

**Minnetonka Planning Commission
Virtual Meeting
Minutes**

Jan. 7, 2021

1. Call to Order

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

2. Roll Call

Commissioners Luke, Maxwell, Powers, Waterman, Hanson, Henry, and Sewall were present.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Assistant City Planner Susan Thomas, Senior Planner Ashley Cauley, and IT Assistants Joonas Sundstrom and Gary Wicks.

3. Approval of Agenda

Hanson moved, second by Powers, to approve the agenda as submitted with an additional comment provided in the change memo dated Jan. 7, 2021.

Luke, Maxwell, Powers, Waterman, Hanson, Henry, and Sewall voted yes. Motion carried.

4. Approval of Minutes: Dec. 17, 2020

Powers moved, second by Luke, to approve the Dec. 17, 2020 meeting minutes as submitted.

Luke, Maxwell, Powers, Waterman, Hanson, Henry, and Sewall voted yes. Motion carried.

5. Report from Staff

Gordon briefed commissioners on the city council setting up a new sustainability commission at its meeting on Jan. 4, 2021. Eighty residents attended January's Sustainable Minnetonka Webinar Series on Tuesday to learn how to make their home more energy efficient.

The next planning commission meeting is scheduled for Jan. 21, 2021.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

No items were removed from the consent agenda for discussion or separate action. The applicants, Steve Herron and Ted Steidl, were available for questions.

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

A. Resolution approving a front yard setback variance for a garage addition at 18330 Byrnwood Lane.

Adopt the resolution approving a front yard setback variance for a garage addition at 18330 Byrnwood Lane.

B. Resolution approving an expansion permit for a kitchen addition at 19008 Clear View Drive.

Adopt the resolution approving an expansion permit for a kitchen addition within the front yard setback at 19008 Clear View Drive.

Luke, Maxwell, Powers, Waterman, Hanson, Henry, and Sewall voted yes. Motion carried and the items on the consent agenda were approved as submitted.

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

8. Public Hearings

A. Items concerning Dicks Sporting Goods at 12437 Wayzata Blvd.

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

Cauley reported. She recommended approval of the site and building plans application, denial of the master development plan and building plan amendment application, and denial of the sign plan amendment application based on the findings and subject to the conditions listed in the staff report.

Powers appreciated Cauley's amazing presentation. He asked if other tenants in the mall deviated from brick, stone, glass, and metal materials. Cauley answered in the negative. She noted that Macy's had included a substantial amount of EIFS on its facade in its plan, but, after the city council opposed its use of EIFS, Macy's redid its plans which reduced the EIFS.

In response to Luke's question, Cauley explained that councilmembers expressed support of the proposal incorporating more of the aesthetic features and Ridgedale Drive improvements to make the corridor more visually enhanced and safer for pedestrians instead of just constructing a sidewalk that would cut through a parking lot.

Waterman confirmed with Cauley that the 2017 concept plan was not a long-term vision to shrink the footprint of the retail space, but was a visioning study of what could happen to incorporate other features that would be pedestrian friendly.

Powers confirmed with Cauley that the master development plan does not prohibit the addition of another entrance, but such a change would require a site and building plan review by the planning commission and city council.

Maxwell asked why some of the large restaurants located in Ridgedale Shopping Center have been treated differently. Cauley stated that some of the restaurants at Ridgedale have had exterior signs since the inception of the shopping center. Gordon confirmed that the restaurant signs were part of the original design for the mall in the 1970s.

Chair Sewall confirmed with Cauley that Ridgedale Center tenants with exterior access doors are not allowed to have exterior signs except for restaurants. Cauley noted that a tenant who only had exterior access and did not have interior access to the mall submitted an application to have an exterior sign, but that sign was denied by the planning commission and city council upon appeal of the planning commission's decision.

In response to Chair Sewall's question, Cauley explained that the proposed Dick's Sporting Goods space would be considered an anchor tenant because it would exceed 100,000 square feet in size, but the two other proposed spaces would not be considered anchor tenants.

