which typically means a .25 mile radius of service. For that reason, staff is not recommending that parking be located on the property, nor does space allow for that.

Loss of Privacy: With the size of Outlot A being just .86 acres, of which only approximately .35 acres is available for active park use, the four properties that abut Outlot A, or are in close proximity to the property, would experience some loss of privacy. The use of vegetation to help screen users of the park to private property is included in the feasibility study to help alleviate the issue and reduce the impact.

Crime Concerns: Working with the Minnetonka Police Department Crime Prevention Analyst, staff was able to collect records of police response data for mini-parks dating back three years. Results show that a total of 10 police involved incidents were reported for the seven existing mini-parks, an average of 0.4 reports annually per park. Of the reports received, only one was criminal in nature, and the others can be categorized as suspicious activity (5 reports), parking concerns (1 report), lost wallet (1 report), animal at large (1 report), and disabled vehicle (1 report). No reports were found for Sunrise Ridge and Oakhaven Parks, two of the seven parks queried. Coincidently, these two parks were the most recent mini-parks developed in the park system, and both were constructed as a result of requests from residents in the neighborhood.

Natural Resources Impacts: Considerable brush removal would be required along with removal of three significant trees defined as 8” or more in diameter. A wetland delineation and site survey would be required should the project move forward. Any impact to wildlife on the property has not been determined.

Cost for Development: Concerns were expressed by some in opposition to the park of the cost of $103,125 to develop a park that is just .35 acres in size. If constructed, this mini park would be the smallest mini-park provided in the city’s park system. The seven mini-parks currently provided range in size from .4 acres to 2.8 acres, with an average size of 1.63 acres. There currently is not funding allocated for this project in the capital improvement program.

Property Value Data: To gain a better understanding of potential impacts the proposed park might have on adjacent and nearby property values, staff referenced two sources. The first was a National Recreation and Park Association (NRPA) publication entitled, “The impact of Parks and Open Space
The NRPA publication reported on studies related to property values dating back as far as 1912. The publication’s findings vary from study to study and are best summarized by the following statement:

“A definitive generalizable answer is not feasible given the substantial variation in both size, usage, and design of park lands in the studies, and the disparity in the residential areas around them which were investigated. However, some point of departure based on the findings reported here is needed for decision-makers in communities who try to adapt these results to their local context. To meet this need, it is suggested that a positive impact of 20% on property values abutting or fronting a passive park area is a reasonable starting point guideline. …..if the park….is small and embraces some active use, then this guideline is likely to be high.”

The NRPA publication states repeatedly that park design elements are critical in determining how a park will be used and possibly abused.

From a more local perspective, Minnetonka’s City Assessor provides the following assessment:

“The Assessing Division reviews hundreds of sales every year and analyzes the property’s location and how this may affect the property value. Included in this analysis is whether being adjacent to a park is a positive or negative influence. Our experience shows us that parks do not have a negative affect but usually have a neutral or positive affect depending on the extent of the privacy and views the park provides to the adjacent home. In other words, the smaller and more active the park, no adjustment (neutral). The bigger and more private the park, a more positive (upward) adjustment in market value. Based on the logic above, the statistical measurement of estimated market value divided by sale price produces virtually the same ratios for those abutting parks as the general population of single family homes that are not adjacent to a park. It shows no bias one way or the other. If we break it down to the small “active” parks, the sales sample is too small to draw any conclusions, but the inference is that there may be a positive adjustment. We continue to study this issue on an annual basis and adjust the estimated market value as needed”
Given the lack of suitable, city-owned park property provided in NPSA 13, staff is supportive of the park board’s recommendation to develop a mini-park on Outlot A off of the cul-de-sac on Royzelle Lane. In part, this recommendation is based on the fact that there are no other city-owned parcels in the surrounding neighborhood of NPSA 13 near the Robinwood neighborhood that could reasonably accommodate the development of a park. Relatively recent additions of mini-parks including Oakhaven, Sunrise Ridge and Pioneer, all have met similar neighborhood needs and have been popular additions to the city’s park system.

Staff is recommending that council consider the project for inclusion in the 2017 - 2021 Capital Improvements Program which will be reviewed at the June 20, 2016 city council study session. If council is not supportive, the project will not move forward.

**Recommendation**

Consider the project in the 2017 - 2021 Capital Improvement Program.

Submitted through:
- Geralyn Barone, City Manager
- Perry Vetter, Assistant City Manager
- Merrill King, Director of Finance

Originated by:
- Dave Johnson, Recreation Services Director
- Darin Ellingson, Street & Park Operations Manager

**Attachments:**

1. Location Map
2. NPSA 13 location map
3. Feasibility study & cost estimate
4. Resident petition
5. Staff report – September 2, 2015
6. Park board minutes - September 2, 2015
7. Staff report – January 6, 2016
8. Park board minutes - January 6, 2016
9. Staff report – March 2, 2016
10. Park board minutes - March 2, 2016
11. Meeting notice – March 2, 2016
12. Letters of correspondence
East of 11435 Royzelle Circle

Proposed Neighborhood Park

This map is for illustrative purposes only.
robinwood park
Preliminary Concept Plan
Robinwood Park and Site Improvements
Preliminary Concept Plan Cost Estimate

Date:  February 25, 2016

To:  Darin Ellingson, City of Minnetonka

From:  Steven Foss, WSB & Associates, Inc.

Cost Analysis Overview:

The table below considers the potential overall costs that may be incurred to develop Robinwood Park as indicated on the “Preliminary Concept Plan” dated February 25, 2016.  I have attached this plan for your use.

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Est. Cost</th>
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<tbody>
<tr>
<td>Removals &amp; Grading</td>
<td>$10,000.00</td>
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<tr>
<td>Concrete play container curbing</td>
<td>$6,500.00</td>
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<tr>
<td>Walkways</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>Miscellaneous site amenities (ie. benches, trash receptacle)</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>Play Equipment &amp; Wood Fiber Mulch (budget)</td>
<td>$50,000.00</td>
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<tr>
<td>Seed &amp; Sod</td>
<td>$4,000.00</td>
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<tr>
<td>Landscape Improvements (ie. trees, shrubs and perennials)</td>
<td>$4,000.00</td>
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<tr>
<td>Subtotal</td>
<td>$82,500.00</td>
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<tr>
<td>Recommended Contingency (10%)</td>
<td>$8,250.00</td>
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<tr>
<td>Administrative Costs (survey, design, observation)</td>
<td>$12,375.00</td>
</tr>
<tr>
<td>Total Estimated Cost</td>
<td><strong>$103,125.00</strong></td>
</tr>
</tbody>
</table>
Would you like a park in our neighborhood?

The names listed below represent residents in the Robinwood neighborhood, which is located South of Minnetonka Boulevard and West of Hopkins Crossroad. These residents are requesting a small, neighborhood park. Currently, the only park options available to this neighborhood require crossing busy roads such as Minnetonka Boulevard and Hopkins Crossroad (which does not have sidewalks). The park would provide the neighborhood a gathering spot. It could have playground equipment, picnic tables and/or open space. Thank you for your consideration.

<table>
<thead>
<tr>
<th>Name (Printed)</th>
<th>Phone #</th>
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<tr>
<td>Heather Nance</td>
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<td>Scott Menk</td>
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<td>Rachel Le Grand</td>
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<td>Philippe Le Grand</td>
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<td>Philippe Le Gaulle</td>
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<td>Doncas O'Connor</td>
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<td>Nora Wojciechowski</td>
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<td>Samson Hamadeh</td>
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<td>Tabetha Trang</td>
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Name (Printed)          Signature          Phone #
Matt Trcepaur            Matt Trcepaur
Mike Nolner             Mike Nolner
Sosh Badke             Sosh Badke
Kim Nev                Kim Nev
Jan Nev               Jan Nev
Ashley Bakke          Ashley Bakke
Lindsey Tune            Lindsey Tune
Daniel Osnon            Daniel Osnon
Danielle Rappall          Danielle Rappall
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<tbody>
<tr>
<td>Cassie Neilson</td>
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<td>Lauren Gilchrist</td>
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<td>Eric Kaphingst</td>
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<td>Matt Wojciechowski</td>
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<td>Mark Webster</td>
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<td>Katie Webster</td>
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<td>Todd Knutson</td>
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<td>Jill Knutson</td>
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<td>Gretchen c-d</td>
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Would you like a park in our neighborhood?

The names listed below represent residents in the Robinwood neighborhood, which is located South of Minnetonka Boulevard and West of Hopkins Crossroad. These residents are requesting a small, neighborhood park. Currently, the only park options available to this neighborhood require crossing busy roads such as Minnetonka Boulevard and Hopkins Crossroad (which does not have sidewalks). The park would provide the neighborhood a gathering spot. It could have playground equipment, picnic tables, and/or open space. Thank you for your consideration.

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<th>Name (Printed)</th>
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<td>Peter Cleary</td>
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<td>Stephanie Wittleider</td>
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<td>Eric Wittleider</td>
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Minnetonka Park Board Item 4A
Meeting of September 2, 2015

| Subject: | Submittal of a petition requesting a new park in the Robinwood Neighborhood |
| Park Board related goal: | To renew and maintain parks and trails |
| Park Board related objective: | Identify areas of the city that are deficient of adequate park or trail amenities. |
| Brief Description: | Robinwood neighborhood residents have submitted a petition requesting consideration of a new park in their neighborhood. |

**Background**

In late July, staff was contacted by a resident residing in the Robinwood neighborhood with a request for the city to consider adding a park in the Robinwood neighborhood. Robinwood is located south of Minnetonka Boulevard and west of County Road 73, and is included in Neighborhood Park Service Area (NPSA) 13 on the attached NPSA map. The neighbors have since circulated the attached petition which to date has 31 signatures supporting the addition of a park with “play equipment, picnic tables, and/or open space”. Residents submitting the petition asked for the item to be added to the September 2, 2015 park board agenda.

**Summary**

Following the initial request, residents presented staff with three potential city-owned parcels they asked that staff consider. Upon review of the three locations, staff eliminated one site due to flood plain restrictions that left too small of an area to allow for park amenities; and a second site was eliminated due to easement encroachments and concerns over tree loss.

The remaining property, located in the cul de sac at the end of Royzelle Lane (see attached), is .86 acres in size with the northern portion being in the flood plain. The property is in close proximity to adjacent private property, and a tree loss assessment has not been completed. This property was conveyed to the city by a plat developer in 1959, with the restriction that it be used for public purposes exclusively. A park development would meet this restriction. If converted to park, the property would only allow for the placement of a park in the mini-park classification. Staff has researched the neighborhood area for additional potential options and did not find any.

Two parks are currently located in NPSA 13, including Guilliam Park to the east that is an athletic park that does not provide any play equipment, and Orchard Park about .75 miles to the southwest.
Discussion Points

- Does the park board feel that the neighborhood in question is inadequately serviced with park amenities? If so;

- Does the park board feel that the area identified by residents is adequate for consideration of a new park?

**Recommended Park Board Action:** Receive the petition for consideration of a new park in the Robinwood neighborhood. If the park board is interested in pursuing the park request further, direct staff to schedule a neighborhood meeting to receive input from impacted residents,

**Attachments**

1. Petition
2. Neighborhood Park Service Area Map
3. Location map
1. Roll Call

Park Board members in attendance included Nelson Evenrud, Chris Gabler, Cindy Kist, Peggy Kvam, Madeline Seveland, and Elise Raarup. Staff members in attendance included Darin Ellingson, Dave Johnson, Mike Pavelka and Perry Vetter.

Chair Raarup called the meeting to order at 7:00 p.m.

2. Approval of Minutes

Kvam noted some typos in the draft document including the spelling of a name and the date of the Tour de Tonka event.

Evenrud moved and Kist seconded a motion to approve the meeting Minutes of August 5, 2015 as amended. All voted “Yes”. Motion carried.

3. Citizens Wishing to Discuss Items Not on the Agenda

None

4. Business Items

   A. Submittal of a petition requesting a new park in the Robinwood Neighborhood

Dave Johnson, Recreation Services Director, reported that in late July, 2015, staff received a resident request from the Robinwood neighborhood asking the city to consider adding a park in the Robinwood neighborhood. Johnson explained that the Robinwood neighborhood is located south of Minnetonka Boulevard and west of County Road 73, and is included in Neighborhood Park Service Area (NPSA) 13.

Johnson noted that residents supporting the project presented staff with three possible locations for the addition of a park. He indicated that following a review of the three parcels presented by the neighbors, staff has determined that only one parcel, located in the cul-de-sac at the end of Royzelle Lane was suitable as a possible park location. Johnson reported that the parcel is .86 acres in size and was conveyed to the city by a plat developer in 1959 with the restriction that it be used for public purposes exclusively. Johnson explained that a park development would meet this restriction. He concluded by noting that if converted to a park, the property would only allow for the placement of a park in the mini park classification.

Johnson indicated that the neighborhood has since circulated a petition and he introduced Heather Markert, 11503 Friar Lane, who represents the neighborhood. Markert presented a petition to the park board that included 31 resident names who support a park in the Robinwood neighborhood, noting that neighbors were not looking for a large park, just something that could accommodate play equipment for
children and possibly some benches and picnic tables. She noted that the only options for a park without crossing a major roadway was Orchard Park which is located a considerable distance away. Markert was accompanied by Molly Howard, 11618 Friar Lane and Julie Menk, 11326 Friar Lane.

Darin Ellingson, Parks and Streets Superintendent, informed the park board that approximately .3 acres would be available for park related equipment given that the northern portion is in a flood plain. He provided illustrations of how play equipment in similar sized parks would fit on the site, noting that while it would be tight it looks to be feasible and would be one of the smallest mini-parks in the city, Ellingson indicated that he felt a small set of play equipment with benches and tables would fit on the site. Ellingson also showed an aerial map that indicated Orchard Park, the only other neighborhood park in NPSA 13, was approximately .75 miles away from the proposed site. Ellingson closed by noting that staff had conducted a review of all available city properties located in NPSA 13 and concluded that the initial three brought forward by the neighborhood were the only possibilities.

Raarup asked Markert if neighbors near the proposed location had been informed of the request for a park on that site. Markert indicated that she thought most of the impacted neighbors were at the Neighborhood Night Out event for their neighborhood where the petition was circulated. She noted that one neighbor indicated that he had previously tried to get a park placed on the location when his kids were younger but he no longer had an interest. In addition, one neighbor was supportive and one was at the event and did not express any concerns. Raarup asked if the neighborhood currently used Orchard Park and Markert indicated that she did not due to the distance and felt others did not as well. Howard and Menk concurred.

Seveland asked if parking, more specifically a handicap spot, would be required. Ellingson noted that Elmwood Stand, a similar sized mini park did not have parking. He reminded the park board that mini parks are placed with the intent of them being utilized by residents in close proximity to the park and not destination parks. Ellingson suggested that parking would not be provided for a mini park such as the one being considered. Seveland indicated that she felt the need existed for a park in NPSA 13 and while she felt Orchard was relatively close, she was concerned about the lack of a safe access to the park from the Robinwood neighborhood.

Raarup commented that she had concerns that the site, totaling .3 acres in buildable space, seemed tight for park purposes. However she felt it was doable.

Kvam concurred with Raarup that the site seems small, but felt the amenities being requested seemed possible.
Kist noted that she drove by the location prior to the meeting and noticed several children playing in the immediate area without a park. She felt that a park was needed and on her initial look at the property did not feel like there were trees on the property with considerable value. She liked the fact that the location seemed to be very walkable for residents in the neighborhood.

Evenrud expressed concern that neighbors living next to the parcel will have concerns and the park board needs to hear from them. He felt the neighborhood was in need of a park within a reasonable distance.

Hearing no further comments, Gabler moved and Seveland seconded a motion to direct staff to schedule a neighborhood meeting to receive input from residents regarding the potential addition of a mini park on the city owned lot on the cul de sac at the end of Royzelle Lane. All voted “Yes”. Motion carried.

Johnson reviewed the upcoming meeting schedule and suggested that the neighborhood meeting not take place until January 2016 due to other commitments the board had leading up to that date. He added that a January 2016 meeting still provided adequate time for the park board to make a recommendation that could be included in the park board’s review of the 2017 – 2021 CIP review in March 2016.
Minnetonka Park Board Item 4A
Meeting of January 6, 2016

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<th><strong>Subject:</strong></th>
<th>Neighborhood Meeting - Robbinwood Neighborhood Park Request</th>
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<tr>
<td><strong>Park Board related goal:</strong></td>
<td>To renew and maintain parks and trails</td>
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<tr>
<td><strong>Park Board related objective:</strong></td>
<td>Identify areas of the city that are deficient of adequate park or trail amenities.</td>
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<tr>
<td><strong>Brief Description:</strong></td>
<td>Hold public meeting to gather input to determine park and open space uses for Park Property</td>
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Background

At the September 2, 2015 park board meeting, the park board heard a request from residents to construct a park on a vacant lot owned by the city at the end of the cul-de-sac of Royzelle Lane. Since the property does not have an assigned address, it will be referred to as Outlot A for this report.

Outlot A was conveyed to the city by a plat developer in 1959, with the restriction that it be used for public purposes exclusively. A park development would meet this restriction. If converted to park, the property would only allow for the placement of a park in the city’s mini-park classification. Staff has researched the neighborhood area for additional potential options and did not find any.

Parcel Features

The proposed property is located within the Robinwood 3rd Addition, at the end of the cul-de-sac of Royzelle Lane. The parcel is bordered by residential properties.

The Outlot can be categorized as lowland hardwood forest comprised of primarily ash, elm, boxelder and cottonwood trees. Most of the trees are between 2 to 12 inches in diameter, but in the SW corner closest to 11435 Royzelle Lane, there is a large clump of significant cottonwood trees ranging from 17” – 35” diameter. There have been some large canopy openings over time due to Dutch elm disease and there is quite a bit of buckthorn and garlic mustard starting to take advantage of the additional sunlight.

A wetland delineation would need to be performed and approved by natural resource staff. Once identified, any work will be required to maintain a minimum 25’ buffer from the wetland.

Comparable Parks

This park would be comparable in size to seven current parks in Minnetonka ranging in size from 0.4 acres to 2.8 acres, each classified as a mini park. The table below indicates what amenities are provided in each of the mini parks.
Given the topography, size, and usable space of the parcel, amenities to consider for a potential park would include playground equipment, benches, picnic table, garbage can and mutt mitt containers, bicycle rack, and a toilet enclosure. The wetland and flood plain on the northern half of the property limit the location of any amenities to the southern portion. The site is gently sloping and it appears it would take minor grading to make the site suitable for playground equipment within the given space. Should it be decided to move forward with this project, a site survey would be completed to locate the delineated wetland area, property lines, existing utilities, and determine the accurate topography of the parcel.

The National Recreation and Park Association (NRPA) provides guidelines for typical park classifications, number of acres for a public park system, and recommended services levels based on population. Mini parks are recommended be designed to attract residents who live within walking distance to the park, which typically means a ¼ mile radius of service, and should not have to cross any major roads. Mini park service levels are recommended to be 0.25 to 0.5 acres per thousand residents. Based on the Minnetonka’s population of 51,368 in 2013, the overall service level of mini parks is 0.22. The addition of this mini park would raise the service level above the minimum to 0.26.
Neighborhood Input/Planning Process

At the September 2, 2015 meeting, staff was directed to schedule a neighborhood meeting to consider the request for a park based on resident input and the receipt of a petition from 31 neighborhood residents.

The park board is asked to hold a neighborhood meeting to receive comments on the parcel and its opportunity for development. The only covenant on the parcel is that it be used for park purposes only. Residents within 500 feet of the proposed park have been notified by direct mailing.
Minnetonka Park System

The Minnetonka park system consists of 50 park areas totaling over 1,260 acres, of which 985 acres are natural/passive and over 280 acres are active. There are a variety of parks within the system as defined by their use and size, from Elmwood-Strand, the smallest at 0.4 acres to Purgatory, the largest at 158 acres. The system consists of 22 Neighborhood Park Service Areas (NPSA) that are primarily defined by infrastructure barriers that make it difficult for residents and users to access other existing parks. This area, defined as NPSA 13 is currently deficient of park access with the closest park being Guilliam Park, an athletic park located about .5 miles to the west, and Orchard Park, a neighborhood park located about .75 miles to the southwest. There are three additional NPSAs that are also deficient of parks, however at this time there are no parcels identified for potential improvement throughout the city.

Discussion Points

- Based on input received from residents, is there additional information the park board is requesting from staff?

- Does the park board wish to direct staff to develop conceptual plans and cost estimates for a mini park on Outlot A for consideration at the March 2, 2016 CIP for the years 2017 – 2021?

Recommended Park Board Action: Hold the neighborhood meeting, review the features, limits and orientation of Outlot A and recommend a course of action for potential development of a park at the end of the cul-de-sac of Royzelle Lane. If the park board is supportive of the potential for a park, direct staff to develop conceptual plans and a funding schedule for review at the March 2, 2016 review of the 2017 – 2021 Capital Improvements Program project review.

Attachments:

1. Neighborhood Meeting Notice
2. Area map
3. NPSA map
1. Roll Call

Park Board members in attendance included Jack Acomb, Nelson Evenrud, Chris Gabler, Cindy Kist, Peggy Kvam, Madeline Seveland, Marvin Puspoki, and Elise Raarup. Staff members in attendance included Jo Colleran, Darin Ellingson, Jennifer Garvey, Dave Johnson and Perry Vetter.

Chair Raarup called the meeting to order at 7 p.m.

2. Approval of Minutes

Gabler moved and Kist seconded a motion to approve the meeting Minutes of October 7, 2015. All voted “Yes”. Motion carried.

3. Citizens Wishing to Discuss Items Not on the Agenda

None

4. Business Items

A. Neighborhood meeting – Robinwood Neighborhood Park Request

Darin Ellingson, Streets and Parks Operations Manager, provided background for the item. He reported to those in attendance that at the September 2, 2015, park board meeting, the park board heard a request from residents to construct a park on a vacant lot owned by the city at the end of the cul-de-sac of Royzelle Lane. Ellingson explained that the property was conveyed to the city by a plat developer in 1959, with the restriction that it be used for public purposes exclusively. If converted to park, Ellingson noted that the property would only allow for the placement of a park in the city’s mini-park classification.

Ellingson reported that the Minnetonka park system consists of 50 park areas totaling over 1,260 acres, of which 985 acres are natural/passive and over 280 acres are active. He explained that there are a variety of parks within the system as defined by their use and size, from Elmwood-Strand, the smallest at 0.4 acres to Purgatory, the largest at 158 acres. The system consists of 22 Neighborhood Park Service Areas (NPSA) that are primarily defined by infrastructure barriers that make it difficult for residents and users to access other existing parks. Ellingson noted that the Robinwood neighborhood is located in NPSA 13 and is currently deficient of park access with the closest park being Guilliam Park, an athletic park located about .5 miles to the west and Orchard Park, a neighborhood park located about .75 miles to the southwest. There are three additional NPSA’s that are also deficient of parks, however at this time there are no parcels identified for potential improvement throughout the city.
Ellingson added that staff has researched the neighborhood area for additional potential options and did not find any.

Ellingson described the proposed site noting that the lot can be categorized as lowland hardwood forest comprised of primarily ash, elm, boxelder and cottonwood trees. Most of the trees are between 2 to 12 inches in diameter, but in the SW corner closest to 11435 Royzelle Lane, there is a large clump of significant cottonwood trees ranging from 17" – 35" diameter. There have been some large canopy openings over time due to Dutch elm disease and there is quite a bit of buckthorn and garlic mustard starting to take advantage of the additional sunlight.

Ellingson explained that if supported, a wetland delineation would need to be performed and approved by natural resource staff. Once identified, any work will be required to maintain a minimum 25’ buffer from the wetland.

Ellingson provided specifics related to mini parks, noting that this park would be comparable in size to seven current mini parks in Minnetonka ranging in size from 0.4 acres to 2.8 acres. He indicated that, given the topography, size, and usable space of the parcel, amenities to consider for a potential park would include playground equipment, benches, picnic table, garbage can and mutt mitt containers, bicycle rack, and a toilet enclosure. He noted that the wetland and flood plain on the northern half of the property limit the location of any amenities to the southern portion.

Ellingson explained that at the September 2, 2015 meeting, staff was directed to schedule a neighborhood meeting to consider the request for a park based on resident input and the receipt of a petition from 31 neighborhood residents.

The park board is asked to hold a neighborhood meeting to receive comments on the parcel and its opportunity for development. The only covenant on the parcel is that it be used for park purposes only. Residents within 500 feet of the proposed park have been notified by direct mailing.

Ellingson asked for any park board member questions prior to opening the meeting to public comment.

Hearing no park board member questions, Chair Raarup opened the meeting to public comment. She informed those in attendance that everyone interested would have an opportunity to speak.
John Brant, 3528 Robinwood Terrace, noted that he was not supportive of the petition for a new park and cited his concerns including:

- Only 11 households were represented on the petition
- Of the eight households that abut the property, only one signed the petition
- Two names on the petition are not on a list provided for the neighborhood’s Neighborhood Night Out list
- A park would mean loss of natural area and wildlife
- The eight bordering properties would lose privacy
- The property was primarily wetland and remains wet until May
- Powerlines go over the property and have caused damage to trees due to the poor condition of the lines
- He does not want a park, but if constructed, hopefully there would be no lighting
- He has a pool and is concerned about teens trespassing on his property and accessing the pool
- The addition of a park would decrease his property values
- Big Willow Park to the north was recently redeveloped and provides play equipment. The city should provide safe access to cross Minnetonka Boulevard
- The Hopkins School District provides a large play area at Eisenhower Elementary, and is only five blocks away. As well as another city of Hopkins park

Stephanie Wittleder, 3540 Robinwood Terrace, supported the addition of a park to the neighborhood indicating:

- A neighborhood is in dire need of a park
- She knows of 10 children in the immediate area
- Parks at Big Willow, Eisenhower Elementary and the City of Hopkins require crossing major roadways (Hopkins Crossroads & Minnetonka Boulevard) and do not provide safe access for children
- Noted that she does have concerns related to the natural area and impacted wildlife, but is also concerned with dumping of leaves taking place on the proposed property.
- She wondered if the area could be a designated natural area or park instead.
- She was concerned about parking at the proposed site, and asked if there were parking statistics available from other mini parks in the City of Minnetonka
- She summarized that she is not for or against a park at the proposed location, but strongly supports the addition of a park to serve the neighborhood, noting that the number of children are increasing
Mellissa Sullivan, 3601, Robinwood Terrace, was opposed to the addition of a park noting:

- Her biggest concern was safety, noting that cul de sacs can attract problems with kids. She noted that there have not been issues to date but there have been in other areas of the neighborhood. She felt that building a park on the proposed site would be inviting problems.
- Sullivan read a letter from resident Ruth Erickson who could not attend. Erickson noted concerns including
  o She chose her home because of the natural beauty which would be lost
  o Parking for the park would increase traffic in the cul-de-sac
  o Why not consider a walking bridge over Minnetonka Boulevard to Big Willow Park?
- Sullivan also provided a letter from Kris & Dan Triske, 114247 Royzelle Lane who strongly oppose construction of a park on the proposed site.

David Allen, 3520 Robinwood Terrace, asked if an environmental impact statement would be required for the project. Ellingson indicated it would not because the wetlands would not be impacted. Allen indicated he did not support the addition of a park noting:

- The property currently provides recreational use
- Added noise, parking and lighting would impact neighbors
- Barriers to other nearby parks should not be an issue because young children should not be going to parks without adults
- Users of the proposed park would be crossing his property to access the park

Michael Perkins, 3534 Robinwood Terrace, does not support the addition of the park noting:

- His mother lives at one of the properties adjacent to the park and would be impacted
- He agrees with everything said to this point in opposition to the park
- The proposal is a lose/lose proposition, if the park is used it will be a detriment to the nearby neighbors, if not used it would be a waste of public funds
- The neighborhood is private and quiet and the addition of the park would impact that
- Regarding the petition, Perkins indicated that 21% of the impacted homes were not contacted
- The safety and security of the neighborhood would be impacted
- He noted that he lived in the home as a child and that is when a park was needed. Not having one, his family and others purchased their own equipment
- On a side note, Perkins indicated that repairs to the cul-de-sac were needed

Peter Cleary, 11421 Royzelle Lane, was not supportive of the park proposal and stated the following:

- He actually may have signed the petition (confirmed that he had), because at first glance the option looked good. However after hearing the concerns of his neighbors, he no longer is supportive of the proposal.
- He believes there are enough parks within a reasonable distance
- Is officially withdrawing his support.

Heather Markert, 11503 Friar Lane, indicated her support of the park proposal and stated the following:

- At the last neighborhood block party she counted 26 children and is certain that she missed counting some
- Would be willing to walk the distance to Big Willow Park but feels it is too dangerous crossing Minnetonka Boulevard, even for adults. For that reason, she is forced to drive to other city parks
- Mini parks are small and intended for the immediate neighborhood and not as destination parks. The parks she visits are on busier roads and very visible, the proposed park would not be.
- She felt that the neighborhood had a good sense of community and that it would benefit the neighborhood to have a gathering place

Kate Lohrenz, 11506 Friar Lane, spoke in favor of the proposed park stating:

- The proposed location is overgrown with invasive species and needs attention
- She indicated that she does not have children but plans to and feels the neighborhood is deficient of adequate parks
- She feels that the concerns of those who oppose the park are valid, however solutions could be found for issues related to traffic with the use of proper signage. She stated she is an architect and has experience with similar situations.
- She feels that is the process comes to an end this evening it would be a mistake.
Ashley Bakke, 3525 Robinwood Terrace, supported the park proposal and stated the following:

- She loves to go to parks but feels road access to parks nearby is very busy
- She noted that the play equipment at Eisenhower Elementary referred to earlier is not available for use during the school day and other random times that the school has activities scheduled
- She felt that property values potentially could increase with a new park
- The neighborhood needs a safe gathering place
- The addition of a park would increase neighborhood security with added police patrol

Mary Barron, 3601 Robinwood Terrace, said that she is a mother and grandmother and spoke in opposition to the proposed park stating the following:

- She questioned what the ages of children in the households speaking in favor of the park would be at the time it would potentially be completed
- She has noticed police activity in the proposed lot and is concerned that a park would bring more
- She feels that this issue is splitting the neighborhood
- She questioned why a boardwalk to other parks could not be constructed
- The proposed property is neat and provides habitat for owls and other wildlife

Danielle Kapning, 11302 Royzelle Lane, spoke in favor of the park stating the following:

- She sympathizes with the concerns mentioned by residents not in support
- She noted that the 26 neighborhood children mentioned earlier will increase over the next few years
- Safe access to parks is needed for the neighborhood with CR 73 and Minnetonka Boulevard too busy for safe access. She is a runner and even adults are concerned with safety
- She likes the idea of paths or other ways to travel safely to existing parks
- She highly doubts that, if constructed, the proposed park would attract others who would drive to it
- Noted that younger families are moving to the neighborhood and a park is needed, but questioned if the existing site is even feasible
Becky Perkins, 3534 Robinwood Terrace, spoke in opposition to the park noting the following:

- Neighbors who border the proposed site would have users crossing their property to access the park
- Questioned why others who do not live adjacent to the proposed site have a say in how it should be used.

Lyndsey Turk, 3501 Robinwood Terrace, spoke in support of the proposed park stating that:

- Does not live adjacent to property
- Understands concerns of those opposed but hopes that the proposal gets studied further
- The proposed location is secluded and would likely not be a destination park for those who do not live close by
- She agrees that any safety concerns need to be addressed
- The neighborhood has several children and that number will only increase
- She noted that while parks can add noise to the neighborhood, so can private properties

Hearing no further requests for input, Dave Johnson, Recreation Services Director attempted to address the questions to staff raised by those in attendance.

- With regards to lighting in parks, Perry Vetter, Assistant City Manager noted that security lighting in parks is not typical due to concerns that lighting only pushes unwanted activities deeper into the parks
- Regarding the potential for a boardwalk to other parks or the LRT trail, Ellingson, responded that the distance and limited amount of city owned property prohibited the possibility.
- Regarding sidewalk access on CR 73, Vetter indicated that these sidewalks are currently on the trail plan and listed as unfunded.
- Regarding the expense for developing the proposed park, Ellingson estimated $50,000 - $100,000, noting that at this point an estimate is difficult to provide
- Regarding operational expenses, Vetter noted that this would need to be provided at the time a Capital Improvements Plan was developed. He explained that the park board is only an advisory to the city council. Operating costs are an item the council reviews before approving any projects.
- Johnson noted that staff did not have answers to questions related to police reports in similar Mini Parks, and property valuations and how they are impacted by the development of a mini park. He noted that if the park board votes to extend the discussion to March, staff would provide this information.
John Brandt, 3528 Robinwood Terrace asked how alcohol was regulated in the parks. Johnson stated that alcohol was only allowed by permit. Alcohol permits are only allowed at park locations that has a reservable picnic shelter i.e., Shady Oak, Lone Lake and Gro Tonka Parks. Brandt commented that he has played softball at Big Willow and noticed that adults use alcohol there without a permit and suggested that the same could happen if the proposed park were constructed.

Brandt further asked what the cost to develop a mini park would be.

