

**Minnetonka Planning Commission
Minutes**

Nov. 14, 2019

1. Call to Order

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

2. Roll Call

Commissioners Knight, Luke, Powers, Sewall, Henry, and Kirk were present. Hanson was absent.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Assistant City Planner Susan Thomas, Senior Planner Ashley Cauley, and Planner Drew Ingvalson.

3. Approval of Agenda

Powers moved, second by Sewall to approve the agenda as submitted with the changes from the change memo dated Nov. 14, 2019.

Knight, Luke, Powers, Sewall, Henry, and Kirk voted yes. Hanson was absent. Motion carried.

4. Approval of Minutes: Oct. 3, 2019

Knight moved, second by Powers, to approve the Oct. 3, 2019 meeting minutes as submitted.

Knight, Luke, Powers, Sewall, Henry, and Kirk voted yes. Hanson was absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council from its meeting of Oct. 28, 2019:

- Adopted a resolution approving telecommunication facilities on top of the Target building on Co. Rd. 101.
- Introduced an ordinance to rezone 4144 Shady Oak Road from R-1 to R-2.
- Adopted a resolution approving a conditional use permit for an accessory structure larger than 1,000 square feet in size on Thomas Ave.

Gordon stated that a meeting was held with Xcel Energy representatives to discuss an energy plan for the city. Meetings will continue each month and details will be provided on the city website: minnetonkamn.gov.

Gordon stated that the next planning commission meeting will be held Dec. 5, 2019.

Henry congratulated Chair Kirk on being elected to serve on the city council starting Jan. of 2020.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

Item 7B, front and side yard setback variances for a covered front stoop and home addition at 18908 Shady Lane, was removed from the consent agenda for discussion and separate action.

Sewall moved, second by Powers, to approve items 7A, a front and side yard setback variances for a deck addition at 2511 Bantas Point Lane, and 7C, a conditional use permit for a dance studio at 11547 K-Tel Drive, listed on the consent agenda as recommended in the respective staff reports as follows:

A. Front and side yard setback variances for a deck addition at 2511 Bantas Point Lane.

Adopt the resolution approving front yard and side yard setback variances for a deck addition at 2511 Bantas Point Lane.

B. Conditional use permit for a dance studio at 11547 K-Tel Drive.

Recommend that the city council adopt the resolution approving a conditional use permit for Inspire Dance Studio at 11547 K-tel Drive.

Knight, Luke, Powers, Sewall, Henry, and Kirk voted yes. Hanson was absent. Motion carried and the items on the consent agenda were approved as submitted.

Chair Kirk stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

8. Public Hearings

A. Front and side yard setback variances for a covered front stoop and home addition at 18908 Shady Lane.

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

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

In response to Henry's question, Ingvalson explained that the addition would be even with the front line of the house. Any change in the driveway would be allowed without an

approval by the planning commission unless. A permit would be needed only for work in the right of way.

Garret McCall, representing the applicant, stated that he was present to answer questions. The property owner has a growing family and wants to remain in the neighborhood. The addition would not extend further than the current front of the house.

The public hearing was opened.

Jim Bullington, 4917 Acorn Ridge Road, stated that he was concerned with water that travels onto his property. He was concerned with drainage and permeability.

No additional testimony was submitted and the hearing was closed.

Ingvalson explained that the city's stormwater resources engineer reviewed the application and approved it without conditions. The site would meet impervious surface requirements.

Powers moved, second by Luke, to adopt the resolution approving the variance and expansion permit for a covered front stoop and home addition at 18908 Shady Lane South.

Knight, Luke, Powers, Sewall, Henry, and Kirk voted yes. Hanson was absent. Motion carried.

Chair Kirk stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

B. Amendment to the existing 7-Hi Shopping Center sign plan at 11790 Hwy 7.

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

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

In response to Henry's request, Ingvalson described the unique sign plan for the site.

Eric Bjelland, representing the applicant, stated that he was available to answer questions.

Powers asked if Planet Fitness would be identified on the sign. Mr. Bjelland explained that Target controls the Planet Fitness location and has not approached the applicant about adding Planet Fitness to the sign.

Knight asked if Target approves of the application. Mr. Bjelland answered affirmatively. The application was submitted by Target, Inc. and Midwest Retail Venture.

