

# Planning Commission

July 13, 2020 – 7 pm

## REGULAR MEETING MINUTES

This meeting was held via Webex in accordance with the local emergency declaration made by the City under Minn. Stat. § 12.37. In accordance with that declaration, beginning on March 16, 2020, all Planning Commission meetings held during the emergency were conducted electronically. The City used Webex to conduct this meeting and members of the public were able to monitor the meetings by watching it on Comcast cable channel 16, by streaming it on CCXmedia.org, or by dialing in to the public call-in line. The public was able to participate in this meeting during public comment sections, by dialing the public call-in line.

### 1. Call to Order

The meeting was called to order at 7:00 by **Chair Blum**.

#### Roll Call

Commissioners present: Rich Baker, Ron Blum, Adam Brookins, Andy Johnson, Lauren Pockl, Chuck Segelbaum,

Commissioners absent: Ryan Sadeghi

Staff present: Jason Zimmerman – Planning Manager, Myles Campbell – Planner

Council Liaison present: Gillian Rosenquist

### 2. Approval of Agenda

**Chair Blum** asked for a motion to approve the agenda.

**MOTION** made by **Commissioner Brookins**, seconded by **Commissioner Johnson** to approve the agenda of July 13, 2020. Staff called a roll call vote and the motion carried unanimously.

### 3. Approval of Minutes

**Chair Blum** asked for a motion to approve the minutes from June 22, 2020.

**MOTION** made by **Commissioner Brookins**, seconded by **Commissioner Pockl** to approve the June 22, 2020 meeting minutes. Staff called a roll call vote and the motion carried unanimously.

### 4. Informal Public Hearing – Zoning Text Amendment

Revising the Density Range of the Medium Density Residential (R-3) Zoning District

**Applicant:** City of Golden Valley

**Jason Zimmerman, Planning Manager**, introduced this item as a required follow-up from the approved 2040 Comprehensive Plan. When Met Council approves the Comp Plan, the future land use map needs to show development patterns at certain density thresholds. This showing, ensures each community in the metro area can accommodate its share of projected growth. Once the plans are adopted, the zoning maps and text must be updated to come into alignment. **Zimmerman** displayed



This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.



a chart for the Commissioners comparing the current zoning code to the language in the 2040 Comprehensive Plan. Most of the items align but the current R-3 code language needs updating in order to align with the 2040 Plan. **Zimmerman** expanded in greater detail and listed all the multi-family buildings to see how they matched the zoning designation; during this process, staff discovered 14 buildings that were non-conforming. After more research, staff discovered older zoning policies that lead to this non-conformity but once the R-3 language is updated, this will be remedied and the buildings would match their zoning designation. The exiting R-3 language has Density Bonuses which included underground parking, a building being near public transit, and offering a private recreation facility for its residents. Most of these items were in place when Golden Valley was developing, now that the City is built out so staff believes the density bonuses should be removed so the R-3 district will align with the other zoning districts.

#### Staff Recommendation

Amend the text of the Medium Density Residential (R-3) Zoning District to revise the allowed density range and strike the density bonus provisions.

**Commissioner Segelbaum** asked if the buildings listed were rezoned, could they be re-developed into 20 units per acre. Staff confirmed and added that they could be up to 20 units or if they were a senior building, they could be 30 units. **Chair Blum** asked staff what extent does the current PUD on any of the properties create another step in the process if there's a change in zoning. **Zimmerman** responded that if there are existing PUDs, that reigns over the zoning designation. The conversation continued into the possibilities of negotiating re-development with PUDs and PUD amendments. The discussion evolved into requirements and process for new or re-developments after re-designating the zoning.

**Chair Blum** opened the Public Hearing at 7:30pm

**Rick Gripentrog**  
**7533 Harold Ave**

*I'm curious about the area we're talking about, this area is south of Highway 55, east of Winnetka, north of Harold Ave, and west of Rhode Island Ave.*

**Zimmerman** responded to the caller and informed him that this call is referring to the second item on the agenda; the caller continued with his comments.