Becky Perkins, 3534 Robinwood Terrace expressed concern that those submitting the petition did not approach everyone in the neighborhood

Peter Cleary, 11421 Royzelle Lane, questioned what the cost for development would be and what projects would be displaced if the project was funded.

Hearing no further questions or comments from those in attendance, Chair Raarup closed the meeting to public comments and invited park board discussion of the issue.

Kvam commented that an existing fire hydrant caused concern to her as to how street parking would work if provided. Other than that, she indicated that she visited the site and liked the fact that it was flat and does not appear to require extensive grading. She felt it was suitable for what the petitioners were requesting.

Ellingson displayed a map that showed the impact that a park the size of Elmwood Strand would have on the proposed location.

Seveland indicated that she wanted security and property data before she makes a final decision. She noted that by including this project on a project list, it is only a potential option for the addition of a park

Gabler noted that his neighborhood is struggling with the same issue, lack of safe access to a park but opposition to the proposed location. He indicated that he supported safe access to a park for those in the neighborhood.

Raarup indicated that she felt a strong sense of community in the Robinwood neighborhood. She felt that parks provided a multigenerational aspect for the neighborhood, noting that the need for safe access is also a generational trend. She stressed that design features may be able to be built in to address some of the issues of concerns raised this evening. She added that she favored a plan that included restricted parking. She closed by informing those in attendance that every meeting held where the park board reviews this issue is open to the public to attend.
Hearing no further park board comments, Puspoki moved and Gabler seconded a motion to have staff develop a basic concept plan, feasibility study and cost estimate; as well as to collect police report data for the proposed property and similar existing parks, and any available property value data pertaining to properties in close proximity to parks, and report back to the board for further consideration at the March 2nd park board meeting. All voted “Yes”. Motion carried.
Minnetonka Park Board Item 4A  
Meeting of March 2, 2016

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<th>Review of Feasibility Study for the Robinwood Neighborhood Park Request</th>
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<td>Park Board related goal:</td>
<td>To renew and maintain parks and trails</td>
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<tr>
<td>Park Board related objective:</td>
<td>Identify areas of the city that are deficient of adequate park or trail amenities.</td>
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<tr>
<td>Brief Description:</td>
<td>The Park Board will review a feasibility study and construction cost estimates; as well as review collected police report and property valuation data related to a proposed park in the Robinwood neighborhood.</td>
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Background

At the September 2, 2015 park board meeting, the park board heard a request from residents to construct a park on a vacant lot owned by the city at the end of the cul-de-sac of Royzelle Lane. Since the property does not have an assigned address, it will be referred to as the outlot for this report.

The outlot was conveyed to the city by a plat developer in 1959, with the restriction that it be used for public purposes exclusively. A park development would meet this restriction. If converted to park, the property would only allow for the placement of a park in the city’s mini-park classification. Staff has researched the neighborhood area for other suitable options and did not find any.

At the January 6, 2016 meeting, the park board held a neighborhood meeting and subsequent discussion on how to proceed with the request for a new mini park in the Robinwood neighborhood. A copy of the minutes from the meeting and Board discussion are included as an attachment to this report. In response to feedback received by those opposed to the addition of a park, the Board requested that staff report back to the Board at the March 2, 2016 meeting with the following:

1. Completion of a feasibility study, and if applicable, concept plan and cost estimate for development of the park

2. Provide information and statistics related to any police department responses at other mini-parks within the city

3. Provide any available property valuation data pertaining to the impact parks have on neighboring properties.
Summary

Feasibility Study

WSB & Associates was hired to evaluate the site and prepare a concept plan to see if playground equipment could be incorporated in the space available. A forester from the Minnetonka Natural Resources department conducted a tree inventory on the parcel to identify significant trees, high value trees, and dead or hazard trees. Due to the time of year, in lieu of a site survey, aerial topography was used to show existing contours and the wetland boundary. The zoning for this area requires a 35’ front setback, 10’ side yard setback – aggregate total of 30’, and 35’ wetland buffer to the play structures. The overall size of the parcel is estimated to be .86 acres in size, however the actual size of the parcel available for active use is estimated to be .35 acres.

Utilizing these constraints, the Outlot is able to support a playground area with two play structures and a set of swings. The existing ground is generally 2-4 feet higher than the wetland which provides adequate drainage and will not require significant grading as the area is relatively level. Trees to the north and west of the play area will mostly not be affected. Tree removals will be needed along the east side of the play area, and that area would be replanted with new trees to provide screening to adjacent properties. A walkway would be constructed for access to the play area with provisions for benches, a picnic table, and trash receptacle. As proposed, the cost for the project is estimated to be $103,125. A concept plan and cost estimate are attached with the report.

This layout is based on preliminary assumptions of the existing wetland boundary. Should the project move forward, a wetland delineation and site survey would be completed to verify the location of the wetland buffer and topography to complete a final design. Based on the results of those surveys, the size of the play area may need to be reduced. If the wetland boundary is farther north than shown on the concept plan, the goal would be to alter the location of the play area to reduce tree impacts on the east side of the outlot. The size of the play area likely would not be increased so that it would fit in with the surrounding area.

Police Report Data

Working with Nicole Nelson, Minnetonka Police Department Crime Prevention Analyst, staff was able to collect records of police response data for mini-parks dating back three years. Results show that a total of 10 police involved incidents were reported for the seven existing mini-parks, an average of 0.4 reports annually per park. Of the reports received, only one was criminal in nature, and the others can be categorized as suspicious activity (5 reports), parking concerns (1 report), lost wallet (1 report), animal at large (1 report), and disabled vehicle (1 report). No reports were found for Sunrise Ridge and Oakhaven Parks, two of the seven parks queried. Coincidently, these two parks were the most recent mini-parks developed in the park system, and both were constructed as a result of requests from residents in the neighborhood.
If the proposed park plan moves forward, Nelson suggested that staff explore the use of Crime Prevention through Environmental Design (CPTED), a multi-disciplinary approach to deterring criminal behavior through environmental design. CPTED strategies rely upon the ability to influence offender decisions that precede criminal acts. Generally speaking, most implementations of CPTED occur solely within the urbanized, built environment. Specifically altering the physical design of the communities in which humans reside and congregate in order to deter criminal activity is the main goal of CPTED. CPTED principles of design affect elements of the built environment ranging from the small-scale (such as the strategic use of shrubbery and other vegetation) to the overarching, including building form of an entire urban neighborhood and the amount of opportunity for "eyes on the street".

Impact on Property Valuations

Considerable discussion at the January 6, 2016 neighborhood meeting centered around concerns from neighboring residents that the development of a park would negatively impact their property values. To gain a better understanding of potential impacts the proposed park might have on adjacent and nearby property values, staff referenced two sources, one a National Recreation and Park Association (NRPA) publication “The impact of Parks and Open Space on Property Values and the Property Tax Base”, and the second, local property valuation data and practices data used by the City’s Assessing Division.

First, the NRPA publication reported on studies related to property values dating back as far as 1912. The publication’s findings vary from study to study and are best summarized by the following statement regarding the impact parks have on property values:

“A definitive generalizable answer is not feasible given the substantial variation in both size, usage, and design of park lands in the studies, and the disparity in the residential areas around them which were investigated. However, some point of departure based on the findings reported here is needed for decision-makers in communities who try to adapt these results to their local context. To meet this need, it is suggested that a positive impact of 20% on property values abutting or fronting a passive park area is a reasonable starting point guideline. ……if the park….is small and embraces some active use, then this guideline is likely to be high”

Similar to the CPTED practices previously discussed, the NRPA publication states repeatedly that design of a park is critical in determining how a park will be used and possibly abused.

In justifying the cost for acquisition and development of park property, the NRPA publication focuses on what is referred to as the “Proximate Principle” which states:

“If the incremental amount of taxes paid by each property which is attributed to the presence of a nearby park is aggregated, it will be sufficient to pay the annual debt charges required to retire bonds used to acquire and develop the park. In these circumstances, the park is obtained at no long-term cost to the jurisdiction”.
From a more local perspective, Minnetonka’s City Assessor Colin Schmidt, provides the following assessment:

“The Assessing Division reviews hundreds of sales every year and analyzes the property’s location and how this may affect the property value. Included in this analysis is whether being adjacent to a park is a positive or negative influence. Our experience shows us that parks do not have a negative affect but usually have a neutral or positive affect depending on the extent of the privacy and views the park provides to the adjacent home. In other words, the smaller and more active the park, no adjustment (neutral). The bigger and more private the park, a more positive (upward) adjustment in market value. Based on the logic above, the statistical measurement of estimated market value divided by sale price produces virtually the same ratios for those abutting parks as the general population of single family homes that are not adjacent to a park. It shows no bias one way or the other. If we break it down to the small “active” parks, the sales sample is too small to draw any conclusions, but the inference is that there may be a positive adjustment. We continue to study this issue on an annual basis and adjust the estimated market value as needed”

Discussion Points

- Is the park board supportive of the addition of a park in NPSA 13?

- Given the limited overall size of the property and buildable area, as well as the close proximity of homes to the site, is the park board supportive of the cost to develop a mini-park at the proposed location?

- Does the park board have concerns related to the impact on natural resources located on the site?

Recommended Park Board Action: Review information provided and direct staff to include or omit the project in the 2017-2021 Capital Improvement Program

Attachments:

1. Concept Plan
2. Cost Estimate
3. Meeting notice & map
5. Letters of correspondence
1. Roll Call

Park Board members in attendance included Jack Acomb, Nelson Evenrud, Chris Gabler, Cindy Kist, Peggy Kvam, Madeline Seveland, Marvin Puspoki, and Elise Raarup. Staff members in attendance included Darin Ellingson, Dave Johnson, Aaron Schwartz and Perry Vetter.

Chair Raarup called the meeting to order in the Minnetonka Community Council Chambers at 7 p.m.

2. Approval of Minutes

Gabler moved and Kist seconded a motion to approve the meeting Minutes of February 3, 2016. All voted “Yes”. Motion carried.

3. Citizens Wishing to Discuss Items Not on the Agenda

Derek Diesen, 131525 Larken Drive, addressed the park board and voiced concerns he had related to the city’s process for negotiating and collecting park dedication funds, more specifically the process used to determine the formula for a recent project in the Ridgedale area. He indicated that he had attended the February 3, 2016 meeting and has requested that the item be included on a future park board agenda. Chair Raarup asked staff to respond, noting that the park board could not take action on an item not included on the meeting agenda. Perry Vetter, Assistant City Manager, informed Diesen to contact the city attorney with his concerns, noting that as a charter city, Minnetonka does not have the same requirements as a statutory city and the decision on Park Dedication Fees resides with the City Council and not with the Park Board. Vetter added that the park board serves as advisory to the city council and does not approve the park dedication fund process for development projects.

Diesen then provided a document that he said showed a parcel of property initially dedicated for park use converted to mixed use, indicating that the park board should be responsible for overseeing changes to park property.

Raarup thanked Diesen for his time and indicated that someone from city staff would respond to him.

4. Business Items

A. Review of Feasibility Study for the Robinwood neighborhood park request

Raarup welcomed those in attendance and reviewed the process for the evening’s review of the proposed park concept plan. She indicated that staff will provide an overview, followed by park board member questions. She indicated
that while the meeting was not a public hearing, she would welcome public
comment, requesting that comments be directed towards the information
presented this evening and not a duplication of comments provided at the
February meeting.

Darin Ellingson, Streets and Parks Operations Manager, indicated that staff has
worked with the WSB consulting firm to complete a feasibility study and develop
conceptual plans and cost estimates for a proposed park on city property located
at the end of Royzelle Lane. Ellingson explained that plans developed include all
required setbacks. He then introduced Steven Foss and Jason Amberg in
attendance from WSB.

Foss provided an overview of the conceptual plan. He noted that access to the
site would be primarily from the south with a bituminous trail although there
would be a secondary access from the neighborhood to the north. Two seating
benches would be placed on the site along with a play container that takes into
account required wetland setbacks and provides three structures for ages 2-12.
Foss further reviewed additional plantings that would be placed on site to provide
buffering to the neighbors and add to existing vegetation on the site. Ellingson
added that the project would require the removal of considerable underbrush and
invasive plants, however only three significant trees of 8’ or larger would require
removal to incorporate the play area. Ellingson noted that a detailed survey
would be required to complete a final plan, adding that the wetland setback on
the north side of the parcel was approximate. He added however that staff was
confident that the current conceptual plan would not require significant changes.

Raarup asked for any park board member comments and questions.

Puspoki noted that the approximate size of the parcel as proposed is .35 acres
and wondered if further changes might reduce that even further. Ellingson noted
that the .35 acres encompasses the property not including the wetland area to
the north, and that the play container would be only a portion of the parcel and
about half the size of the play area at Elmwood-Strand Park, another mini-park
on the park system. Raarup asked if the paly area would be comparable to the
one provided at Civic Center Park. Ellingson estimated that it would.

Hearing no further questions related to the concept plan, Dave Johnson,
Recreation Services Director provided some information related to park impacts
on property values and public safety as the park board requested at the January
meeting.

Regarding police report data, Johnson indicated that he consulted with the Police
Department’s Crime Prevention Analyst, who was able to collect records of police
response data for mini-parks dating back three years. Results show that a total of
10 police involved incidents were reported for the seven existing mini-parks, an average of 0.4 reports annually per park.

Johnson noted that of the reports received, only one was criminal in nature, and the others can be categorized as suspicious activity (5 reports), parking concerns (1 report), lost wallet (1 report), animal at large (1 report), and disabled vehicle (1 report).

Johnson added that no reports were found for Sunrise Ridge and Oakhaven Parks, two of the seven parks queried. He noted that these two parks were the most recent mini-parks developed in the park system, and both were constructed as a result of requests from residents in the neighborhood.

Johnson closed his report on public safety data by noting that, if the proposed park plan moves forward, the Police Department suggested that staff explore the use of Crime Prevention through Environmental Design (CPTED), a multi-disciplinary approach to deterring criminal behavior through environmental design. More information is available in the staff report.

Regarding the impact on property valuations, Johnson noted that to gain a better understanding of local and national impacts, he referred to two different sources including a National Recreation and Park Association (NRPA) publication "The impact of Parks and Open Space on Property Values and the Property Tax Base"; as well as local property valuation data and practices data used by the City’s Assessing Division.

Johnson explained that the NRPA publication’s findings vary from study to study and are best summarized by a statement that reads “Given the variation in park sizes, usage patterns and residential areas that surround parks a definitive generalizable answer is not feasible. However, some point of departure based on the findings reported here is needed for decision-makers in communities who try to adapt these results to their local context. To meet this need, it is suggested that a positive impact of 20% on property values abutting or fronting a passive park area is a reasonable starting point guideline. ……if the park….is small and embraces some active use, then this guideline is likely to be high”.

Johnson reported that similar to the CPTED practices previously mentioned, the NRPA publication states repeatedly that design of a park is critical in determining how a park will be used and possibly abused. In justifying the cost for acquisition and development of park property, the NRPA publication focuses on what is referred to as the “Proximate Principle” which states that the incremental amount of property taxes paid by homeowners that is attributed to the presence of a nearby park will, over time, pay for the costs to both acquire property (if needed) and develop a park.
From a more local perspective, Johnson noted that the Minnetonka’s City Assessor indicates that “experience shows us that parks do not have a negative affect but usually have a neutral or positive affect depending on the extent of the privacy and views the park provides to the adjacent home. In other words, the smaller and more active the park, no adjustment (neutral). The bigger and more private the park, a more positive (upward) adjustment in market value.”

Noting the value of natural amenities in the property valuation data, Kvam asked if there is a cost premium associated with natural play equipment verses standard play equipment. Amberg indicated that natural equipment can easily double the cost for equipment. He added that standard equipment however can be purchased in natural colors that provide a more natural theme.

Hearing no further park board member questions, Raarup asked for any public comments.

Johnson read into the record a letter received from Patsy Perkins, co-owner of property at 3534 Robinwood Terrace who indicated opposition to the development of the proposed parcel for park purposes.

Becky Perkins, 3534 Robinwood Terrace noted that she did not receive the email link to the meeting packet for tonight’s meeting. She followed with a question related to the lack of a buffer from the park to her property, noting that a buffer was proposed to other neighboring properties. She expressed concern that not having a buffer would lead to users accessing the park from her property. Perkins also inquired about what types of trees and other vegetation would be planted on the site and asked if neighbors would have the opportunity to provide input.

Johnson suggested that the park board collect all questions residents have and address them at the close of the public input.

John Brandt, 3528 Robinwood Terrace, questioned if anyone has completed a soil sample. Ellingson indicated that there have not been samples taken to date. He noted that the trees on the west side were cottonwood trees and asked what the city’s position was on cottonwood trees, noting that the white seeding from cottonwoods fills the ground during the seeding time of the year.

Melissa Sullivan, 3607 Robinwood Terrace indicated that she was representing Dwight and Lorraine Baumgardner, 3600 Robinwood Terrace who have lived at their address since 1956 and oppose the park proposal. Sullivan read a letter from the Baumgardner’s into the record. They indicated that they previously had requested a park in the neighborhood and were told by the city previously that having 1/3 of an acre provided enough space for children to play in their own yard. They further oppose the project because of the added foot traffic it would create and the loss of wildlife habitat. Sullivan added that she sees both sides of
the argument (for and against the addition of a park) and she opposes it because she feels that those who oppose it have lived in the neighborhood for a long time and feel strongly about the addition.

Lindsey Turk and Mike Nohner, 3501 Robinwood Terrace noted that they were in support of the park and felt that the data provided by staff supports the need for a park in their neighborhood. Turk thanked the park board for at least completing the feasibility study. They submitted a letter from Ashley and Josh Bakke who were not able to be at tonight’s meeting but are supportive of the park addition.

David Allen, 3520 Robinwood Terrace, indicated that he also did not receive the email link to this evening’s packet. Not having the information in advance, he asked for a summary of proposed costs for the project.

Not hearing any further requests to speak, Chair Raarup closed the meeting to public comments and asked staff to address the questions asked.

Ellingson noted that regarding the buffer to the south of the existing tree line, he indicated that this location is where there are trees located presently and is a further distance from the play area. He indicated that the proposed buffer could be extended to the south to better screen the property at 3534 Robinwood Terrace.

Regarding plantings, Ellingson indicated that the typical process used for selecting play equipment is to invite public input and added that the same could be done for trees and other plantings.

Aaron Schwartz, Natural Resources Division, responded to questions about trees and indicated that the city does not have any negative feelings towards cottonwood trees noting that there are no regulatory concerns and adding that cottonwoods do provide screening and wildlife benefits. He agreed with Mr. Brandt that cottonwoods do have a seeding period of approximately two weeks where seeds can cover the equipment, however Schwartz did not feel that this would warrant removal of the trees.

Ellingson provided a summary of the cost estimate prepared by WSB, noting that the estimated cost for adding the park is $103,000. This includes grading, walkways, play equipment, sod, seeding and design costs. He indicated that the work performed by WSB to develop the cost estimate, if the project moves forward, will be used to solicit bids from contractors to complete the project.

Raarup asked if all questions from those in attendance were addressed. Hearing no further requests for clarification, Raarup asked for park board input and discussion.
Kist, citing resident concerns related to the impact of wildlife on the site, asked if planting could take these concerns into consideration. Ellingson indicated they could, as well as to ensure that nothing planted was invasive.

Evenrud commented on Raarup’s previous suggestion that, if the park moves forward, play equipment not be constructed in a way that it could be used as a hiding area. Evenrud indicated that he supported Raarup’s previous suggestion and agreed the equipment should be open and he would be concerned about that as a neighbor as well. Raarup agreed, noting that it appears that the CPTED techniques mentioned in the staff report appear to address these types of practices.

Gabler commented that this and other park requests seem to have become generational issues, creating challenges between younger and older households. He stated that he felt it was obvious that the park board was not going to have a solution that makes everyone happy. Gabler went on to note that the information on property values and the fact that they are not negatively impacted by parks if designed correctly was valuable information. He added that noise is an issue of concern for immediate neighbors, but reminded the board that this is not the type of park that is a destination point for others not living in close proximity. He felt that neighborhoods turning over will create the need for kids to have a park to access and indicated that he is likely to support the project moving forward.

Raarup expressed concern about constructing a park at the end of a cul-de-sac, noting that there is not a similar application elsewhere in the city. She indicated that she supported the need for a park in this neighborhood but struggles with the location even though she realizes it is the only location that staff has identified as a possibility. She wondered if other members had similar concerns. Evenrud noted that he did stop by the location before the meeting and had some concern about the ability to park. However, he did feel there was enough space for the intent of the park.

The park board considered the three discussion items that staff had included in the staff report including:

- Is the park board supportive of the addition of a park in NPSA 13?
- Given the limited overall size of the property and buildable area, as well as the close proximity of homes to the site, is the park board supportive of the cost to develop a mini-park at the proposed location?
- Does the park board have concerns related to the impact on natural resources located on the site?
Gabler noted that he had concerns about the cost to develop the park and asked if the city would do any work to reduce the cost in any way. Ellingson indicated that he would most likely bid the entire project out, however the possibility exists that city crew could do some of the grading. Gabler added that he had not thought about the cul-de-sac aspect, but felt that most would not drive to the park. He was not concerned that this would be an issue. He added that he also did not have concerns about the impact on wildlife and natural resources noting that plantings that have been added in other parks has been successful.

Kvam indicated that she felt that attention to the natural resources was important, and felt that if done correctly, this project could actually improve the natural resources provided on the site due to the large amount of invasive plantings that exist on the site. She felt that if these invasive species were removed and new plantings added that provided valuable habitat, conditions could improve.

Raarup asked if it could be construed that at this point Kvam was supportive of the project moving ahead. Kvam indicated that she was supportive.

Acomb asked if the cost estimate was comparable with the costs for other mini-parks constructed. Ellingson noted that it has been several years since the last was constructed, however he felt the costs were comparable.

Puspoki asked staff for clarification that this was the only location in the neighborhood that was conducive to adding a mini-park. Ellingson responded that it was. Puspoki indicated that he was not overly excited about the location, but was supportive of the addition of a park.

Seveland provided her assessment. She summarized what she has heard as three themes that seem to center around the issues of concerns and wants. The three themes she indicated were a desire for a gathering place, concerns related to the natural area and privacy. She indicated that she is supportive of a gathering place and the addition of the park. She requested that native plants and species be added on both the east and west sides of the property to increase privacy for the adjacent neighbors. She also indicated that, if approved, staff look at the equipment being considered to determine if play equipment for all ages is warranted, or could all containers be combined into one area. Related to the natural areas of the site, Seveland indicated that she agreed with Kvam’s assessment that cleaning up the site of invasive species could be beneficial to the natural area and wildlife.

Raarup added that she agrees with the need to add plantings for increased privacy, however would not want that to go too far to the point of it not being visible from the street. She felt that if the area was too secluded it could encourage undesired behavior. She indicated that at this point she was not supportive of the location for a park primarily due to its location on a cul-de-sac.
While she did not feel it was ideal, she encouraged residents interested in the addition of a park to add equipment to their yards if possible and, to utilize social media outlets to arrange neighborhood outings. She noted that she does support pocket parks in general.

Vetter provided a summary of next steps noting that if the park board votes against the proposal, consideration would be completed at the park board level however, those interested could still make a request to the city council. He also added that staff could bring the item to the council with a staff recommendation, however because this was a neighborhood driven request and not a staff driven request he felt that was unlikely. He also indicated that a decision by the park board would be on this specific proposal and any decision can’t bind future city councils or park boards, meaning that voting this proposal down does not prevent the parcel from being looked at again in the future. Vetter noted that if the project is recommended by the park board, it will be included in the park boards recommended projects to the city council and then considered at a future council meeting. He reiterated that the park board is advisory to the city council who then makes the ultimate decision.

Gabler moved and Kist seconded a motion that the park board direct staff to include the plan in the 2017 – 2021 Capital Improvement Plan. Evenrud, Kist, Kvam, Gabler, Puspoki and Seveland voted “Yes”, Raarup voted “No”, Acomb abstained. Motion carried on a 6-1 vote.
You are invited…
The Minnetonka Park Board invites you to a review of the feasibility study being conducted to assist with determining the impacts a proposed park would have to the Robinwood neighborhood. See the map on the reverse side for location details.

You are receiving this notice because you reside within 500 feet of the area in question. A previous notice was sent for the neighborhood meeting conducted Jan. 6, 2016. An estimated 24 neighborhood residents attended this meeting.

What is being proposed?
In September 2015, the Park Board received a petition from 31 residents interested in developing a park in the Robinwood neighborhood due to concerns that a park is not currently accessible without crossing busy county roads. Staff researched undeveloped properties and identified the Royzelle Lane location as the only possibility. This property, which was given to the city in 1959 with a restriction it be used exclusively for public purposes, is .86 acres with flood plain restrictions. If developed, the area would provide enough space for the addition of a mini park as classified by the City of Minnetonka. At the Jan. 6, 2016 neighborhood meeting, the Park Board heard both opposition and support for the requested park. Following the meeting, the Park Board directed staff to complete a feasibility study to help identify impacts to the proposed site and immediate neighborhood; as well as to collect information pertaining to police reports and property valuation data related to similar parks constructed in the city. The board requested this information be available for review at the Park Board’s regular meeting on March 2, 2016.

What happens at the meeting?
The purpose of this meeting is to review the feasibility study requested at the January 6 meeting, as noted above. The Park Board will review the findings and determine whether or not to recommend the project to the city council for consideration. If the board does decide to move the project forward, the board will recommend a year for inclusion into the 2017-2021 Capital Improvements Program (CIP).

Will there be future meetings?
All projects recommended for inclusion into the 2017-2021 CIP will be reviewed by the city council at a future meeting (date yet to be determined). Those who would like to be informed of the project’s status will be notified of the date, time and location of this meeting once it is determined.

How can I stay informed?
You will be kept informed of future meetings related to this project by attending this meeting. If you are unable to attend this meeting and would like to stay informed; or have any further questions, please contact:

Public Works Operations Manager Darin Ellingson at dellingson@eminnetonka.com or 952-988-8414, or Recreation Services Director Dave Johnson at djohnson@eminnetonka.com or 952-939-8360.
January 4, 2015

Minnetonka City Park Board
Minnetonka City Hall
14600 Minnetonka Boulevard
Minnetonka MN 55345

RE: Proposed Royzelle Lane Park

Dear Sir/Madam:

The Royzelle Lane neighborhood is a safe, quiet, wooded neighborhood with beautiful wetlands, little, if any, traffic and many cul-da-sacs (where children play). We knew 14 years ago when we purchased our home that there was not a park in the neighborhood. That is why we put a swing set in our back yard.

The location of the proposed park is less than 500 feet from our property. The park would be clearly visible from our kitchen window. I (Kris Triske) suffer from primary progressive multiple sclerosis and am homebound. I am sensitive to noise and experience dizziness and vertigo from movement (including movement of others).

The proposed site for the park is located on the wetlands in front of our house. Our backyard has eroded but we are not allowed to modify the wetlands.

The proposed park will increase traffic and cause problems requiring additional police patrols in the Royzelle Lane cul-da-sac. This cost should also be added into the Proposed Park plan budget.

Petitioners knew the neighborhood did not have a park when they purchased their homes. There are numerous parks within a short driving distance, including the new playground at Eisenhower Elementary. Most petitioners do not even have wetlands on their property lots.

We strongly oppose the proposed Royzelle Lane Park for the above reasons. If the proposed park is built, we will likely sell our home.

Sincerely,

s/ Kris & Dan Triske

Kris & Dan Triske
114247 Royzelle Lane
Minnetonka MN 55305

cc: Melissa Sullivan – Neighborhood Captain
January 4, 2016

City of Minnetonka
11522 Minnetonka Blvd
Minnetonka, MN 55305

To Whom It May Concern:
We are the resident / owners of the property located at 3534 Robinwood Terrace, Minnetonka, MN 55305. We were the first family to purchase in this neighborhood in 1956 and have occupied the property for the past 60 years. Our property borders the “proposed park” lot at the base of the Royzelle Lane circle.

The first we heard of this petition was when we received the announcement for the public meeting on January 6th. Being the longest standing residents in this neighborhood, it was surprising to us the petitioners didn’t contact us to discuss the idea prior to submitting the petition to the city for consideration.

After reviewing the petition and the county records we have determined the 31 signatures on the petition represent 19 or fewer homes, only one of which borders the proposed park property, the initiator of the petition. This represents less than 21% of the homes in the Robinwood area. We feel if a homeowner wants play equipment for their children, our lots are of sufficient size to accommodate it. They should pay for the play equipment themselves. It is not a wise use of taxpayer funds to pay for a park that only a few will use.

We oppose this “proposed park” for the following reasons and submit this letter as permanent record.

What about Privacy?
We’ve lived here for 60 years and one of the reasons we stay is the privacy of the neighborhood. There is no reason for the public at this time to drive through our neighborhood. The only traffic we see comes from the residents and their visiting friends or family. This means it’s safe for children and the elderly alike. The address of this “proposed park” will be published as part of the public record and will therefore change the safety and privacy of our neighborhood.

What about Liability?
Since only 8 properties border the “proposed park” the majority of those who choose to use the park will be coming from elsewhere. Who carries the liability for these children and families who will be trespassing as they walk through our property to access the park? There is no way for us to reduce our liability risk and discourage trespassers without spending a large amount of money constructing a fence.
What about Security?
Who will be monitoring and patrolling this park? Since there is not a road that will go
around the perimeter, the police will have to add walking patrols to ensure the safety and
security of our neighborhood. Since there will be no fence or way to secure the park there
will be access by the public at all hours. How often will the patrols be scheduled and who
will monitor behavior in the park 24/7?

What about the Wildlife Habitat lost?
One of the biggest benefits of living where we do in this neighborhood is the remaining
wildlife habitat. This habitat happens to be the very parcel of land that has been proposed
for use as a public park. There are very few natural habitats left in our area, and clear-cutting
this parcel will remove a critical one for the many species we currently enjoy in our
backyard now. These include but are not limited to deer, fox, rabbit, coyote, pheasant,
woodpeckers and many other species of birds year round. Removing this habitat means
these animals will have to move elsewhere to replace lost habitat and we will lose the joy of
seeing them visit our yards.

What about the natural lands lost forever?
Some of the trees in this parcel are older than the 60 years this subdivision has been in
existence. Are we planning to clear cut these old trees and permanently change the visual
landscape in our backyards? We hope not! What does the tree survey say and will there be
another public meeting once that has been completed?

What about maintenance?
We have been mowing and maintaining the property that borders Royzelle Lane for over
60 years. If this park is developed how often will the city be mowing that strip and
maintaining the park? We currently mow it at least twice a week in the summer months. It
is important that this property continue to be maintained in the same manner so our
neighborhood will remain landscaped and well cared for.

Where’s the money?
We’ve been told it will cost between $50,000 and $75,000 to build this park. In addition we
must consider the ongoing costs of maintenance, monitoring and regular security patrols.
This park is not a good use of taxpayer funds.

We oppose the development of a public park on the proposed .86-acre. We do not feel it is
necessary and is therefore a waste of taxpayer money. If people want play structures
available for their children, build them on your own property. We don’t feel it is right to
remove a critical habitat to accommodate the needs a handful of people who may or may
not even use this park.

Our goal is to maintain the privacy, security and natural habitat of our lovely neighborhood.
Please don’t destroy it for a park that only a very few in our neighborhood have agreed to
or will ever use.

Sincerely submitted,
Clareen Perkins
Michael Perkins
Becky Perkins
Patsy Perkins
Carol Perkins

Page 2 - Perkins Family Letter in Opposition of Royzelle Lane Park
Gentleman,

I won't be able to attend tonight's meeting, but as the owner of the adjacent lot to the proposed park I do have a couple questions.

I am wondering how the park will be separated from my lot, be that with a fence, hedges, or something else. And as my driveway goes right to the edge of my lot, is the proposed entrance going to affect my driveway? Will it be a walk in park, or are you anticipating adding parking too? Obviously that might be problematic given a thin entrance area. And lastly, as my back yard is affected by the wet land, if the lot needs clean fill, might I be required, and responsible for any fill that would might be needed in my lot to maintain a reasonable grade between the two lots?

I don't oppose the park, and think the neighborhood does need it, but am concerned as how this might affect my property, privacy, and any costs that I might directly or indirectly incur.

Thanks, and I look forward to your responses. Sorry I can't attend the meeting. Please keep me informed of the results.

Regards,

Jeff Kanter
11435 Royzelle Lane
Hi Jeff,

Most of these questions wouldn’t be specifically addressed until the park was in the design stages — assuming the project moves forward. The layout of the park would be that it would not negatively impact or alter neighboring properties or wetlands.

We would look to provide some sort of separation between the park and adjacent homes, either through leaving existing vegetation in place, adding additional plantings, or possibly a fence. It is too early in the process to say exactly how or what would be provided.

Based on the general concept of a mini park, which this would be, the intent is to provide amenities for the homes in the immediate neighborhood where people would walk or bike to the park. The play area/park would not be big enough to accommodate large gatherings, so the intent is not to provide parking spaces. People would be able to park on the street though.

Any grading that would be done would be solely to create the new space, and there are setbacks that need to be followed from the wetland and property lines that govern what can and can’t be done. The intent would be to not have to do any work on neighboring properties, and any work that is done won’t be able to alter the surrounding area enough to have a negative impact on adjacent properties (drainage in particular).