Henry thought the proposal would look better aesthetically than the current sign. He asked for the reasoning for using black lettering with a white background. Mr. Bjelland stated that Target's graphic on the sign would be Target's final graphic. The individual letters would be four inches in height. The letter colors may change. The coloring is what Target, Inc. was willing to accept. Henry thought different colors would make the sign look better and help drivers find where they are going.

Luke asked if there are similar signs in other locations. Mr. Bjelland stated that there are similar signs in Plymouth, Stillwater, and Fargo. Luke appreciates signs like the proposed one. The way-finding signs are a lifesaver. The proposal is very user friendly and needed in the retail area.

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

Powers liked the previously-proposed sign, but likes this sign better.

Sewall supports staff's recommendation.

Henry appreciated the thought that went into the proposal. The previous sign was too big. He supports staff's recommendation.

Chair Kirk agreed.

Luke moved, second by Sewall, to adopt the resolution approving an amendment to the 7-Hi Shopping Center sign plan as it pertains to the monument sign at 17790 Hwy 7.

Knight, Luke, Powers, Sewall, Henry, and Kirk voted yes. Hanson was absent. Motion carried.

Chair Kirk stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

C. Rezoning from R-1 to R-2 at 4144 Shady Oak Road.

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

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

Knight confirmed with Ingvalson that changes were made to the right-of-way boundary and property lines during the Shady Oak Road project.

Jessie Johnson, representing the applicant, stated that:

- There was an improvement to the floodplain area which added pipes that continue under the road to the south. The area that the two pipes drain into is 10 feet lower. He visited the site in the spring and there was no water in the bottom of the depression.
- Hennepin County has a new plat of the area, but it does not include the road.
- The land where the structure would be located is flatter than shown from being smoothed out during the Shady Oak Road project.
- He would like to have it built summer of 2020.

The public hearing was opened.

Alaun Pederson, 11801 Lake Street Extension, stated that:

- He opposed the rezoning.
- He wants a single-family house to be constructed, not a duplex.
- The proposal would change the character of Lake Street Extension.
- He was o.k. with development of the vacant lot, but he wants a single-family house with owners who live there and are invested in the area.

Steve Miller and Lynn Melcher, residents of 11910 Lake Street Extension, introduced themselves. Mr. Miller agreed with Mr. Pederson. He stated that:

- They were concerned with the trees and the impact of the building on the watershed.
- This proposal would be closer to their house than the rental properties north of Lake Street Extension.

Ms. Melcher stated that:

- They preferred to keep the neighborhood with single-family residences.
- A rental property would decrease their property value.
- They opposed the rezoning.

No additional testimony was submitted and the hearing was closed.

Wischnack clarified that the city does not prohibit or regulate the rental of a single-family house. Any single-family house owner can rent his or her house. Commissioners are tasked with determining whether it would be appropriate to rezone a property from R-1 to R-2 to allow a single-family dwelling or a two-family dwelling, not whether it would be appropriate to rent a house or not on the site.

Luke confirmed with Ingvalson that the city engineers visited the site and talked with the applicant regarding the stormwater drainage pipes and determined that the buildable area would be adequate.

Henry asked where stormwater would drain. Wischnack noted that the site was landlocked before the pipes were installed. The pipes work as an overflow.

Sewall noted that the neighbors' objections were not about density. Restricting the type of resident who might live there is not in the commission's purview. He supports staff's recommendation.

Luke concurred. She supports staff's recommendation. Whether the dwelling would be rented or not is not within the commission's purview.

Powers stated that the proposal would fit with the characteristics of the area. There is no perfect solution. He supports staff's recommendation.

Henry empathized that change is hard. He could see the Lake Street Extension area being a cohesive neighborhood. The site is located near a major artery, Hwy 7.

Chair Kirk stated that he rented for 12 years and always felt like he was part of the neighborhood. Renting a residence in Minnetonka provides an affordable housing opportunity. He saw two duplexes on a cul-de-sac on Shady Oak Road and it made sense that this site would have a duplex. He supports staff's recommendation.

Knight moved, second by Powers, to recommend that the city council adopt the ordinance rezoning the property at 4144 Shady Oak Road from R-1 to R-2 zoning with modifications provided in the change memo dated Nov. 14, 2019.