*I understand that you can have up to 20-30 units per acre and is this area 6 acres?*

**Zimmerman** wasn't certain as the details were not in front of him.

*I'm concerned about the density, doing this development imposes livability issues and traffic issues. This proposal was brought up before and there were similar concerns about livability and traffic then. I don't want to see 2 story apartments with underground parking, it's not conducive to good livability.*

The **Chair** opened the discussion on this item and stated underground parking doesn't need to be tied to density and it can be a nice amenity; it also may leave room for green space. This led the conversation into developing properties with the largest density and the least cost. Incentives can be useful as it leads to a more livable building for longer. **Segelbaum** expressed his concern over making

a such a large decision without a deeper dive in repercussions. The discussion moved in to projected population growth and city development as well as the Comp Plan and what that means with the approval from Met Council. **Commissioner Johnson** recalled conversations around the comprehensive plan and growth of the city outpacing the projections of the Met Council. He added that growth has been sustained and managed, specifically through PUDs, and doesn't understand how aligning with Met Council's projections will improve Golden Valley's current plan. **Commissioner Baker** asked staff to expand; **Zimmerman** clarified that this wasn't an alignment with another plan but rather ensuring Golden Valley's zoning and land use will meet the density projections in Golden Valley's comp plan. Without that action, the City won't have the correct zoning to match its density projections.

**Paula Pentel**

**941 Angelo Drive**

*Calling about the new R-3 density, this is a wonderful for the city to consider doing. It brings conformity and I don't think we need to worry about current units because they aren't going anywhere or changing. Being consistent about what we want to see moving forward, is a very good idea. I was on the Council when the area across 55 was rezoned, the various neighbors riled up and the existing Council backed down. We sit just to the west of Minneapolis and we have a great obligation to provide good density of housing.*

**Commissioner Pockl** cited attachment language on section of code 113-90, "within the principle uses under the medium density residential zoning district that 1,2,3,4 are required to be consistent with the City's mixed income housing policy" and asked how the City would be inconsistent with the mixed income housing policy. **Zimmerman** responded that the phrase was added when the policy was passed and wanted to be clear that new multi-family units were required to have a certain number of affordable units.

**Edward Chesen**

**7507 Harold Ave**

*This proposal to rezone came up 10 years ago and I was president of our townhome association and had been a member of the board of building review, I was also a caller that was riled up, but for good reason. The reasons stand today, I don't know if the Commission has considered what has happened in that area since the proposal was turned down. The developers that wanted to develop the area backed out and some smaller developers came in and developed a number of units into single family housing. There's a lot more to this than the serenity of the neighborhood. I wonder if the property owners in light of the rezoning turn down would have legal recourse to have their property zone changed again.*

**Zimmerman** added that the latest call is related to the second public hearing.

The **Chair** added that he doesn't like the idea of the City losing its leverage to make the kind of development happen that it wants to see happen, including amenities or tweaks to specific properties. **Zimmerman** said a number of Commissioners have agreed that there needs to be a way that this complies with the Comp Plan but this may not be the best approach. He added that if

Commissioners are open, this item be tabled so they can find a way to comply per Met Council but create a broader list of checks and balances. **Brookins** stated his support for what’s presented and believes it’ll benefit Golden Valley in the long-term. He added that he’d hate to see this item go through another 10-year cycle before it’s addressed again. **Commissioner Baker** stated his support for tabling the item in order to collect additional information. **Segelbaum** and **Pockl** echoed Baker’s statement.

**MOTION** made by **Commissioner Baker**, seconded by **Commissioner Brookins** to table this agenda item and discuss at a later meeting with additional information. A roll call vote was made and passed unanimously.

**5. Informal Public Hearing – Zoning Map Amendments**

Rezoning Properties to Achieve Conformance with the 2040 Comprehensive Plan

**Applicant:** City of Golden Valley

**Jason Zimmerman, Planning Manager**, stated the request to continue rezoning properties in order to conform with the Future Land Use Map in the 2040 Comp Plan. Staff reminded Commissioners that this started with the rezoning of the I-394 Mixed Use properties. A map was then displayed of the existing zoning map and the future land use map, in order to illustrate how rezoning will take place as the City comes into conformity with the comp plan.

**Zimmerman** expressed that there are NO active development proposals for any properties that are currently under consideration for rezoning, this item is strictly administrative.

There are six groups being addressed in this rezoning and includes 18 properties. Majority of them are being rezoned to match what is currently on the ground. A few are being rezoned in anticipation of future plans.

Group 1

9201 Olson Memorial Highway 8900 Betty Crocker Drive	<b>Rezoning Office to Institutional Subdistrict I-4</b>
---	---

Group 2

1 General Mills Boulevard	<b>Rezoning Industrial District to Office District</b>
---------------------------	--

Group 3

7831 Olson Memorial Hwy 7830 Harold Ave 440 Winnetka Ave N 7732 Harold Ave 424 Winnetka Ave N	7724 Harold Ave 400 Winnetka Ave N 7720 Harold Ave 7840 Harold Ave 411 Rhode Island Ave N	<b>Rezoning Single-Family Residential (R-1) Medium Density Residential (R-3)</b>
---	---	--

Any development proposals in this area would require a traffic study.