James Varsamis, vice president of development for Brookfield Properties, representing the applicant, thanked Cauley for the excellent presentation. He stated that:

- Ridgedale Center is the community's economic and retail center. The anchor tenant is important to the 110 small retail stores that rely on traffic generated by the anchor stores.
- Having a Dick's Sporting Goods with over 100,000 square feet on two floors would be a huge win for Ridgedale. Anchor vacancies are an eye sore and cancer that would spread due to the reduced traffic in that court. This is one of the best things that Ridgedale could get for the spot.
- He supports the city's future, mixed-use vision for the area. He loves that the mixed-use zoning is in place and ready as the market demand presents itself.
- He reviewed renderings of the exterior. He has worked with staff for a year revising the plans for the exterior and sign.
- He requested the unknown "junior" tenant be allowed to have an exterior sign.
- Having Dick's Sporting Goods as an anchor store would be vital to keeping the Ridgedale Center as great as it is today.
- He commended Minnetonka staff who have been professional to work with and guided the applicant to create an attractive, highly-modified, customized design. He appreciated working with city staff to design the roundabout and improvements to Ridgedale Drive.

Howard Roston, attorney representing Dick's Sporting Goods, stated that:

- Dick's Sporting Goods is competing in an extremely competitive retail market.
- Dick's Sporting Goods would be willing to lose the billboard on I-394 to become part of the mall.
- He understood that the city has a vision for the mall. He will work with city staff and the property landlord in terms of the exterior materials and elevation.
- City staff and the applicant do not agree on the height of the sign.
- The empty Sears box is not in the mall's or the city's best interests.
- He requested that the proposed sign be approved.

Shannon Yeakel, representing Dick's Sporting Goods, stated that:

- Dick's Sporting Goods has a good relationship with Brookfield Properties which is a big asset.
- Dick's Sporting Goods supports communities and youth sports teams.
- There are 750 Dick's Sporting Goods stores. This would be, by far, the most different, two-level looking store.
- She cares about the city code and understands that not following the code is not an easy decision.
- The structure height is important to adhere to Dick's Sporting Goods brand. She meant no disrespect to the code or actions taken regarding previous applications.
- The application first reviewed by staff in Feb. of 2020 was quite different than the current one.
- She appreciated the commission's consideration.

Powers likes Dick's Sporting Goods being located in Minnetonka. He asked if the Dick's Sporting Goods signs for its other stores meet the sign plan requirements of the cities in which they are located. Ms. Yeakel answered affirmatively. She stated that none of those height requirements are as low as this sign plan's requirements. None of them had to be as low as the existing parapet. Sometimes the parapet was built up to meet a requirement.

Powers asked what would happen if the sign on the east side would not be approved as submitted. Ms. Yeakel answered that her superiors would make that decision. She stated that her superiors are passionate about the sign. She stated that more glazing and changing the building materials to meet in the middle could be accomplished, but changing the proposed sign would be "really hard to swallow." Mr. Varsamis stated that he has lost deals due to municipalities not bending to allow an architectural detail or brand identity. He felt this would be a win-win for both parties. It would give Dick's Sporting Goods the brand new store it is looking for and would fill an empty anchor space for Ridgedale Center.

Maxwell asked for the size of the existing store and the height of its sign. Ms. Yeakel answered that the existing store is nearly 100,000 square feet.

Luke asked how many of the Dick's Sporting Goods stores are located in malls. Ms. Yeakel estimated that 30 percent of them are located in a mall.

Luke questioned how the proposed sign height and orientation would help the store's visibility. Ms. Yeakel said that the height of the sign is not necessarily intended to provide visibility from I-394, but more for the impact of the brand and to emphasize the large size of the store. Unfortunately, the grades of the site are opposite of what the applicant would want. Without the proposed sign, the look of the store would not get credit for how large of a store it would be. Dick's Sporting Goods is best in its class in retail sporting goods. A huge sporting goods store just opened in Eden Prairie Center and has made the market even more competitive. Remodeling the existing location would not provide the opportunity to create the brand and prototype put forth in the current plan. A two-level building built today would be very visual with brick on the inside instead of painting the walls white. All of those things combined helped make the decision to move the business to a new location.

Luke asked if removing the parapet had been considered. Mr. Varsamis said that would make that side of the building minimal and not increase the awareness of Dick's Sporting Goods' presence. The applicant felt that matching the existing parapet height rather than removing it would be the appropriate answer. Otherwise, it would be very short. He explained that all of the stores use their signs to hide equipment on the roof. Dick's Sporting Goods' agreement to occupy the space is contingent on the plan being approved. Luke appreciated the pressure Mr. Varsamis felt to secure a tenant and his commitment to keep Ridgedale a viable mall. She hopes it would be successful.

