

OFFICIAL MINUTES  
PLANNING COMMISSION  
ST. LOUIS PARK, MINNESOTA  
FEBRUARY 20, 2019 – 6:00 p.m.  
COUNCIL CHAMBERS

MEMBERS PRESENT: Lynne Carper, Matt Eckholm, Jessica Kraft,  
Carl Robertson

MEMBERS ABSENT: Lisa Peilen, Claudia Johnston-Madison, Joe Tatalovich,  
Alanna Franklin (youth member)

STAFF PRESENT: Sean Walther, Jennifer Monson, Gary Morrison, Jacquelyn  
Kramer, Clint Pires, John McHugh

1. Call to Order – Roll Call
2. Approval of Minutes: January 16, 2019 and February 6, 2019

Commissioner Robertson made a motion to approve the minutes. Commissioner Carper seconded the motion, and the motion passed on a vote of 5-0

3. Public Hearings

A. Zoning Ordinance – Small Cell Aesthetic Requirements

Applicant: City of St. Louis Park

Case Nos: 19-04-ZA

Gary Morrison, assistant zoning administrator, presented the staff report. The applicant requests an amendment to the zoning ordinance to Sections 36-142 and 36-367 regarding communication towers and antennas.

The intent of the amendment is to clarify existing regulations pertaining to small wireless facilities and remove references regarding communication towers and antennas located in the public rights of way, from the zoning ordinance and move it to chapter 24 of the city code, which is where it regulates public uses in the right-of-way. We want to make sure the design criteria is consistent with both Chapters 24 and 36.

Design criteria would require all the equipment; wires, brackets and cables to be inside of the poles to ultimately end up with a cleaner look. All this is being considered in anticipation of the 5G network which is expected to roll out over the next few years.

Both the federal government and the State have passed laws and rules that are intended to streamline the process for the implementation of this infrastructure. And in doing so they have put some significant restrictions on local governments' abilities to regulate the installation of these facilities in the local right-of-way.

However, the city does have until April 15, 2019, to adopt aesthetic guidelines, to help minimize the impact aesthetically of these facilities in the public right-of-way.

Commissioner Carper, asked Mr. Morrison a question relating to page 12 of the planning commission packet under section 36.142 – sub 16. Micro-wireless facility, whose exterior antenna, if any, is no longer than 11 inches. Why such a unique measurement?

Mr. Morrison states the section was taken directly out of chapter 24 in an attempt to be consistent with how the city already defines these regulations. It's also staff's understanding the definition comes from other agencies and is the universal standard in the industry.

Commissioner Robertson, asked about the possibility of an antennae being needed where an existing pole or decorative pole is already placed, would we need to add an additional pole nearby or is there a way to modify an existing pole to accommodate the equipment internally and maintain the same style pole?

Mr. Morrison responded the intent of Chapter 24, that the company installing a pole in the public right-of-ways, they will have to install a pole that matches the design in the district and keep all the equipment inside the pole. This new pole could replace an existing pole. All the design specifications will be in a manual that will be available to anybody upon request.

Chair Eckholm opened the public hearing.

Nathan Monsen, 2700 Ottawa Ave. S., asked if the proposed regulations vary by zoning areas within the city.

Mr. Morrison responded that in today's codes the height of towers is regulated differently per zoning district and in some cases the placement of where they can be on the property; those regulations are existing in today's code and not anticipated to change. Primarily what we're doing is taking existing language in today's zoning ordinance that regulates the right-of-way, taking it out of Chapter 36 and putting it into Chapter 24 and addressing some of these aesthetic standards.

Mr. Monsen inquired if there is a conversation or desire of different rules based on federal and state regulations, that there can be different requirements or regulations based on residential versus commercial districts.

Mr. Morrison responded that the way its setup now is anything on residential property is only intended to serve the residents of that property, so any antenna meant to serve the general public is not allowed on any residential property. It can be allowed only on commercial or non-residential for the general public.

Sean Walther, planning and zoning supervisor, added that it is possible for these poles to be installed in the public right-of-way in a residential area.

Mr. Monsen stated his question still stands. In public right-of-way, is there any desire for different regulations for these kind of towers between residential?

Mr. Morrison, stated this is where the aesthetic guidelines come into play, with the concealing of the equipment in the towers. As, when it comes to the right-of-way that's where the city's design standards come into play; they are deemed public right-of-way, the utility has the right to locate within them.

Bruce Browning, 3225 Dakota Ave. S., asked for clarification about the city ordinance. How does the state of Minnesota react to this, are they okay with this as well? Do you see any legalities that could become a problem later down the line?

Mr. Walther, responded that the States statutes were amended prior to the release of the latest federal communication rules; which also reduced the city's ability to regulate items in the right-of-way. So, from the State legislature point of view they're essentially echoing the changes that have occurred at the federal government level.

Mr. Browning, asked about the 5G network and if there is an idea of about how many antennas it will require to get the coverage they need; how quickly it might end up occurring – due to the demand but keeping the aesthetics a priority still; and which providers are coming in?

Mr. Morrison responded that it is unknown how many antennas or providers may come in and believes it will roll out in the higher demand areas and it will require a fair number due to the demand.

Mr. Browning noted the city's attempt to roll out wireless internet some years ago and how strongly the community opposed the appearance and the number

of poles that were installed in the boulevards in residential areas. He assumes the city is attempting to avoid this from happening again in the future.