Group 4

5635 Glenwood Ave 5701 Glenwood Ave	<b>Rezoning Single-Family Residential (R-1) to Medium Density Residential (R-3)</b>
--	---

Group 5

501 Theodore Wirth Parkway	<b>Rezoning High Density Residential (R-4) to Medium Density Residential (R-3)</b>
----------------------------	--

Group 6

5073 Wayzata Boulevard	<b>Office to Commercial</b>
1513 Utica Ave S	<b>Office to High Density Residential (R-4)</b>

**Zimmerman** closed his presentation by stating State statute requires all zoning designations to be consistent with the land uses identified in the Comp Plan within nine months of adoption. If the City chooses not to rezone any of these properties, the Future Land Use Map would need to be amended with the Met Council.

Staff Recommendation

Following the provisions of State statute (sec. 473.858, subd. 1) and the requirements of the Metropolitan Council with respect to comprehensive planning, staff recommends the 18 identified properties be rezoned as indicated.

**Commissioner Pockl** asked if some of the groups could be approved and others tabled, considering the previous agenda item was tabled. Staff said each group could be looked at separately and approved or tabled.

**Chair Blum** opened the public hearing at 8:24pm.

**Tina Prokosch**

**7601 Harold Ave**

*I'm calling about group three, was this considered to be rezoned to an R-2? That would align with the other areas around here are an R-2 zoning and I'm concerned what an R-3 zoning will do to this area.*

**Martha Johnson**

**7647 Harold Ave**

*Why does Golden Valley seem to think rezoning group three is beneficial? The answer cannot be to increase density as I believe Golden Valley has met our density requirement. It would appear rezoning this area is out of character with surrounding areas.*

**Colin**

**7511 Harold**

*Calling in general support of the rezoning movement across the city and specifically related to the Winnetka and 55 intersection. I think there are a lot of city infrastructure that can support that type of development. If we're going to be a sustainable and economically viable city, we need to be progressive see these types of changes as good.*

The **Chair** asked staff if the area was considered for R-2 designation. **Zimmerman** showed a map and said that during Planning Commission meetings, the lots addressed were not considered for R-2 as those are small single-family lots or duplexes. The discussion moved into the number of units per acre, building size limits, storm water regulations, and open space requirements.

**Eric Pederson**

**130 Louisiana Ave N**

*A giant building on the intersection of Harold and Winnetka would make an already busy traffic area, a disaster when Covid ends. Not to mention I think we've done a good job building high density housing, including the monstrosity on Xenia that seems to be taking 5 years to build. My point is that we had an organized group 9 years ago, we gathered hundreds of signatures against a 5-story building in our neighborhood when nothing is taller than really 2 stories. I would ask you to see notes from this time and we were told no developments on Rhode Island and this neighborhood would occur and it had to be re-zoned to be re-developed. The area stayed as R-1 and R-2 and houses were built there. This area should remain R-2 to stay consistent with the neighborhood. We will organize again to prevent this re-zoning.*

**Tara Fini**

**7517 Harold Ave**

*I support the ordinance, we live in very nice area; the city has a lot to offer in terms of multi-family housing that isn't an eyesore. Maybe the city should do work to help residents understand what the project is and what it isn't. Doesn't seem like there's enough understanding of what this will look like.*

Commissioners discussed this item and the history of it as it was brought up by callers. **Commissioner Segelbaum** stated he'd approve the groups but wants to look closer at group three before deciding. **Commissioner Pockl** echoed this and wants to discuss more details around group three. **Commissioner Brookins** stated his support of all the groups but would leave group 5 as a R-4, he doesn't see a change occurring. The Chair asked staff what their direction is. **Zimmerman** stated the Council would like a recommendation but group three can be tabled for further discussion. **Commissioner Johnson** made final comments regarding the potential inability to preserve trees and green space with building 4-5 story buildings. As well as assuming people will utilize land bridges just because of their existence.

**MOTION** made by **Commissioner Segelbaum** and seconded by **Commissioner Pockl** to approve the rezoning designations for groups 1,2,4,5,6. A roll call vote was made and passed unanimously.

**MOTION** made by **Commissioner Segelbaum** and seconded by **Commissioner Brookins** to table the designations relative to group 3 for further discussion. A roll call vote was made and passed unanimously.

**6. Discussion – Architectural and Material Standards for Mixed Use Properties**

**Jason Zimmerman, Planning Manager**, reminded the group that when the City adopted architectural and material standards for new developments in the R-3, R-4, Commercial, Office, Institutional, Light Industrial, and Industrial zoning districts; the Mixed-Use district had not been finalized or adopted. This discussion will be to revisit the regulations that were adopted previously and to begin to outline the parameters for standards in the Mixed-Use zoning district. Details regarding the elements are in the memo. **Chair Blum** stated he recalls the conversation, likes the list, and supports the need for consistency. **Commissioners Brookins, Segelbaum, and Pockl** echoed the Chair's statement.

**7. Discussion – Fences, Screening, and Garden Structures**

**Myles Campbell, Planner**, stated that last year staff identified a number of areas in which the existing code language regarding screening, and specifically fencing, could be improved upon. **Campbell** expanded that the revisions are largely based on resident feedback and observed patterns in how properties are utilizing fences and garden structures. The three items addressed surround arterial road fence height exceptions, garden structures, and public safety screening exceptions.

Arterial Road Fence Height Exception

Current zoning code for residential properties limits the height of fences to 4 feet in the front yard of homes. Fences up to 6 feet in height are allowed in rear and side yards, this allows for some privacy between properties and to mitigate the carrying of noise. There is an existing exception for front yard fences to extend beyond 4 feet in height and is based upon the property's proximity to a major roadway. A large number of variance requests have come before the BZA for properties that do not adjoin a minor arterial, but which are separated by a frontage road from a large principal arterial roadway. These properties experience similar or greater noise impacts and still need to pursue variances. Calculating the number of variance requests, and that these requests are almost unanimously found to be reasonable, staff feels a new exception should be included in the code for homes that are adjacent to or directly across a frontage road from a principal arterial. Specific language to follow.

**Chair Blum** asked if ROW plantings could be put in place instead of taller fences. **Campbell** recalled a variance that utilized fencing and plantings but a greater conversation could occur. However, many plantings won't create enough mitigation for residents. Most of these examples are facing highways or frontage roads, the fences generally won't face neighbors or other houses.

Garden Structures

In both the R-1 and R-2, garden structures are required to be no less than 5 feet from any property line, including the front property line, and the garden structure shall not exceed 10 feet in height.

This was to allow these structures in front yards to provide decorative accents to residents' gardens and landscaping, and to make a delineation between these structures and sheds or detached garages. Recently, staff noticed the use of substantial garden structures to provide screening above the allowed 6 feet of fencing in residential neighborhoods. Staff is seeking some discussion and feedback from the Commission on what action they'd like to take.

**Chair Blum** asked if the structure's primary use is to screen, should it be removed from the code. However, there's a wide range of interpretation and altering dimensions of the structure may be more concrete than stating a primary use. The conversation continued around possible dimension and location restrictions, and how restrictive language should be regarding a specific number or a certain percentage of the lot size.

#### Public Safety Screening Exception

For Commercial and Industrial properties, the City has strict restrictions on screening the property and any outdoor storage. The goal was to promote greater cleanliness and order within the City's Commercial and Industrial districts. Recently, the Chief of Police raised an unintended consequence of these stringent screening requirements. An outdoor storage facility opening in the City applied for a fence permit, and presented a plan that would meet the City's requirements; however, Police asked if a portion of the screening requirement could be waived or reduced along the main street-side of the property due to safety monitoring. Staff feels that while one of the central tenants of the zoning code is to promote the welfare of the City and its property owners, another equally important consideration is the safety of the City. Staff's initial thought is to treat this exception as an administrative decision given that the decision to reduce the screening may be based upon different sets of circumstances.

**Televised portion of the meeting concluded at 9:37 pm**

#### **8. Council Liaison Report**

**Council Member Rosenquist** reported that the agreement for Phase III of the Downtown Study was approved by the City Council. Work will begin over the summer and continue into the fall. The Council also accepted a bench donation from the family of Lisa Wittman. **Rosenquist** gave a preview of the upcoming Council/Manager meeting which will focus on issues of equity and policing. She encouraged Commissioners to visit the Mapping Prejudice website to see how the use of racially restricted covenants spread across Golden Valley.

#### **9. Reports on Meetings of the Housing and Redevelopment Authority, City Council, Board of Zoning Appeals, and other meetings**

#### **10. Other Business**

#### **11. Adjournment**

**MOTION** by **Commissioner Brookins** to adjourn, seconded by **Commission Baker**, and approved unanimously. Meeting adjourned at 9:47 pm.

  
\_\_\_\_\_  
Amie Kolesar, Planning Assistant

  
\_\_\_\_\_  
Adam Brookins, Secretary