Knight, Luke, Powers, Sewall, Henry, and Kirk voted yes. Hanson was absent. Motion carried.

D. Conditional use permit with parking variances for a dental clinic at 14525 Hwy 7.

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.

Ryan Coleman, representing Park Dental, the applicant, stated that:

- Park Dental has been a doctor-owned, dental practice since 1972.
- The new space would allow more dental care to take place for the next 30 or more years.

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

Sewall has always found the site to have ample parking.

Sewall moved, second by Henry, to recommend that the city council adopt the resolution approving a conditional use permit with a parking variance for a dental clinic at 14525 Hwy 7.

Knight, Luke, Powers, Sewall, Henry, and Kirk voted yes. Hanson was absent. Motion carried.

E. Conditional use permit for a telecommunication facility at 3717 Co Rd 101.

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. Thomas reviewed locations of current telecommunication towers in the city.

Knight asked if the proposed pole would line up with the foul line. Thomas answered affirmatively.

Powers asked what conditions would be included to protect the safety of children. Thomas explained that the pole would extend the antennae high enough into the air to provide a signal. A radio frequency analysis has been done to ensure that there would be no hazard. If an antennae proposal meets FCC regulations, then a city cannot deny a request based only on environmental impact reasons.

Luke asked if the equipment would be fenced and secured. Thomas noted that the equipment is expensive and it would be in the best interests of the applicant to make sure that it would be secure.

Garry Lysiak, of Owl Engineering, the telecommunications consultant for the city, stated that:

- There is more danger placing a cell phone next to one's head than having an antennae on the proposed tower.
- He explained how he calculated the amount of radiation that would travel to the ground. He used the maximum energy possible to do the calculation when, in reality, 28 percent of the potential energy would be used.
- There is no safety issue. Children would not climb the pole since there would be nothing to use to climb.
- The equipment on the ground would be enclosed with fencing to protect the equipment.
- He has done measurements of antennae on water towers next to schools. The proposal would cause no health issue.
- In terms of capacity, there is no difference from a radio frequency perspective between 5G, 4G, or 3G. The "G" stands for generation. The 5G network operates much faster, but at the same frequency.

- He did not see a problem with the proposal.
- If a baseball hits above the yellow line, then it would be a homerun.
- Cabinets are made indestructible to protect the equipment. There would be no shock hazard.
- The antennae point out into the horizon, but the radio frequency calculation is done as if the antennae pointed straight down.

Henry asked if other sites had been considered. Mr. Lysiak did not find any other usable sites within the needed coverage area. The proposed tower would be too low for any user other than Verizon due to the terrain and foliage. The tower would need to extend up to 100 feet to accommodate another user.

Thomas provided an example of a telecommunications company that requested a tower be located in one location, but staff found an existing structure that could accommodate the antennae and provide the same coverage, so the existing structure was used instead. Staff and Mr. Lysiak were unable to locate an existing structure that could provide the same coverage.

The public hearing was opened.

Warren Omohundro, 3731 Dartmouth Drive, asked if there would be a light on the top of the tower, if it would make noise, and if there would be any other kind of interference.

No additional testimony was submitted and the hearing was closed.

Thomas confirmed that there would be no light on the tower. The tower and equipment would not make noise. The closest houses are 100 feet away, so there would be no issue created by radio frequency waves.

Chair Kirk thought the pole would look like every other pole out in the field.

In response to Henry's question, Thomas explained that a cell provider could add an antennae to an existing tower with just an administrative staff review. It is a much more expedited process and is being used by providers whenever possible. The city can require that another available location be used if the other location would meet the coverage and capacity needs of the provider.

Gordon noted that it would not be possible to map out the best places for towers to be located into the future because the technology and its requirements keeps changing.

Knight moved, second by Luke, to recommend that the city council adopt the resolution approving a conditional use permit for a telecommunication tower at 3717 Co Rd 101.

Knight, Luke, Powers, Sewall, Henry, and Kirk voted yes. Hanson was absent. Motion carried.

9. Adjournment

Sewall moved, second by Knight, to adjourn the meeting at 8:38 p.m. Motion carried unanimously.

By:

Lois T. Mason
Planning Secretary