In response to Henry's question, Ms. Yeakel explained that, due to Covid, Dick's Sporting Goods increased its services for online ordering and contactless curbside pickup.

Henry stated that Dick's Sporting Goods would add to the vitality of the mall. He asked for the main advantage to moving to Ridgedale. Ms. Yeakel said that there are confidential things that she cannot share, but the store would have a new, prototypical style interior. The lighting would be better and provide a better product. Mr. Varsamis said that stores typically perform better in a mall due to the added traffic and convenience. Ms. Yeakel agreed. Mr. Varsamis stated that Dick's Sporting Goods hoped to be open in Ridgedale Center before the end of 2021.

Henry would like the two-stories to be accentuated more. He suggested putting windows on the second story to showcase products from the outside. Ms. Yeakel had a conversation with staff yesterday. Dick's Sporting Goods would be happy to add glass to the outside, but the structure may not hold the channel letters and the canopy would have to be removed. The canopy is important in a cold climate. The glass feature would have to be built out to get behind it for snow load and other considerations. She would be more than happy to work with staff on the materials. The presence and the branding

is very important. She stated that each Macy's and Nordstrom's looks similar, but different depending on the mall. Dick's Sporting Goods' brand has an entrance feature. The structure is the brand and sets Dick's Sporting Goods apart from being a vanilla anchor box.

Mr. Varsamis would like to be able to tell a potential tenant for the remaining space that an outside sign would be allowed.

Chair Sewall asked if the remaining space would have an interior mall entrance. Mr. Varsamis answered in the negative. The future tenant space is anticipated to have one tenant on the upper level facing the east parking field and one on the lower level facing the west parking field. A grocery use would be a good tenant to utilize the site and benefit the area.

In response to Waterman's question, Ms. Yeakel said that the issue is that staff's recommended sign would make the Dick's Sporting Goods exterior look no different than the Cheesecake Factory, but it is not a restaurant. Dick's Sporting Goods would be a 100,000-square foot anchor tenant. The brand of the company is very important. The CEO of the company started the company and is passionate about keeping the sign the same for the brand and to give credit for the size of the store.

Waterman asked if raising the entire roof line of the length of the Dick's Sporting Goods store to make it look taller than the Cheesecake Factory would be an option. Ms. Yeakel would be happy to do that. Mr. Varsamis would support going taller. Every retailer loves more.

In response to Waterman's question, Mr. Varsamis answered that not allowing the additional vacant space to have its own exterior sign would make it economically inviable.

Mr. Roston said that there is a time constraint due to other business reasons that prevented Dick's Sporting Goods staff from spending more time discussing the proposal with staff before bringing it to the planning commission for review.

In response to Hanson's question, Mr. Varsamis stated that a retail store without an inside connection to the mall would not locate in a space without an exterior sign. The space would allow three or four restaurants to have exterior signs.

Luke recalled a similar discussion with CycleBar which has an exterior access only. Mr. Varsamis stated that CycleBar is located next to a mall entrance and has a sign behind its glass front in order to meet the sign plan requirements. That would not work for a junior-anchor-size tenant.

In response to Powers' question, Mr. Varsamis described how Brookfield Properties worked with city staff to create the hiking trails, roundabout, and improvements to Ridgedale Drive. The sidewalk from the mall was connected to the hiking trail. An arbor is being considered to provide connectivity.

In response to Powers' question, Mr. Roston stated that he believes that an agreement could be reached between city staff and the applicant regarding the amount of EIFS that the proposal would use. Ms. Yeakel said that other materials could be considered.

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

Wischnack acknowledged the difficulty of trying to balance a long-term view for the Ridgedale Center area with short-term retail influences. Chair Sewall thanked staff for working with the applicant to try to reach an agreement.

Hanson stated that, from an aesthetic, economic, and finding-a-gem-to-anchor-Ridgedale Center standpoint, he supports approving the master development plan, building plan and sign plan amendment with the proposed Dick's Sporting Goods sign, but without the to-be-determined sign included in the façade of the vacant space.

