

**Minnetonka Planning Commission
Minutes**

May 4, 2017

1. Call to Order

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

2. Roll Call

Commissioners Calvert, Powers, Schack, Sewall, and Kirk were present. Knight and O'Connell were absent.

Staff members present: City Planner Loren Gordon, Assistant City Planner Susan Thomas, Planner Drew Ingvallson, and Natural Resource Manager Jo Colleran.

3. Approval of Agenda: The agenda was approved as submitted.

4. Approval of Minutes: April 20, 2017

Schack moved, second by Powers to approve the April 20, 2017 meeting minutes as submitted with the changes from the change memo dated May 4, 2017.

Calvert, Powers, Schack, Sewall, and Kirk voted yes. Knight and O'Connell were absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of April 24, 2017 and May 1, 2017:

- Introduced an ordinance for the Minnetonka Hills Apartments proposed to have 78 market-rate units and be located on Jordan Avenue.
- Adopted an ordinance approving a conditional use permit for The Cheesecake Factory.
- Adopted a resolution approving items including field lighting for Hopkins High School.
- Adopted a resolution approving items including lighting and trails for the city hall campus.
- Reviewed an updated plan for the Shady Oak Road redevelopment site.

- Tabled action on an application to amend the master development plan for Ridgedale Festival.
- Adopted a resolution approving the liquor license with conditions.

The next planning commission meeting is scheduled for May 18, 2017.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda: None

8. Public Hearings

A. Amendment to the existing Ridgedale Center Sign Plan to allow a wall sign that is not for the mall proper, an anchor department store, or a restaurant with exterior wall frontage.

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

Ingvalson reported. He recommended denial of the application based on the findings listed in the staff report.

In response to Powers' question, Ingvalson explained that the city does not regulate the size or movement of interior signs.

Chair Kirk confirmed with Ingvalson that five votes would be required to approve the amendment.

In response to Powers' question, Ingvalson explained that sign regulations were created differently for restaurants than other businesses when the mall was first built.

Schack asked if there are other uses in the mall that have exterior access and a sign. Ingvalson responded that there is one use with exterior access that has a sign, but no approval was found to allow that sign. No building permit or sign permit could be located, leading staff to believe that it was put up without approval from the city.

Schack asked where additional doors could be added to the mall to create the same situation. Ingvalson stated that staff saw the potential for other businesses to request additional doors.

Kevin Kendall, of Accent Graphics and national sign coordinator for CycleBar, applicant, stated that:

- He enjoyed working with Ingvalson.
- There are currently 80 operating CycleBars and 135 under construction.
- The proposed sign located above the outside door would be more aesthetically pleasing than locating it inside a window. The visibility and finished product would match the improvements to the mall. It would be a disservice to the community and mall to put the sign on the inside of the window.
- The Minnesota Fire Code classifies a workout area the same as a restaurant, which would allow the CycleBar to have an exterior entrance.
- The business needs the exterior visibility in order to be successful since there is only one entrance and no mall access.
- The facility would look nice and benefit the city.
- He would hate to see the Lens Crafters sign taken down since it would hurt their business.

Greg Randall, of Sign Source, stated that:

- His company would install the sign.
- With online shopping becoming more common, the future will include malls providing more services and less product sales.
- CycleBar would be good for the city and the mall. It would need a sign above the only door.

Mark Schneider, owner of CycleBar, stated that he is excited about bringing CycleBar to the City of Minnetonka. He lives in Minnetonka and has been active in the community. The business would not be in the mall, it would be on the exterior. It would operate well outside of the mall hours, which makes it similar to a restaurant. Customers would be there at 5:30 a.m. He appreciated the commissioners' time. He asked that the use be considered as something other than retail.

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

Chair Kirk asked what would happen if the sign plan would be changed to allow signs like the current proposal. Ingvalson explained that approval of the

application would be an amendment to the sign plan that would allow just the proposed sign.