There would be no costs to residents to build the park.

Should this project move forward, it would likely be a few years before work would begin. There are typically one or two neighborhood meetings to review concepts and get input from residents at that time as some of the details are developed.

Please let me know if you have any other questions.

Thanks,

Darin
January 9, 2016

Park Board Chair
City of Minnetonka
14600 Minnetonka Blvd
Minnetonka, MN. 55345

Dear Park Board Chair/Park Board Members/Staff:

I am writing to express my concerns regarding the Park Board Meeting held on January 6th regarding the development of a neighborhood park on the end of Royzelle Lane in Minnetonka.

I have to say that I was very disappointed in how the Park Board members voted after the public meetings. More than half of the testimonials were against the idea of using this plot for a neighborhood park. There was no real acknowledgement of our concerns other than to check on security issues. This was a concern for both sides, but various other items seemed to be ignored.

I found that the opinions of the minority of neighborhood residents took precedence over the majority and that the houses most affected by this decision apparently have no real say in what will take place on the property that is directly adjacent to our lots. Only one of eight properties that align with this proposed park signed the petition and came to testify in favor of the park. Three of the five properties that align directly with the proposed park testified against the development. To my calculation, there were eight properties against, and six in favor of the development. If you also take into account that only about 20 percent of the neighborhood signed the petition, it seems that the Board has ruled in favor of the minority. Even one of the petition signers came to change his position. Is this how government and democracy is supposed to work? Why is it that the people whose property will not be directly affected by this decision have more clout than those directly affected? Aren't these our taxpayer dollars as well?

There seemed to be no consideration given to the loss of wildlife and natural environment that was so important to those bordering the proposed park, nor to the cautions regarding how wet that area can be. Why must we develop every inch of property available?

There was quite a bit of discussion from those in favor on how beneficial this would be for "our" community and neighborhood bonding. I found this very interesting because the people most affected by this decision were not even consulted during the petitioning process and had no knowledge that the "community" was making plans that would most directly affect our lots. It was only when the city notice arrived that we were informed of the petition. This was brought to the attention of the Board, but completely ignored.

Parking is another issue that was not really addressed. A proposed solution is to post no parking signs. Well, how does that affect the residents in the cul-de-sac? When they have guests, they will not be able
to park on the street? There is no real way to know whether parking will be an issue, but I feel certain that people will be driving, as well as walking, to access the park.

In addition, the staff completely dismissed the idea of approaching Hennepin County to discuss a footbridge over Minnetonka Blvd, or any other alternative which would require County approval. Why couldn't that at least have been a part of the proposal going forward, or even given consideration to address this with the County? Aren't government agencies supposed to collaborate on issues that concern both. Regardless of whether the park moves forward, a crossing on Minnetonka is a safety concern for all pedestrians and should be addressed in some fashion. It was just dismissed out of hand as if it was too much of a bother and would never happen. To me, it seems as though you all were looking for the easy way out.

It appeared as though the Park Board members had already decided on the course of action before the public meeting and that the testimony of the residents against the proposal was not really fully considered. While everyone was given the opportunity to speak, it seems as though only those in favor were really heard. I feel not one of the Park Board members really addressed the concerns of those neighbors who came to express their disapproval of the park plan. Of all the issues raised, the only one that received any real attention was that of security. Park security was an issue for both sides, but personal property security was completely ignored. What about our increase in liability? Again, this is an issue only for those facing the park and not for all the others in the neighborhood. This was just another disappointing look into how our government actually runs.

Lastly, it is extremely important to have microphones at the next hearing. There were several elderly residents at the meeting who could not hear anything that was said by most participants and council members. How are they supposed to contribute if they can't hear what is going on?

Respectfully,

Becky Perkins
3534 Robinwood Terrace

cc: Clareen Perkins - 3534 Robinwood Terrace
    John & Sue Brandt - 3528 Robinwood Terrace
    David Allen - 3520 Robinwood Terrace
    Jeffrey Kanter - 11435 Royzelle Lane
    Peter Cleary - 11421 Royzelle Lane
January 25, 2016

Becky Perkins
3534 Robinwood Terrace
Hopkins, MN 55305

Becky,

Thank you for submitting your concerns about the proposed park on Royzelle Lane. I will ensure a copy of your letter is included in the meeting materials when this project is next reviewed by the park board on Wednesday, March 2. This will ensure the entire board is aware of your concerns.

I would like to remind you that no decisions have been made about the proposed park – the board is still gathering feedback and discussing all options. The next opportunity to join the discussion is the March 2 meeting, which will be held at 7 p.m. in the Council Chambers. Similar to the last meeting, an invitation will be sent to those residing within 500 feet of the proposed park property approximately two weeks beforehand.

If you have any questions prior to the meeting, please feel free to contact either of the staff members listed below:

Darin Ellingson  
Streets & Parks Operations Manager  
dellingson@eminnetonka.com  
952-988-8414

Dave Johnson  
Recreation Services Director  
djohnson@emoinnetonka.com  
952-939-8360

I would also like to point out that I have asked staff to schedule the upcoming meeting in the Council Chambers; this will ensure we’re able to provide adequate sound for those in attendance.

Again, thank you for submitting your concerns.

Sincerely,

Elise Raarup, Chair  
Minnetonka Park Board
Hi Dave,
I hope it is not too late to submit feedback re: Royzelle Lane Park!
I attempted to attend the January meeting but my husband was on reserve duty I had my 3 boys and no luck with a babysitter... I attempted to bring them but the hearing was so crowded and nobody could hear as it was (would strongly recommend microphone system!) I took my little gentlemen out and was unable to participate which I was saddened by. (I attended the first hearing and it was much smaller; I had hoped to hide the boys in the corner with a game but this was quite a different crowd!)

Please share with the parks committee:
My name is Molly Howard, my husband Jed and I live with our family at 11618 Friar Lane. We have lived in the Robinhood / Royzelle neighborhood since 2012. We had a toddler during the time we were house-hunting at the time and we were expecting twins boys. We chose our neighborhood as it seemed to be a GREAT environment to raise 3 young boys with a large yard and ready access to streams and woods to explore in. Having a park within walking distance was one of our highest priorities as we searched for a home. We recognized that Big Willow Park was nearby but wasn’t sure about having to cross Minnetonka Blvd. We bought the home anyhow and we have enjoy friendly neighbors from a variety of life stages to include original owners (grandparents) and young couples just starting out. I work full-time and my husband stays home during the day with my boys and manages his business from home. He is also a Marine Aviator in the reserves as I mentioned and is often out of town for duty.

Last summer our boys were 4 years old and my twins were 2. (Yes we have our hands full.) My husband took them to a park EVERY day the weather allowed, if not twice daily. In the morning he would take the twins in their double stroller and my 4 year old through our neighborhood on “the secret path” to an adjoining neighborhood that exits on to Minnetonka Blvd, several hundred yards from Big Willow Park. Even when I am in attendance, I scurry across the road with my boys. They will never be able to travel to that park themselves until they are nearly able to drive themselves given the traffic on that road. We also frequent Eisenhower Elementary but there are no sidewalks on Hopkins Crossroad. We perilously use the wide shoulder until the sidewalk appears just before the traffic light South of our neighborhood.

I have to imagine there may have been concern for noise at the park hearing. I grew up in Plymouth with Maple Creek Park backing up to the edge of our property (pretty much in our back yard). This park was a large “attractor” park that people sometimes drove to. The park was empty most days, with a few retirees or young stay-at-home moms passing through intermittently on a stroll during the day. There was heavier traffic in the summer and on warmer days after school while it was in session but the noise was peripheral. (You don’t know my dad but he was absolutely intolerant of excessive extraneous noise!)

My point being that I understand that the proposed park would be a much smaller structure and not an “attractor” park that people would bother driving to. There are many children in our neighborhood and many children already playing in that cul-de-sac. We don’t always have opportunity to see the other neighborhood kids not residing in our own Robinhood cul-de-sac so when we take walks we often happen down Royzelle to see if anyone is out.

I imagine that those of you on the parks committee may have a passion for parks and the benefit it can have on our communities. I would love to have a destination for my boys to safely build their independence and social skills. I think there is a lot of literature out there on the benefit of unstructured play and the benefit of outdoor play in particular. (Life is busy nowadays but I still intend to read “The Last Child in the Woods”). Having a park nearby facilitates spontaneous unstructured play which is so important for our kids’ development as future societal contributors! I believe our family is a profile of those currently looking for a suburban home and it’s my personal belief that having a neighborhood park may induce shorter market times.
I was at my neighborhood park almost daily as a child. I strongly feel that it shaped who I am as an adult today. I learned leadership skills (“Let’s play _X_”), bravery, (“Hey! Stop throwing those rocks at that guy!”), conflict resolution (“I know you want to play _X_ but let’s finish this game up first.”), confidence, (“I jumped the farthest!”), and independence.

Today I am a Navy Nurse Corps veteran recognized and awarded for my leadership skills. I am also a nurse leader at one of our community hospitals and often facilitate difficult conversations on behalf of our patients to uphold the highest safety standards and quality of care. I am frequently called upon to navigate difficult circumstances to achieve consensus and achieve cooperation amongst groups. I have ZERO doubt that the experiences at that park so close to my home played directly into the development of the skills I’ve gained as an important community member and societal contributor.

There are likely others in the neighborhood who, like myself, are in the throes of child-rearing and may have also been unable to make the hearing as a result. It is my hope that this proposal goes through and we begin to *come together* and continue to build community with a community park as one more tool.

Thank you for your consideration!
Respectfully,
Molly Howard

Molly Howard APRN, CNS | Cardiovascular Clinical Nurse Specialist | Tel 952.993.9434 |

A Clinical Nurse Specialist (CNS) is a Masters prepared Advance Practice Registered Nurse whose function is to improve outcomes in patient care through evidence-based practice.
The CNS is a Clinical Practice Expert, Educator, Leader, Researcher and Consultant, influencing the three spheres of practice: Patient Care, Nursing, and Systems.

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Brief Description: Transit Cooperation Agreement Amendment

Recommendation: Approve the amendment

Background

On August 1, 2013 the City of Minnetonka entered into a Transit Cooperative Agreement with the Metropolitan Council to provide bus transit services to the city through Metro Transit. The current term of the agreement is set to expire on August 1, 2016. The proposed action extends the current agreement from August 1, 2016 until December 31, 2016.

The extension request will allow staff to gain a better understanding of LRT operations, as well as the feeder bus network changes necessary to serve the LRT stations. A major re-evaluation is already planned as part of the Southwest LRT project.

History

Bus transit service has been available in Minnetonka dating back for many years. This service has been provided by Metro Transit, as a service of the Metropolitan Council. The service in Minnetonka has and continues to be focused on express route (very few stops), peak service to downtown Minneapolis and the University of Minnesota, with limited local and midday routes. Much of the transit design is directly related to the low density of the city.

In 2000, Minnetonka was granted authority, by the state, to opt-out of the Metro Transit system. In 2002, Minnetonka exercised its opt-out authority; however, it was determined to be in the best interest of the city to have Metro Transit continue providing transit service for the community. At that time, the city and the Metropolitan Council entered a Transit Cooperation Agreement for transit service and continued that agreement until 3 years ago, when the new contract was negotiated.

In 2010 and 2011 the city conducted a transit study. The purpose of the study was to better understand the transit services provided to, and available to, the city; whether the city’s residents and businesses were receiving transit service levels similar to other communities; and to provide an analysis of options for future transit service that will best meet the needs of the city’s residents and businesses, including looking at what happens when LRT becomes operational. The study determined that the city is receiving its money’s worth for transit; however, it may not be fully responsive to the needs of the community. It was recommended that a new contract with Metro Transit/Metropolitan Council be negotiated with enhanced local service.
In 2012, Metro Transit conducted a sector study, in cooperation with the city. The purpose of the study was to ensure transit access to affordable housing, seniors and people with disabilities; improve local access circulation; and maintain the integrity of the regional system. The final report was presented to the city council in November 2012.

The current agreement (adopted in 2013) has three key points:

- The current document identifies the city’s calculated transit funds and then the Metropolitan Council performs the service to the city based on that amount.
- Minnetonka will receive transit service that is at least comparable to and commensurate with Metro Transit Service provided to other cities in the Metro Transit System.
- The city and Metro Transit will meet quarterly to review issues.

Transit System Changes

As a result of the Metro Transit study in 2012, several changes were made to the transit system in Minnetonka. Some of these changes included:

- Expanded weekend service hours on Route 9—Route 9 is a local route serving eastern Minnetonka, St. Louis Park, and south Minneapolis. Two additional round trips (4 total) were added each weekday. This change was implemented in August 2013.
- Expanded weekday service hours on Route 615—Route 615 is a local route running from the Ridgedale area through Hopkins and onto St. Louis Park. The service hours were expanded to include more evening hours. This change was effective August 2013.
- New local route— A new weekday and Sunday local route, Route 614, from Minnetonka Heights in the southwest sector of the city to Ridgedale was implemented in late August 2013. Ridership has not been strong on this route, and likely will need changes.
- Express Bus Service— There were minor changes to the express bus service network (outside of the I-394 corridor) beginning in August 2013.
- Route 568 which operated between downtown Minneapolis and Opportunity Workshop via Nicollet Avenue and 50th Street was eliminated March 19th due to low ridership. It was replaced by extending a Route 46 morning trip and
The afternoon trip to Opportunity Workshop. Route 46 is a crosstown route that operates between St. Paul's Highland Park neighborhood and 50th Street in Edina.

A more detailed list of changes will be included in the discussion to consider the 2017-2019 Transit Cooperative Agreement.

**Recommendation**

The current agreement in effect can be found on pages A1-A8. This document was reviewed and approved by the Metropolitan Council and was effective on August 1, 2013.

Staff recommends the city council approve the Transit Cooperation Agreement Amendment (page A9) extending the Term of the agreement until December 31, 2016. The extension will provide staff additional time to negotiate a new Transit Cooperation Agreement, re-evaluate current services, and analyze the feeder bus network necessary to serve the LRT stations.

Submitted through:
- Geralyn Barone, City Manager
- Julie Wischnack, AICP, Community Development Director

Originated by:
- Alisha Gray, Economic Development and Housing Manager
INTERGOVERNMENTAL AGREEMENT
BETWEEN THE METROPOLITAN COUNCIL
AND THE CITY OF MINNETONKA
RELATING TO TRANSIT COOPERATION

THIS AGREEMENT is between the Metropolitan Council ("Council"), a public corporation and political subdivision of the State of Minnesota, and the City of Minnetonka ("Minnetonka"), a Minnesota municipal corporation.

BACKGROUND

Pursuant to 2000 Minn. Laws, ch. 493, § 21, the 2000 Minnesota Legislature gave Minnetonka the authority to opt-out of the metropolitan transit system ("Metro Transit") and participate in the transit replacement service program under Minn. Stat. § 473.388. Minnetonka has exercised this option and applied to the Council for the assistance. Minnetonka has also decided that rather than operate an independent transit system, it prefers to contract with the Council to provide transit services. The parties have the authority to cooperate together pursuant to Minn. Stat. § 471.59 and have negotiated the terms of a cooperative partnership to provide transit services in Minnetonka, which are set forth in this Agreement. The parties previously entered into a Transit Cooperation Agreement, dated July 25, 2002 ("Initial Agreement"), which the parties wish to replace with this new agreement to effectuate the assistance authorized by § 473.388.

THEREFORE, the parties agree as follows:

1. Statement of Intent.

As responsible regional citizens, Minnetonka and the Council recognize the value of continuing their long-term, cooperative relationship in delivering quality transit service to Minnetonka citizens and businesses. This Agreement is intended to meet Minnetonka's transit vision of increasing transit ridership through enhanced mobility and accessibility and continue and build on the strong partnership that both parties currently enjoy. The parties agree that this Agreement terminates and replaces the Initial Agreement.

2. Term.

   a. The initial length of this Agreement is for three years after the effective date. Either party may terminate the Agreement with 12 months advance, written notice.

   b. If Minnetonka chooses to terminate the Agreement, Minnetonka will be responsible for maintaining the integrity of the regional system by providing service that connects with regional services.
3. Funding.

a. At Minnetonka’s request, the Council will calculate the amount of annual operating funds that would be allocated to Minnetonka under state law and allocation formulas. The Council must provide the results of the calculation to Minnetonka within 30 days. Minnetonka will allow all such funds to remain with the Council as long as this Agreement is in effect.

b. During the term of this Agreement, Minnetonka will not apply for any other transit capital assistance from local, state or federal sources. If requested, Minnetonka will assist the Council with securing capital funding or operating funding for transit service in Minnetonka.

4. Services.

a. The Council is responsible for all activities related to providing transit service to Minnetonka including planning, operations and capital investments.

b. The parties agree that Minnetonka will continue to receive service commensurate with, and comparable to, other cities in accordance with regional transit service design and performance standards contained in the Council’s Transportation Policy Plan (as may be updated or amended), funding levels, and Metro Transit’s regional standards for productivity. Except in the case of regional service reductions or service that does not meet regional performance standards, current service levels in Minnetonka will continue under this Agreement.

c. Minnetonka may request a re-evaluation of the routes and service levels in its boundaries when there has been a major change in land use which may affect transit, such as construction of a light rail line or a major re-development of an area. Metro Transit agrees to promptly conduct such a re-evaluation upon Minnetonka’s request. Such a re-evaluation may not be requested more than once every three years.

d. At Minnetonka’s request, staff from the parties will meet quarterly beginning August 1, 2013, to review the Council’s performance under this Agreement and to share concerns and future plans.

e. If the Council anticipates a major change to transit service in Minnetonka, as defined in the attached Exhibit A, Council staff must meet and confer with Minnetonka staff at least 180 days before planned implementation of the change. If a major service change is necessary to address regional service reductions or service that does not meet regional performance standards, the Council will consult with Minnetonka to identify potential alternatives that best meet Minnetonka’s needs and will consider the City’s preferences in its decisions. No other major change in service can take place without Minnetonka’s approval.

f. The Council will annually provide to Minnetonka its plans to construct or de-activate capital improvements and infrastructure (such as park & ride sites, transit
centers, and shelters) within Minnetonka no later than January 1 of each year. The Council must meet and confer with Minnetonka regarding the locations and plans for the actions at least 60 days before planned implementation. Capital improvements by the Council will be subject to all Minnetonka ordinances, including zoning regulations.

g. The Council will maintain its capital infrastructure in Minnetonka in a condition comparable to the condition that it maintains similar infrastructure throughout the region. In addition, the Council agrees to keep paved and landscaped areas substantially free of weeds. The Council must correct a substandard situation within 10 days after notice of the deficiency from Minnetonka, or such longer period as is reasonably necessary to achieve compliance, as determined by Minnetonka.

h. Minnetonka must notify the Council when it plans public improvements that have the potential of impacting transit service. The notification must take place when the plans for a project have been prepared.

i. The Council will provide Minnetonka staff the opportunity to review marketing and communications materials and distribution plans affecting Minnetonka before they are finalized. This includes marketing campaigns, promotions, and customer communications and outreach to residents and businesses in Minnetonka and adjacent communities, but does not include regional materials and plans that are not specifically focused on Minnetonka.

Staff contacts for notice and implementation of this Agreement are:

i. For Minnetonka: Community Development Director Julie Wischnack, 14600 Minnetonka Blvd, Minnetonka, MN 55345.

ii. For the Council: Metro Transit Service Development Director John Levin, 560 6th Avenue North, Minneapolis, MN 55411.

5. Dispute Resolution Process.

a. Informal Dispute Resolution. The parties will use their best efforts to informally resolve disputes that arise between the parties under this Agreement in a timely and expeditious manner. The parties will first endeavor to resolve any dispute by having staff discuss the matter. If staff cannot resolve the dispute, their respective senior management will discuss the dispute. Senior management for purposes of this section are the Council’s General Manager for Metro Transit and Minnetonka’s City Manager, or such other senior managers as the respective parties designate. The parties will acknowledge and respond to notices of dispute without undue delay.

b. Mediation. If the Informal Resolution Process is unsuccessful, the parties may participate in good faith, non-binding mediation through the use of a mutually acceptable neutral mediator. The parties will share equally in the cost of the mediator. Each party will be responsible for its own costs related to such mediation.
c. Exception to the Dispute Resolution Process. If Minnetonka notifies the Council that it considers routine maintenance of certain capital infrastructure to be substandard in comparison to other infrastructure in the region, and the Council acknowledges this fact in writing and then fails to correct the substandard condition within 10 days or such longer period as is necessary to achieve compliance as determined by the parties, Minnetonka may immediately take steps necessary to mitigate the condition without engaging in the processes set forth above. The Council will reimburse Minnetonka for its reasonable and identifiable expenses in doing so within 30 days after Minnetonka sends a written invoice to the Council.

d. Termination. A party may choose to terminate the Agreement under Section 2 even if informal dispute resolution or mediation is pending.

6. Effective Date.

This Agreement is effective on August 1, 2013.

CITY OF MINNETONKA

By: [Signature]

Terry Schneider
Mayor

Date: 7/30/13

By: [Signature]

Geraldine R. Barone
City Manager

Date: 7/25/13

METROPOLITAN COUNCIL

By: [Signature]

Patrick P. Born
Regional Administrator

Date: 8/6/2013

Intergovernmental Agreement
Between the Metropolitan Council and the City of Minnetonka
Regarding Transit Cooperation
Page 4
TRANSPORTATION SERVICE CHANGES AND RESTRUCTURING

I. Policy

It is the policy of the Metropolitan Council to plan effective regional transportation services and facilities, coordinate regional transportation priorities and to invest transportation resources in a cost-effective manner. Transit and transportation planners and providers are to deliver necessary services to help implement the 2030 Regional Development Framework. Staff are expected to ensure that planning and operating of transit services are more compatible with different land use patterns and socioeconomic conditions to meet the growing and changing transit needs of the region. Staff will also coordinate transit service for all travel markets including regular route, paratransit and travel demand management. Staff will regularly evaluate the performance of the regional transportation system for purposes of policy plan updates and redirecting transportation resource investments. These policy plans will be prepared with the involvement of local officials and participation of citizens.

II. Procedure

In order for transit service is to meet the expectations of the public and the transit needs of the communities, a strong customer and community involvement process is required. Improved public feedback mechanisms, a more informed public on regional issues, local partnerships and increased advocacy for transit will bring about better designed and utilized transit, sounder decision-making, quality checks on performance and improved accountability for transit improvements. The Council's local procedural process for solicitation and consideration of public comment and feedback is defined in Policy 2-1, Accountability to the Public. The local process is documented in procedures 2-1a Public Participation, 2-1b Public Hearings and 1-3c Ongoing Public Involvement in the Planning Process.

In addition, a public hearing is required when certain major service changes are proposed. Major service changes requiring a public hearing include:

a) One or more net decreases within a 12 month period of more than a 25% change in the daily in-service hours (minimum 3,500 annual in-service hours)

b) The elimination of a transit route without alternate fixed route service replacement

c) The restructuring of transit service throughout a sector or sub-area of the region as defined by Metro Transit

The following service changes do not necessitate a public hearing process:

a) Seasonal service changes

b) Route number or branch letter designation

c) Any change or discontinuation of a demonstration route within the first 24 months of operation
d) Service changes on special service routes, such as State Fair, sporting events and special events

e) Creation of new routes or increases in service on existing routes

f) Route changes caused by an emergency. Emergencies include, but are not limited to, inadequate fuel supplies, major road construction, major rail construction, bridge collapse and labor strikes

g) Any service change which does not meet the conditions of a major service change as defined above.

*Improved Public Feedback*

An effective transit system is important to the region not only for the service it provides but for its balanced transportation network. Continual changes and growth within the metropolitan area require transit to be adaptable. Moving from a "product-oriented" view of the transit business as providers of transit services to a "customer-oriented" perspective as providers of transportation solutions will benefit the public. Transit service must fit local needs within the framework of a regional system. The optimal level of community involvement depends on who will be involved, how and when they will be used, and what tools will be used to solve the problem or maximize the opportunity. The transit customer and the community can offer critical input in design and operation. Improved public feedback will lead to more responsive planning and delivery of transit services. Increased public feedback requires transit providers to respond to customer needs more frequently. Expanded grass-roots support can influence how to provide transit in different markets, including:

1. Major Changes - such as corridor restructuring or route elimination.
2. Minor Changes - such as schedule or bus stop adjustments.
3. Monitoring and Feedback - to insure the system continues to meet the needs of a changing environment.

The tools used to solicit community involvement are dependent on:

1. Customer Feedback - used primarily for problem identification. Tools used to gather customer feedback include customer satisfaction surveys, comment cards, Listening Post, Customer Relations Department staff, Customer Advocates and drivers. An annual "report card" in which customers rate all aspects of regional transit service should be implemented.
2. Task Forces and Advisory Committees - used primarily to develop alternatives for transit delivery options within one or more communities. Community representatives, transit customers and other interested parties would be formed to identify needs and propose preferred options.
3. Project-Specific Solicitation - used primarily for analysis and evaluation of developed alternatives. This may take the form of opinion surveys, focus groups or customer interviews.
4. Public Hearings - used to gain community and customer feedback on recommended action. This process should be designed to solicit feedback from individuals or groups which have not been part of the formalized steps above.

This more timely and responsive process which seeks input from riders, non-riders and community leaders will make service design more effective. Community planning should be consistent with local transportation goals and objectives.

*A More Informed Public*

Consumers in the 1990's have become more educated and discerning with more options than ever before. The metropolitan area has a comparatively affluent population, with relatively little traffic congestion or parking problems. People use options which most conveniently meet their needs. Surveys indicate one in three residents have used transit at least once in the past twelve months. The
reasons cited most often by non-riders who have been transit customers are related to convenience and better options—namely cars becoming available. Thirty-eight percent of non-riders report that they might ride if the system were easier to understand. To solicit customer input and approval for service development issues, the process relies heavily on the traditional public hearing and assorted peer-review techniques. Communities must understand the relationship between concentrated land use development, transit’s effectiveness within varying types of development patterns, and the appropriate levels and types of service. Transit customers and communities need to gain a better understanding of the service evaluation process. Metropolitan Council planning, marketing and communication staff and others who deal with the public will need to provide information on these regional issues to customers, potential customers, local officials and businesses.

The public needs to understand the costs associated with providing transit service and the limited resources available. As local decision makers and riders examine transportation options, costs must be incorporated into the debate and evaluation process.

Maintaining relationships is necessary for continued involvement in the planning and operations of transit services. For transit services to remain viable beyond initial implementation, service expectations, performance results and ongoing needs should be shared among service providers, customers and communities.

**Partnerships with Communities and Local Government**

Communities must take an active role in the ownership and management of the transit system. The Metropolitan Council must be proactive in developing strong partnerships with local governments for input on transit planning as it relates to the needs of the local communities, current and future development and other issues that impact transit usage.

The composition of the community involvement team is dependent upon the type and magnitude of problems or opportunities which need to be addressed. The ultimate team will include:

1. Customers
2. Community Stakeholders
3. Employers and Businesses
4. Transit Providers
5. Metropolitan Council members, staff and other public officials

**Increased Advocacy For Transit**

Advocacy involves the community as partners and provides equity and "ownership" in the system. As a result of increased community involvement, support for transit will improve. The opportunity to incorporate community involvement can be found at several phases of the service development process:

1. Problem Identification
2. Analysis and Evaluation of Alternatives
3. Recommendations
4. Implementation
5. Follow-Up Evaluation
6. Partnership
Customer input will be solicited sooner and more often in this local process, with more evaluation checkpoints throughout the course of transit planning and development.
AMENDMENT NUMBER ONE  
To  
Metropolitan Council Contract No. 13I032

The City of Minnetonka and the Metropolitan Council agree that the Intergovernmental Agreement between the Metropolitan Council and the City of Minnetonka Relating to Transit Cooperation entered into on August 1, 2013 is amended in the following particulars:

1. Section 2 Term is deleted and the following is inserted in its place:

Section 2 Term.

a. The term of this agreement shall run from August 1, 2013 until December 31, 2016. Either party may terminate the Agreement with 12 months advance written notice.

b. If Minnetonka chooses to terminate the Agreement, Minnetonka will be responsible for maintaining the integrity of the regional system by providing service that connects with regional services.

IN WITNESS WHEREOF, the parties have caused this amendment to be executed by their duly authorized representatives.

CITY OF MINNETONKA

By: ___________________________
Regional Administrator

______________________________
Its: Mayor___________________________

Date: __________________________

By: ___________________________
City Manager

Date: __________________________

METROPOLITAN COUNCIL

By: ___________________________
Regional Administrator

______________________________
Date: __________________________

CITY OF MINNETONKA

By: ___________________________
Mayor___________________________

Date: __________________________
Brief Description  Amendment to the sign ordinance

Recommendation  Adopt the ordinance

Background

Staff is proposing a two-phase update to the sign ordinance. The first phase would bring the ordinance into compliance with a recent United States Supreme Court ruling on content-neutrality. Minnetonka's existing sign ordinance contains many regulations that are based on the message or content displayed on the sign. Staff is proposing changes to the sign ordinance to make it content-neutral. In addition to this content-neutral directive, staff is also proposing structural changes to help with overall organization and legibility.

The second phase would begin later this year to address broader regulatory issues in the ordinance. Additional details are provided in the planning commission report.

Planning Commission Hearing

The planning commission reviewed the proposed sign ordinance at its May 5, 2016 meeting recommending unanimous council approval. The commission asked a few questions regarding development signs and window signs. Staff indicated that the proposed ordinance changes would not impact how these signs are currently regulated but could be part of the review in the second phase of the sign ordinance update. Meeting minutes are provided on page A113.

Staff Recommendation

Recommend the city council adopt the ordinance on pages A1-A77.

Through:
Geralyn Barone, City Manager
Julie Wischnack, AICP, Community Development Director

Originated by:
Corrine Heine, City Attorney
Loren Gordon, AICP, City Planner
Brief Description  
Amendment to the sign ordinance

Recommendation  
Recommend the city council adopt the ordinance

Introduction

The original Minnetonka sign ordinance was adopted in 1966. The current sign ordinance was adopted in 1991. There has not been a major update to the ordinance, in its entirety, since that time. The last major amendment was the addition of the dynamic display ordinance in 2007. Staff has recognized that in the time since the last comprehensive sign ordinance update, there have been many changes in business practices, sign technology and standards, building standards, and societal views on signage that the current ordinance does not fully address. Specifically, in practice, certain ordinance requirements have become outdated and non-functional. This has led to an increase in variance requests, amendments to dated sign covenants, and the need for development-specific sign plans.

Background

In the mid to late 1970’s, a Sign Ordinance Committee developed a new sign ordinance and presented recommendations to the city council. The sign ordinance was not adopted by the city council, presumably because it was not well received by the business community and local sign industries. As a result, the city continued to operate under the original 1966 sign ordinance, which was outdated and did not reflect the sign technology and community standards of the day. During that time, city staff, the planning commission and the city council negotiated sign approvals, which was ineffective, lacked ordinance authority, was inconsistent, and difficult to enforce. As a result, in 1989, the mayor and city council appointed a Sign Ordinance Committee to address these concerns. The existing sign ordinance was adopted by the city council on February 25, 1991.

Current Ordinance and the Law

The 1991 sign ordinance has proven effective in regulating the type, location, size and quantity of signs on properties. The ordinance is especially prescriptive in the types of signs allowed. For example, the code includes definitions and regulations for “grand opening” and “construction” signs. Although it may seem intuitive to regulate various types of signs by their function, the courts have held that sign regulations need to be content-neutral. This means that if one must read the sign to know what it is, then by pure definition, it doesn’t meet neutrality standards.
Objectives

The sign ordinance will be updated in two phases. This proposed ordinance is part of the first phase. The first phase is intended to address issues resulting from a recent court decision and organizational issues. The second phase will focus on regulatory standards. In summary, each phase focuses on the following:

Phase 1 -

- **Remove content-based regulations from the ordinance.** The existing sign ordinance is largely based on a sign’s content and wording. For example, in residential zoning districts, there are separate regulations for leasing, real estate, and construction signs. Several court cases have found constitutional issues with sign ordinances which include content-based standards. Most recently, a United Stated Supreme Court Decision in June 2015 struck down a sign ordinance involving “directional signs” as a content-based regulation. Content-based regulations are subject to higher judicial scrutiny under First Amendment analysis and are more vulnerable to challenge.

- **Improve the organization and user-friendliness of the sign ordinance.** Because the city code is often downloaded and interpreted by others, it is important to make the ordinance easy to read and follow.

Phase 2 -

- **Update for current industry trends and standards.** As the city discovered during the review of the dynamic sign ordinance, technology in the sign industry has changed significantly since the adoption of the city’s current ordinance. Additionally, staff has noticed changes in the branding and marketing goals of companies. Some examples of the branding changes include incorporating the logo into a company’s trade name, and adding trade slogans or catch phrases in the sign. These changes impact the types, styles and design of signage.

- **Provide for more flexibility in the ordinance.** The existing ordinance has very limited flexibility built into it. This has resulted in an increased number of variances and sign plans reviewed by the planning commission and city council. Additional flexibility will need to recognize differing site characteristics and visibility needs while maintaining community aesthetics and traffic safety.