Chair Sewall understood the rationale to not extend the sign above the roofline, but questioned why one side would be o.k. and not the other. Cauley stated that staff is not comfortable with a faux parapet extending its height just for a sign that would serve no purpose other than to increase the size of the sign. The future tenant parapet sign exists currently. The proposal would add to its height and detract from the horizontal rhythm that the mall currently has.

Chair Sewall listened to the city council meeting where this proposal was introduced. Councilmembers want to support retail, but do not want the Ridgedale Center area to have so many signs that it would look like NASCAR. The future of the mall and what makes sense needs to be considered.

Powers thanked the helpful speakers representing the application. He stated that:

- The whole area is being reimagined. Adding six feet to the height of an exterior sign for Dick's Sporting Goods makes sense to him. It would be an anchor tenant with 100,000 square feet which makes it meet major criteria. CycleBar was a much smaller space asking for a lighted, exterior sign which he did not think warranted special consideration. He is more inclined to support the current proposal's sign.
- He did not think all of the signs for the vacant space need to be decided now, because it complicates the decision.
- He did not like the sign on the back end, because it looks like a fake entrance.
- He liked the fact that the applicant would be willing to remove the EIFS or work with staff to agree upon acceptable materials.
- He appreciated Brookfield Properties cooperating with making pedestrian improvements.

- He thought Ridgedale would be lucky to have Dick's Sporting Goods as an anchor store.
- He thought the sign would be less important than it used to be since many people utilize GPS. He was inclined to allow the look on the front of the building. It would not be dramatically different or create excessive viewing.

Henry stated that:

- He understands that the applicant wants to have an "A+" look to the store. He did not like EIFS or the look of a strip-mall-box store. Ridgedale Center is a special resource.
- He would like a view of the park from the second story of the store. He suggested making it as much of an "A+" store as possible. He would like the second floor ceiling raised and windows added to make it a signature spot. He suggested going bigger and fancier with the windows if possible. If the second floor would be raised, then the main sign could be higher.
- He did not like the appearance of the small signs above the loading dock. He would like that cleaned up.
- He did not like the faux entrance because there is no door there. He would like to see the Dick's Sporting Goods sign replaced with a mural or mosaic that would not be confused for signing an entrance.

Luke thanked the speakers representing the application for their time. Luke stated that:

- Ridgedale Center is a high-end mall. She wants the façade to look and feel like the rest of Ridgedale Center.
- She was inclined to agree with staff's recommendation regarding the height of the sign.
- The other external entrances need a solution regarding signs. It makes sense that restaurants would have external signs because they operate during different hours and have external accesses. A consumer wants to know what store he or she is walking into. CycleBar is unique because of its size. She thought an exterior sign would be warranted for a 30,000-square-foot tenant with exterior access and no interior mall access. She encouraged staff to consider that. Rules could be created so that not every store in the mall could have an exterior sign. This may not be the only anchor space that breaks up.
- She agreed that a fake entrance would frustrate a customer until he or she remembers the next time. The neighboring apartment dwellers would like an entrance there.
- She agreed that it is unfortunate that the future tenant sign is included in the application.
- She was comfortable with staff's recommendation regarding the Dick's Sporting Goods' sign height.

Maxwell stated that:

- She agrees with Luke. Ridgedale Center is a high-end mall. She does not want it to look like a strip mall or big-box store.
- She supports staff's recommendation in keeping the sign height in line with the rest of the mall. With the sign's colors and basketball as an apostrophe, she felt any customer would recognize the store for what it is without the extra height. The big green panel by itself would contrast and stand-out strongly.
- She thought the signed area without an access would be confusing. She suggested making it an entrance or change the sign on the main level to make it clear that it is not an entrance.
- The sign on the dock side would be too large. It should direct traffic to the dock, but it does not need to be visible to customers at the mall.
- She acknowledged that a future tenant would need to have an external sign. She did not support the future tenant sign as proposed, but she did not have a solution.