Gordon explained that the fire code classifications are part of the building code and deal with sprinkler systems and emergency exits. If the mall is interested in having more spaces that have only outside access and do not have access to the interior of the mall, then the mall should submit a comprehensive sign plan. Schack would appreciate a comprehensive fix initiated by the mall.

Chair Kirk noted that setting a precedent without amending the master plan for the mall may be a concern.

Calvert agreed. She favored a comprehensive approach to signage for the mall. The CycleBar logo is attractive and it is a great business.

Powers felt that the space is unique and the door is the only way to get in. He did not think that future changes should impact CycleBar. That is a whole other set of circumstances. He drove around Ridgedale Center and did not see a lot of signs. It looks very nice. He did not think that the proposal would cause a dramatic, near-term precedent to be set. It is a conservative building. Business times are changing and the city needs to change with them. He felt that it is a unique situation.

Schack agreed that it is a unique situation. She was torn.

Powers was leaning towards the proposed sign being an o.k. idea. He noted that the applicant knew the sign would not be allowed without special approval, so he concluded that the applicant was not overly concerned that not having the proposed sign would impact the business' success, but that the proposed sign would enhance the business' success. The issue could be revisited a year from now.

Schack visited the site and thought that a sign visible through a window could look attractive for now. That might give the mall and city staff more time to develop a long-term signage plan.

Chair Kirk stated that any of the main entrances to any of the anchor stores could become a Barnes and Noble or other store similar to Eden Prairie Center. He had no problem with that. It would be a logical course of action for General Growth Properties to submit a modification to its sign plan to attract additional businesses.

Schack noted that signs are expensive, but felt it might be worth requiring the applicant to complete two steps.

Sewall saw a need for a sign since this would be the business' only access point. He could not think of another business in the mall that does not have access to the mall interior that does not have an exterior sign. He was o.k. with the commission taking more time to make a decision to not set a precedent, but there does need to be some sort of sign since there would only be one entrance.

Schack agreed that not having interior access to the mall makes the site unique. The front window is huge. There could be a pretty huge sign in the interior visible from the outside of the window. She favors a more holistic approach to signage.

Powers did not want to saddle the small business with the ambitions for the entire mall. That would be unfair. He assumed that the applicant believes that the business would be successful with or without the proposed sign. Schack agreed.

Mr. Schneider stated that the applicant signed the lease because General Growth Properties approved of the proposed sign plan. The business would be a \$550,000 to \$800,000 investment. A sign is needed to be successful. He appreciated the struggle. There is a benefit to taking a risk in a business. A sign is 99 percent responsible for making a business a success. This is an unusual situation in a mall.

Chair Kirk noted that everyone wants the business to be successful. Setting a precedent was the concern. He did not think it would be a bad precedent to set.

Calvert moved, second by Schack, to recommend that the planning commission adopt the attached resolution denying the requested amendment to the Ridgedale Sign Plan associated with the CycleBar at 12401 Wayzata Boulevard.

Calvert, Schack, and Kirk voted yes. Powers and Sewall voted no. Knight and O'Connell were absent. Motion passed.

Chair Kirk stated that written intent to appeal the planning commission's decision to the city council must be given to city staff within 10 days.

B. Conditional use permit for an eight-resident, licensed, residential-care facility at 5531 Eden Prairie Road.

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

Thomas reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report. A future change in the conditions of approval would be reviewed by the planning commission and require approval from the city council.

Sewall asked if parking requirements would be met. Thomas answered affirmatively. The house would be setback 150 feet from the front property line, so the driveway would provide ample parking space.

Michelle Nash, one of two owners of Legacy Care Home, applicant, stated that Thomas did a marvelous job. She was available for questions. She operates another facility on Crown Drive.

The public hearing was opened.

Kristen Mende, 14319 Stewart Lane, asked if there would be a fence and if residents would wonder off.