Prior to kicking-off Phase 2 efforts, city staff anticipates a work session to discuss goals of the update with the planning commission and city council. The sign ordinance update would also benefit from input from a broader audience of stakeholders. The stakeholder group could include property owners, property managers, developers, and sign contractors. Phase 2 efforts will commence in late 2016-early 2017.
Phase 1 Proposed Changes

Based on these objectives, staff is proposing changes identified below. A separate disposition table is provided to assist in tracking changes from the current ordinance to the proposed ordinance. (See pages A80 to A112). The disposition table shows the existing ordinance on the left side. Changes to existing language are shown with tracked changes. Changes to organization, such as new numbering, and comments on changes, are shown on the right side.

The proposed changes are summarized below:

- Move the sign ordinance from section 300 to section 325. This is a first step in reorganizing the zoning code. By using all of chapter 3 for the zoning code, staff believes the zoning code will become more user-friendly and have greater visual appeal. Currently, the sign code is contained within a single section, section 300.30. The proposed revision would spread the sign code over six sections, 325.01 through 325.06.

- Reorganize the sign ordinance into a more logical sequence. For example, the current sign ordinance has procedural provisions, like the sign application process, at the end rather than at the beginning of the ordinance. The new organization is:
  - Purpose and Findings, section 325.01
  - Definitions, section 325.02
  - Citation, Administration and Enforcement, section 325.03
  - Permits, Procedure and Variances, section 325.04
  - General Regulations, section 325.05
  - District Regulations, section 325.06

- Reduce the visual density of the ordinance by maximizing the use of tables. Existing regulations that are currently in a narrative text form were put into a table format.

- Remove content-based terms with minimal substantive changes. For example:
  - Distinguishing between on-premise signs and off-premise signs is constitutionally permissible, as is distinguishing between commercial and noncommercial speech. Several general prohibitions limit content in that manner: permanent off-premise signs are prohibited in all districts; commercial signs are not allowed in residential districts except as expressly permitted.
  - Signs are regulated by the type of construction and the location rather than the use of the sign. For example:
    - Instead of “identification signs” for residential property, the proposed ordinance allows permanent signs with the same spatial
limitations as under the existing ordinance (wall signs for single and two-family dwellings; monument signs for subdivisions and multi-family dwellings).

- Instead of “scoreboard signs,” the code allows permanent signs on properties with athletic fields.
- “Directional signs” are addressed as permanent freestanding signs that must be located near drive aisle and parking areas (See section 325.05(3)(d)).
- “Construction signs” and “real estate signs” are now temporary on-premise commercial signs, allowed on a vacant property under development and allowed when a property is for lease or sale. (See section 325.06(1)(d) for residential properties and 325.06(5) for business and industrial properties).
- “Temporary outdoor advertising signs” are now called “temporary off-premise commercial signs.” (See section 325.05(3)(e)).
- The proposed ordinance allows substitution of a commercial sign with a non-commercial sign.

See examples on pages A78-A79.

- Remove substantive requirements from definitions. For example, a prohibition on projecting signs was removed from the “wall sign” definition and added as a substantive location requirement.

- Make limited substantive changes as necessary to address content neutrality issues or as advisable. Those changes include:
  - The proposed ordinance limits the number of temporary noncommercial signs that may be posted to an aggregate of 18 square feet per property in residential districts. Currently there is no limit. State law will override the numerical limit during state general election years.
  - The proposed ordinance removes the prohibition on including product advertisements on signs in commercial districts.
  - The proposed ordinance removes the distinctions in sizes allowed for logos versus other sign text.
  - The definition of “sign” has been revised so that it no longer includes devices that are not visible from a street or adjacent property. If it can’t be seen, we don’t regulate it.
  - The definition of “sign” has been revised so that the city no longer regulates flags that do not convey commercial messages.
  - “Leasing sign” options for business uses.
Staff Recommendation

Recommend the city council adopt the ordinance on pages A1-A77.

Originated by:
  Corrine Heine, City Attorney
  Loren Gordon, AICP, City Planner
Ordinance No. 2016-

An Ordinance amending the city’s sign regulations; repealing section 300.30 of the Minnetonka City Code and adding a new section 325

The City of Minnetonka Ordains:

Section 1. Section 300.30 of the Minnetonka City Code, a copy of which is attached as Exhibit A, is repealed.

Section 2. The Minnetonka City Code is amended by adding a new section 325, in the form of the attached Exhibit B.

Section 3. This ordinance is effective on the date of its adoption.

Adopted by the city council of the City of Minnetonka, Minnesota, on

________________________
Terry Schneider, Mayor

Attest:

________________________
David E. Maeda, City Clerk

Action on this Ordinance:

Date of introduction:
Date of adoption:
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on

___________________________
David E. Maeda, City Clerk
SECTION 300.30. SIGN ORDINANCE.

1. Purpose and Findings.

The purpose and findings of the sign ordinance are as follows:

a) Purpose: the sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs which meet the city's goals by authorizing:

1) permanent signs which establish a high standard of aesthetics;
2) signs which are compatible with their surroundings;
3) signs which are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
4) signs which are large enough to convey the intended message and to help citizens find their way to intended destinations;
5) signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
6) permanent signs which give preference to the on-premise owner or occupant; and
7) temporary commercial signs and advertising displays which provide an opportunity for grand openings and occasional sales events while restricting signs which create continuous visual clutter and hazards at public right-of-way intersections.

b) Findings: the city of Minnetonka finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further, the city finds:

1) permanent and temporary signs have a direct impact on and relationship to the image of the community;
2) the manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community;

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3) an opportunity for viable identification of community businesses and institutions must be established;

4) the safety of motorists, cyclists, pedestrians and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;

5) installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;

6) uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;

7) uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;

8) commercial signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and

9) the right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.

(Amended by Ord. #2007-21 adopted June 25, 2007)

2. Definitions.

1. “Building length” - the longest straight line parallel to adjacent public right-of-way from end wall to end wall of a building. (Figure 30-1)

Figure 30-1
2. “Canopy or awning sign” - a sign constructed of flexible translucent or fabric type material which incorporates a written message or logo on the exterior. (Figure 30-2)

Figure 30-2

3. “Commercial sign” - any sign which advertises or identifies a product, business, service, event, or any other matter of a commercial nature, even though the matter may be related to a nonprofit organization.

4. “Construction sign” - any sign which displays information regarding the construction or development of the site on which it is displayed.

5. “Copy and graphic” - the wording and other display messages such as logos or symbols on a sign. (Figure 30-3)

Figure 30-3

6. “Copy and graphic area” - the area in square feet of the smallest four-sided figure which encloses the copy and graphic of a sign. (Figure 30-4)

Figure 30-4
7. “Directional sign” - a sign which serves primarily to direct traffic to the location of a place, area or activity. (Figure 30-5)

Figure 30-5

8. “Dynamic display” - any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

9. “Freestanding sign” - a sign which is self-supporting and affixed to a frame structure not attached to a building.

10. “Grand opening” - commencement of operation of a new business. For purposes of the ordinance, a grand opening is considered to occur if there is a business name change or change in type of business or activity.

11. “Identification sign” - a sign which is limited to the name and/or identifying symbol of a development, institution or person on the premises where the sign is located.
12. “Illumination, internal” - a light source within the sign.

13. “Illumination, external” - a light source which is not internal to the sign.

14. “Items of information” - individual copy and graphic items situated in a manner which presents separate messages. An item of information can only be a name, an address, a logo, or geographic directions.

15. “Limited tenant building” - a commercial retail establishment or a group of commercial retail establishments with the designed occupancy of three or less tenants. It must have shared parking and a visual appearance as a contiguous structure which may or may not be planned, constructed or managed as a total entity. This includes single tenant retail structures.

16. “Logo” - an identifying graphic which may or may not be a registered trademark.

17. “Merchandise box” - a sign which is affixed on and/or located adjacent to a gas pump and used to advertise services and goods.

18. “Monument sign” - a sign not supported by exposed posts or poles which is architecturally designed and located directly at grade where the base width dimension is 50% or more of the greatest width of the sign. (Figure 30-6)

**Figure 30-6**

19. “Multi-tenant center” - a group of commercial retail establishments with a designed occupancy of four or more tenants with shared parking and visual appearance as a contiguous structure which may or may not be planned, constructed or managed as a total entity.

20. “Non-commercial opinion sign” - any sign which is not a commercial sign, which expresses an opinion and which is deemed by the courts to have greater protection under the first amendment than a commercial sign.

21. “On-premise sign” - a sign identifying a business, person, activity, goods, products or services located on the premises of the owner and/or operator. (Figure 30-7)
services located on the site where the sign is installed.

22. “Outdoor advertising sign” - any sign that is located outdoors and that advertises a product, business, service, event, or any other matter that is not available, or does not take place, on the same premises as the sign. An outdoor advertising sign does not include a sign that is not understandable or readable by the naked eye of an ordinary person with 20/20 vision from property other than where the sign is located, such as from adjacent property or a public street.

23. “Permanent sign” - any sign other than a temporary sign.

24. “Portable sign” - a sign with or without copy and graphic that is designed or intended to be moved or transported. Examples of portable signs are: (Figure 30-7)

**Figure 30-7**

- A - or T - frame signs;
- sandwich signs;
- signs designed to be transported by trailer or on wheels;
- mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right-of-way, except signs identifying a business when the vehicle is being used in the normal day-to-day operation of that business;
- a sign may be a portable sign even if it has wheels removed, was designed without wheels, or is attached temporarily or permanently to the ground, a structure, or other sign.

25. “Pylon sign” - a sign supported by a post or posts so that the sign and supports are finished to grade by encasing the posts in a material consistent with the sign and where the base width dimension is a minimum of 10% up to and including 50% of the greatest width of the sign.
26. "Real estate sign" - any sign pertaining to the sale, lease or rental of land or buildings.

27. "Regulation baseball field" - a field to accommodate high school through adult competitive play. Field dimensions must include 90-foot base paths and minimum outfield distances of 310 feet. Fields must be designed for competitive play and include spectator seating for a minimum capacity of 400. One principal field at each high school may be a regulation baseball field without regard to minimum spectator seating.

28. "Scoreboard" - a sign associated with an athletic field that includes information and/or statistics pertinent to an on-site game or activity and also includes any sponsor or identification panels.

29. "Sign" - any writing, pictorial presentation, number, illustration or decoration, flag, banner or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term “sign” shall not be deemed to include the terms “building” or “landscaping”, or any architectural embellishment of a building not intended to communicate information.

30. "Temporary business sign" - a temporary sign which is used by a business to display commercial messages pertaining to on site services and goods or any non-commercial message.

31. "Temporary sign" - a sign which is designed or intended to be displayed for a short period of time and is not permanently installed. This includes items such as banners, pennants, flags of other than a political jurisdiction, beacons, sandwich or curb signs, balloons or other air or gas filled figures. (Figure 30-9)
Figure 30-9

32. “Unified development” - a development of three or more principal structures with common characteristics as determined by the city. Common characteristics may include shared access, similar architecture, single ownership or history of site plan review approval.

33. “Wall sign” - a single faced sign attached to or erected against an exterior wall of a building with the face in a parallel plane to the plane of the building wall and which does not project more than 18 inches.


3. Residential Sign Regulations.

a) Within residential zoning districts, permanent signs are permitted as follows:

1) Identification signs: for each single family or two family dwelling, one identification sign not to exceed 2 square feet in area and located on the lot to which the sign pertains;

2) Low density residential identification signs: for each single family subdivision containing at least 6 lots and each two family subdivision containing a potential for at least 12 dwellings, identification signs are permitted which comply with the following standards:

   a. one monument style sign;
   b. 30 square foot maximum copy and graphic area per entrance;
   c. 75 square foot maximum total monument area per entrance;
   d. 6-foot maximum height;
   e. located at primary entrances to subdivision;

f. a second sign may be located at the primary entrance as long as total copy and graphic area of the two signs does not exceed 30 square feet;
g. single or double faced. If double faced, the sign faces shall be parallel;
h. external illumination;
i. located within a dedicated permanent sign easement and not within public right-of-way; and
j. a neighborhood or homeowner's association shall be responsible for perpetual maintenance of the sign.

3) Medium and high density residential identification signs: for each medium or high density residential development, identification signs which comply with the following standards are permitted:
   a. one monument style sign;
   b. 36 square foot maximum copy and graphic area per entrance;
   c. 100 square foot maximum total monument area per entrance;
   d. 8-foot maximum sign height;
   e. located at primary entrances to development;
   f. a second sign may be located at the primary entrance as long as total copy and graphic area of the two signs does not exceed 36 square feet;
   g. single or double faced. If double faced, the sign faces shall be parallel;
   h. external illumination when the sign is located adjacent to, or across a public right-of-way from, low density residential parcels; and
   i. if the sign is to be located in a development which includes individual ownership parcels, the sign shall be located on a parcel held in common ownership and shall be perpetually maintained by a homeowner's association or responsible property owners.

4) Conditionally permitted uses in residential districts: for the following conditionally permitted uses within a residential district, permanent signs which comply with the following standards are permitted. If the use is not specifically listed below it is regulated within the above paragraphs of this subdivision.
   a. Educational, religious and public institution signs: for each educational, religious, public or private institution, and nursing home property, signs are permitted which

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comply with the following standards:

1. monument signs:
   a) one sign not to exceed 30 square feet maximum copy and graphic area;
   b) 75 square feet maximum monument area;
   c) 8-foot maximum height;
   d) single or double faced; and
   e) internal or external illumination and the light source shall not be exposed.

2. wall mounted signs:
   a) individually mounted letters not to exceed 24 inches in height;
   b) one sign, area not to exceed 50 square feet or 10 percent of the area of the building wall on which the sign is located, whichever is less; and
   c) illumination shall be external.

3. scoreboard signs for athletic fields as regulated under section 300.30, subdivision 3(a)(4)b2.

   b. Public and private parks: for each public or private park property, signs are permitted according to the following standards:

      1. monument signs:
         a) one sign not to exceed 32 square feet;
         b) 8-foot maximum height;
         c) single or double faced;
         d) product or service advertising is prohibited except readerboards may display public service announcements only;
         e) internal or external illumination and the light source shall not be exposed; and
         f) illumination shall be allowed between 6 a.m. to 10 p.m. only.
2. scoreboards:

one scoreboard per playing field is allowed if it does not exceed 410 square feet in size, except that a playing field with structured seating capacity for greater than 2000 people may have one or more scoreboards and the total area of the scoreboard or scoreboards cannot exceed 1000 square feet in size; and

3. athletic field fence panels:

a) athletic field fence panels which contain outdoor advertising signs as defined in this ordinance are prohibited; and

b) an advertising fence panel which directly faces the infield and was legally established prior to the effective date of this ordinance is considered a legal nonconforming use which may not be altered, enlarged or replaced by another nonconforming sign except the message may be changed.

b) Within residential zoning districts, temporary signs are permitted as follows.

1) Within all residential zoning districts, construction signs which comply with the following are permitted:

   a. the development must be within a medium or high density zoning district or low density zoning with a minimum of four lots;

   b. 32 square feet maximum sign area;

   c. 12-foot maximum sign height for signs not exceeding 4 feet in width, otherwise 8 foot maximum height; (Figure 30-11)

Figure 30-11
d. one sign located on the property with which the sign is associated;

e. for medium and high density residential developments, the sign shall be removed within 18 months after issuance of a building permit, or 7 days after issuance of a certificate of occupancy (for multi-phased developments, issuance of a certificate of occupancy for the last building) whichever is sooner; and

f. for low density residential subdivisions, the sign shall be removed after building permits are issued for 90 percent of the lots.

2) Within low and medium density residential zoning districts, temporary real estate signs which comply with the following standards are permitted:

a. 6 square foot maximum area; (Figure 30-12)

Figure 30-12
b. 6 foot maximum height;
c. one sign per property;
d. located on-premise; and
e. shall be removed within 7 days after the execution of a rental or lease agreement or the closing of a sale.

3) Within medium and high density residential zoning districts, leasing signs which meet the following standards are permitted.

a. Leasing signs: signs indicating the rental or lease of medium and high density residential developments which comply with the following standards are permitted:

1. one sign located on the site which the sign is advertising;
2. display period shall end 12 months after the issuance of a certificate of occupancy (for multi-phased developments where construction is continuous, issuance of a certificate of occupancy for the last building);
3. for freestanding signs, the following standards apply:
   a) 32 square foot maximum area; and
   b) 12-foot maximum height for signs not exceeding 4 feet in width, otherwise 8 foot maximum height. (Figure 30-13)

Figure 30-13

4. for banner signs, the following standards apply:
   a) 60 square foot maximum area; and
   b) shall be affixed to a building wall. (Figure 30-14)
b. Leasing sign without time limit: In addition to the above, a leasing message may be displayed without time limitation if incorporated into a permanent monument sign according to the following standards:

1. the monument sign shall be architecturally designed to accommodate a leasing message within the perimeter of the monument;

2. leasing message area may be up to an additional 25 percent of the potential copy and graphic area of the monument identification sign; and

3. the leasing message cannot exceed the area covered by the identification monument message. (Figure 30-15)

Figure 30-15

4) The city council may approve temporary signs on public or institutional property for special events. The first approval for a site may allow only one use of the sign for a specified duration. Subsequent approvals for the same type of sign may allow recurring use of the sign for limited durations over a period of up to 5 years.
4. Office Sign Regulations.

Within the B-1, office business district, permanent signs are permitted according to the following standards:

a) Monument identification signs:
   1) one sign per development;
   2) maximum copy and graphic area as follows:

<table>
<thead>
<tr>
<th>width of adjacent right-of-way</th>
<th>copy and graphic area</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 100 feet</td>
<td>36 square feet</td>
</tr>
<tr>
<td>100 feet or greater</td>
<td>50 square feet</td>
</tr>
</tbody>
</table>

   3) maximum monument area is two times the potential copy and graphic area;
   4) copy and graphic display limited to three items of information; (Figure 30-16)

**Figure 30-16**

5) 15 foot maximum height; and

6) signs which are not internally illuminated shall have light fixtures and sources screened from view.

b) Wall mounted signs: one wall mounted sign either individually mounted letter type (option 1) or wall mounted tenant identification type (option 2) but not both per building unless...
otherwise specified in this section is permitted. The sign must comply with the following standards.

1) Option 1: individually mounted letter type signs which comply with the following standards are permitted:
   a. 24 inches maximum copy and graphic height except for logo which may be 36 inches in height and width;
   b. copy and graphic area shall not exceed 50 square feet or 25 percent of the length of the building where the sign is located, whichever is greater; (Figure 30-17)

2) Option 2: wall mounted tenant identification type signs which comply with the following standards are permitted:
   a. 30 square feet maximum sign area. For buildings with more than one primary entrance, one sign may be located at each entrance provided that total area does not exceed 30 square feet;
   b. signs shall be mounted within the first floor elevation; (Figure 30-18) and
c. signs with external illumination shall have no exposed light sources or fixtures.

(Amended by Ord. #2007-21, adopted June 25, 2007)

5. Limited and General Business Sign Regulations.

Within the B-2 and B-3 business districts except for hotels, permanent signs which comply with the following standards are permitted:

a) Freestanding signs.

1) Size of sign permitted is determined by the gross square footage of the principal structure located in the development.

2) One sign per development unless a multi-tenant building or limited tenant building is 100,000 gross square feet or more and has two or more primary access points. A second monument at a secondary access point is permitted if the primary freestanding sign is of monument style. The second monument sign shall include a shopping center identification message only and shall not exceed 50 percent of the copy and graphic area and height requirement of the permitted principal sign.

3) The following table lists the maximum size and heights for permitted freestanding signs for all B-2 and B-3 zoned businesses:

<table>
<thead>
<tr>
<th>pylon</th>
<th>monument</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

:“American Legal Publishing Corporation"
signs for all B-2 and B-3 zoned businesses:

<table>
<thead>
<tr>
<th>principal structure (gross square feet)</th>
<th>pylon</th>
<th>monument</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>height</td>
<td>sign size (sq. ft.)</td>
</tr>
<tr>
<td>greater than 400,000</td>
<td>30'</td>
<td>200</td>
</tr>
<tr>
<td>100,000 - 400,000</td>
<td>24'</td>
<td>100</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>18'</td>
<td>80</td>
</tr>
<tr>
<td>less than 20,000</td>
<td>15'</td>
<td>60</td>
</tr>
<tr>
<td>building with multiple screen theater</td>
<td>30'</td>
<td>200</td>
</tr>
</tbody>
</table>

4) Monument area shall not exceed 1.5 times the permitted copy and graphic area.

5) Multi-tenant buildings shall display the name of the shopping center only. Limited tenant businesses may display one tenant identification and corresponding logo per tenant. Buildings with multiple screen theaters may display movie titles and ratings. No product or service advertising is permitted.

6) Signs may be single or double faced.

7) Signs which are not internally illuminated shall have light fixtures and sources screened from views.

b) Wall mounted signs.

1) Multi-tenant wall signs.

   a. Each tenant is permitted tenant identification and one logo which shall not include product advertising except as part of the tenants trade name or logo.

   b. Tenant identification shall be individually mounted and internally illuminated letters. Wall signs not containing individually mounted letters may be approved by the city if all signs are of a similar design and incorporated into the architecture of the principal structure. (Figure 30-19)
c. Each tenant is permitted one logo which shall not exceed 36 inches high by 36 inches wide. (Figure 30-20)

Figure 30-20

d. The vertical dimension of the tenant identification shall not exceed 26 inches in height. Heights may be revised based on unique circumstances, such as extraordinary distance from right-of-way or unusual building configuration, when determined by the planning commission that signs would not be readable from adjacent public right-of-way according to commonly accepted industry standards.

e. Each tenant sign shall be installed within a 26-inch high designated horizontal band. The band shall be of uniform background consisting of building surface, facade, or treatment. The sign band and letter height may be modified upon approval of the planning commission to allow for architectural integration of the tenant sign. Consideration will be given to the proportional relationship of the sign width and height to the scale of the building.

f. Each tenant sign shall not extend closer than two feet from the tenants lease line.

g. All letters in a tenant identification shall be of uniform colors, not to exceed two, except for logos which may be multicolored. A multicolored logo must comply with the restrictions in paragraph c. above.

h. The planning commission may recognize separate sign plans for "American Legal Publishing Corporation"
multi-tenant buildings which will supersede the ordinance. The sign plans which have been approved by the planning commission will have the effect of a sign ordinance for the specific property.

2) Limited tenant wall signs.
   a. Size of signage is determined by gross square footage of principal structure on property.
   b. The following table indicates maximum signage permitted for limited tenant buildings:

<table>
<thead>
<tr>
<th>Principal Structure Size (Gross Sq. Ft.)</th>
<th>Individual Wall Sign Calculation</th>
<th>Total Wall Signage for Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>100,000 - 400,000 sq. ft.</td>
<td>200 sq. ft. or 10 percent of wall face, whichever is less</td>
<td>300 sq. ft.</td>
</tr>
<tr>
<td>20,000 - 100,000 sq. ft.</td>
<td>150 sq. ft. or 10 percent of wall face, whichever is less</td>
<td>240 sq. ft.</td>
</tr>
<tr>
<td>less than 20,000 sq. ft.</td>
<td>100 sq. ft. or 15 percent of wall face, whichever is less</td>
<td>150 sq. ft.</td>
</tr>
</tbody>
</table>

c. Wall signs shall not include product advertising. Wall signs shall include tenant identification, tenant logo, shopping center name, shopping center logo, or any combination of the four.

c) Hotel Signs. Because of the need for high visibility and the variety in size and shape of hotel structures, variances will be considered but not necessarily granted.

   1) Freestanding signs:
      a. one monument sign, except that a second monument sign may be allowed if the property has frontage and access on two arterial streets;
      b. 15 foot maximum monument height; and
      c. 60 square feet maximum copy and graphic area.

   2) Wall signs:
      a. individually mounted and internally illuminated letters;
b. one wall sign except that a second wall sign on a second wall may be permitted if the signs are not directly oriented toward a low density residential area; and

c. maximum letter height up to 36 inches. Variances may be considered for letter height based on proportional relationship to the mass and height of building.

6. Industrial Sign Regulations.

Within the I-1 industrial district permanent signs which comply with the following standards are permitted:

a) Monument identification sign. Any single or multi-tenant building within an industrial zone is permitted one of the following freestanding identification signs that must comply with the listed standards.

1) Building identification sign:

a. one monument style sign;

b. 60 square feet maximum copy and graphic area;

c. 90 square feet maximum total monument size;

d. 10 foot maximum height; and

e. address and/or building identification displayed only; no product or service advertising is permitted. (Figure 30-21)

Figure 30-21

2) Tenant identification monument sign:

a. one monument sign;

b. 85 square feet maximum copy and graphic area;

c. 120 square feet maximum monument size;

d. 10 foot maximum height;
e. sign may display only identification of tenants;

f. tenant identification monuments are not permitted to be located along designated collector or arterial streets. (Figure 30-22)

Figure 30-22

<table>
<thead>
<tr>
<th>Max Monument Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>120 sq. ft.</td>
</tr>
</tbody>
</table>

g. tenant identification monuments are not permitted in areas designated for mixed uses on the city comprehensive guide plan map; and

h. individual tenant identification signs as specified in the following subdivision 6(b) are not permitted.

b) Individual tenant identification signs: for multi-tenant buildings one of the options listed in this paragraph may be selected for tenant identification. All signs must comply with the listed standards. The building owner or a representative shall designate a sign design for each multi-tenant building. This designation will be recorded by the city and kept on record for the building. Each sign on the property must conform to the designated tenant identification sign option. Changes to the sign designation may be made upon request, and approved administratively if all signs located on the site are brought into conformance with the requested sign plan modification. The planning commission must review sign plan changes if nonconforming signs are created. These signs are not permitted if the building freestanding sign is a tenant identification freestanding sign.

1) Option 1: freestanding identification sign:

a. one sign at the tenant's primary building entrance;

b. 9 square feet maximum area;

c. 6 foot maximum height and 5 foot maximum width;
d. single faced;
e. positioned parallel to a parking lot sidewalk or perpendicular to tenant walkway;
f. located consistent with other freestanding identification signs;
g. tenant identification only, no product advertising; and
h. uniform material, color and style. (Figure 30-23)

Figure 30-23

2) Option 2: wall sign:
   a. one sign at the tenant's primary building entrance;
   b. 3 foot by 4 foot maximum dimension;
   c. located adjacent to the tenant entrance;
   d. 8 foot maximum from the ground to top edge of sign;
   e. tenant identification message with no product advertising; and
   f. uniform material, color and style. (Figure 30-24)

Figure 30-24
3) Option 3: individually mounted letters:
   a. individually mounted letters not to exceed 18 inches in height with one per tenant at their primary entrance;
   b. located within an 18-inch high designated sign band for the entire building;
   c. affixed to a uniform background consisting of the building surface, facade or treatment;
   d. located no closer than two feet from the tenant's exterior lease lines;
   e. compatible with the building architecture; and
   f. uniform material, color, illumination and style. (Figure 30-25)

Figure 30-25

3' x 4'
3' max.

18" 

Sign band

TENANT I.D.

C) Single tenant identification sign: single tenant building signs within an industrial zone which comply with the following standards are permitted:
1) wall mounted individual letters;

2) wall signs shall not include product advertising. Wall signs shall include tenant identification, tent logo or both; and

3) total surface area of all building signs shall not exceed 5 percent of the building face upon which the signs are located up to a maximum 150 square feet. (Figure 30-26)

**Figure 30-26**

---

7. **Unified Development Sign Regulations.**

Within office business and industrial districts, unified development signs which comply with the following standards are permitted. Uses governed under this section are also allowed signs permitted under subdivisions 4 or 6.

a) Unified development identification monuments:

1) one sign per unified development;

2) 50 square feet maximum copy and graphic area;

3) 100 square feet maximum monument size; (Figure 30-27)

**Figure 30-27**
4) 10 foot maximum height;

5) located at the primary entrance to the unified development;

6) demonstration of ownership of the property or existence of permanent easement where sign is located must be submitted with the sign permit application;

7) one sign may be located at each side of a primary entrance as long as the total copy and graphic area of the two signs does not exceed 50 square feet nor the monument total 100 square feet; and

8) signs which are not internally illuminated shall have light fixtures and light sources screened from views.

b) Unified Development leasing sign: as an alternative to requirements specified in subdivision 8(c), one of the following leasing sign options for a unified development may be displayed.

1) Option 1: incorporated into monument sign:

   a. monument sign architecturally designed to accommodate a leasing message within the perimeter of the monument;

   b. leasing message area may be up to an additional 25 percent of the potential copy and graphic area of the monument sign; and (Figure 30-28)

Figure 30-28
c. the leasing message cannot exceed the area covered by identification monument message.

2) Option 2: secondary monument sign:
   a. a secondary monument sign may be installed at an access point to a unified development;
   b. design and materials identical to the unified development monument sign; and
   c. secondary monument area, height and copy and graphic area shall not exceed 50 percent of the unified development monument sign. (Figure 30-29)

Figure 30-29

8. Business and Industrial Temporary Sign Regulations.

Within business and industrial districts, real estate and temporary signs are permitted according
to the following standards:

a) Temporary construction or real estate sign on undeveloped property: a vacant parcel within a business or industrial zone is permitted a temporary construction or real estate sign which complies with the following standards:

1) one sign located on the site which the sign is advertising;
2) 32 square feet maximum sign area;
3) 12 foot maximum height;
4) shall be removed upon issuance of a certificate of occupancy for a building; and
5) one additional sign up to 32 square feet is permitted on properties 3 acres or over with frontage on 2 or more designated collector or arterial streets. (Figure 30-30)

Figure 30-30

b) Temporary real estate sign: signs indicating the rental, lease, or sale of a business or industrial building are permitted according to the following:

1) one sign located on the property which the sign is advertising;
2) 32 square feet maximum sign area;
3) 12 foot maximum height;
4) freestanding or wall mounted;
5) for sale signs are without time limit. If both leasing and for sale messages are displayed, the sign shall be considered a leasing sign; and
6) leasing or rental signs shall be displayed no longer than 12 months after the issuance of a certificate of occupancy. In the case of vacant limited tenant buildings, a 12 month display period is permitted from the date of vacancy.
c) Leasing sign without time limit: in addition to the above, one of the following leasing sign options may be displayed on a property without time limit if in compliance with the listed standards.

1) Option 1: freestanding incorporated sign:
   a. the principal freestanding sign shall be architecturally designed to accommodate a leasing message within the perimeter of the monument or pylon sign;
   b. the leasing message cannot exceed that of the identification monument or pylon message;
   c. leasing message is in addition to potential monument or pylon copy and graphic area; and
   d. maximum size of leasing sign message permitted is determined by the gross square footage of the principal structure as follows: (Figure 30-31)

**Figure 30-31**

<table>
<thead>
<tr>
<th>Principal Structure Gross Square Footage</th>
<th>Leasing Message</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 20,000</td>
<td>15 square feet</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>20 square feet</td>
</tr>
<tr>
<td>greater than 100,000</td>
<td>25 square feet</td>
</tr>
</tbody>
</table>
2) Option 2: freestanding sign:
   a. one freestanding sign;
   b. setback 5 feet from all property lines;
   c. 8 foot maximum height and 6 foot maximum width; and
   d. maximum size of leasing sign permitted is determined by the gross square footage of the principal structure as follows: (Figure 30-32)

   **Figure 30-32**

<table>
<thead>
<tr>
<th>Principal Structure Gross Square Footage</th>
<th>Leasing Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 20,000</td>
<td>12 square feet</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>16 square feet</td>
</tr>
<tr>
<td>greater than 100,000</td>
<td>18 square feet</td>
</tr>
</tbody>
</table>

3) Option 3: wall mounted sign or banner:
   a. buildings two stories or under:
      1. one wall sign;
      2. directly anchored to the building wall; and
      3. maximum size of leasing sign permitted is determined by the gross square footage of the principal structure as follows: (Figure 30-33)

   **Figure 30-33**
b. buildings three stories or higher:
   1. 30 square feet maximum area;
   2. directly anchored to the building wall; and
   3. displayed on the building's third story or any higher story. (Figure 30-34)

Figure 30-34
4) Leasing signs up to 32 square feet in size will be permitted without time limit instead of option 2 or 3 if the standards in either a. or b. are met:

   a. business or industrial development directly abuts a street with posted speed limit of 55 m.p.h. or greater; or
   b. the principal structure is greater than four stories.

   If a property qualifies for a 32 square foot sign under a. or b. and also has a second frontage on a designated collector or arterial road, option 2 or 3 as found above is also permitted.

d) Temporary business signs in business and industrial districts: temporary signs are permitted as follows.

1) Banners not to exceed 30 square feet according to the following:

   a. maximum 30 day display period to coincide with the grand opening of a business;
   b. a business may display a banner on two occasions per calendar year with a maximum 10 day display period for each occasion;
   c. banner messages must relate to on-premise product or services, or any noncommercial message; and
   d. the banner must be affixed to a principal structure which is owned or leased by the business which the sign is advertising.

2) Search lights or inflatable advertising devices are permitted according to the following:
a. for each development, two occasions per calendar year with each occasion not to exceed three days; and

b. written authorization from the property owner or their designee must be submitted with the sign permit application.

3) Portable signs, stringers, and pennants are not permitted.


The following regulations shall apply to all signs permitted in all districts.

a) Political campaign signs: temporary political campaign signs are permitted according to the following:

1) display period from 30 days before an election day or August 1 of an election year, whichever is earlier, to 10 days after an election day. Additionally, signs may remain on display between primary and general elections;

2) consent of underlying property owner is required;

3) must be at least five feet from the edge of a public street and must not obstruct driver visibility at intersections;

4) for Minnetonka city elections, the following size limitations apply during odd-numbered years and outside the period of August 1 through 10 days after the state general election day in even-numbered years: 5 square foot maximum sign area, except on designated collector or arterial streets where up to 32 square-foot maximum sign area is permitted; and

5) must comply with the fair campaign practices act in Minn. Stat. chapter 211B.

b) Directional signs: permanent directional signs are permitted according to the following:

1) 7 square feet maximum size; (Figure 30-35)

Figure 30-35
2) 6 foot maximum height;
3) a majority of sign area for directional message; and
4) 15 square feet maximum parking lot directional signs for commercial buildings over 400,000 square feet.

c) Address sign: street identification numbers are required in all zoning districts and should be clearly visible from the street. Address signs do not reduce permitted sign area.

d) Residential security system signs: all signs identifying the presence of a residential security system are permitted not to exceed one square foot. One sign is permitted per driveway connection to a public right-of-way or where one private driveway converges into another.

e) Sign setbacks: all signs unless specifically noted otherwise shall maintain a 10 foot setback from all lot lines. The city may require a greater or lessor setback because of public safety reasons which may include the following conditions: vehicle sight distance, distance from intersection, designation of adjacent right-of-way.

f) Unless otherwise specified, maximum angle permitted between faces of a double face freestanding sign is 45 degrees. (Figure 30-36)

Figure 30-36

\[45^\circ\text{ max. angle}\]

g) Governmental signs: permanent governmental signs for control of traffic and other regulatory/notification purposes and street signs are exempt from the provision of this section.

h) P.U.D./P.I.D. zoning districts: permanent and temporary signs are regulated according to the standards for the corresponding land use and zoning category as stated in this section. A sign plan with differing requirements may be approved by the city. Factors which will be used in determining if an individual P.U.D./P.I.D. sign plan will be considered include the following:

1) The development includes a high rise (greater than 3 story) structure;
2) the development includes multiple structures and/or substantial site area;
3) the development includes mixed uses;
4) a sign plan is uniquely adapted to address the visibility needs of a development
while remaining consistent with the intent of this section to direct high quality signage; and

5) the sign plan includes permanent sign covenants which can be enforced by the city.

i) Noncommercial opinion signs: on-premise noncommercial opinion signs are permitted as follows.

1) In low, medium, and high density residential districts, each dwelling unit is permitted an additional sign which is no larger than 6 square feet and no higher than 6 feet tall. In medium and high density districts, the sign must be attached to the dwelling unit or placed in another location which clearly does not appear to represent the opinions of other residents in the area who have not agreed to the sign. No permit fee is required for a sign authorized under this paragraph.

2) In all districts, any sign authorized in this chapter is allowed to contain noncommercial copy in lieu of any other copy. For new signs posted with a noncommercial message, the sign fee is waived until such time as the sign is converted to contain a commercial message.

j) Flags: flags of a political jurisdiction which comply with the following standards are permitted.

1) Display of one flag is not restricted.

2) Display of more than one flag is permitted as follows:
   a. maximum of 3 flagpoles;
   b. 35 feet maximum flagpole height;
   c. 180 square feet total for all flags; and
   d. shall not be displayed on light poles.

3) Variances to permit display of flags for both political and non-political entities will be considered, but not necessarily granted. Variances will be considered only upon evidence that the following standards are met:
   a. submission of a sign plan and permanent sign covenants which include a comprehensive sign package for the site;
   b. 35 foot maximum flagpole height;
   c. shall not be located on lightpoles.
Minnetonka Code of Ordinances

d. limited to one identification flag;

e. the maximum distance from top to bottom of any flag shall be 20 percent of the flagpole up to a maximum of 6 feet;

f. flagpoles clustered at a designated area; and

g. the location of the flagpoles be enhanced or landscaped. (Figure 30-37)

Figure 30-37

k) Temporary outdoor advertising signs are permitted as follows:

1) must be at least 5 feet from the edge of a public street and must not obstruct driver visibility at intersections;

2) may not be on the right-of-way of county and state roads and municipal state-aid streets;

3) are limited to one per parcel of property as defined in Subd. 10 (r) below for the same topic, location, event, or matter;

4) must receive permission from the underlying property owner;

5) may only be displayed between 6:00 a.m. on a Thursday and 6:00 p.m. on the following Sunday; and

6) must be no larger than 3 square feet in area and no higher than 6 feet above the ground to which it is attached.

l) Approved sign plans: the city may enforce, in the same manner as the requirements of this section, the terms of a sign plan or sign covenants which it has approved. Any violation of an approved sign plan or sign covenants is a misdemeanor.

:“American Legal Publishing Corporation

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m) Changeable messages: a message that is not permanently attached to the sign face but that is not a dynamic display may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to change messages even if not used.

n) Font size: every line of copy and graphics in a sign must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more.


The following types of signs are expressly prohibited in all districts:

a) roof signs including signs mounted on a roof surface or projecting above the roof line of a structure if either attached to the structure or cantilevered over the structure;

b) signs with dynamic displays except search lights under subdivision 8 and those allowed under subdivision 14;

c) portable signs, except temporary signs that are specifically permitted in section 300.30;

d) projecting signs. Wall signs shall be mounted parallel to the building and shall not project more than 18 inches from the face of the building;

e) painted wall signs including signs painted on the face of a structure. Works of art which are not commercial messages are exempt;

f) signs attached to trees and utility poles;

g) signs within public right-of-way except for official traffic signs and those specified in subparagraph 9(k) and (l);

h) signs which are designed to resemble official traffic signs except signs which are used to control traffic on private property;

i) abandoned signs or signs other than outdoor advertising structures that advertise an activity, business, product or service no longer available on the premises on which the sign is located;

j) signs attached to fences except athletic field fence panels according to subdivision 1;
k) illuminated signs which exhibit any of the following:
   1) external illumination that is determined to interfere with safe traffic operations;
   2) the sign is directly oriented to any residential district;
   3) illumination of a commercial sign in a residential district, except a sign used for a conditionally permitted use; or
   4) the level of illumination exceed standards specified in section 300.28, subd. 2.

l) signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets;

m) exterior signs that obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any structure;

n) signs that are in violation of the building code or the electrical code adopted by the city;

o) blank signs;

p) merchandise boxes or signs not affixed to a principal structure excluding signs permitted in subdivision 8(d);

q) outdoor advertising signs are not permitted in any zoning district, except that the provisions of this paragraph do not apply to temporary outdoor advertising signs permitted under Subd. 9 (k) above. Outdoor advertising signs which exist on the effective date of this section shall be considered as nonconforming signs and are subject to standards contained in section 300.29. An outdoor advertising sign is a principal use of property. No permitted or conditionally permitted use or any part of such use may be located on the same parcel of property as such a sign. The parcel on which such a sign is located may not be subdivided to segregate the sign from the remaining property. For the purposes of this paragraph, “parcel of property” means any property for which one property identification number has been issued by the county, or all contiguous property in common ownership as of October 15, 1997, whichever is greater; and

r) any sign not expressly permitted by the provisions in section 300.30.

(Amended by Ord. #2007-21, adopted June 25, 2007)

11. Sign Construction and Maintenance.

All signs shall conform to the following standards.

a) Construction specifications. All signs shall be constructed in accordance with the following:
1) the Minnesota state building code;

2) all electric signs shall be approved and labeled as conforming to the standards of the Underwriters' Laboratories, Inc., the United States bureau of standards or other similar institutions of recognized standing. All illuminating elements shall be kept in satisfactory working condition or immediately repaired or replaced. Signs that are partly illuminated shall meet all electrical requirements for that portion which is illuminated;

3) all permanent freestanding signs shall have self-supporting structures erected on and permanently attached to concrete foundations;

4) for wall signs, the wall must be designed for and have sufficient strength to support the sign; and

5) signs shall be constructed to withstand the following wind loads:
   a. for solid signs, 30 pounds per square foot on one face of the sign; and
   b. for other signs, 36 pounds per square foot of the total face area of the letters and other sign surface, or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.

b) Sign maintenance and repair. All signs shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, cleaning and other items required for maintenance of the sign. Vegetation around, in front of, behind, and underneath the base of ground signs for distance of 10 feet shall be neatly trimmed and free of weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.


a) Abandoned signs and signs in disrepair. An abandoned sign or sign in disrepair is prohibited and shall be removed by the owner of the premises within 30 days after notification. If compliance with the provisions of this section is not achieved within 30 days, the city may remove the sign as a public nuisance by following the procedure as specified in section 1120.045 of the municipal code of ordinances. If an abandoned sign remains in good condition and without holes or other evidence of disrepair or damage, the sign shall not be considered as abandoned for a period of one year.

b) Signs on public property or within public right-of-way: The city may at any time and without notice impound signs which have been installed on public property or within public right-of-way or easement. The sign owner may retrieve the signs according to the following:

:"American Legal Publishing Corporation"
1) A fee must be paid to the city as established in city code section 710. For each subsequent impoundment in a calendar year, the specified fee shall be doubled;

2) The sign may be retrieved from a designated impound area during routine business hours and within 15 days from the date of impounding. After 15 days, the city will dispose of the sign; and

3) The city may not be held liable for any damage to impounded signs.

13. Permits and Permit Fees.

Signs that require a permit and the corresponding fee are listed in the following.

a) All permanent signs permitted in subdivisions 3, 4, 5, 6, and 7 require a sign permit. The permit must be received prior to installation of the sign. The permit and inspection fee for all permanent signs is specified in city code section 710.

b) All temporary signs permitted in subdivision 8 require a temporary sign permit. The permit and inspection fee for permitted signs, banners, search lights, or inflatable advertising devices is specified in city code section 710.

c) Application for a permit must be on a form provided by the city and must include the following information:

1) Name and address of the owner of the sign;

2) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner;

3) The type of sign as defined in this section;

4) Site plan showing the location of the proposed sign;

5) Specifications and scale drawings showing the materials, design, dimensions, structural supports, method of attachment and electrical components of the sign;

6) Plan showing the location and size of all existing signs located on the same premises upon city request;

7) Name of licensed electrician who will make the final connection of an illuminated sign; and

8) Sign permit fee.

d) All signs not listed above do not require a permit but must comply with the regulations.
found in this section.

e) When this section becomes effective, the owner or other person having control of any outdoor advertising sign (billboard) must file an application for a permit for the maintenance and annual inspection of such sign.

   Application for such permits must be accompanied by detailed plans and such other necessary information to determine the location and compliance with all applicable regulations, and permit may be issued upon payment of the required permit fee. All permits for advertising signs expire on December 31, of each year. The permit and inspection fee is specified in city code section 710.

f) The fee for application for variance from this section or approval of a sign plan for a development is specified in city code section 710.

g) Sign permit applications must be acted upon by city staff within 10 days after a complete application is submitted. A decision must be made in writing. If a permit is denied, the reason must be stated in writing. The applicant may appeal a denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for planning commission review as soon as practicable, but no later than 30 days after the appeal was submitted. The applicant may appeal a planning commission denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for city council review as soon as practicable, but no later than 30 days after the appeal was submitted. All review of a sign permit application must be based solely on whether the application complies with city ordinances.

h) Sign permits become null and void if the sign is not installed 180 days after the issuance of a permit.


a) Findings. Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and
become inaccurate without frequent changes.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation in residential districts where signs can adversely impact residential character.

Local spacing requirements could interfere with the equal opportunity to use such technologies and are not included. Without those requirements, however, there is the potential for numerous dynamic displays to exist along any roadway. If more than one dynamic display can be seen from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If dynamic displays become pervasive and there are no meaningful limitations on each sign's ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.

A constant message is typically needed on a sign so that the public can use it to identify and find an intended destination. Changing messages detract from this way-finding purpose and could adversely affect driving conduct through last-second lane changes, stops, or turns, which could result in traffic accidents. Accordingly, dynamic displays generally should not be allowed to occupy the entire copy and graphic area of a sign.

In conclusion, the city finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.

b) Regulations. Dynamic displays on signs are allowed subject to the following conditions:

1) Dynamic displays are allowed only on monument and pylon signs for conditionally permitted uses in residential districts and for all uses in other districts. Dynamic displays may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face;

2) A dynamic display may not change or move more often than once every 20 minutes, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display. A display of time, date, or temperature must remain for at least 20 minutes before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three seconds;

3) The images and messages displayed must be static, and the transition from one
static display to another must be instantaneous without any special effects;

4) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign;

5) Every line of copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more. If there is insufficient room for copy and graphics of this size in the area allowed under clause 1 above, then no dynamic display is allowed;

6) Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this ordinance;

7) Dynamic displays must comply with the brightness standards contained in subdivision 15;

8) Dynamic displays existing on June 25, 2007 must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements in clause 1 may continue as a non-conforming development subject to section 300.29. An existing dynamic display that cannot meet the minimum size requirement in clause 5 must use the largest size possible for one line of copy to fit in the available space.

Incentives. Outdoor advertising signs do not need to serve the same way-finding function as do on-premises signs. Further, outdoor advertising signs are no longer allowed in the city, and there is no potential that they will proliferate. Finally, outdoor advertising signs are in themselves distracting and their removal serves public safety. The city is extremely limited in its ability to cause the removal of those signs. This clause is intended to provide incentives for the voluntary and uncompensated removal of outdoor advertising signs in certain settings. This removal results in an overall advancement of one or more of the goals set forth in this section that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the community.

1) A person may obtain a permit for an enhanced dynamic display on one face of an outdoor advertising sign if the following requirements are met:

(a) The applicant agrees in writing to permanently remove, within 15 days after issuance of the permit, at least two other faces of an outdoor advertising sign in the city that are owned or leased by the applicant, each of which must satisfy the criteria of parts (b) through (c) of this subdivision.
(d) of this subsection. This removal must include the complete removal of the structure and foundation supporting each sign face. The applicant must agree that the city may remove the sign if the applicant does not timely do so, and the application must be accompanied by a cash deposit or letter of credit acceptable to the city attorney sufficient to pay the city's costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law.

(b) The city has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application.

(c) Each removed sign has a copy and graphic area of at least 288 square feet and satisfies two or more of the following additional criteria:

1) The removed sign is located adjacent to a highway with more than two regular lanes and with a general speed limit of 45 miles per hour or greater, but that does not have restrictions on access equivalent to those of an interstate highway;

2) All or a substantial portion of the structure for the removed sign was constructed before 1975 and has not been substantially improved;

3) The removed sign is located in a noncommercial zoning district;

4) The removed sign is located in a special planning area designated in the 1999 comprehensive plan; or

5) The removed copy and graphic area is equal to or or greater than the area of the copy and graphic area for which the enhanced dynamic display permit is sought.

(d) If the removed sign face is one for which a state permit is required by state law, the applicant must surrendered its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.

(e) The applicant must agree in writing that no dynamic displays will ever be used on one additional outdoor advertising sign that has a copy and graphic area of at least 288 square feet in size. This agreement will be binding on the applicant and all future owners of the sign. If the sign is subsequently removed or destroyed and not replaced, the holder of the enhanced dynamic display permit is not required to substitute a different sign for the one that no longer exists.

2) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight seconds. The designated sign must meet
all other requirements of this ordinance.

(Added by Ord. 2007-21, adopted June 25, 2007)

15. Brightness Standards.

a) All signs must meet the following brightness standards in addition to those in subdivision 10:

1) No sign may be brighter than is necessary for clear and adequate visibility.

2) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.

3) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

b) The person owning or controlling the sign must adjust the sign to meet the brightness standards in accordance with the city's instructions. The adjustment must be made immediately upon notice of non-compliance from the city. The person owning or controlling the sign may appeal the city's determination through the following appeal procedure:

1) After making the adjustment required by the city, the person owning or controlling the sign may appeal the city's determination by delivering a written appeal to the city clerk within 10 days after the city's non-compliance notice. The written appeal must include the name of a person unrelated to the person and business making the appeal, who will serve on the appeal panel.

2) Within five business days after receiving the appeal, the city must name a person who is not an official or employee of the city to serve on the appeal panel. Within five business days after the city names its representative, the city's representative must contact the sign owner's representative, and the two of them must appoint a third member to the panel, who has no relationship to either party.

3) The appeal panel may develop its own rules of procedure, but it must hold a hearing within five business days after the third member is appointed. The city and the sign owner must be given the opportunity to present testimony, and the panel may hold the hearing, or a portion of it, at the sign location. The panel must issue its decision on what level of brightness is needed to meet the brightness standards within five business days after the hearing commences. The decision will be binding on both parties.

c) All signs installed after June 25, 2007 that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in
response to ambient conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.

(Added by Ord. 2007-21, adopted June 25, 2007)
SECTION 325. SIGN REGULATIONS

SECTION 325.01 PURPOSE AND FINDINGS

1. Purpose. The sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs that meet the city's goals by authorizing:
   a) permanent signs that establish a high standard of aesthetics;
   b) signs that are compatible with their surroundings;
   c) signs that are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
   d) signs that are large enough to convey the intended message and to help citizens find their way to intended destinations;
   e) signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
   f) permanent signs that give preference to the on-premise owner or occupant; and
   g) temporary commercial signs and advertising displays that provide an opportunity for grand openings and occasional sales events while restricting signs that create continuous visual clutter and hazards at public right-of-way intersections.

2. Findings. The city of Minnetonka finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further, the city finds:
   a) permanent and temporary signs have a direct impact on and relationship to the image of the community;
   b) the manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community;
   c) an opportunity for viable identification of community businesses and institutions must be established;
   d) the safety of motorists, cyclists, pedestrians and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;
   e) installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;
f) uncontrollable and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;

g) uncontrollable and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;

h) commercial signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and

i) the right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.

3. Severability. Every section, subdivision, clause or phrase of this section 325 is declared separable from every other section, subdivision, clause or phrase. If any such part is held to be invalid by competent authority, no other part shall be invalidated by such action or decision.

SECTION 325.02. DEFINITIONS

1. “Commercial sign” - any sign that advertises or identifies a product, business, service, entertainment, or any other matter of a commercial nature, even though the matter may be related to a nonprofit organization.

2. “Copy and graphic” - the wording and other display messages such as logos or symbols on a sign.

3. “Copy and graphic area” - the area in square feet of the smallest four-sided figure which encloses the copy and graphic of a sign.

4. “Dynamic display” - any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

5. “Freestanding sign” - a sign which is self-supporting and affixed to a frame structure not attached to a building.

6. “Illumination, internal” - a light source within the sign.

7. “Illumination, external” - a light source which is not internal to the sign.
8. “Items of information” - individual copy and graphic items situated in a manner which presents separate messages. An item of information can only be a name, an address, a logo, or geographic directions.

9. “Limited tenant building” - a commercial retail establishment or a group of commercial retail establishments with the designed occupancy of three or less tenants. It must have shared parking and a visual appearance as a contiguous structure which may or may not be planned, constructed or managed as a total entity. This includes single tenant retail structures.

10. “Merchandise box” - a sign which is affixed on or located adjacent to a gas pump and used to advertise services and goods.

11. “Monument sign” - a sign not supported by exposed posts or poles which is architecturally designed and located directly at grade where the base width dimension is 50% or more of the greatest width of the sign.

12. “Multi-tenant center” - a group of commercial retail establishments with a designed occupancy of four or more tenants with shared parking and visual appearance as a contiguous structure which may or may not be planned, constructed or managed as a total entity.

13. “Non-commercial sign” - any sign that is not a commercial sign, including but not limited to signs that convey messages concerning political, religious, social, ideological, public service and informational topics.

14. “On-premise sign” - a sign relating in it subject matter to, or which directs attention to, a business, person, activity, commodity, service or entertainment located on the site where the sign is installed.

15. “Off-premise sign” - a sign relating in its subject matter to, or that directs attention to, a business, person, activity, commodity, service, entertainment or any other matter that is not available, or does not take place, on the same premises as the sign. A discontinued sign is an off-premise sign.


17. “Permanent sign” - any sign other than a temporary sign.

18. “Portable sign” - a sign with or without copy and graphic that is designed or intended to be moved or transported. Examples of portable signs are: A - or T - frame signs; sandwich signs; signs designed to be transported by trailer or on wheels; signs mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right-of-way, except signs identifying a business when the vehicle is being used in the normal day-to-day operation of that business. A sign may be a portable sign even if it has wheels removed, was designed without wheels, or is attached temporarily or permanently to the ground, a structure, or other sign.

19. “Private road open to public travel” has the meaning given that term under the Manual of Uniform Traffic Control Devices.

20. “Pylon sign” - a sign supported by a post or posts so that the sign and supports are finished to grade by encasing the posts in a material consistent with the sign
and where the base width dimension is a minimum of 10% up to and including 50% of the greatest width of the sign.
21. “Sign” - any writing, pictorial presentation, number, illustration or decoration, flag, banner or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term “sign” shall not be deemed to include: the terms “building” or “landscaping”, or any architectural embellishment of a building not intended to communicate information; works of art that do not convey commercial messages and that are painted on a building wall; flags that do not convey commercial messages; or any sign structure or device that is not visible from an adjacent street, property line or building on adjacent property.
22. “Temporary sign” - a sign constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended to be displayed for a limited period of time. This includes items such as banners, pennants, beacons, sandwich or curb signs, balloons or other air or gas filled figures.
23. “Wall sign” - a single faced sign attached to or erected against an exterior wall of a building with the face in a parallel plane to the plane of the building wall.

SECTION 325.03. CITATION; ADMINISTRATION AND ENFORCEMENT.

1. Citation.
This section 325 may be cited as the Minnetonka Sign Ordinance.

2. Administration and enforcement.
Administration and enforcement of this section 325 is governed by section 300.03.

SECTION 325.04. PERMITS, PROCEDURE AND VARIANCES.

3. Permit not required.

The following signs do not require a permit but must meet the regulations in this section:

   a) Signs required or allowed by section 325.05, subd. 3.
   b) Temporary signs in residential districts as allowed by section 325.06, subd. 1(d)(1).

4. Permit required.

   a) No person may erect or install any of the following signs without first obtaining a permit from the community development director or designee:
b) All permanent signs permitted in section 325.06 require a sign permit. The permit must be received prior to installation of the sign. The permit and inspection fee for all permanent signs is specified in city code section 710.

c) All temporary signs permitted in section 325.06, subdivision 8 require a temporary sign permit. The permit and inspection fee for permitted signs, banners, search lights, or inflatable advertising devices is specified in city code section 710.

5. Permit procedure.

a) Application for a permit must be on a form provided by the city and must include the following information:
   1) name and address of the owner of the sign;
   2) street address or location of the property on which the sign is to be located, along with the name and address of the property owner;
   3) the type of sign as defined in this section;
   4) site plan showing the location of the proposed sign;
   5) specifications and scale drawings showing the materials, design, dimensions, structural supports, method of attachment and electrical components of the sign;
   6) plan showing the location and size of all existing signs located on the same premises upon city request;
   7) name of licensed electrician who will make the final connection of an illuminated sign; and
   8) sign permit fee as specified in city code section 710.

b) The community development director or designee must approve or deny a sign permit application within 10 days after a complete application is submitted. A decision must be made in writing and must be mailed or electronically delivered to the applicant at the address or email address provided in the application. If a permit is denied, the reason must be stated in writing.

c) An applicant may appeal a denial by submitting a request in writing within 10 days after the decision was mailed or electronically delivered. The appeal must be scheduled for planning commission review as soon as practicable, but no later than 30 days after the appeal was submitted. The applicant may appeal a planning commission denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for city council review as soon as practicable, but no later than 30 days after the appeal was submitted. All review of a sign permit application must be based solely on whether the application complies with city ordinances.
6. **Variances.**

   A variance from the regulations in this section requires a separate application, according to the procedures in section 300.07 of this code. The fee for application for variance from this section or approval of a sign plan for a development is specified in city code section 710.

7. **Permit expiration.**

   A sign permit becomes null and void if the sign is not installed within 180 days after issuance of the permit, and a new application must be submitted.

**SECTION 325.05 GENERAL REGULATIONS.**

1. **Scope.** The regulations in this section 325.05 apply to signs in all zoning districts.

2. **Prohibited Signs.**
   a) Signs are prohibited in all districts unless authorized under this section 325.
   b) Portable signs are prohibited in all districts, except for temporary traffic control devices in temporary traffic control zones as required by the Manual on Uniform Traffic Control Devices.
   c) Signs designed to resemble official traffic control devices are prohibited in all districts, except signs that are used to control traffic on private property.
   d) abandoned signs;
   e) blank signs;
   f) merchandise boxes or signs not affixed to a principal structure excluding signs permitted in subdivision 8(d);
   g) permanent off-premises signs are not permitted in any zoning district.

3. **Permitted signs.**
   The following signs are required or permitted in every zoning district:
   a) The owner of any property with an assigned street address must mark its property with the street address numerals, so that emergency services providers can easily identify the address from the public street. The identification may be on the curb or on the principal building of the property. The size and location of the identifying numerals must be proportional to the size of the building and the distance from the street to the building. In cases where the building is not located within view of the public street, or where the building is located more than 150 feet from the public street, the identifier must be located on the mailbox or other suitable device that is visible from the street.
b) Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state.

c) Permanent and temporary signs required by law or ordinance for regulatory/notification purposes.

d) Permanent freestanding signs are permitted on properties with more than 20 parking spaces, provided the signs comply with the requirements in Table 325.1:

<table>
<thead>
<tr>
<th>Maximum sign area</th>
<th>7 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum height</td>
<td>6 ft.</td>
</tr>
<tr>
<td>Location requirement</td>
<td>Within 5 feet of drive aisles in parking lots and located in proximity to the change in direction.</td>
</tr>
<tr>
<td>Numerical limit</td>
<td>1 sign for each 60 degree change in direction of the drive isle.</td>
</tr>
</tbody>
</table>

e) Temporary off-premise commercial signs are permitted in all districts, provided the signs comply with the following:
   1) must be at least 5 feet from the edge of a public street and must not obstruct driver visibility at intersections;
   2) may not be on the right-of-way of county and state roads and municipal state-aid streets;
   3) are limited to one per parcel of property as defined in subdivision 9 below for the same topic, location, event, or matter;
   4) may only be displayed between 6:00 a.m. on a Thursday and 6:00 p.m. on the following Sunday; and
   5) must be no larger than 3 square feet in area and no higher than 6 feet above the ground to which it is attached.

f) In all districts, any sign authorized in this chapter is allowed to contain noncommercial copy in lieu of any other copy. For new signs posted with a noncommercial message, the sign fee is waived until such time as the sign is converted to contain a commercial message.

4. Location requirements.

   a) Signs may not be located on property without the permission of the property owner. For signs located in public right-of-way as allowed under subdivision 3(e)
of this section 325.05, the permission of the immediately adjacent property owner must be obtained.

b) Unless specifically noted otherwise, all signs must maintain a 10 foot setback from all lot lines. The city may require a greater or lesser setback because of public safety reasons which may include the following conditions: vehicle sight distance, distance from intersection, designation of adjacent right-of-way.

c) Signs may not be mounted on a roof surface and may not project above the roof line of a structure if either attached to the structure or cantilevered over the structure.

d) Signs may not be attached to trees or utility poles.

e) Signs may not be located within public right-of-way except for official traffic control devices and those allowed by section 3(e) of this section 325.05;

f) Signs attached to fences;

5. **Approved sign plans.**
   The city may enforce, in the same manner as the requirements of this section, the terms of a sign plan or sign covenants which it has approved. Any violation of an approved sign plan or sign covenants is a misdemeanor.

6. **Changeable messages.**
   A message that is not permanently attached to the sign face but that is not a dynamic display may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to change messages even if not used.

7. **Font size.**
   Every line of copy and graphics in a sign must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more.

8. **Sign illumination.**
   a) All illuminated signs must meet the following standards:
      1) External illumination on signs must be directed so that the illumination does not interfere with safe traffic operations;
2) Externally illuminated signs must not be directly oriented to any residential district;
3) No sign may be brighter than is necessary for clear and adequate visibility.
4) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.
5) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

b) The person owning or controlling the sign must adjust the sign to meet the brightness standards in accordance with the city's instructions. The adjustment must be made immediately upon notice of non-compliance from the city. The person owning or controlling the sign may appeal the city's determination through the following appeal procedure:
1) After making the adjustment required by the city, the person owning or controlling the sign may appeal the city's determination by delivering a written appeal to the city clerk within 10 days after the city's non-compliance notice. The written appeal must include the name of a person unrelated to the person and business making the appeal, who will serve on the appeal panel.
2) Within five business days after receiving the appeal, the city must name a person who is not an official or employee of the city to serve on the appeal panel. Within five business days after the city names its representative, the city's representative must contact the sign owner's representative, and the two of them must appoint a third member to the panel, who has no relationship to either party.
3) The appeal panel may develop its own rules of procedure, but it must hold a hearing within five business days after the third member is appointed. The city and the sign owner must be given the opportunity to present testimony, and the panel may hold the hearing, or a portion of it, at the sign location. The panel must issue its decision on what level of brightness is needed to meet the brightness standards within five business days after the hearing commences. The decision will be binding on both parties.

c) All signs installed after June 25, 2007 that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.

9. **Outdoor advertising displays.**
Outdoor advertising signs which exist as of March 13, 1991 are nonconforming signs. A permanent outdoor advertising sign is a principal use of property. No permitted or conditionally permitted use or any part of such use may be located on the same parcel of property as such a sign. The parcel on which such a sign is located may not be subdivided to segregate the sign from the remaining property. For the purposes of this paragraph, “parcel of property” means any property for which one property identification number has been issued by the county, or all contiguous property in common ownership as of October 15, 1997, whichever is greater.

10. **Dynamic Displays.**
   a) Findings. Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and become inaccurate without frequent changes.

   Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation in residential districts where signs can adversely impact residential character.

   Local spacing requirements could interfere with the equal opportunity to use such technologies and are not included. Without those requirements, however, there is the potential for numerous dynamic displays to exist along any roadway. If more than one dynamic display can be seen from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If dynamic displays become pervasive and there are no meaningful limitations on each sign's ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.
A constant message is typically needed on a sign so that the public can use it to identify and find an intended destination. Changing messages detract from this way-finding purpose and could adversely affect driving conduct through last-second lane changes, stops, or turns, which could result in traffic accidents. Accordingly, dynamic displays generally should not be allowed to occupy the entire copy and graphic area of a sign.

In conclusion, the city finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.

b) Regulations. Dynamic displays on signs are allowed subject to the following conditions:

1) Dynamic displays are allowed only on monument and pylon signs for conditionally permitted uses in residential districts and for all uses in other districts. Dynamic displays may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face;

2) A dynamic display may not change or move more often than once every 20 minutes, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display. A display of time, date, or temperature must remain for at least 20 minutes before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three seconds;

3) The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects;

4) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign;

5) Every line of copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more. If there is insufficient room for copy and graphics of this size in the area allowed under clause 1 above, then no dynamic display is allowed;

6) Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped
with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this ordinance;

7) Dynamic displays must comply with the brightness standards contained in subdivision 15;

8) Dynamic displays existing on June 25, 2007 must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements in clause 1 may continue as a non-conforming development subject to section 300.29. An existing dynamic display that cannot meet the minimum size requirement in clause 5 must use the largest size possible for one line of copy to fit in the available space.

c) Incentives. Outdoor advertising signs do not need to serve the same way-finding function as do on-premises signs. Further, outdoor advertising signs are no longer allowed in the city, and there is no potential that they will proliferate. Finally, outdoor advertising signs are in themselves distracting and their removal serves public safety. The city is extremely limited in its ability to cause the removal of those signs. This clause is intended to provide incentives for the voluntary and uncompensated removal of outdoor advertising signs in certain settings. This removal results in an overall advancement of one or more of the goals set forth in this section that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the community.

1) A person may obtain a permit for an enhanced dynamic display on one face of an outdoor advertising sign if the following requirements are met:
   (a) The applicant agrees in writing to permanently remove, within 15 days after issuance of the permit, at least two other faces of an outdoor advertising sign in the city that are owned or leased by the applicant, each of which must satisfy the criteria of parts (b) through (d) of this subsection. This removal must include the complete removal of the structure and foundation supporting each sign face. The applicant must agree that the city may remove the sign if the applicant does not timely do so, and the application must be accompanied by a cash deposit or letter of credit acceptable to the city attorney sufficient to pay the city's costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law.
   (b) The city has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application.
   (c) Each removed sign has a copy and graphic area of at least 288 square feet and satisfies two or more of the following additional criteria:
1) The removed sign is located adjacent to a highway with more than two regular lanes and with a general speed limit of 45 miles per hour or greater, but that does not have restrictions on access equivalent to those of an interstate highway;

2) All or a substantial portion of the structure for the removed sign was constructed before 1975 and has not been substantially improved;

3) The removed sign is located in a noncommercial zoning district;

4) The removed sign is located in a special planning area designated in the 1999 comprehensive plan; or

5) The removed copy and graphic area is equal to or or greater than the area of the copy and graphic area for which the enhanced dynamic display permit is sought.

(d) If the removed sign face is one for which a state permit is required by state law, the applicant must surrendered its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.

(e) The applicant must agree in writing that no dynamic displays will ever be used on one additional outdoor advertising sign that has a copy and graphic area of at least 288 square feet in size. This agreement will be binding on the applicant and all future owners of the sign. If the sign is subsequently removed or destroyed and not replaced, the holder of the enhanced dynamic display permit is not required to substitute a different sign for the one that no longer exists.

2) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight seconds. The designated sign must meet all other requirements of this ordinance.

11. Sign construction and maintenance.

All signs must conform to the following standards.

a) Construction specifications. All permanent signs must be constructed in accordance with the following:

1) the Minnesota state building code;

2) all electric signs must be approved and labeled as conforming to the standards of the Underwriters' Laboratories, Inc., the United States bureau of standards or other similar institutions of recognized standing. All illuminating elements must be kept in satisfactory working condition or immediately repaired or replaced. Signs that are partly illuminated must meet all electrical requirements for the portion that is illuminated;
3) all permanent freestanding signs must have self-supporting structures erected on and permanently attached to concrete foundations;
4) for wall signs, the wall must be designed for and have sufficient strength to support the sign;
5) wall signs must be mounted parallel to the building and may not project more than 18 inches from the face of the building;
6) signs may not be painted on the wall of a building;
7) Unless otherwise specified in this section, the maximum angle permitted between faces of a double face freestanding sign is 45 degrees; and
8) signs must be constructed to withstand the following wind loads:
   (a) for solid signs, 30 pounds per square foot on one face of the sign; and
   (b) for other signs, 36 pounds per square foot of the total face area of the letters and other sign surface, or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.

b) Sign maintenance and repair. All signs must be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, cleaning and other items required for maintenance of the sign. Vegetation around, in front of, behind, and underneath the base of ground signs for distance of 10 feet must be neatly trimmed and free of weeds. Rubbish or debris under or near the sign that would constitute a fire or health hazard must be removed.

   a) Abandoned signs and signs in disrepair. An abandoned sign or sign in disrepair is prohibited and shall be removed by the owner of the premises within 30 days after notification. If compliance with the provisions of this section is not achieved within 30 days, the city may remove the sign as a public nuisance by following the procedure as specified in section 1120.045 of the municipal code of ordinances. If an abandoned sign remains in good condition and without holes or other evidence of disrepair or damage, the sign shall not be considered as abandoned for a period of one year.

   b) Signs on public property or within public right-of-way: The city may at any time and without notice impound signs which have been installed on public property or within public right-of-way or easement. The sign owner may retrieve the signs according to the following:
      1) a fee must be paid to the city as established in city code section 710. For each subsequent impoundment in a calendar year, the specified fee shall be doubled;
2) the sign may be retrieved from a designated impound area during routine business hours and within 15 days from the date of impounding. After 15 days, the city will dispose of the sign; and
3) the city may not be held liable for any damage to impounded signs.

13. **Nonconforming Signs.**

Any sign that complied with all applicable laws and ordinances at that time that it was erected but that has been or is made nonconforming due to a subsequently enacted amendment of this city code is governed by section 300.29.

**SECTION 325.06. DISTRICT REGULATIONS.**

1. **Residential Districts.**

Within residential zoning districts, signs are permitted as provided in this subsection. Except as expressly permitted in this subsection, commercial signs are not allowed:

a) Permanent wall signs:
   1) for each single family or multi-family residential structure, one wall sign not to exceed 2 square feet in area;
   2) for each educational, religious, public or private institution, or nursing home property one wall mounted sign that complies with the requirements in Table 325.5:

b) Permanent monument signs:
   1) Low density residential: or each single family subdivision containing at least 6 lots and each two family subdivision containing a potential for at least 12 dwellings, one or two monument style signs, provided the signs meet the requirements in Table 325.5. A neighborhood or homeowner's association must be responsible for perpetual maintenance of the sign.
   2) Medium and high density residential: for each medium or high density residential development, one or two monument style signs, provided the signs meet the requirements in Table 325.5. The sign must be perpetually maintained by a homeowner's association or responsible property owners.
   3) Educational, religious and public institution signs: for each educational, religious, public or private institution, and nursing home property, one monument sign, provided it complies with the requirements in Table 325.5.
   4) Public and private parks: for each public or private park property, one monument sign, provided it complies with the requirements in Table 325.5

c) Permanent signs:
   One sign is allowed per athletic playing field with structured seating capacity for 2000 or fewer people, or one or more signs per athletic playing field with structured seating capacity for greater than 2000 people; provided, that sign(s) must meet the requirements in Table 325.5.

d) Temporary signs.
1) Within all residential zoning districts, temporary noncommercial signage is permitted provided it meets the requirements of Table 325.5.

2) Within all residential zoning districts, on-premises commercial signage is permitted on properties where new construction activity is taking place, provided the signs comply with the requirements in Table 325.2:

<table>
<thead>
<tr>
<th>Property type</th>
<th>Low density with at least four lots under development; medium or high density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign type</td>
<td>Pylon</td>
</tr>
<tr>
<td>Numerical limit</td>
<td>One per development project number, according to the records of the community development department</td>
</tr>
<tr>
<td>Maximum sign area</td>
<td>32 square feet</td>
</tr>
<tr>
<td>Maximum height</td>
<td>8 feet, but if sign width does not exceed 4 feet, then 12 feet</td>
</tr>
<tr>
<td>Maximum duration</td>
<td>Low density—when building permits have been issued for 90 percent of the lots</td>
</tr>
<tr>
<td></td>
<td>Medium and high density—18 months after building permit issuance or 7 days after issuance of certificate of occupancy for last building, whichever is sooner</td>
</tr>
<tr>
<td>Other requirement</td>
<td>Signage under this provision is in lieu of all other permanent or temporary signage on the property</td>
</tr>
</tbody>
</table>

3) One temporary on-premises commercial sign is permitted on a low or medium density residential property that is for lease or sale, subject to the requirements in Table 325.3.

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Freestanding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum area</td>
<td>6 square feet</td>
</tr>
<tr>
<td>Maximum height</td>
<td>6 feet</td>
</tr>
<tr>
<td>Maximum duration</td>
<td>Seven days after property is no longer for lease or sale</td>
</tr>
</tbody>
</table>
4) One temporary on-premises commercial sign is permitted on a medium or high density residential property that is for lease or sale, subject to the requirements in Table 325.4; except, that no temporary sign is allowed if the graphic area of a permanent monument sign, as allowed under subdivision 1(b)(2) of this section, is increased as allowed by Table 325.5.

<table>
<thead>
<tr>
<th>Table 325.4. Temporary signage per 325.06(1)(d)(4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign type: choice of one:</td>
</tr>
<tr>
<td>Freestanding</td>
</tr>
<tr>
<td>Banner attached to wall</td>
</tr>
<tr>
<td>Maximum area</td>
</tr>
<tr>
<td>Maximum height</td>
</tr>
<tr>
<td>Maximum duration</td>
</tr>
</tbody>
</table>

5) The city council may approve temporary on-premises signs on public or institutional property. The first approval for a site may allow only one use of the sign for a specified duration. Subsequent approvals for the same type of sign may allow recurring use of the sign for limited durations over a period of up to 5 years.

<table>
<thead>
<tr>
<th>Table 325.5: Residential District Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign type</td>
</tr>
<tr>
<td>Max. Area Structure</td>
</tr>
<tr>
<td>Max. Graphic Area</td>
</tr>
<tr>
<td>Max. Height</td>
</tr>
<tr>
<td>Illumination</td>
</tr>
<tr>
<td>Other</td>
</tr>
<tr>
<td>Permanent wall sign – residential use 325.06(1)(a)(1)</td>
</tr>
<tr>
<td>Permanent wall sign – educational, religious, institutional or nursing home use 325.06(1)(a)(2)</td>
</tr>
<tr>
<td>Sign type</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Permanent monument sign – low density residential use 325.06(1)(b)(1)</td>
</tr>
<tr>
<td>Permanent monument sign – medium and high density residential use 325.06(1)(b)(2)</td>
</tr>
<tr>
<td>Permanent monument sign – educational, religious, institutional or nursing home use 325.06(1)(b)(3)</td>
</tr>
<tr>
<td>Permanent monument sign – public or park use 325.06(1)(b)(4)</td>
</tr>
<tr>
<td>Permanent sign – athletic field use with structured</td>
</tr>
</tbody>
</table>
Table 325.5: Residential District Requirements

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Max. Area Sign Structure</th>
<th>Max. Graphic Area</th>
<th>Max. Height</th>
<th>Illumination</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>seating for 2000 or fewer people 325.06(1)(c)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permanent sign – athletic field use with structured seating for more than 2000 people 325.06(1)(c)</td>
<td>500 sq. ft. per sign face; 1000 sq. ft. aggregate</td>
<td>500 sq. ft. per sign face; 1000 sq. ft. aggregate</td>
<td>35</td>
<td>Internally illuminated</td>
<td></td>
</tr>
<tr>
<td>Temporary freestanding noncommercial signs – any residential use 325.06(1)(d)(1)</td>
<td>6 square feet per sign; 18 square feet aggregate per property</td>
<td>6 square feet per sign; 18 square feet aggregate per property</td>
<td>3 ft.</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

2. **Office Business District Sign Regulations.**
   Within the B-1, office business district, signs are permitted according to the following standards:
   a) Permanent monument signs: one permanent monument sign is permitted per development, provided the sign complies with the requirements of Table 325.6.
   b) Permanent wall signs: one permanent wall sign per building, either individually mounted letter type (option 1) or wall mounted type (option 2), except as provided in Table 325.6. Signs must meet the requirements in Table 325.6.

Table 325.6: Office Business District Sign Requirements

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Max. Area Sign Structure</th>
<th>Max. Graphic Area</th>
<th>Max. Height</th>
<th>Illumination</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent monument sign – adjacent ROW is less than 100 ft in width</td>
<td>72</td>
<td>36 sq. ft.</td>
<td>15 ft.</td>
<td>Internal or external</td>
<td>Limit of three items of information per copy and graphic area</td>
</tr>
<tr>
<td>Sign type</td>
<td>Max. Area Sign Structure</td>
<td>Max. Graphic Area</td>
<td>Max. Height</td>
<td>Illumination</td>
<td>Other</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>--------------------------</td>
<td>-------------------</td>
<td>-------------</td>
<td>-----------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Permanent monument sign – adjacent ROW is 100 ft. or more in width</td>
<td>100</td>
<td>50 sq. ft.</td>
<td>15 ft.</td>
<td>Internal or external</td>
<td>Limit of three items of information per copy and graphic area External light fixtures and sources must be screened from view</td>
</tr>
<tr>
<td>Permanent wall sign</td>
<td>Op. 1</td>
<td>The greater of 50 sq. ft. or 25 % of length of building where sign is located</td>
<td>24 in. copy height 36 in. logo height</td>
<td>Internal only, if mounted above first floor; internal or external if mounted on first floor; no exposed light sources or fixtures on external lights</td>
<td>Individually mounted letters only Properties with more than one street frontage may have one sign per building facing each frontage</td>
</tr>
<tr>
<td></td>
<td>Op. 2</td>
<td>30 sq. ft. aggregate</td>
<td>Internal or external; no exposed light sources or fixtures on external lights</td>
<td>Must be mounted within first floor elevation If more than one primary entrance, one sign allowed per entrance, subject to aggregate square foot limitation</td>
<td></td>
</tr>
</tbody>
</table>

3. **Limited and General Business Sign Regulations.**
   Within the B-2 and B-3 business districts, the following signs are permitted:
   a) Permanent freestanding signs. Except as provided in Table 325.9, one freestanding sign is permitted per development. Signs must meet the requirements in Table 325.7 and Table 325.9.
**Table 325.7 Freestanding Sign Size Limitations**

<table>
<thead>
<tr>
<th>Principal Structure (gross square feet)</th>
<th>pylon</th>
<th>monument</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max. height</td>
<td>Max. sign size (sq. ft.)</td>
<td>Max. height</td>
</tr>
<tr>
<td>greater than 400,000</td>
<td>30'</td>
<td>200</td>
</tr>
<tr>
<td>100,000 - 400,000</td>
<td>24'</td>
<td>100</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>18'</td>
<td>60</td>
</tr>
<tr>
<td>less than 20,000</td>
<td>15'</td>
<td>60</td>
</tr>
<tr>
<td>building with multiple screen theater</td>
<td>30'</td>
<td>200</td>
</tr>
</tbody>
</table>

**b) Permanent wall signs.**

1) Multi-tenant wall signs. One permanent wall sign is permitted per tenant space, and must be located no closer than two feet from any lease line. Signs must meet the requirements in Table 325.8 and Table 325.9.

2) Limited tenant wall signs. One permanent wall sign is permitted per exterior wall face on limited tenant buildings, subject to the limitations in Table 325.8 and Table 325.9.

**Table 325.8 Wall Sign Size Limitations**

<table>
<thead>
<tr>
<th>Principal Structure Size (Gross Sq. Ft.)</th>
<th>Individual Wall Sign Calculation</th>
<th>Total Wall Signage for Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>100,000 - 400,000 sq. ft.</td>
<td>200 sq. ft. or 10 percent of wall face, whichever is less</td>
<td>300 sq. ft.</td>
</tr>
<tr>
<td>20,000 - 100,000 sq. ft.</td>
<td>150 sq. ft. or 10 percent of wall face, whichever is less</td>
<td>240 sq. ft.</td>
</tr>
<tr>
<td>less than 20,000 sq. ft.</td>
<td>100 sq. ft. or 15 percent of wall face, whichever is less</td>
<td>150 sq. ft.</td>
</tr>
</tbody>
</table>

**Table 325.9 Limited and General Business District Sign Requirements**

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Max. Area Sign Structure</th>
<th>Max. Graphic Area</th>
<th>Max. Height</th>
<th>Illumination</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent freestanding sign</td>
<td>Hotel</td>
<td>60 sq. ft.</td>
<td>15 ft.</td>
<td>One monument sign per development,</td>
<td></td>
</tr>
<tr>
<td>Sign type</td>
<td>Max. Area Structure</td>
<td>Max. Graphic Area</td>
<td>Max. Height</td>
<td>Illumination</td>
<td>Other</td>
</tr>
<tr>
<td>------------------------------</td>
<td>---------------------</td>
<td>-------------------</td>
<td>-------------</td>
<td>--------------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Property with Drive-Thru</td>
<td>50 sq. ft.</td>
<td>N/A</td>
<td>8 ft.</td>
<td>Internal</td>
<td>Allowed in addition to sign under “Other” below Single-faced only</td>
</tr>
<tr>
<td>Other</td>
<td>Monument area cannot exceed 1.5 times allowed copy and graphic area</td>
<td>See Table 325.7</td>
<td>See Table 325.7</td>
<td>Either; no exposed light sources or fixtures on external lights</td>
<td>Signs may be single or double faced One sign per development except: For multi-tenant building or limited tenant building with more than 100,000 gross sq. ft. and with 2 or more access points, one monument sign allowed at primary access and second monument allowed at second access; height and graphic limits for second monument are 50% of those in Table 325.7</td>
</tr>
<tr>
<td>Permanent wall sign</td>
<td>Hotel</td>
<td></td>
<td>36 in. per letter</td>
<td>Internal</td>
<td>Individually mounted letter-type sign only One sign per development, except 2\textsuperscript{nd} sign on 2\textsuperscript{nd} wall allowed if neither sign is directly oriented</td>
</tr>
</tbody>
</table>
### Table 325.9 Limited and General Business District Sign Requirements

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Max. Area Sign Structure</th>
<th>Max. Graphic Area</th>
<th>Max. Height</th>
<th>Illumination</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-tenant</td>
<td>See Table 325.8</td>
<td>See Table 325.8</td>
<td>36 in.</td>
<td>Internal for individual letters</td>
<td>Individually mounted letters required unless all wall signs are incorporated into architecture of structure and of similar design. Must be installed within 26-in. high horizontal band of uniform background</td>
</tr>
<tr>
<td>Limited tenant</td>
<td>See Table 325.8</td>
<td>See Table 325.8</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**c)** Permanent on-premises sign: In addition to, or as a modification of, of the signs allowed by paragraphs (a) and (b) above, one of the following options is allowed, provided, that any property with signage allowed under this paragraph (c) is not allowed to have temporary signage under subdivision 5(3) of this section 305.06.

1) **Option 1:**
   a. the principal freestanding sign shall be architecturally designed to accommodate a leasing message within the perimeter of the monument or pylon sign;
   b. the leasing message cannot exceed that of the identification monument or pylon message;
   c. leasing message is in addition to potential monument or pylon copy and graphic area; and the maximum size of the permanent freestanding sign permitted under paragraph (a) above may be increased as provided in Table 325.10.
### Table 325.10

<table>
<thead>
<tr>
<th>Principal Structure Gross Square Footage</th>
<th>Additional Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 20,000</td>
<td>15 square feet</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>20 square feet</td>
</tr>
<tr>
<td>greater than 100,000</td>
<td>25 square feet</td>
</tr>
</tbody>
</table>

2) Option 2: in addition to the permanent freestanding sign allowed under paragraph (a) above, one additional permanent freestanding sign is allowed, provided it complies with the following standards:
   a. setback 5 feet from all property lines;
   b. 8 foot maximum height and 6 foot maximum width; and
   c. maximum size of sign permitted is determined by the gross square footage of the principal structure as provided in Table 325.11:

### Table 325.11

<table>
<thead>
<tr>
<th>Principal Structure Gross Square Footage</th>
<th>Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 20,000</td>
<td>12 square feet</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>16 square feet</td>
</tr>
<tr>
<td>greater than 100,000</td>
<td>18 square feet</td>
</tr>
</tbody>
</table>

3) Option 3: in addition to the permanent freestanding sign allowed under paragraph (a) above, a permanent wall mounted sign or banner is allowed, provided it complies with the following standards:
   a. buildings two stories or under:
      (1) one wall sign;
      (2) directly anchored to the building wall; and
      (3) maximum size of sign permitted is determined by the gross square footage of the principal structure as provided in Table 325.12:

### Table 325.12

<table>
<thead>
<tr>
<th>Principal Structure Gross Square Footage</th>
<th>Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 20,000</td>
<td>12 square feet</td>
</tr>
</tbody>
</table>
b. buildings three stories or higher:
   (1) 30 square feet maximum area;
   (2) directly anchored to the building wall; and
   (3) displayed on the building's third story or any higher story.
(4) signs up to 32 square feet in size will be permitted without time limit instead of option 2 or 3 if the standards in either a. or b. are met:
   a. business or industrial development directly abuts a street with posted speed limit of 55 m.p.h. or greater; or
   b. the principal structure is greater than four stories.
   c. If a property qualifies for a 32 square foot sign under a. or b. and also has a second frontage on a designated collector or arterial road, option 2 or 3 as found above is also permitted.

4. **Industrial Sign Regulations.**
   Within the I-1 industrial district permanent signs which comply with the following standards are permitted:
   a) Monument sign. One permanent monument sign is permitted per property. The property owner must elect from one of two options in Table 325.13, and the sign must meet the requirements for the selected option.
   b) Permanent signage per tenant space. For multi-tenant buildings that do not have a monument sign under option 2 of Table 325.13, additional permanent signage is permitted as provided in this subdivision 4(b). The signs must meet the requirements of Table 325.13. The building owner or a representative must designate a sign design for the tenant spaces. The designation will be recorded by the city and kept on record for the property. Each sign on the property must conform to the designated sign option, and all signs must be uniform in material, color, style, illumination and placement. Changes to the sign designation may be made upon request, and approved administratively if all signs located on the site are brought into conformance with the requested sign plan modification. The planning commission must review sign plan changes if nonconforming signs are created.
   c) Permanent signage for single-tenant buildings: for single tenant buildings, one or more permanent wall signs are allowed per building, subject to the requirements in Table 325.13.
   d) Permanent on-premises sign: In addition to, or as a modification of, of the signs allowed by paragraphs (a), (b) and (c) above, one of the sign options allowed in section 325.06(3)(c) is allowed in the industrial district, provided, that any

<table>
<thead>
<tr>
<th>Size Range</th>
<th>Allowed Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>20,000 - 100,000</td>
<td>16 square feet</td>
</tr>
<tr>
<td>greater than 100,000</td>
<td>18 square feet</td>
</tr>
</tbody>
</table>
property with signage allowed under this paragraph (d) is not allowed to have temporary signage under subdivision 5(3) of this section 305.06.

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Max. Area Sign Structure</th>
<th>Max. Graphic Area</th>
<th>Max. Height</th>
<th>Illumination</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent monument sign per property</td>
<td>Option 1</td>
<td>90 sq. ft.</td>
<td>60 sq. ft.</td>
<td>10 ft.</td>
<td>Allowed for properties with multi-tenant buildings only. If this option is selected, permanent per-tenant-space signs are not allowed. Option is not available in areas designated for mixed use on the comprehensive guide plan</td>
</tr>
<tr>
<td></td>
<td>Option 2</td>
<td>120 sq. ft</td>
<td>85 sq. ft.</td>
<td>10 ft.</td>
<td>Allow for properties with multi-tenant buildings only. If this option is selected, permanent per-tenant-space signs are not allowed. Option is not available in areas designated for mixed use on the comprehensive guide plan</td>
</tr>
<tr>
<td>Multi-tenant buildings: signs per tenant space:</td>
<td>Option A: monument or pylon</td>
<td>9 sq. ft.</td>
<td>6 ft.</td>
<td></td>
<td>One at each tenant’s primary building entrance Maximum width of 5 feet Single faced Positioned parallel to parking lot sidewalk or perpendicular to tenant walkway</td>
</tr>
<tr>
<td></td>
<td>Option B: wall sign</td>
<td>12 ft.</td>
<td>4 ft.</td>
<td></td>
<td>One at each tenant’s primary building entrance Max. distance of 8 ft from ground to top edge of sign</td>
</tr>
<tr>
<td></td>
<td>Option C: Individually mounted letters</td>
<td>18 in.</td>
<td></td>
<td></td>
<td>One at each tenant’s primary entrance No more than 2 ft from tenant’s exterior lease lines</td>
</tr>
</tbody>
</table>
Table 325.13 Industrial District Sign Requirements

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Max. Area Sign Structure</th>
<th>Max. Graphic Area</th>
<th>Max. Height</th>
<th>Illumination</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Must be installed within 18-in. high horizontal band of uniform background</td>
</tr>
<tr>
<td>Single-tenant buildings:</td>
<td>Wall-mounted individual letters</td>
<td>5% of building face on which sign is located or 150 sq. ft., whichever is less</td>
<td>One per building</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5. Business and Industrial Temporary Sign Regulations.

Within business and industrial districts, temporary on-premises commercial signs are permitted as follows:

a) Banners not to exceed 30 square feet according to the following:
   1) maximum 30 day display period to coincide with the grand opening of a business;
   2) a business may display a banner on two occasions per calendar year with a maximum 10 day display period for each occasion;

b) Search lights or inflatable advertising devices are permitted as follows: one for each development, a maximum of two occasions per calendar year with each occasion not to exceed three days; and

c) Stringers, and pennants are not permitted.

d) Temporary on-premises commercial signage is permitted on vacant properties where new construction activity is taking place, provided the signs comply with the requirements in Table 325.14.

Table 325.14 Temporary Signs During Construction

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Pylon</th>
</tr>
</thead>
<tbody>
<tr>
<td>Numerical limit</td>
<td>One per development project number, according to the records of the community development department; One additional sign if the property is over 3 acres in size with frontage on 2</td>
</tr>
</tbody>
</table>

A75 Sign Ordinance Phase 1
Table 325.14 Temporary Signs During Construction

<table>
<thead>
<tr>
<th>Sign type</th>
<th>or more designated collector or arterial streets</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum sign area</strong></td>
<td>32 square feet</td>
</tr>
<tr>
<td><strong>Maximum height</strong></td>
<td>12 feet</td>
</tr>
<tr>
<td><strong>Maximum duration</strong></td>
<td>7 days after issuance of certificate of occupancy for building</td>
</tr>
</tbody>
</table>

**e)** Temporary on-premises commercial signage is permitted on improved properties that are for lease or sale, provided the signs comply with the requirements in Table 325.15.

Table 325.15 Temporary Signs on Properties for Lease or Sale

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Freestanding or wall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Numerical limit</td>
<td>One per property</td>
</tr>
<tr>
<td></td>
<td>One additional sign if the property is over 3 acres in size with frontage on 2 or more designated collector or arterial streets</td>
</tr>
<tr>
<td><strong>Maximum sign area</strong></td>
<td>32 square feet</td>
</tr>
<tr>
<td><strong>Maximum height</strong></td>
<td>12 feet</td>
</tr>
<tr>
<td><strong>Maximum duration</strong></td>
<td></td>
</tr>
</tbody>
</table>

6. **Planned Unit Development Districts**

Permanent and temporary signs in planned unit development districts are regulated according to the standards for the corresponding land use and zoning category as stated in this chapter 3. A sign plan with differing requirements may be approved by the city. Factors that will be used in determining if an individual P.U.D./P.I.D. sign plan will be considered include the following:

a) The development includes a high rise (greater than 3 story) structure;

b) the development includes multiple structures and/or substantial site area;

c) the development includes mixed uses;

d) a sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high quality signage; and
e) the sign plan includes permanent sign covenants which can be enforced by the city.
# Sign Examples

<table>
<thead>
<tr>
<th>Existing Ordinance Sign Examples</th>
<th>Proposed Ordinance Sign Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Temporary Real Estate Sign</strong></td>
<td>Temporary On-Premise Sign</td>
</tr>
<tr>
<td><img src="image1" alt="Temporary Real Estate Sign" /></td>
<td><img src="image2" alt="Temporary On-Premise Sign" /></td>
</tr>
<tr>
<td><strong>Portable Sign</strong></td>
<td>Temporary On- or Off-Premise Sign</td>
</tr>
<tr>
<td><img src="image3" alt="Portable Sign" /></td>
<td><img src="image4" alt="Portable Sign" /></td>
</tr>
<tr>
<td><strong>Leasing Sign</strong></td>
<td>Temporary On-Premise Sign</td>
</tr>
<tr>
<td><img src="image5" alt="Leasing Sign" /></td>
<td><img src="image6" alt="Leasing Sign" /></td>
</tr>
<tr>
<td><strong>Directional Sign</strong></td>
<td>Permanent Freestanding Parking Lot Sign</td>
</tr>
<tr>
<td><img src="image7" alt="Directional Sign" /></td>
<td><img src="image8" alt="Directional Sign" /></td>
</tr>
<tr>
<td><strong>Grand Opening Sign</strong></td>
<td>Temporary On-Premise Sign</td>
</tr>
<tr>
<td><img src="image9" alt="Grand Opening Sign" /></td>
<td><img src="image10" alt="Grand Opening Sign" /></td>
</tr>
<tr>
<td>Monument Sign</td>
<td>Pylon Sign</td>
</tr>
<tr>
<td>---------------</td>
<td>------------</td>
</tr>
<tr>
<td><img src="image1" alt="Monument Sign Diagram" /></td>
<td><img src="image2" alt="Pylon Sign Diagram" /></td>
</tr>
</tbody>
</table>
### 1. **Purpose and Findings.**

The purpose and findings of the sign ordinance are as follows:

a) **Purpose:** the sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs which meet the city's goals by authorizing:

   1) permanent signs which establish a high standard of aesthetics;
   2) signs which are compatible with their surroundings;
   3) signs which are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
   4) signs which are large enough to convey the intended message and to help citizens find their way to intended destinations;
   5) signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
   6) permanent signs which give preference to the on-premise owner or occupant; and
   7) temporary commercial signs and advertising displays which provide an opportunity for grand openings and occasional sales events while restricting signs which create continuous visual clutter and hazards at public right-of-way intersections.

b) **Findings:** the city of Minnetonka finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further, the city finds:

   1) permanent and temporary signs have a direct impact on and relationship to the image of the community;
   2) the manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community;
   3) an opportunity for viable identification of community businesses and institutions must be established;

---

**DISPOSITION TABLE**

<table>
<thead>
<tr>
<th>Section title or Subsection – original language</th>
<th>Notes on disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>SECTION 300.30. SIGN ORDINANCE.</td>
<td>Renumbered as Section 325</td>
</tr>
<tr>
<td>1. <strong>Purpose and Findings.</strong></td>
<td>Renumbered as Section 325.01</td>
</tr>
<tr>
<td>The purpose and findings of the sign ordinance are as follows:</td>
<td>Added severability clause</td>
</tr>
<tr>
<td>a) <strong>Purpose:</strong> the sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs which meet the city's goals by authorizing:</td>
<td></td>
</tr>
<tr>
<td>1) permanent signs which establish a high standard of aesthetics;</td>
<td></td>
</tr>
<tr>
<td>2) signs which are compatible with their surroundings;</td>
<td></td>
</tr>
<tr>
<td>3) signs which are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;</td>
<td></td>
</tr>
<tr>
<td>4) signs which are large enough to convey the intended message and to help citizens find their way to intended destinations;</td>
<td></td>
</tr>
<tr>
<td>5) signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;</td>
<td></td>
</tr>
<tr>
<td>6) permanent signs which give preference to the on-premise owner or occupant; and</td>
<td></td>
</tr>
<tr>
<td>7) temporary commercial signs and advertising displays which provide an opportunity for grand openings and occasional sales events while restricting signs which create continuous visual clutter and hazards at public right-of-way intersections.</td>
<td></td>
</tr>
<tr>
<td>b) <strong>Findings:</strong> the city of Minnetonka finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further, the city finds:</td>
<td></td>
</tr>
<tr>
<td>1) permanent and temporary signs have a direct impact on and relationship to the image of the community;</td>
<td></td>
</tr>
<tr>
<td>2) the manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community;</td>
<td></td>
</tr>
<tr>
<td>3) an opportunity for viable identification of community businesses and institutions must be established;</td>
<td></td>
</tr>
<tr>
<td>Section title or Subsection – original language</td>
<td>Notes on disposition</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>4) the safety of motorists, cyclists, pedestrians and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;</td>
<td></td>
</tr>
<tr>
<td>5) installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;</td>
<td></td>
</tr>
<tr>
<td>6) uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;</td>
<td></td>
</tr>
<tr>
<td>7) uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;</td>
<td></td>
</tr>
<tr>
<td>8) commercial signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and</td>
<td></td>
</tr>
<tr>
<td>9) the right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.</td>
<td></td>
</tr>
</tbody>
</table>

2. Definitions.

1. “Building length” - the longest straight line parallel to adjacent public right-of-way from end wall to end wall of a building. (Figure 30-1)

Figure 30-1

2. “Canopy or awning sign” – a sign constructed of flexible translucent or fabric type material which incorporates a written message or logo on the exterior. (Figure 30-2)

Figure 30-2

3. “Commercial sign” - any sign which advertises or identifies a product, business, service, entertainment/event, or any other matter of a commercial nature, even though the matter may be related to a nonprofit organization.

4. “Construction sign” - any sign which displays information regarding the construction or development of the site on which it is displayed.

5. “Copy and graphic” - the wording and other display messages such as logos or symbols on a sign. (Figure 30-3)

Figure 30-3

Renumbered as section 325.02

Does not appear in code

Does not appear in code

Revised so that code allows signs while construction is occurring but does not specify content of signs.
<table>
<thead>
<tr>
<th>Section title or Subsection – original language</th>
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</tr>
</thead>
<tbody>
<tr>
<td>6. “Copy and graphic area” - the area in square feet of the smallest four-sided figure which encloses the copy and graphic of a sign. (Figure 30-4) <strong>Figure 30-4</strong></td>
<td>Revised code to allow signs in and near parking areas. See 325.05(3)(d)</td>
</tr>
<tr>
<td>7. “Directional sign” - a sign which serves primarily to direct traffic to the location of a place, area or activity. (Figure 30-5) <strong>Figure 30-5</strong></td>
<td>Content based</td>
</tr>
<tr>
<td>8. “Dynamic display” - any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, &quot;digital ink&quot; or any other method or technology that allows the sign face to present a series of images or displays.</td>
<td>Content based</td>
</tr>
<tr>
<td>9. “Freestanding sign” - a sign which is self-supporting and affixed to a frame structure not attached to a building. <strong>10. “Grand opening” — commencement of operation of a new business. For purposes of the ordinance, a grand opening is considered to occur if there is a business name change or change in type of business or activity.</strong></td>
<td></td>
</tr>
<tr>
<td>11. “Identification sign” - a sign which is limited to no more than the name and identifying symbol of a development, institution or person on the premises where the sign is located.</td>
<td></td>
</tr>
<tr>
<td>12. “Illumination, internal” - a light source within the sign.</td>
<td></td>
</tr>
<tr>
<td>13. “Illumination, external” - a light source which is not internal to the sign.</td>
<td></td>
</tr>
<tr>
<td>14. “Items of information” - individual copy and graphic items situated in a manner which presents separate messages. An item of information can only be a name, an address, a logo, or geographic directions.</td>
<td></td>
</tr>
<tr>
<td>15. “Limited tenant building” - a commercial retail establishment or a group of commercial retail establishments with the designed occupancy of three or less tenants. It must have shared parking and a visual appearance as a contiguous structure which may or may not be planned, constructed or</td>
<td></td>
</tr>
<tr>
<td>Section title or Subsection – original language</td>
<td>Notes on disposition</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>managed as a total entity. This includes single tenant retail structures.</td>
<td>Content-based</td>
</tr>
<tr>
<td>16. “Logo” – an identifying graphic which may or may not be a registered trademark.</td>
<td></td>
</tr>
<tr>
<td>17. “Merchandise box” – a sign which is affixed on or located adjacent to a gas pump and used to advertise services and goods.</td>
<td></td>
</tr>
<tr>
<td>18. “Monument sign” – a sign not supported by exposed posts or poles which is architecturally designed and located directly at grade where the base width dimension is 50% or more of the greatest width of the sign. (Figure 30-6)</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 30-6</strong></td>
<td></td>
</tr>
<tr>
<td>19. “Multi-tenant center” – a group of commercial retail establishments with a designed occupancy of four or more tenants with shared parking and visual appearance as a contiguous structure which may or may not be planned, constructed or managed as a total entity.</td>
<td></td>
</tr>
<tr>
<td>20. “Non-commercial opinion sign” - any sign which that is not a commercial sign, including but not limited to signs that convey messages concerning political, religious, social, ideological, public service and informational topics which expresses an opinion and which is deemed by the courts to have greater protection under the first amendment than a commercial sign.</td>
<td></td>
</tr>
<tr>
<td>21. “On-premise sign” - a sign identifying a business, person, activity, goods, products or services located on the site where the sign is installed.</td>
<td></td>
</tr>
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<td>22. “Outdoor advertising sign” – any sign relating in its subject matter to, or that directs attention to, that is located outdoors and that advertises a product, business, person, activity, commodity, service, entertainment, or any other matter that is not available, or does not take place, on the same premises as the sign. An outdoor advertising sign does not include a sign that is not understandable or readable by the naked eye of an ordinary person with 20/20 vision from property other than where the sign is located, such as from adjacent property or a public street.</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 30-7</strong></td>
<td></td>
</tr>
<tr>
<td>24. “Permanent sign” - any sign other than a temporary sign.</td>
<td></td>
</tr>
<tr>
<td>25. “Portable sign” - a sign with or without copy and graphic that is designed or intended to be moved or transported. Examples of portable signs are: (Figure 30-7)</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**
- “Outdoor advertising” is now used only for billboards. “Off-premise” covers other signs, such as garage sales, open house, etc.
- Incorporated into definition of “sign”
- E.g., billboards

---

**Table:**

<table>
<thead>
<tr>
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</tr>
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<td><strong>Figure 30-6</strong></td>
<td></td>
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</tr>
<tr>
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<td>21. “On-premise sign” - a sign identifying a business, person, activity, goods, products or services located on the site where the sign is installed.</td>
<td></td>
</tr>
<tr>
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<td></td>
</tr>
<tr>
<td><strong>Figure 30-7</strong></td>
<td></td>
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</table>

**Notes:**
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- Incorporated into definition of “sign”
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>• A - or T - frame signs;</td>
<td>Added to address traffic control devices</td>
</tr>
<tr>
<td>• sandwich signs;</td>
<td>Revised to allow signs while property is for sale or lease</td>
</tr>
<tr>
<td>• signs designed to be transported by trailer or on wheels;</td>
<td>Term not used in ordinance</td>
</tr>
<tr>
<td>• mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right-of-way, except signs identifying a business when the vehicle is being used in the normal day-to-day operation of that business;</td>
<td>Regulated as pylon sign in residential district</td>
</tr>
<tr>
<td>• a sign may be a portable sign even if it has wheels removed, was designed without wheels, or is attached temporarily or permanently to the ground, a structure, or other sign.</td>
<td>Painted wall signs excluded from definition, rather than exempted from prohibited signs</td>
</tr>
<tr>
<td>1. “Private road open to public travel” has the meaning given that term under the Manual of Uniform Traffic Control Devices.</td>
<td>New exemption for noncommercial flags – old flag regulations were content-based</td>
</tr>
<tr>
<td>25. “Pylon sign” - a sign supported by a post or posts so that the sign and supports are finished to grade by encasing the posts in a material consistent with the sign and where the base width dimension is a minimum of 10% up to and including 50% of the greatest width of the sign. (Figure 30-8)</td>
<td>Signs not visible are not regulated</td>
</tr>
<tr>
<td>Figure 30-8</td>
<td></td>
</tr>
<tr>
<td>26. “Real estate sign” - any sign pertaining to the sale, lease or rental of land or buildings.</td>
<td></td>
</tr>
<tr>
<td>27. “Regulation baseball field” - a field to accommodate high school through adult competitive play. Field dimensions must include 90-foot base paths and minimum outfield distances of 310 feet. Fields must be designed for competitive play and include spectator seating for a minimum capacity of 400. One principal field at each high school may be a regulation baseball field without regard to minimum spectator seating.</td>
<td></td>
</tr>
<tr>
<td>28. “Scoreboard” - a sign associated with an athletic field that includes information pertinent to an on-site game or activity and also includes any sponsor or identification panels.</td>
<td></td>
</tr>
<tr>
<td>29. “Sign” - any writing, pictorial presentation, number, illustration or decoration, flag, banner or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term “sign” shall not be deemed to include: the terms “building” or “landscaping”, or any architectural embellishment of a building not intended to communicate information; works of art that do not convey commercial messages and that are painted on a building wall; flags that do not convey commercial messages; or any device that is not visible from an adjacent street, property line or building on adjacent property.</td>
<td></td>
</tr>
<tr>
<td>Section title or Subsection – original language</td>
<td>Notes on disposition</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td><strong>30. “Temporary business sign”</strong>—a temporary sign which is used by a business to display commercial messages pertaining to on site services and goods or any non-commercial message.</td>
<td>Not needed – temporary on-premise commercial sign</td>
</tr>
<tr>
<td><strong>31. “Temporary sign”</strong>—a sign which is designed or intended to be displayed for a short period of time and is not permanently installed. This includes items such as banners, pennants, flags of other than a political jurisdiction, beacons, sandwich or curb signs, balloons or other air or gas filled figures. (Figure 30-9)</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 30-9</strong></td>
<td></td>
</tr>
<tr>
<td><strong>32. “Unified development”</strong>—a development of three or more principal structures with common characteristics as determined by the city. Common characteristics may include shared access, similar architecture, single ownership or history of site plan review approval.</td>
<td>Added as construction requirement in 325.05(11)</td>
</tr>
<tr>
<td><strong>33. “Wall sign”</strong>—a single faced sign attached to or erected against an exterior wall of a building with the face in a parallel plane to the plane of the building wall and which does not project more than 18 inches.</td>
<td></td>
</tr>
</tbody>
</table>

### 3. Residential Sign Regulations.

a) Within residential zoning districts, permanent signs are permitted as follows:

1) Identification signs: for each single family or two family dwelling, one identification sign not to exceed 2 square feet in area and located on the lot to which the sign pertains;

2) Low density residential identification signs: for each single family subdivision containing at least 6 lots and each two family subdivision containing a potential for at least 12 dwellings, identification signs are permitted which comply with the following standards:
   a. one monument style sign;
   b. 30 square foot maximum copy and graphic area per entrance;
   c. 75 square foot maximum total monument area per entrance;
   d. 6-foot maximum height;
   e. located at primary entrances to subdivision;
   f. a second sign may be located at the primary entrance as long as total copy and graphic area of the two signs does not exceed 30 square feet;
   g. single or double faced. If double faced, the sign faces shall be parallel;
   h. external illumination;

Renumbered as subsection 325.06(1) District Regulations

Street address signs required;
Small wall sign allowed (e.g., might be name)

Section organized around sign types rather than content: wall, monument, pylon, etc.

Most sign requirements moved into tables
<table>
<thead>
<tr>
<th>Section title or Subsection – original language</th>
<th>Notes on disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. located within a dedicated permanent sign easement and not within public right-of-way; and</td>
<td></td>
</tr>
<tr>
<td>j. a neighborhood or homeowner's association shall be responsible for perpetual maintenance of the sign.</td>
<td></td>
</tr>
<tr>
<td>3) Medium and high density residential identification signs: for each medium or high density residential development, identification signs which comply with the following standards are permitted:</td>
<td></td>
</tr>
<tr>
<td>a. one monument style sign;</td>
<td></td>
</tr>
<tr>
<td>b. 36 square foot maximum copy and graphic area per entrance;</td>
<td></td>
</tr>
<tr>
<td>c. 100 square foot maximum total monument area per entrance;</td>
<td></td>
</tr>
<tr>
<td>d. 8-foot maximum sign height;</td>
<td></td>
</tr>
<tr>
<td>e. located at primary entrances to development;</td>
<td></td>
</tr>
<tr>
<td>f. a second sign may be located at the primary entrance as long as total copy and graphic area of the two signs does not exceed 36 square feet;</td>
<td></td>
</tr>
<tr>
<td>g. single or double faced. If double faced, the sign faces shall be parallel;</td>
<td></td>
</tr>
<tr>
<td>h. external illumination when the sign is located adjacent to, or across a public right-of-way from, low density residential parcels; and</td>
<td></td>
</tr>
<tr>
<td>i. if the sign is to be located in a development which includes individual ownership parcels, the sign shall be located on a parcel held in common ownership and shall be perpetually maintained by a homeowner's association or responsible property owners.</td>
<td></td>
</tr>
<tr>
<td>4) Conditionally permitted uses in residential districts: for the following conditionally permitted uses within a residential district, permanent signs which comply with the following standards are permitted. If the use is not specifically listed below it is regulated within the above paragraphs of this subdivision.</td>
<td></td>
</tr>
<tr>
<td>a. Educational, religious and public institution signs: for each educational, religious, public or private institution, and nursing home property, signs are permitted which comply with the following standards:</td>
<td></td>
</tr>
<tr>
<td>1. monument signs:</td>
<td></td>
</tr>
<tr>
<td>a) one sign not to exceed 30 square feet maximum copy and graphic area;</td>
<td></td>
</tr>
<tr>
<td>b) 75 square feet maximum monument area;</td>
<td></td>
</tr>
<tr>
<td>c) 8-foot maximum height;</td>
<td></td>
</tr>
<tr>
<td>d) single or double faced; and</td>
<td></td>
</tr>
</tbody>
</table>
e) internal or external illumination and the light source shall not be exposed.

2. wall mounted signs:
   a) individually mounted letters not to exceed 24 inches in height;
   b) one sign, area not to exceed 50 square feet or 10 percent of the area of the building wall on which the sign is located, whichever is less; and
   c) illumination shall be external.

3. scoreboard signs for athletic fields as regulated under section 300.30, subdivision 3(a)(4)b2.

b. Public and private parks: for each public or private park property, signs are permitted according to the following standards:

1. monument signs:
   a) one sign not to exceed 32 square feet;
   b) 8-foot maximum height;
   c) single or double faced;
   d) product or service advertising is prohibited except readerboards may display public service announcements only;
   e) internal or external illumination and the light source shall not be exposed; and
   f) illumination shall be allowed between 6 a.m. to 10 p.m. only.

2. scoreboards:
    one scoreboard per playing field is allowed if it does not exceed 410 square feet in size, except that a playing field with structured seating capacity for greater than 2000 people may have one or more scoreboards and the total area of the scoreboard or scoreboards cannot exceed 1000 square feet in size; and

3. athletic field fence panels:
    a) athletic field fence panels which contain outdoor advertising signs as defined in this ordinance are prohibited; and
    b) an advertising fence panel which directly faces the infield and was legally established prior to the effective date of this ordinance is considered a legal nonconforming use which may not be altered, enlarged or replaced by another nonconforming sign except the message may be changed.

b) Within residential zoning districts, temporary signs are permitted as follows.

1) Within all residential zoning districts, construction signs which comply with the following are permitted:

<table>
<thead>
<tr>
<th>Section title or Subsection – original language</th>
<th>Notes on disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>e) internal or external illumination and the light source shall not be exposed.</td>
<td>Scoreboards are pylons</td>
</tr>
<tr>
<td>2. wall mounted signs:</td>
<td></td>
</tr>
<tr>
<td>a) individually mounted letters not to exceed 24 inches in height;</td>
<td></td>
</tr>
<tr>
<td>b) one sign, area not to exceed 50 square feet or 10 percent of the area of the building wall on which the sign is located, whichever is less; and</td>
<td></td>
</tr>
<tr>
<td>c) illumination shall be external.</td>
<td></td>
</tr>
<tr>
<td>3. scoreboard signs for athletic fields as regulated under section 300.30, subdivision 3(a)(4)b2.</td>
<td></td>
</tr>
<tr>
<td>b. Public and private parks: for each public or private park property, signs are permitted according to the following standards:</td>
<td></td>
</tr>
<tr>
<td>1. monument signs:</td>
<td></td>
</tr>
<tr>
<td>a) one sign not to exceed 32 square feet;</td>
<td></td>
</tr>
<tr>
<td>b) 8-foot maximum height;</td>
<td></td>
</tr>
<tr>
<td>c) single or double faced;</td>
<td></td>
</tr>
<tr>
<td>d) product or service advertising is prohibited except readerboards may display public service announcements only;</td>
<td></td>
</tr>
<tr>
<td>e) internal or external illumination and the light source shall not be exposed; and</td>
<td></td>
</tr>
<tr>
<td>f) illumination shall be allowed between 6 a.m. to 10 p.m. only.</td>
<td></td>
</tr>
<tr>
<td>2. scoreboards:</td>
<td></td>
</tr>
<tr>
<td>one scoreboard per playing field is allowed if it does not exceed 410 square feet in size, except that a playing field with structured seating capacity for greater than 2000 people may have one or more scoreboards and the total area of the scoreboard or scoreboards cannot exceed 1000 square feet in size; and</td>
<td></td>
</tr>
<tr>
<td>3. athletic field fence panels:</td>
<td></td>
</tr>
<tr>
<td>a) athletic field fence panels which contain outdoor advertising signs as defined in this ordinance are prohibited; and</td>
<td></td>
</tr>
<tr>
<td>b) an advertising fence panel which directly faces the infield and was legally established prior to the effective date of this ordinance is considered a legal nonconforming use which may not be altered, enlarged or replaced by another nonconforming sign except the message may be changed.</td>
<td></td>
</tr>
<tr>
<td>b) Within residential zoning districts, temporary signs are permitted as follows.</td>
<td></td>
</tr>
<tr>
<td>1) Within all residential zoning districts, construction signs which comply with the following are permitted:</td>
<td></td>
</tr>
<tr>
<td>Section title or Subsection – original language</td>
<td>Notes on disposition</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>a. the development must be within a medium or high density zoning district or low density zoning with a minimum of four lots; b. 32 square feet maximum sign area; c. 12-foot maximum sign height for signs not exceeding 4 feet in width, otherwise 8 foot maximum height; (Figure 30-11)</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 30-11</strong></td>
<td></td>
</tr>
<tr>
<td>d. one sign located on the property with which the sign is associated; e. for medium and high density residential developments, the sign shall be removed within 18 months after issuance of a building permit, or 7 days after issuance of a certificate of occupancy (for multi-phased developments, issuance of a certificate of occupancy for the last building) whichever is sooner; and f. for low density residential subdivisions, the sign shall be removed after building permits are issued for 90 percent of the lots.</td>
<td></td>
</tr>
<tr>
<td>2) Within low and medium density residential zoning districts, temporary real estate signs which comply with the following standards are permitted: a. 6 square foot maximum area; (Figure 30-12)</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 30-12</strong></td>
<td></td>
</tr>
<tr>
<td>b. 6 foot maximum height; c. one sign per property; d. located on-premise; and e. shall be removed within 7 days after the execution of a rental or lease agreement or the closing of a sale.</td>
<td></td>
</tr>
<tr>
<td>3) Within medium and high density residential zoning districts, leasing signs which meet the following standards are permitted. a. Leasing signs: signs indicating the rental or lease of medium and high density residential developments which comply with the following standards are permitted: 1. one sign located on the site which the sign is advertising; 2. display period shall end 12 months after the issuance of a certificate of occupancy (for multi-phased developments where construction is continuous, issuance of a certificate of occupancy for the last building); 3. for freestanding signs, the following standards apply: a) 32 square foot maximum area; and</td>
<td></td>
</tr>
</tbody>
</table>
### Section title or Subsection – original language

<table>
<thead>
<tr>
<th>Notes on disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>b)</strong> 12-foot maximum height for signs not exceeding 4 feet in width, otherwise 8 foot maximum height. (Figure 30-13) <strong>Figure 30-13</strong></td>
</tr>
</tbody>
</table>

4. for banner signs, the following standards apply:
   a) 60 square foot maximum area; and
   b) shall be affixed to a building wall. (Figure 30-14) **Figure 30-14**

b. Leasing sign without time limit: In addition to the above, a leasing message may be displayed without time limitation if incorporated into a permanent monument sign according to the following standards:
   1. the monument sign shall be architecturally designed to accommodate a leasing message within the perimeter of the monument;
   2. leasing message area may be up to an additional 25 percent of the potential copy and graphic area of the monument identification sign; and
   3. the leasing message cannot exceed the area covered by the identification monument message. (Figure 30-15) **Figure 30-15**

4) The city council may approve temporary signs on public or institutional property for special events. The first approval for a site may allow only one use of the sign for a specified duration. Subsequent approvals for the same type of sign may allow recurring use of the sign for limited durations over a period of up to 5 years.

### 4. Office Sign Regulations.

Within the B-1, office business district, permanent signs are permitted according to the following standards:

a) Monument identification signs:
   1) one sign per development;
   2) maximum copy and graphic area as follows:
      - width of adjacent right-of-way
      - less than 100 feet: 36 square feet
      - 100 feet or greater: 50 square feet
   3) maximum monument area is two times the potential copy and graphic area;
   4) copy and graphic display limited to three items of information; (Figure 30-16) **Figure 30-16**

<table>
<thead>
<tr>
<th>Renumbered as a section under 325.06(2) District Regulations Standards moved into tables</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section title or Subsection – original language</td>
</tr>
<tr>
<td>------------------------------------------------</td>
</tr>
<tr>
<td>5) 15 foot maximum height; and</td>
</tr>
<tr>
<td>6) signs which are not internally illuminated shall have light fixtures and sources screened from view.</td>
</tr>
<tr>
<td>b) Wall mounted signs: one wall mounted sign either individually mounted letter type (option 1) or wall mounted tenant identification type (option 2) but not both per building unless otherwise specified in this section is permitted. The sign must comply with the following standards.</td>
</tr>
<tr>
<td>1) Option 1: individually mounted letter type signs which comply with the following standards are permitted:</td>
</tr>
<tr>
<td>a. 24 inches maximum copy and graphic height except for logo which may be 36 inches in height and width;</td>
</tr>
<tr>
<td>b. copy and graphic area shall not exceed 50 square feet or 25 percent of the length of the building where the sign is located, whichever is greater; (Figure 30-17)</td>
</tr>
<tr>
<td>c. properties with more than one right-of-way frontage are permitted one sign facing each frontage; and</td>
</tr>
<tr>
<td>d. illumination shall comply with the following standards:</td>
</tr>
<tr>
<td>1. if sign is mounted above the first floor, illumination, if any, shall be internal; and</td>
</tr>
<tr>
<td>2. signs with external illumination shall have no exposed light sources or fixtures.</td>
</tr>
<tr>
<td>2) Option 2: wall mounted tenant identification type signs which comply with the following standards are permitted:</td>
</tr>
<tr>
<td>a. 30 square feet maximum sign area. For buildings with more than one primary entrance, one sign may be located at each entrance provided that total area does not exceed 30 square feet;</td>
</tr>
<tr>
<td>b. signs shall be mounted within the first floor elevation; (Figure 30-18) and</td>
</tr>
<tr>
<td>c. signs with external illumination shall have no exposed light sources or fixtures.</td>
</tr>
<tr>
<td>5. Limited and General Business Sign Regulations. Within the B-2 and B-3 business districts except for hotels, permanent signs which comply with the following standards are permitted:</td>
</tr>
<tr>
<td>a) Freestanding signs.</td>
</tr>
<tr>
<td>1) Size of sign permitted is determined by the gross square footage of the principal structure located in the development.</td>
</tr>
</tbody>
</table>
2) One sign per development unless a multi-tenant building or limited tenant building is 100,000 gross square feet or more and has two or more primary access points. A second monument at a secondary access point is permitted if the primary freestanding sign is of monument style. The second monument sign shall include a shopping center identification message only and shall not exceed 50 percent of the copy and graphic area and height requirement of the permitted principal sign.

3) The following table lists the maximum size and heights for permitted freestanding signs for all B-2 and B-3 zoned businesses:

<table>
<thead>
<tr>
<th>principal structure (gross square feet)</th>
<th>pylon</th>
<th>monument</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>height</td>
<td>sign size (sq. ft.)</td>
</tr>
<tr>
<td>greater than 400,000</td>
<td>30'</td>
<td>200</td>
</tr>
<tr>
<td>100,000 - 400,000</td>
<td>24'</td>
<td>100</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>18'</td>
<td>80</td>
</tr>
<tr>
<td>less than 20,000</td>
<td>15'</td>
<td>60</td>
</tr>
<tr>
<td>building with multiple screen theater</td>
<td>30'</td>
<td>200</td>
</tr>
</tbody>
</table>

4) Monument area shall not exceed 1.5 times the permitted copy and graphic area.

5) Multi-tenant buildings shall display the name of the shopping center only. Limited tenant businesses may display one tenant identification and corresponding logo per tenant. Buildings with multiple screen theaters may display movie titles and ratings. No product or service advertising is permitted.

6) Signs may be single or double faced.

7) Signs which are not internally illuminated shall have light fixtures and sources screened from views.

b) Wall mounted signs.

1) Multi-tenant wall signs.
<table>
<thead>
<tr>
<th>Section title or Subsection – original language</th>
<th>Notes on disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Each tenant is permitted tenant identification and one logo which shall not include product advertising except as part of the tenants trade name or logo.</td>
<td></td>
</tr>
<tr>
<td>b. Tenant identification shall be individually mounted and internally illuminated letters. Wall signs not containing individually mounted letters may be approved by the city if all signs are of a similar design and incorporated into the architecture of the principal structure. (Figure 30-19)</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 30-19</strong></td>
<td></td>
</tr>
<tr>
<td>c. Each tenant is permitted one logo which shall not exceed 36 inches high by 36 inches wide. (Figure 30-20)</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 30-20</strong></td>
<td></td>
</tr>
<tr>
<td>d. The vertical dimension of the tenant identification shall not exceed 26 inches in height. Heights may be revised based on unique circumstances, such as extraordinary distance from right-of-way or unusual building configuration, when determined by the planning commission that signs would not be readable from adjacent public right-of-way according to commonly accepted industry standards.</td>
<td></td>
</tr>
<tr>
<td>e. Each tenant sign shall be installed within a 26-inch high designated horizontal band. The band shall be of uniform background consisting of building surface, facade, or treatment. The sign band and letter height may be modified upon approval of the planning commission to allow for architectural integration of the tenant sign. Consideration will be given to the proportional relationship of the sign width and height to the scale of the building.</td>
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</tr>
<tr>
<td>f. Each tenant sign shall not extend closer than two feet from the tenants lease line.</td>
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</tr>
<tr>
<td>g. All letters in a tenant identification shall be of uniform colors, not to exceed two, except for logos which may be multicolored. A multicolored logo must comply with the restrictions in paragraph c. above.</td>
<td></td>
</tr>
<tr>
<td>h. The planning commission may recognize separate sign plans for multi-tenant buildings which will supersede the ordinance. The sign plans which have been approved by the planning commission will have the effect of a sign ordinance for the specific property.</td>
<td></td>
</tr>
<tr>
<td>2) Limited tenant wall signs.</td>
<td></td>
</tr>
<tr>
<td>a. Size of signage is determined by gross square footage of principal structure on property.</td>
<td></td>
</tr>
<tr>
<td>b. The following table indicates maximum signage permitted for limited tenant buildings:</td>
<td></td>
</tr>
<tr>
<td>Principal Structure Size (Gross Sq. Ft.)</td>
<td>Individual Wall Sign Calculation</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>100,000 - 400,000 sq. ft.</td>
<td>200 sq. ft. or 10 percent of wall face, whichever is less</td>
</tr>
<tr>
<td>20,000 - 100,000 sq. ft.</td>
<td>150 sq. ft. or 10 percent of wall face, whichever is less</td>
</tr>
<tr>
<td>less than 20,000 sq. ft.</td>
<td>100 sq. ft. or 15 percent of wall face, whichever is less</td>
</tr>
</tbody>
</table>

- Wall signs shall not include product advertising. Wall signs shall include tenant identification, tenant logo, shopping center name, shopping center logo, or any combination of the four.
- Hotel Signs. Because of the need for high visibility and the variety in size and shape of hotel structures, variances will be considered but not necessarily granted.
  1) Freestanding signs:
    a. one monument sign, except that a second monument sign may be allowed if the property has frontage and access on two arterial streets;
    b. 15 foot maximum monument height; and
    c. 60 square feet maximum copy and graphic area.
  2) Wall signs:
    a. individually mounted and internally illuminated letters;
    b. one wall sign except that a second wall sign on a second wall may be permitted if the signs are not directly oriented toward a low density residential area; and
    c. maximum letter height up to 36 inches. Variances may be considered for letter height based on proportional relationship to the mass and height of building.

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6. Industrial Sign Regulations.
Within the I-1 industrial district permanent signs which comply with the following standards are permitted:

- **Monument identification sign.** Any single or multi-tenant building within an industrial zone is permitted one of the following freestanding identification signs that must comply with the listed standards.
  1) Building identification sign:
     a. one monument style sign;
     b. 60 square feet maximum copy and graphic area;

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<table>
<thead>
<tr>
<th>Notes on disposition</th>
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</thead>
<tbody>
<tr>
<td>Not addressed</td>
</tr>
</tbody>
</table>

- Renumbered as 325.06(4) District Regulations
- Standards moved to tables
- Do not distinguish between identification and tenant identification – used size limits for tenant identification
Section title or Subsection – original language | Notes on disposition
---|---
e. 90 square feet maximum total monument size;  
d. 10 foot maximum height; and  
e. no more than address and building identification displayed; no product or service advertising is permitted.  
(Figure 30-21)

**Figure 30-21**

2) **Tenant identification monument sign:**
   
a. one monument sign;  
b. 85 square feet maximum copy and graphic area;  
c. 120 square feet maximum monument size;  
d. 10 foot maximum height;  
e. sign may display only identification of tenants;  
f. tenant identification monuments are not permitted to be located along designated collector or arterial streets. (Figure 30-22)

**Figure 30-22**

g. tenant identification monuments are not permitted in areas designated for mixed uses on the city comprehensive guide plan map; and  
h. individual tenant identification signs as specified in the following subdivision 6(b) are not permitted.

b) **Individual tenant identification signs: for multi-tenant buildings** one of the options listed in this paragraph may be selected for tenant identification. All signs must comply with the listed standards. The building owner or a representative shall designate a sign design for each multi-tenant building. This designation will be recorded by the city and kept on record for the building. Each sign on the property must conform to the designated tenant identification sign option. Changes to the sign designation may be made upon request, and approved administratively if all signs located on the site are brought into conformance with the requested sign plan modification. The planning commission must review sign plan changes if nonconforming signs are created. These signs are not permitted if the building freestanding sign is a tenant identification freestanding sign.

1) **Option 1: freestanding identification sign:**
   
a. one sign at the tenant's primary building entrance;  
b. 9 square feet maximum area;  
c. 6 foot maximum height and 5 foot maximum width;  
d. single faced;  
e. positioned parallel to a parking lot sidewalk or perpendicular to tenant walkway;
<table>
<thead>
<tr>
<th>Section title or Subsection – original language</th>
<th>Notes on disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>f. located consistent with other freestanding identification signs;</td>
<td></td>
</tr>
<tr>
<td>g. tenant identification only, no product advertising; and</td>
<td></td>
</tr>
<tr>
<td>h. uniform material, color and style. (Figure 30-23)</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 30-23</strong></td>
<td></td>
</tr>
<tr>
<td>2) Option 2: wall sign:</td>
<td></td>
</tr>
<tr>
<td>a. one sign at the tenant's primary building entrance;</td>
<td></td>
</tr>
<tr>
<td>b. 3 foot by 4 foot maximum dimension;</td>
<td></td>
</tr>
<tr>
<td>c. located adjacent to the tenant entrance;</td>
<td></td>
</tr>
<tr>
<td>d. 8 foot maximum from the ground to top edge of sign;</td>
<td></td>
</tr>
<tr>
<td>e. tenant identification message with no product advertising; and</td>
<td></td>
</tr>
<tr>
<td>f. uniform material, color and style. (Figure 30-24)</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 30-24</strong></td>
<td></td>
</tr>
<tr>
<td>3) Option 3: individually mounted letters:</td>
<td></td>
</tr>
<tr>
<td>a. individually mounted letters not to exceed 18 inches in height with one per tenant at their primary entrance;</td>
<td></td>
</tr>
<tr>
<td>b. located within an 18-inch high designated sign band for the entire building;</td>
<td></td>
</tr>
<tr>
<td>c. affixed to a uniform background consisting of the building surface, facade or treatment;</td>
<td></td>
</tr>
<tr>
<td>d. located no closer than two feet from the tenant's exterior lease lines;</td>
<td></td>
</tr>
<tr>
<td>e. compatible with the building architecture; and</td>
<td></td>
</tr>
<tr>
<td>f. uniform material, color, illumination and style. (Figure 30-25)</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 30-25</strong></td>
<td></td>
</tr>
<tr>
<td>c) Single tenant identification sign: single tenant building signs within an industrial zone which comply with the following standards are permitted:</td>
<td></td>
</tr>
<tr>
<td>1) wall mounted individual letters;</td>
<td></td>
</tr>
<tr>
<td>2) wall signs shall not include product advertising. Wall signs shall include tenant identification, tent logo or both; and</td>
<td></td>
</tr>
<tr>
<td>3) total surface area of all building signs shall not exceed 5 percent of the building face upon which the signs are located up to a maximum 150 square feet. (Figure 30-26)</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 30-26</strong></td>
<td></td>
</tr>
<tr>
<td><strong>7. Unified Development Sign Regulations.</strong></td>
<td>Repealed. Will address existing plans as nonconforming signs</td>
</tr>
<tr>
<td>Within office business and industrial districts, unified development signs which comply with the following standards are permitted. Uses governed under this section are also allowed signs permitted under subdivisions 4 or 6.</td>
<td></td>
</tr>
</tbody>
</table>
a) Unified development identification monuments:
   1) one sign per unified development;
   2) 50 square feet maximum copy and graphic area;
   3) 100 square feet maximum monument size; (Figure 30-27)

b) Unified Development leasing sign: as an alternative to requirements specified in subdivision 8(c), one of the following leasing sign options for a unified development may be displayed.
   1) Option 1: incorporated into monument sign:
      a. monument sign architecturally designed to accommodate a leasing message within the perimeter of the monument;
      b. leasing message area may be up to an additional 25 percent of the potential copy and graphic area of the monument sign; and (Figure 30-28)
   2) Option 2: secondary monument sign:
      a. a secondary monument sign may be installed at an access point to a unified development;
      b. design and materials identical to the unified development monument sign; and
      c. secondary monument area, height and copy and graphic area shall not exceed 50 percent of the unified development monument sign. (Figure 30-29)
8. Business and Industrial Temporary Sign Regulations.

Within business and industrial districts, real estate and temporary signs are permitted according to the following standards:

a) Temporary construction or real estate sign on undeveloped property: a vacant parcel within a business or industrial zone is permitted a temporary construction or real estate sign which complies with the following standards:
   1) one sign located on the site which the sign is advertising;
   2) 32 square feet maximum sign area;
   3) 12 foot maximum height;
   4) shall be removed upon issuance of a certificate of occupancy for a building; and
   5) one additional sign up to 32 square feet is permitted on properties 3 acres or over with frontage on 2 or more designated collector or arterial streets. (Figure 30-30)

   Figure 30-30

b) Temporary real estate sign: signs indicating the rental, lease, or sale of a business or industrial building are permitted according to the following:
   1) one sign located on the property which the sign is advertising;
   2) 32 square feet maximum sign area;
   3) 12 foot maximum height;
   4) freestanding or wall mounted;
   5) for sale signs are without time limit. If both leasing and for sale messages are displayed, the sign shall be considered a leasing sign; and
   6) leasing or rental signs shall be displayed no longer than 12 months after the issuance of a certificate of occupancy. In the case of vacant limited tenant buildings, a 12 month display period is permitted from the date of vacancy.

c) Leasing sign without time limit: in addition to the above, one of the following leasing sign options may be displayed on a property without time limit if in compliance with the listed standards.
   1) Option 1: freestanding incorporated sign:
      a. the principal freestanding sign shall be architecturally designed to accommodate a leasing message within the perimeter of the monument or pylon sign;
      b. the leasing message cannot exceed that of the identification monument or pylon message;
      c. leasing message is in addition to potential monument or pylon copy and graphic area; and

Moved to 325.06(5) District regulations
Most standards moved to tables
d. maximum size of leasing sign message permitted is determined by the gross square footage of the principal structure as follows: (Figure 30-31)

**Figure 30-31**

<table>
<thead>
<tr>
<th>Principal Structure Gross Square Footage</th>
<th>Leasing Message</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 20,000</td>
<td>15 square feet</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>20 square feet</td>
</tr>
<tr>
<td>greater than 100,000</td>
<td>25 square feet</td>
</tr>
</tbody>
</table>

2) Option 2: freestanding sign:
   a. one freestanding sign;
   b. setback 5 feet from all property lines;
   c. 8 foot maximum height and 6 foot maximum width; and
   d. maximum size of leasing sign permitted is determined by the gross square footage of the principal structure as follows: (Figure 30-32)

**Figure 30-32**

<table>
<thead>
<tr>
<th>Principal Structure Gross Square Footage</th>
<th>Leasing Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 20,000</td>
<td>12 square feet</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>16 square feet</td>
</tr>
<tr>
<td>greater than 100,000</td>
<td>18 square feet</td>
</tr>
</tbody>
</table>

3) Option 3: wall mounted sign or banner:
   a. buildings two stories or under:
      1. one wall sign;
      2. directly anchored to the building wall; and
      3. maximum size of leasing sign permitted is determined by the gross square footage of the principal structure as follows: (Figure 30-33)

**Figure 30-33**

<table>
<thead>
<tr>
<th>Principal Structure Gross Square Footage</th>
<th>Leasing Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 20,000</td>
<td>12 square feet</td>
</tr>
<tr>
<td>Section title or Subsection – original language</td>
<td>Notes on disposition</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>16 square feet</td>
</tr>
<tr>
<td>greater than 100,000</td>
<td>18 square feet</td>
</tr>
</tbody>
</table>

b. buildings three stories or higher:
   1. 30 square feet maximum area;
   2. directly anchored to the building wall; and
   3. displayed on the building's third story or any higher story. (Figure 30-34)

**Figure 30-34**

4) Leasing signs up to 32 square feet in size will be permitted without time limit instead of option 2 or 3 if the standards in either a. or b. are met:
   a. business or industrial development directly abuts a street with posted speed limit of 55 m.p.h. or greater; or
   b. the principal structure is greater than four stories.

If a property qualifies for a 32 square foot sign under a. or b. and also has a second frontage on a designated collector or arterial road, option 2 or 3 as found above is also permitted.

d) Temporary business signs in business and industrial districts: temporary signs are permitted as follows.
   1) Banners not to exceed 30 square feet according to the following:
      a. maximum 30 day display period to coincide with the grand opening of a business;
      b. a business may display a banner on two occasions per calendar year with a maximum 10 day display period for each occasion;
      c. banner messages must relate to on-premise product or services, or any noncommercial message; and
      d. the banner must be affixed to a principal structure which is owned or leased by the business which the sign is advertising.
   2) Search lights or inflatable advertising devices are permitted according to the following:
      a. for each development, two occasions per calendar year with each occasion not to exceed three days; and
      b. written authorization from the property owner or their designee must be submitted with the sign permit application.
   3) Portable signs, stringers, and pennants are not permitted.

9. **General Regulations.**
   The following regulations shall apply to all signs permitted in all districts.
   a) Political campaign signs: temporary political campaign signs are permitted according to the following:

   Renumbered as Section 325.05 General Regulations

   Removed “political campaign signs” as content-based
<table>
<thead>
<tr>
<th>Section title or Subsection – original language</th>
<th>Notes on disposition</th>
</tr>
</thead>
</table>
| 1) display during the following time periods:  
  a. the time period allowed by Minn. Stat. §211B.045 in even-numbered years;  
  b. between 46 days before August 1 until ten days after the city general election in odd-numbered years; and  
  c. between 30 days before until ten days after a special election;  
  2) consent of underlying property owner is required;  
  3) must be at least five feet from the edge of a public street and must not obstruct driver visibility at intersections;  
  4) for Minnetonka city elections, the following size limitations apply during odd-numbered years and outside the period specified in Minn. Stat. §211B.045 in even-numbered years: 6 square foot maximum sign area, except on designated collector or arterial streets where up to 32 square-foot maximum sign area is permitted; and  
  5) must comply with the fair campaign practices act in Minn. Stat. chapter 211B.  
| Added provision for temporary noncommercial signs |
| b) Directional signs: permanent directional signs are permitted according to the following:  
  1) 7 square feet maximum size; (Figure 30-35)  
  Figure 30-35  
  2) 6 foot maximum height;  
  3) a majority of sign area for directional message; and  
  4) 15 square feet maximum parking lot directional signs for commercial buildings over 400,000 square feet.  
| Addressed as permanent freestanding signs in parking lots 325.05 |
| c) Address sign: street identification numbers are required in all zoning districts and should be clearly visible from the street. Address signs do not reduce permitted sign area.  
| Deleted “address sign” as content-based. Added requirement that addresses must be posted. See subsection 325.05(3) |
| d) Residential security system signs: all signs identifying the presence of a residential security system are permitted not to exceed one square foot. One sign is permitted per driveway connection to a public right-of-way or where one private driveway converges into another.  
  e) Sign setbacks: all signs unless specifically noted otherwise shall maintain a 10 foot setback from all lot lines. The city may require a greater or lessor setback because of public safety reasons which may include the following conditions: vehicle sight distance, distance from intersection, designation of adjacent right-of-way.  
<p>| Deleted “residential security system signs” as content-based. Address by number of signs allowed on residential property. Moved to 325.05(4) |</p>
<table>
<thead>
<tr>
<th>Section title or Subsection – original language</th>
<th>Notes on disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>f) Unless otherwise specified, maximum angle permitted between faces of a double face freestanding sign is 45 degrees. (Figure 30-36)</td>
<td>Moved to 325.05(11) Construction Standards</td>
</tr>
<tr>
<td>g) Governmental signs: permanent governmental signs for control of traffic and other regulatory/notification purposes and street signs are exempt from the provision of this section.</td>
<td>Moved to 325.06(6) District Regulations PUD</td>
</tr>
<tr>
<td>h) P.U.D./P.I.D. zoning districts: permanent and temporary signs are regulated according to the standards for the corresponding land use and zoning category as stated in this section. A sign plan with differing requirements may be approved by the city. Factors which will be used in determining if an individual P.U.D./P.I.D. sign plan will be considered include the following:</td>
<td></td>
</tr>
<tr>
<td>1) The development includes a high rise (greater than 3 story) structure;</td>
<td></td>
</tr>
<tr>
<td>2) the development includes multiple structures and/or substantial site area;</td>
<td></td>
</tr>
<tr>
<td>3) the development includes mixed uses;</td>
<td></td>
</tr>
<tr>
<td>4) a sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high quality signage; and</td>
<td></td>
</tr>
<tr>
<td>5) the sign plan includes permanent sign covenants which can be enforced by the city.</td>
<td></td>
</tr>
<tr>
<td>i) None commercial opinion signs: on-premise none commercial opinion signs are permitted as follows.</td>
<td>Delete. In residential districts, address by setting number of permitted temporary signs.</td>
</tr>
<tr>
<td>1) In low, medium, and high density residential districts, each dwelling unit is permitted an additional sign which is no larger than 6 square feet and no higher than 6 feet tall. In medium and high density districts, the sign must be attached to the dwelling unit or placed in another location which clearly does not appear to represent the opinions of other residents in the area who have not agreed to the sign. No permit fee is required for a sign authorized under this paragraph.</td>
<td>Included in 325.05(3)(f), General Regulations</td>
</tr>
<tr>
<td>2) In all districts, any sign authorized in this chapter is allowed to contain noncommercial copy in lieu of any other copy. For new signs posted with a noncommercial message, the sign fee is waived until such time as the sign is converted to contain a commercial message.</td>
<td>Included in 325.05(3)(f), General Regulations</td>
</tr>
<tr>
<td>j) Flags: flags of a political jurisdiction which comply with the following standards are permitted.</td>
<td>Deleted. Flags that do not convey commercial messages are not regulated. Flags that convey commercial messages are not</td>
</tr>
<tr>
<td>1) Display of one flag is not restricted.</td>
<td></td>
</tr>
<tr>
<td>2) Display of more than one flag is permitted as follows:</td>
<td></td>
</tr>
<tr>
<td>a. maximum of 3 flagpoles;</td>
<td></td>
</tr>
<tr>
<td>Section title or Subsection – original language</td>
<td>Notes on disposition</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>b. 35 feet maximum flagpole height;</td>
<td>permitted and are therefore prohibited.</td>
</tr>
<tr>
<td>c. 180 square feet total for all flags; and</td>
<td></td>
</tr>
<tr>
<td>d. shall not be displayed on light poles.</td>
<td></td>
</tr>
<tr>
<td>3) Variances to permit display of flags for both political and non-political entities will be considered, but not necessarily granted. Variances will be considered only upon evidence that the following standards are met:</td>
<td></td>
</tr>
<tr>
<td>a. submission of a sign plan and permanent sign covenants which include a comprehensive sign package for the site;</td>
<td></td>
</tr>
<tr>
<td>b. 35 foot maximum flagpole height;</td>
<td></td>
</tr>
<tr>
<td>c. shall not be located on light poles;</td>
<td></td>
</tr>
<tr>
<td>d. limited to one identification flag;</td>
<td></td>
</tr>
<tr>
<td>e. the maximum distance from top to bottom of any flag shall be 20 percent of the flagpole up to a maximum of 6 feet;</td>
<td></td>
</tr>
<tr>
<td>f. flagpoles clustered at a designated area; and</td>
<td></td>
</tr>
<tr>
<td>g. the location of the flagpoles be enhanced or landscaped. (Figure 30-37)</td>
<td></td>
</tr>
<tr>
<td>Figure 30-37</td>
<td></td>
</tr>
<tr>
<td>k) Temporary off-premise commercial outdoor advertising signs are permitted in all districts, provided the signs comply with the following:</td>
<td></td>
</tr>
<tr>
<td>1) must be at least 5 feet from the edge of a public street and must not obstruct driver visibility at intersections;</td>
<td></td>
</tr>
<tr>
<td>2) may not be on the right-of-way of county and state roads and municipal state-aid streets;</td>
<td></td>
</tr>
<tr>
<td>3) are limited to one per parcel of property as defined in Subd. 10 (r) below for the same topic, location, event, or matter;</td>
<td></td>
</tr>
<tr>
<td>4) must receive permission from the underlying property owner;</td>
<td></td>
</tr>
<tr>
<td>5) may only be displayed between 6:00 a.m. on a Thursday and 6:00 p.m. on the following Sunday; and</td>
<td></td>
</tr>
<tr>
<td>6) must be no larger than 3 square feet in area and no higher than 6 feet above the ground to which it is attached.</td>
<td></td>
</tr>
<tr>
<td>l) Approved sign plans: the city may enforce, in the same manner as the requirements of this section, the terms of a sign plan or sign covenants which it has approved. Any violation of an approved sign plan or sign covenants is a misdemeanor.</td>
<td></td>
</tr>
<tr>
<td>m) Changeable messages: a message that is not permanently attached to the sign face but that is not a dynamic display may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to change messages even if not used.</td>
<td></td>
</tr>
</tbody>
</table>

Renumbered as 325.05(3)(c) – general regulations, permitted signs

Covered by general requirement for all signs

Renumbered as 325.05(5) general regulations

Renumbered as 325.05(6) – general regulations
### Section title or Subsection – original language

<table>
<thead>
<tr>
<th>Notes on disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>n) Font size: every line of copy and graphics in a sign must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more.</td>
</tr>
<tr>
<td>Renumbered 325.05(7) – general regulations</td>
</tr>
</tbody>
</table>

### 10. Prohibited Signs.
The following types of signs are expressly prohibited in all districts:

<table>
<thead>
<tr>
<th>Notes on disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) roof signs including signs mounted on a roof surface or projecting above the roof line of a structure if either attached to the structure or cantilevered over the structure;</td>
</tr>
<tr>
<td>Renumbered as a subsection under 325.05 General Regulations</td>
</tr>
<tr>
<td>b) signs with dynamic displays except search lights under subdivision 8 and those allowed under subdivision 14;</td>
</tr>
<tr>
<td>Moved to location requirements</td>
</tr>
<tr>
<td>c) portable signs, except temporary signs that are specifically permitted in section 300.30;</td>
</tr>
<tr>
<td>Moved to location requirements</td>
</tr>
<tr>
<td>d) projecting signs. Wall signs shall be mounted parallel to the building and shall not project more than 18 inches from the face of the building;</td>
</tr>
<tr>
<td>Moved to construction requirements 325.05(11)</td>
</tr>
<tr>
<td>e) painted wall signs including signs painted on the face of a structure. Works of art which are not commercial messages are exempt;</td>
</tr>
<tr>
<td>Addressed in “sign” definition and construction requirements</td>
</tr>
<tr>
<td>f) signs attached to trees and utility poles;</td>
</tr>
<tr>
<td>Moved to location requirements</td>
</tr>
<tr>
<td>g) signs within public right-of-way except for official traffic signs and those specified in subparagraph 9(k) and (l);</td>
</tr>
<tr>
<td>Moved to location requirements</td>
</tr>
<tr>
<td>h) signs which are designed to resemble official traffic control devices signs except signs that which are used to control traffic on private property;</td>
</tr>
<tr>
<td>Moved to location requirements</td>
</tr>
<tr>
<td>i) abandoned signs or signs other than outdoor advertising structures that advertise an activity, business, product or service no longer available on the premises on which the sign is located;</td>
</tr>
<tr>
<td>Moved to location requirements 325.05(4)</td>
</tr>
<tr>
<td>j) signs attached to fences except athletic field fence panels according to subdivision 1;</td>
</tr>
<tr>
<td>Moved to Sign Illumination in general regulations 325.05(8)</td>
</tr>
<tr>
<td>k) illuminated signs which exhibit any of the following:</td>
</tr>
<tr>
<td>Moved to location requirements</td>
</tr>
<tr>
<td>— 1) external illumination that is determined to interfere with safe traffic operations;</td>
</tr>
<tr>
<td>l) signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets;</td>
</tr>
<tr>
<td>Moved to location requirements</td>
</tr>
</tbody>
</table>
### Section title or Subsection – original language

<table>
<thead>
<tr>
<th>Clause</th>
<th>Original Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>m)</td>
<td>exterior signs that obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any structure;</td>
</tr>
<tr>
<td>n)</td>
<td>signs that are in violation of the building code or the electrical code adopted by the city;</td>
</tr>
<tr>
<td>o)</td>
<td>blank signs;</td>
</tr>
<tr>
<td>p)</td>
<td>merchandise boxes or signs not affixed to a principal structure excluding signs permitted in subdivision 8(d);</td>
</tr>
<tr>
<td>q)</td>
<td>permanent off-premises outdoor advertising signs are not permitted in any zoning district, except that the provisions of this paragraph do not apply to temporary outdoor advertising signs permitted under Subd. 9 (k) above. Outdoor advertising signs which exist on the effective date of this section shall be considered as nonconforming signs and are subject to standards contained in section 300.29. An outdoor advertising sign is a principal use of property. No permitted or conditionally permitted use or any part of such use may be located on the same parcel of property as such a sign. The parcel on which such a sign is located may not be subdivided to segregate the sign from the remaining property. For the purposes of this paragraph, “parcel of property” means any property for which one property identification number has been issued by the county, or all contiguous property in common ownership as of October 15, 1997, whichever is greater; and</td>
</tr>
<tr>
<td>r)</td>
<td>any sign not expressly permitted by the provisions in section 300.30.</td>
</tr>
</tbody>
</table>

### Notes on disposition

- Deleted – duplicate of construction requirement
- Moved this portion to general regulations – 325.05(9)
- Covered by 325.05(2)(a)
- Renumbered as 325.04(7) General Regulations

### 11. Sign Construction and Maintenance.

All signs shall conform to the following standards.

**a) Construction specifications.** All signs shall be constructed in accordance with the following:

1. the Minnesota state building code;
2. all electric signs shall be approved and labeled as conforming to the standards of the Underwriters’ Laboratories, Inc., the United States bureau of standards or other similar institutions of recognized standing. All illuminating elements shall be kept in satisfactory working condition or immediately repaired or replaced. Signs that are partly illuminated shall meet all electrical requirements for that portion which is illuminated;
3. all permanent freestanding signs shall have self-supporting structures erected on and permanently attached to concrete foundations;
4. for wall signs, the wall must be designed for and have sufficient strength to support the sign; and
5) wall signs must be mounted parallel to the building and may not project more than 18 inches from the face of the building;  
6) signs may not be painted on the wall of a building;  
7) Unless otherwise specified in this section, the maximum angle permitted between faces of a double face freestanding sign is 45 degrees; and

5) signs shall be constructed to withstand the following wind loads:
   a. for solid signs, 30 pounds per square foot on one face of the sign; and
   b. for other signs, 36 pounds per square foot of the total face area of the letters and other sign surface, or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.

b) Sign maintenance and repair. All signs shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, cleaning and other items required for maintenance of the sign. Vegetation around, in front of, behind, and underneath the base of ground signs for distance of 10 feet shall be neatly trimmed and free of weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.


a) Abandoned signs and signs in disrepair. An abandoned sign or sign in disrepair is prohibited and shall be removed by the owner of the premises within 30 days after notification. If compliance with the provisions of this section is not achieved within 30 days, the city may remove the sign as a public nuisance by following the procedure as specified in section 1120.045 of the municipal code of ordinances. If an abandoned sign remains in good condition and without holes or other evidence of disrepair or damage, the sign shall not be considered as abandoned for a period of one year.

b) Signs on public property or within public right-of-way: The city may at any time and without notice impound signs which have been installed on public property or within public right-of-way or easement. The sign owner may retrieve the signs according to the following:
   1) a fee must be paid to the city as established in city code section 710. For each subsequent impoundment in a calendar year, the specified fee shall be doubled;
2) the sign may be retrieved from a designated impound area during routine business hours and within 15 days from the date of impounding. After 15 days, the city will dispose of the sign; and
3) the city may not be held liable for any damage to impounded signs.

**13. Nonconforming Signs.**
Any sign that complied with all applicable laws and ordinances at that time that it was erected but that has been or is made nonconforming due to a subsequently enacted amendment of this city code is governed by section 300.29

<table>
<thead>
<tr>
<th>Section title or Subsection – original language</th>
<th>Notes on disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>13. Permits and Permit Fees. Signs that require a permit and the corresponding fee are listed in the following.</td>
<td>Renumbered as section 325.04(3) Permits, Procedure and Variances</td>
</tr>
<tr>
<td>a) All permanent signs permitted in subdivisions 3, 4, 5, 6, and 7 require a sign permit. The permit must be received prior to installation of the sign. The permit and inspection fee for all permanent signs is specified in city code section 710.</td>
<td></td>
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<td>b) All temporary signs permitted in subdivision 8 require a temporary sign permit. The permit and inspection fee for permitted signs, banners, search lights, or inflatable advertising devices is specified in city code section 710.</td>
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<td>c) Application for a permit must be on a form provided by the city and must include the following information:</td>
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<tr>
<td>1) name and address of the owner of the sign;</td>
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<tr>
<td>2) street address or location of the property on which the sign is to be located, along with the name and address of the property owner;</td>
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<td>3) the type of sign as defined in this section;</td>
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<td>4) site plan showing the location of the proposed sign;</td>
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<td>5) specifications and scale drawings showing the materials, design, dimensions, structural supports, method of attachment and electrical components of the sign;</td>
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<td>6) plan showing the location and size of all existing signs located on the same premises upon city request;</td>
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<td>7) name of licensed electrician who will make the final connection of an illuminated sign; and</td>
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<td>8) sign permit fee.</td>
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<tr>
<td>d) All signs not listed above do not require a permit but must comply with the regulations found in this section.</td>
<td>Removed – never used</td>
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<tr>
<td>e) <strong>When this section becomes effective, the owner or other person having control of any outdoor advertising sign</strong></td>
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(billboard) must file an application for a permit for the maintenance and annual inspection of such sign.

- Application for such permits must be accompanied by detailed plans and such other necessary information to determine the location and compliance with all applicable regulations, and permit may be issued upon payment of the required permit fee. All permits for advertising signs expire on December 31, of each year. The permit and inspection fee is specified in city code section 710.

f) The fee for application for variance from this section or approval of a sign plan for a development is specified in city code section 710.

g) Sign permit applications must be acted upon by city staff within 10 days after a complete application is submitted. A decision must be made in writing. If a permit is denied, the reason must be stated in writing. The applicant may appeal a denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for planning commission review as soon as practicable, but no later than 30 days after the appeal was submitted. The applicant may appeal a planning commission denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for city council review as soon as practicable, but no later than 30 days after the appeal was submitted. All review of a sign permit application must be based solely on whether the application complies with city ordinances.

h) Sign permits become null and void if the sign is not installed 180 days after the issuance of a permit.

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<td>Moved to 325.04(4) – permit procedures  Moved to 325.04(3)(b)  Moved to 325.04(5)</td>
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a) Findings. Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and become inaccurate without frequent changes.

| 14. Dynamic Displays. a) Findings. Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and become inaccurate without frequent changes. | Renumbered as 325.05(10) – General Regulations. |
Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation in residential districts where signs can adversely impact residential character.

Local spacing requirements could interfere with the equal opportunity to use such technologies and are not included. Without those requirements, however, there is the potential for numerous dynamic displays to exist along any roadway. If more than one dynamic display can be seen from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If dynamic displays become pervasive and there are no meaningful limitations on each sign's ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.

A constant message is typically needed on a sign so that the public can use it to identify and find an intended destination. Changing messages detract from this way-finding purpose and could adversely affect driving conduct through last-second lane changes, stops, or turns, which could result in traffic accidents. Accordingly, dynamic displays generally should not be allowed to occupy the entire copy and graphic area of a sign.

In conclusion, the city finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.

b) Regulations. Dynamic displays on signs are allowed subject to the following conditions:

1) Dynamic displays are allowed only on monument and pylon signs for conditionally permitted uses in residential districts and for all uses in other districts. Dynamic displays may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face;

2) A dynamic display may not change or move more often than once every 20 minutes, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a

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<td>component of any other dynamic display. A display of time, date, or temperature must remain for at least 20 minutes before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three seconds;</td>
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<td>3) The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects;</td>
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<td>4) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign;</td>
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<td>5) Every line of copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more. If there is insufficient room for copy and graphics of this size in the area allowed under clause 1 above, then no dynamic display is allowed;</td>
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<td>6) Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this ordinance;</td>
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<td>7) Dynamic displays must comply with the brightness standards contained in subdivision 15;</td>
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<td>8) Dynamic displays existing on June 25, 2007 must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements in clause 1 may continue as a non-conforming development subject to section 300.29. An existing dynamic display that cannot meet the minimum size requirement in clause 5 must use the largest size possible for one line of copy to fit in the available space.</td>
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<td>c) Incentives. Outdoor advertising signs do not need to serve the same way-finding function as do on-premises signs. Further, outdoor advertising signs are no longer allowed in the city, and there is no potential that they will proliferate. Finally, outdoor advertising signs are in themselves distracting and their removal serves public safety. The city is extremely limited in its ability to cause the removal of those signs. This clause is intended to provide incentives for the voluntary and uncompensated</td>
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removal of outdoor advertising signs in certain settings. This removal results in an overall advancement of one or more of the goals set forth in this section that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the community.

1) A person may obtain a permit for an enhanced dynamic display on one face of an outdoor advertising sign if the following requirements are met:

   (a) The applicant agrees in writing to permanently remove, within 15 days after issuance of the permit, at least two other faces of an outdoor advertising sign in the city that are owned or leased by the applicant, each of which must satisfy the criteria of parts (b) through (d) of this subsection. This removal must include the complete removal of the structure and foundation supporting each sign face. The applicant must agree that the city may remove the sign if the applicant does not timely do so, and the application must be accompanied by a cash deposit or letter of credit acceptable to the city attorney sufficient to pay the city's costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law.

   (b) The city has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application.

   (c) Each removed sign has a copy and graphic area of at least 288 square feet and satisfies two or more of the following additional criteria:

      (1) The removed sign is located adjacent to a highway with more than two regular lanes and with a general speed limit of 45 miles per hour or greater, but that does not have restrictions on access equivalent to those of an interstate highway;

      (2) All or a substantial portion of the structure for the removed sign was constructed before 1975 and has not been substantially improved;

      (3) The removed sign is located in a noncommercial zoning district;

      (4) The removed sign is located in a special planning area designated in the 1999 comprehensive plan; or

      (5) The removed copy and graphic area is equal to or greater than the area of the copy and graphic area for which the enhanced dynamic display permit is sought.
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<td>(d) If the removed sign face is one for which a state permit is required by state law, the applicant must surrendered its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.</td>
<td>Combined with illuminated signs in general regulations, 325.05(8)</td>
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<tr>
<td>(e) The applicant must agree in writing that no dynamic displays will ever be used on one additional outdoor advertising sign that has a copy and graphic area of at least 288 square feet in size. This agreement will be binding on the applicant and all future owners of the sign. If the sign is subsequently removed or destroyed and not replaced, the holder of the enhanced dynamic display permit is not required to substitute a different sign for the one that no longer exists.</td>
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<tr>
<td>2) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight seconds. The designated sign must meet all other requirements of this ordinance.</td>
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<td>15. Brightness Standards.</td>
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<td>a) All signs must meet the following brightness standards in addition to those in subdivision 10:</td>
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<td>1) No sign may be brighter than is necessary for clear and adequate visibility.</td>
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<td>2) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.</td>
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<tr>
<td>3) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.</td>
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<tr>
<td>b) The person owning or controlling the sign must adjust the sign to meet the brightness standards in accordance with the city's instructions. The adjustment must be made immediately upon notice of non-compliance from the city. The person owning or controlling the sign may appeal the city's determination through the following appeal procedure:</td>
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<tr>
<td>1) After making the adjustment required by the city, the person owning or controlling the sign may appeal the city's determination by delivering a written appeal to the city clerk within 10 days after the city's non-compliance notice. The written appeal must include the name of a person unrelated to</td>
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2) Within five business days after receiving the appeal, the city must name a person who is not an official or employee of the city to serve on the appeal panel. Within five business days after the city names its representative, the city's representative must contact the sign owner's representative, and the two of them must appoint a third member to the panel, who has no relationship to either party.

3) The appeal panel may develop its own rules of procedure, but it must hold a hearing within five business days after the third member is appointed. The city and the sign owner must be given the opportunity to present testimony, and the panel may hold the hearing, or a portion of it, at the sign location. The panel must issue its decision on what level of brightness is needed to meet the brightness standards within five business days after the hearing commences. The decision will be binding on both parties.

c) All signs installed after June 25, 2007 that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.

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C. Amendment to the sign ordinance.

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

Gordon and Heine reported. They recommended approval of the proposed ordinance.

Calvert joined the meeting.

Chair Kirk thought the proposed amendment represents a great deal of work and is very well organized.

Calvert asked how the number of dwellings was determined when establishing when to allow an identification sign. Heine explained that number had been established in 1991. During this phase of amending the sign ordinance, the goal is to reword the ordinance to use the terms that the court recognizes and organize the ordinance in a logical format to make it easier to read. During the second phase of amending the sign ordinance, content will be reviewed.

Chair Kirk asked if signs posted in windows are regulated. Gordon explained that the current ordinance does not regulate signs located inside a building seen through glass or painted on glass. The current amendment proposal would not change those types of signs. Other communities do regulate signs seen through windows. The city could review that issue.

Chair Kirk found the disposition table helpful. He thanked staff.

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

*Odland moved, second by Calvert, to recommend that the city council adopt the ordinance on pages A1-A77 of the staff report.*

*Calvert, Hanson, Knight, Odland, Powers, and Kirk voted yes. O'Connell was absent. Motion carried.*

This item is tentatively scheduled to be reviewed by the city council at its meeting on May 23, 2016.
City Council Agenda Item #15A
Meeting of May 23, 2016

Brief Description: Amended reappointments and appointment to the senior citizen advisory board

Recommended Action: Approve the recommended amended reappointments and appointment

Background

On January 25, 2016, terms for three senior citizen advisory board members were inadvertently listed on the roster to expire on May 31, 2017 or May 31, 2018 and the terms were therefore extended. I am recommending the terms be amended for Frances Dranginis, Dewey Hassig, and Bonnie Sussman to conform to the practice that all commission appointments serve a full term.

In addition, on May 31, 2016, Allan Kind and Jeanne Lutgen will have reached their term limits and are not eligible for reappointment and Loy O’Boyle is resigning from the board. Board member These members will be recognized this summer by the city council. Jim Kohrt passed away in August 2016.

With the information for each of the above members, the board has four openings. Vickey Brouillette has expressed her willingness to dedicate the time and energy necessary to be a contributing member. Based on the material she submitted and recommendation received from Steve Pieh, the senior services and activities manager, I recommend that she be appointed.

The updated membership roster showing the composition of the senior citizen advisory board is attached.

Recommendation

Approve the following terms on the senior citizen advisory board:

- Vickey Brouillette, to the senior citizen advisory board, to serve a two-year term, effective June 1, 2016 and expiring on May 31, 2018.
- Frances Dranginis, to the senior citizen advisory board, to serve another two-year term, effective June 1, 2016 and expiring on May 31, 2017.
- Dewey Hassig, to the senior citizen advisory board, to serve another two-year term, effective June 1, 2016 and expiring on May 31, 2017.
- Bonnie Sussman, to the senior citizen advisory board, to serve another two-year term, effective June 1, 2016 and expiring on May 31, 2017.

Respectfully submitted,

Terry Schneider
Mayor
Senior Citizen Advisory Board

Current Members

This board is comprised of 15 members whose duties include advising the city council on the needs and status of seniors in the city, recommending ways in which those needs may be met; determining and assessing existing resources in the city which may be utilized by seniors to meet their needs; evaluating and assessing proposed programs, grants and other governmental activities which may impact seniors; recommending policies, goals and objectives for the operation of the Senior Center, and working with staff and the senior director. Members serve two-year terms, and meet the second Tuesday of each month at 10:00 a.m.

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<tr>
<th>Name</th>
<th>Ward</th>
<th>Appointed</th>
<th>Reappointed</th>
<th>Reappointed</th>
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<td>Vickey Brouillette</td>
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<td>Frances Dranginis</td>
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<td>Judith Hansen</td>
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<td>5/18/2015</td>
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<td>Dewey Hassig</td>
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**Staff Liaison:**
Steve Pieh, Senior Services Director, Ph # 939-8366
Addendum
Minnetonka City Council
Meeting of May 23, 2016

14A Consideration of a park board recommendation to develop a park in the Robinwood neighborhood

Attached are emails received after the council packet was distributed.
Hi Dave,

I have to be at Minnetonka High School tonight for a work function. I saw the park is #14 on the agenda for the city council meeting tonight. I'm hoping to make it over there in time. If not, could you please read or submit the following letter? Thank you!

Heather Markert

Dear Minnetonka City Council,

I am not able to attend tonight's meeting due to a previous commitment at Minnetonka High School, where I work. I am in full support of a park in the Robinwood neighborhood. Our neighborhood has many children along with many young couples who are planning to start families. The closest parks to our neighborhood require crossing busy roads like Minnetonka Blvd or they require walking along Hopkins Crossroads, which has no sidewalk. Both of these options are not safe, especially during the prime times families want to take their children to the park. By adding a park to the Robinwood neighborhood, it would provide a safe place for children to explore and play. It would also provide a great gathering spot for neighbors to develop a sense of community. Since the park being proposed would be a mini-park, it would have little traffic from outside the immediate neighborhood. The study done by the Minnetonka Park Board also showed it would have a neutral or positive impact on home values.

On a personal note, we have two small children (2 & 3) who love going to parks. The sad thing is when we tell them it's time to go to the park, they immediately go to the car because they know we will drive to a park. Thank you for your consideration of this much needed park. If there are any possibilities of moving up the timeline of the park, I appreciate the exploration of those options as well.

Thank you,

Heather Markert
11503 Friar Lane
952-388-4185
After reviewing the entire 54-page Proposal to be introduced at the Minnetonka City Council meeting tonight (May 23, 2016), it has become apparent one very important detail has been left out by all involved parties:

The Royzelle Lane cul-da-sac is located at the bottom of a steep hill. All of the runoff from Hopkins Crossroads (County Road 73) flows down 2 blocks of Royzelle Lane directly into the proposed park site.

The cul-da-sac floods every time there is heavy rainfall. The water even enters the driveways of the properties located at 11427 and 11435 (by a few feet). The only place for the water to exit the cul-da-sac is into the proposed park site. This is evident by the drawings included in the proposal.

The Proposal states:

“The intent would be to not have to do any work on neighboring properties, any work that is done won’t be able to alter the surrounding area enough a have a negative impact
Emphasis Added. (E-mail to property owner of 11435 Royzelle Lane – p. 49 of Proposal).

It is also unclear from the Park Board’s report whether soil samples were taken. Even if they were, the samples are irrelevant since it may not have rained during that period of time.

There is a reason the site is designated as a wetland/flood plain. By altering the natural landscape in any way will only cause more flooding problems in the cul-da-sac.

Thank you for your consideration.

Kris Triske
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