Chair Eckholm closed the public hearing and brought it back to the commissioners.

Commissioner Carper complimented city staff for their effort and time put into creating such ordinances.

Commissioner Robertson also acknowledged the city's effort and made a motion to recommend approval of the ordinance amending section 36-142 and 36-367 pertaining to small wireless facilities. Commissioner Kraft seconded the motion. The motion passed 4-0.

4. Other Business. None.
5. Communications:
  - Study Session is being held after meeting to discuss the Historic Walker Lake study and home occupations.
  - Boards and Commissions meeting will be held on Monday, February 25 at 5:30 p.m. which is also open to the public and will be broadcast.
6. Adjournment

The meeting adjourned at 6:24 p.m.

#### STUDY SESSION

The study session commenced at 6:30 p.m.

##### 1. Historic Walker Lake

Jennifer Monson, planner, spoke about the small area revitalization plan and design guidelines for Historic Walker Lake that started in 2018. The goal of the study is to identify ways to maintain the characteristics and the feel of the district as redevelopment and reinvestment occurs in the area. Also, the city would like to keep the scale of the district small and walkable, and maintain the neighborhood commercial district.

Ms. Monson explained the history of the Walker Lake area. This was the historic downtown of St. Louis Park, which was developed by T.B. Walker who later helped start the Walker Art Center.

Currently there are approximately 105 businesses with about 1,500 employees. In 2016 there was an Activation Grant from Hennepin County to help brand the area as Historic Walker Lake. There has been open street events, outreach to the neighborhood and business owners to get input on the vision for the district. The city is planning major infrastructure improvements in the area in 2019 and 2020.

In 2018 a small area revitalization plan was kicked off and a consultant was hired to help determine the best path forward for implementation of the plans. This study will include a parking analysis, as a lot of businesses cannot meet the zoning ordinance for parking requirements; zoning code recommendations; and design guidelines to help maintain the character that exists today.

The consultants have already surveyed 40% of the businesses. A lot of the business owners have mentioned the lack of access; the connection of Lake Street to Highway 7 was closed and it has become a bit more difficult to access the area and a lot of people don't know what businesses are located there. The businesses want to start a business association, which they can use to help with marketing of the area, get to know the neighbors and create events with one another.

An item being looked at in conjunction with Historic Walker Lake are regulatory changes. To make sure our code allows the uses of a brewery, food hall, and other changes that might be needed for these new business to be allowed in the area.

Other than gentrification, the only worry the area owners and resident are concerned of is making sure everything that has been presented thus far, moves forward.

## 2. Home Occupations (no written report)

Mr. Walther reviewed staff's responses to questions the planning commission raised regarding firearm sales following the public hearing.

As of January 2019 there are six federal firearm licensed holders (FFL) in St. Louis Park. Five of those are home occupations and Frontiermen is the sixth. All responsible persons go through an extensive process including background checks and an in-person interview, done by the Bureau of Alcohol and Tobacco Firearms and Explosives.

City staff has tried to find the research mentioned in one of the letters received during the public hearing, but no such study has been found. The closest thing staff found was a study to do a study, which did not appear to have any bearing on the current discussion

The planning commissioners had also asked if there have been incidences of violence at or due to the home based firearm sales, in comparison with

commercial locations. The police department reviewed all police calls within the past ten years at all addresses that hold FFL's and there were no incidences of violence, burglary or stolen inventory reported.

Commissioner Robertson asked why is this being proposed? He stated he feels this is a mis-direction in response to the concerns brought up by the students at St. Louis Park after the Florida High School shooting and this may not be enough of an action.

Mr. Walther acknowledged that the students' concerns initiated the city council's inquiry regarding city firearm sales regulations and policies in the city. This proposed change to the home occupations regulations is being proposed, because that review highlighted discrepancy in city policy, whereby firearm sales in commercial districts are prohibited from being within 350 feet of a residential area, and yet firearm sales are being allowed as a home occupation in a residential property. This change would prevent any more home occupations from starting up. This does not eliminate the current businesses that are already operating. Those home occupations would be allowed to continue as a non-conforming use, because they were operating before the new rules were adopted. It would also prevent existing home occupations from expanding.

Commissioner Kraft stated the city may want to take a position to prevent new FFL home occupations from coming into the community. It might be something we should change now and put into effect to save from the trouble of doing it in the future when there may be more businesses effected.

Chair Eckholm asked if rules should be added to further regulate the FFL home occupations, if not prohibiting them, in order to ensure that if problems occur in the future, that the city could act to achieve compliance or shut them down.

Commissioner Robertson believed this ordinance isn't addressing the concerns of the students and protecting them from violence. With the request of change from the students within St. Louis Park it's not enough of a difference moving forward and then telling them something was done.

Commissioner Carper suggested examples of other regulations that may be put into place.

Discussion from group ended with agreement of sending out another public hearing notification as it has been some time since the hearing was held and to gather the feedback from council when it moves forward.

Mr. Walther provided an update about the Ground Floor Window Transparency ordinance. The council requested that the planning commission attend the April

Unofficial Minutes  
Planning Commission  
DATE  
Page 7

8<sup>th</sup> study session to discuss the item and also go over the 2019 work plan at the same time.

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Elena Roberts  
Recording Secretary