Sandy Carlson, a real estate agent representing the owner of 5537 Eden Prairie Road, stated that the property is for sale and she planned on constructing a house valued at \$600,000. She has a concern for the surrounding property values if the type of residents would change. She understood that six residents are allowed. There is a bluff-line issue. She asked if the bluff line would allow the house to be set far enough back. There is a significant amount of land at the site, but a regular driveway would look better than a parking lot.

No additional testimony was submitted and the hearing was closed.

Thomas pointed out the location of the steep slope. The house would meet all ordinance requirements. The city does not require fencing between residential properties.

Ms. Nash stated that the exits would be coded to prohibit residents from leaving by themselves. Building code and state fire requirements would be met. Most of the residents need memory care. Residents may sit on the patio with supervision. A parking plan would be submitted. She does not want the parking area to look like a parking lot. The purpose is to keep the house looking like a residence. There would have to be a turn-around. The conditional use permit would require a natural buffer made up of trees and shrubs. Thomas said that staff would work with the applicant on a landscape plan. The city does not restrict the width or size of paved parking areas for residential properties. Chair Kirk noted that storm

water management would be required if there would be a certain percentage of hard surface coverage and the conditional use permit would require screening. Thomas agreed.

Powers thought the site would be a very good location. The neighbors would benefit from its creation. He likes everything about the idea.

Schack agreed. The applicant did a nice job selecting the lot. The front setback would be nice and deep. That would benefit the facility and neighborhood. Her house has an enormous driveway that can park 30 vehicles. Her residence does not look abnormal. It looks like a normal house with a big driveway. The plan looks similar to hers. A lot of vehicles can fit in a surprisingly small area.

Calvert knew that the rendering does not convey everything, but it looks attractive. She acknowledged the neighbors' concerns. Seniors would make wonderful neighbors. It would keep the serenity of the neighborhood. It sounds like a wonderful facility that would provide a needed service that many in our community need. She is glad that this space would be utilized for this use.

Sewall has a similar facility in his neighborhood. Other than a ramp, there is no way to tell that it is not a typical single-family residence. His property values and taxes have continued to go up.

Powers moved, second by Calvert, to recommend that the city council approve a conditional use permit for an eight-resident, licensed, residential-care facility at 5531 Eden Prairie Road.

Calvert, Powers, Schack, Sewall, and Kirk voted yes. Knight and O'Connell were absent. Motion carried.

The city council is tentatively scheduled to review this item May 22, 2017.

C. Conditional use permit for a telecommunications tower on the property located at 4525 Williston Road.

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

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

Karen O'Brian, representing the applicant, was available to answer questions. She held a neighborhood meeting, but no neighbors attended. City staff have been wonderful to work with.

Gary Lysiak, engineering consultant, stated that the proposed tower's height has been increased to provide the needed height for potential additional users. The tower would be erected in one day.

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

In response to Schack's question, Gordon explained that Verizon would construct the telecommunications tower on city property. Mr. Lysiak added that most cities, including Minnetonka, have an ordinance requiring telecommunication companies to utilize existing towers before constructing a new one. Telecommunication companies are accustomed to the sharing equipment.

Schack noted that the neighbors have probably come to terms with having a water tower on the site, so it would make the telecommunications tower less noticeable. It is a good location. She is glad that there would be space for additional users.

Chair Kirk noted that the first time around, neighbors did provide comments.

Powers thought that the proposal is a good idea. Staff worked hard and figured out the exact right place to locate the tower. The neighbors have already adjusted to the proximity of the water tower.

Calvert said that the additional photos in the presentation were extremely helpful.

Calvert moved, second by Powers, to recommend that the city council adopt a resolution approving a conditional use permit for a telecommunication facility at 4525 Williston Road.

Calvert, Powers, Schack, Sewall, and Kirk voted yes. Knight and O'Connell were absent. Motion carried.

9. Adjournment

*Powers moved, second by Sewall, to adjourn the meeting at 8:32 p.m.
Motion carried unanimously.*

By: _____
Lois T. Mason
Planning Secretary