Waterman stated that:

- He agrees with Luke and Maxwell. He was thrilled to have Dick's Sporting Goods stay in the community and appreciated the applicant being willing to work with staff. There is a lot to be considered in the application.
- He supports staff's recommendation.
- He did not feel strongly regarding the sign height.
- He agrees with removing the EIFS and adding windows and additional stone.
- As a consumer, he would recognize Dick's Sporting Goods.
- He appreciates the application including the junior tenant and showing how it would look. There needs to be a solution for a junior tenant sign. He thought junior tenant stores could be considered a freestanding structure once the big box would be divided up.
- He agreed with staff at this time. He felt the solution is almost there.

Hanson stated that:

- He had no problem with staff's recommendation other than being open to Dick's Sporting Goods maintaining its brand.
- He struggled with approving a blank sign.
- He encouraged the applicant to link the store to the park.
- He expects Dick's Sporting Goods to create a high-end store.
- Hanson thought a junior tenant could apply for a sign variance for an exterior sign.

Chair Sewall stated that:

- The Ridgedale Center area is changing.
- He felt that it would be reasonable for the remaining space not used by Dick's Sporting Goods to have an exterior sign if the only access to the space is from the exterior with no mall access.
- There would be apartments within a few hundred yards. He wants to be respectful of those residents. The signs and aesthetics are more important now than ever. He supports eliminating the signs on the south end that face The Luxe.
- He loves the idea of having glass windows overlook the park.
- He was comfortable with Dick's Sporting Goods proposed sign's height.
- He did not like the roofline being all at the same level. He likes the look of the roofline broken up.
- He agrees that the west side display would be uninspiring. He opposes the use of EIFS. An anchor tenant deserves a better product.

Henry wants the high-end feel of the mall maintained. He was comfortable tabling the motion to allow the applicant time to incorporate some of the ideas mentioned by commissioners into a new plan.

In response to Chair Sewall's request, Cauley clarified that the final site plan covers outside items including the proposed stormwater improvements and parking-lot-island landscaping; the master development plan and building plan cover the building façade; and the sign plan amendment covers the proposed signs.

Chair Sewall noted that the applicant stated that time is of the essence. He recommends commissioners make a recommendation to the city council at this time and the applicant may make changes to the proposal before it is reviewed by the city council.

Luke moved, second by Henry, to recommend that the city council adopt a resolution denying an amendment to the Ridgedale Center master development plan and building plans; adopt a resolution approving the final site plans; and adopt a resolution denying the sign plan amendment for Dick's Sporting Goods and a future tenant at 12437 Wayzata Blvd.

Luke, Henry, Maxwell, and Waterman voted yes. Powers, Hanson, and Sewall voted no. Motion carried.

Chair Sewall thanked the speakers representing the application and wished them luck.

B. Ordinance relating to telecommunication facilities.

Chair Sewall 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.

Henry asked if the City could have some control over locating small cell equipment in right-of-ways in single-family neighborhoods. Thomas explained that state law prohibits cities from directing providers to certain right-of-ways, but small-cell equipment on new structures cannot be located adjacent to residentially zoned properties unless the applicant provides certification that service objectives cannot be met by constructing in a non-residential area and must be located in the right-of-way of a collector or arterial street unless the applicant can provide certification that the service objectives would not be met if located in the right of way of a collector or arterial street.

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

Maxwell asked for an estimate of how often the city expects to receive an application from a cell provider that would require approval of a conditional use permit. Thomas stated that, on average, staff currently reviews one application a month administratively for an application that does not require a conditional use permit. Providers prefer to use the existing administrative process when possible and not have to go through the conditional use permit review process. Communication facilities are allowed to be located on existing utility poles in single-family residential areas without a conditional use permit.

Tammy Hartman, network outreach manager with Verizon, stated that she was available for questions.

In response to Henry's question, attorney Anthony Dorland, representing Verizon, explained that small cell installations have to be in closer proximity to the user than a macro site located on a water tower. He agreed with staff's report. The demand for cell coverage is being created by people in their homes. Cell phones are a replacement for landline phones. Eighty percent of people 25 to 35 years of age do not have a landline phone, only a cell phone.

Powers moved, second by Hanson, to recommend that the city council adopt the ordinance repealing and replacing City Code 310.03 regarding Telecommunication Facilities Regulations.

Luke, Maxwell, Powers, Waterman, Hanson, Henry, and Sewall voted yes. Motion carried.

9. Adjournment

Waterman moved, second by Luke, to adjourn the meeting at 10:25 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary