

# Planning Commission

April 11, 2022 – 6:30 pm  
Council Chambers  
Hybrid Meeting

## REGULAR MEETING AGENDA

Planning Commission meetings are being conducted in a hybrid format with in-person and remote options for attending, participating, and commenting. The public can make statements in this meeting during the planned public comment sections. Members of the public may attend virtually by following instructions below.

*\*Commissioner Ruby will be attending remotely in the Council Conference room at City Hall, this room is accessible to the public.*

**Remote Attendance/Comment Options:** Members of the public may attend this meeting by watching on cable channel 16, streaming on [CCXmedia.org](http://CCXmedia.org), streaming [via Webex](#), or by calling 1-415-655-0001 and entering access code **2461 791 0556**.

Members of the public wishing to address the Commission remotely have two options:

- Via web stream - Stream via [Webex](#) and use the 'raise hand' feature during public comment sections.
- Via phone - Call 1-415-655-0001 and enter meeting code **2461 791 0556**. Press \*3 to raise your hand during public comment sections.

**\*Call to Order**

**\*Approval of Agenda**

**\*Approval of Minutes** – March 28, 2022, Planning Commission Meeting

**\*Discussion** – Mobile Uses

– End of Televised Portion of Meeting –

To listen to this portion, please call 1-415-655-0001 and enter meeting access code 2461 791 0556.

**5. Council Liaison Report**

**6. Other Business**

- a. Reports on Board of Zoning Appeals and Other Meetings

**7. Adjournment**



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.



# Planning Commission

March 28, 2022 – 6:30 pm  
Hybrid  
Council Chambers, City Hall

## REGULAR MEETING MINUTES

This meeting was conducted in a hybrid format with in-person and remote options for attending, participating, and commenting. 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.

### 1. Call to Order

The meeting was called to order at 6:30 pm by **Chair Pockl**.

#### Roll Call

Commissioners in person: Adam Brookins, Sophia Ginis, Andy Johnson, Chuck Segelbaum  
Commissioners remote: Lauren Pockl, Mike Ruby  
Staff present: Jason Zimmerman – Planning Manager  
Staff remote: Myles Campbell – Planner  
Council Liaison present: Denise La Mere-Anderson

### 2. Approval of Agenda

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

**MOTION** made by **Commissioner Brookins**, seconded by **Commissioner Johnson**, to approve the agenda of March 28, 2022.

Staff took a roll call vote. Motion carried.

### 3. Approval of Minutes

**Chair Pockl** asked for a motion to approve the minutes from March 14, 2022.

**MOTION** made by **Commissioner Ginis**, seconded by **Commissioner Johnson** to approve.

Staff took a roll call vote. Motion carried.

### 4. Discussion/Training – Planned Unit Development (PUD)

**Jason Zimmerman, Planning Manager**, reviewed the recent PUD process for Greenway Villas and discussed a few questions that came up as a result of that process. Discussing this process now is ideal as the work session with Council is in April. Clarifying the PUD process now may lead to additions on the work plan if Planning Commission thinks it will be helpful.

Staff reviewed PUDs, how they've been applied to the City of Golden Valley, and listed some areas in the City that have PUDs.

Most zoning codes that allow PUDs include common elements:

- purpose statement
- specific standards for evaluating proposals



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- certain site elements or design criteria that must be observed.

There are a variety of ways to apply PUDs and mechanisms for amending existing PUDs are also important to allow for changes over time.

In 2015, staff was directed by the City Council to attempt to streamline what was viewed as a lengthy and complicated process. New requirements were added and the creation of an amenity points system ensured the community receives unique benefits in exchange for flexibility being offered by the PUD.

**Commissioner Ruby** asked if there was opposition to a PUD are there are additional points to reach in the amenity points system. Staff responded that current code does not have this language, however neighborhood input is important as it informs staff of items that may have not been initially reviewed. The discussion continued on the challenges of this possibility for putting something this specific in city code.

The conversation moved on from lessons learned through the points system implementation and towards the idea of having certain flexibilities trigger certain amenity requirements. Staff used the example of a developer wanting to remove a large number of trees triggering the need for green energy amenities. This was brought up as an item to review with council at the work plan meeting.

**Commissioner Johnson** discussed the points system and feeling there was more to be done. Adding, in conjunction with reviewing PUDs, it would be advantageous to review land use. The discussion moved on to what more the points system provide as well as discussing city goal alignment with council at the work plan meeting.

The conversation moved on to use, proportionality, and the idea of creating boundaries around potential limits for an amenity point system. A discussion around capping points within a certain category came up, suggesting it would create a greater variety of amenities and be of more value.

**Commissioner Segelbaum** commented that the current system gives developers too much latitude to change the land use and suggested that be part of the conversation for the work plan. **Johnson** wants to remember a discussion on alignment and remember to review the potential loophole of land use change. **Commissioner Brookins** wants to review what other cities do and see if there are tools that other cities use that may have a benefit in Golden Valley.

## 5. Discussion – PC - 2021 Annual Report and 2022 Work Plan

**Jason Zimmerman, Planning Manager**, presented and reviewed the 2021 Annual Report and the 2022 Work Plan.

### In 2021

- 21 meetings were held, 3 were cancelled
- 25 Planning Applications were considered
  - 17 recommended approval
  - 8 recommended denial
- 22 Discussions or Presentations

- 3 Zoning Text Amendments were considered

Staff went on to review this year's types of applications and locations as compared to the previous 5 years. Staff listed a project breakdown, text amendment breakdown, and all major projects reviewed.

#### Proposed Work Plan for 2022

- Implementation of 2040 Comprehensive Plan
  - Revisit proposed rezoning
- Zoning Code Amendments/Updates
  - ADUs
  - Mobile Uses
  - Off-street Parking
  - Telecommunications section of Zoning Chapter
- Planning Application Review and Evaluation
  - Land Use Application Recommendations
- Commissioner Training and Education
  - PUD Regulations
  - Equity Training
- Commissioner Initiatives
  - Explore Innovative Planning Concepts
  - Create/Expand Plan around golf course
  - Downtown

#### 6. Discussion – BZA - 2021 Annual Report

**Myles Campbell, Planner**, presented and reviewed the 2021 BZA Annual Report.

##### In 2021

- 23 Variances were considered
  - 17 approved
  - 3 denied
  - 2 tabled
  - 2 withdrawn

Staff went on to review this year's types of applications and locations as compared to the previous 5 years. Staff listed a project breakdown, zoning district comparison for projects, as well as a 5-year comparison of BZA decisions.

**Chair Pockl** ended the televised portion of the meeting at 7:49pm

#### 7. Council Liaison Report

**Jason Zimmerman, Planning Manager**, provided an update for **Council Member La Mere-Anderson**. He reported that the Council approved two zoning text amendments covering Outdoor Service Areas

and revised screening and outdoor storage regulations. In addition, the Council voted to approve the Zoning Map Amendment for the Artesa Senior Coop as well as the preliminary plat at that location.

**8. Other Business**

**Jason Zimmerman, Planning Manager**, informed the Commission that the emergency orders that allowed for remote meeting attendance would end on March 31 and that future meetings would take place primarily in-person. Additionally, an upcoming Chambers remodel would mean that beginning April 12, the Planning Commission meetings would take place in the Council Conference Room.

**9. Adjournment**

**MOTION** by **Commissioner Brookins** to adjourn, seconded by **Commissioner Johnson**, and approved unanimously by roll call vote. Meeting adjourned at 7:57 pm.

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Andy Johnson, Secretary

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Amie Kolesar, Planning Assistant

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**MEMORANDUM**  
**Physical Development Department**  
763-593-8095 / 763-593-8109 (fax)

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**Date:** April 11, 2022  
**To:** Golden Valley Planning Commission  
**From:** Myles Campbell, Planner  
**Subject:** Temporary Mobile Uses – Discussion

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**Summary**

Currently Golden Valley zoning code allows for mobile food vendors on a temporary basis and with varying restrictions by zoning district. This was added to code in 2015 in response to growing interest in allowing food trucks to operate on both a short-term and seasonal basis. The code has been amended in minor fashion since adoption but has still been limited to food vendors.

Partly at the request of the parks department, and in part due to seeing new and emerging mobile uses, staff is introducing for discussion with Planning Commission the topic of further amending the City's Mobile Uses ordinance to allow for a broader range of vendors and services.

**Ordinance Revisions**

Attached with this memo is a revised version of the section of code that regulates mobile uses. The most significant changes from the existing code are front loaded, adding a new definitions section, including two new mobile use categories of *Mobile Assistive Services* and *Mobile Retail/Service Vendors*, and finally a more robust section governing the duration for permits. In addition to these changes, staff made minor alterations to the rules and regulations for mobile vendors to reflect the inclusion of new use categories and to standardize language/formatting. No regulations have been outright removed from the code section, and standards with a distance requirement (setbacks, proximity to similar use) have the same distances in place as previously.

**Questions for Commissioners**

*Do current fees work for new uses?*

The City Master Fee Schedule for 2022 requires either:

- \$40 per short-term permit (1-3 days); or
- \$150 for a seasonal (120 day) permit

In all cases with the new mobile uses, duration is limited to only the short-term permit length, only food trucks are eligible for the seasonal length option. \$40 is sufficient for almost all cases in order to cover the staff time involved in reviewing the permit, liability insurance, extra-governmental licensing, and whatever remains would go towards the City's General Fund. Some cases that involve more staff hours may exceed the \$40 value, but these are uncommon.

Food trucks have been active since the inception of this code section and so we can see that for these users at least, the \$40 fee is not prohibitive to operations. That said, staff is interested in whether Commissioners think the existing fee would be able to be applied to other types of mobile uses without issue, or if they think a revised fee schedule's benefits to mobile businesses outweighs a decrease in coverage for staff hours spent reviewing.

*Are the suggested durations feasible/reasonable?*

Staff was somewhat conservative in setting permit durations for the new uses. Mobile vendors in residential districts are still limited to one day, and for up to three days in other districts. This is in line with the existing timing for food truck permits, with the exception of the seasonal option, and is also following the request of the Parks department who wanted to at least restrict duration for mobile uses in City Parks. Are there any use cases which require a permit length beyond three days?

*Are new mobile use categories self-explanatory?*

The inclusion of a definitions section should be beneficial to readers in identifying the types of allowed mobile vendors, but are there any changes that can be made to these categories to make things clearer?

*Are there any regulations no longer necessary in the code from when the mobile uses ordinance was first drafted?*

Staff left regulations largely in place, barring some revisions to reflect new uses. Given the number and complexity of these regulations, are there areas where these might be revised to be more accessible to a small business owner or organization?

**Action Request**

This item is not a public hearing or voting item. Staff is seeking specific feedback on the proposed ordinance language. If Commissioners are largely comfortable with the revised ordinance, we would look to schedule a public hearing on this item in the near term, so that it can be forwarded to city council for approval.

**Attachments**

Mobile Use Ordinance – Existing (2 pages)

Mobile Use Ordinance – Revised (3 pages)

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## Sec. 113-31. Temporary Uses.

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(d) *General Requirements.*

- (1) *Mobile Food Vending.* The City Manager or his/her designee may issue a permit for a mobile food vending operation, defined as a self-contained vehicle or trailer used to prepare and serve food that is ready movable without disassembling, to operate for a temporary period not to exceed three days in City parks, one day in Residential Zoning Districts, or 120 days in all other zoning districts. Properties in residential zoning districts are limited to two permits in a 12-month period. The permit application shall be on a form promulgated by the City Manager or his/her designee and shall include any information needed to establish compliance with this section. Any application shall include the application fee amount established by the City Council in the Master Fee Schedule, and such fee shall be not refundable if the permit is denied or the applicant withdraws or otherwise ceases operation or use of the permit. All mobile food vending permit applications and permits shall be subject to the following conditions:
- a. With the permit application, the applicant shall provide written proof that the applicant is the current holder of all licenses required by the County and the State, as applicable, with respect to a mobile food vending operation in which food is prepared and served on a vehicle or trailer, and the vendor shall maintain such license in good standing for the duration of the permit.
  - b. The vendor shall comply with all other applicable provisions of the City Code, including, but not limited to, those regulations regarding parking, signage, lighting, and sound.
  - c. A permit is valid for only one mobile food vending vehicle or trailer.
  - d. The permitted days of operation shall be set forth in the permit. A vendor that has obtained a permit under this section, upon the expiration thereof, may apply for another permit under this section.
  - e. The permit application shall contain a signed statement that the applicant shall hold harmless the City, and their officers and employees, and shall indemnify the City, and their officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit.
  - f. If the application seeks to operate a vending operation in a City-owned property and/or on the public right-of-way, the application shall include documentation satisfactory to the City Manager or his/her designee evidencing the applicant's public liability, food products liability, automobile liability, and property damage insurance and that the City is or will be named as an additional insured on such insurance for all the permitted days of operation. Such insurance shall be maintained without change for the duration of the permitted days of operation.
  - g. The permit shall set forth the location where the vending operation may operate and it shall be a violation of this section for any vendor to engage in vending operations in any location in the City other than the location set forth in the permit. Mobile food vendors must be located at least 10 feet from all principal and accessory structures as well as five feet from side and rear yard property lines.
  - h. Overnight parking and storage by the vendor is prohibited at the permitted location. The vendor must vacate the permitted location when not engaging in vending operations. Hours of vending operation are limited to 8:00 a.m. to 10:00 p.m. unless otherwise limited or extended by the City Manager or his/her designee, as set forth in the permit. Permits approved for vending operations on properties located in Residential Zoning Districts are limited to an eight-hour time period.



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- i. With the permit application, the applicant shall provide written proof permission from the owner of the property at the permitted location to engage in vending operations at those location. If the permitted location is located on City-owned property, the issuance of the permit by the City shall constitute such permission.
  - j. The vendor must keep a copy of the permit with the vending unit and demonstrate compliance with the permit and the permit conditions set forth in this section upon inspection.
  - k. The vending operation may be located on public right-of-way unless right-of-way adjacent to the property for which the permit is issued, with the service window facing the curbside of the street. The vending operation may not block sidewalks or drive aisles, impede pedestrian or vehicular traffic, or interfere with public safety.
  - l. The vending operation shall be located on an impervious surface unless unique circumstances cause the City Manager or his/her designee to permit the operation to be located on a pervious surface.
  - m. No vending operation may occupy accessible parking spaces or parking spaces used to fulfill any property's minimum parking requirements under this Code, unless the applicable property owner can demonstrate that parking would be adequately supplied during the vending operations.
  - n. The vendor must provide and remove trash and recycling receptacles for customer use and keep the site in a neat and orderly fashion. The permitted location must be kept free from litter, refuse, debris, junk or other waste which results in offensive odors or unsightly conditions. The vendor shall be responsible for all litter and garbage left by customers.
  - o. No vending operation may be located within 200 feet at its closest point to the main entrance of a public eating establishment or any outdoor dining area with the exception of other mobile food vendors and except with the written consent of the proprietor of the establishment or dining area. No person shall either pay or accept payment for such written consent. With the permit application, the applicant shall provide written permission from the proprietor when applicable.
  - p. No vending operation may be located within 1,000 feet at its closest point to a school while the school is in session unless written permission from the school principal is provided in the permit application. With the permit application, the applicant shall provide written permission from the principal when applicable.
  - q. Permits issued for vending operations on properties located in Residential Zoning Districts must limit sales to the property owner and other private parties associated with the private event. The vending operation shall not serve the general public unless a special event permit is approved by the City.
  - r. The placement, duration, or any other applicable requirements for operation under this section may be superseded by the provisions of an approved special event permit.
  - s. If, while holding a permit granted under this section, a vendor violates any provision of this section, in addition to any other remedy provided under this Code, the City Manager or his/her designee may revoke the permit and/or prohibit such vendor from obtaining a new permit under this section for a period not exceeding 13 months from the date of such violation for properties in Residential Zoning Districts and not exceeding 30 days from the date of such violation for properties in all other zoning districts.

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## Sec. 113-31. Temporary Uses.

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- (1) *Mobile Vendors and Services.* The City Manager or his/her designee may issue a permit for a mobile vendor or service provider, as defined below, to operate for a temporary period within the City. This permit will be valid for a time to be determined based on the type of mobile use as well as the underlying zoning for the location specified by the permit. Any application shall include the application fee amount established by the City Council in the Master Fee Schedule, and such fee shall be not refundable if the permit is denied or the applicant withdraws or otherwise ceases operation or use of the permit.
  - a. *Definitions*
    1. *Mobile Food Vendor-* A self-contained vehicle or trailer that is readily movable without disassembling, used to prepare and serve food to customers.
    2. *Mobile Assistive Services-* A self-contained vehicle or trailer that is readily movable without disassembling, used to provide medical, legal, and other assistive services to residents or customers.
    3. *Mobile Retail/Service Vendors -* A self-contained vehicle or trailer that is readily movable without disassembling, used for the sale of products or services such as: pet grooming, florists, and other uses consistent with those permitted in the Commercial Zoning District.
  - b. *Permit Duration.* A temporary permit for any mobile vendor or service provider shall be subject to a restriction on the amount of time it can operate and occupy a given location. This duration shall be determined by the type of use and the its location.
    1. *Mobile Food Vendors*
      - i. One day for properties zoned R-1, R-2, R-3, and R-4
        1. Residential properties are restricted to no more than two such permits in a calendar year
      - ii. Up to three days for properties zoned I-A, I-C, and I-P
      - iii. Up to 120 days for all other zoning districts
    2. *Mobile Assistive Services*
      - i. One day for properties zoned R-3, R-4, MU-N, MU-C, and MU-E
      - ii. Up to three days for properties zoned I-A, I-M, I-C, and I-P
    3. *Mobile Retail/Service Vendors*
      - i. Up to three days for properties zoned I-C, I-P, C, MU-N, MU-C, and MU-E
  - c. *Permit Regulations.* Mobile Vendors are subject to the following rules and regulations:
    1. The vendor shall provide written proof that they are the current holder of all licenses required by the County and the State, as applicable, and the vendor shall maintain such license in good standing for the duration of the permit.
    2. The vendor shall comply with all other applicable provisions of the City Code, including, but not limited to, those regulations regarding parking, signage, lighting, and sound.
    3. A permit is valid for only one mobile vehicle or trailer.

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4. The permitted days of operation shall be set forth in the permit. A vendor that has obtained a permit under this section, upon the expiration thereof, may apply for another permit under this section.
  5. The permit application shall contain a signed statement that the applicant shall hold harmless the City, and their officers and employees, and shall indemnify the City, and their officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit.
  6. If the application seeks to operate on a City-owned property and/or on the public right-of-way, the application shall include documentation satisfactory to the City Manager or his/her designee evidencing the applicant's public liability, food products liability, automobile liability, and property damage insurance and that the City is or will be named as an additional insured on such insurance for all the permitted days of operation. Such insurance shall be maintained without change for the duration of the permitted days of operation.
  7. The permit shall set forth the location where the vendor may operate and it shall be a violation of this section for any vendor to engage in vending operations in any location in the City other than the location set forth in the permit.
  8. Mobile vendors must be located at least 10 feet from all principal and accessory structures as well as five feet from side and rear yard property lines.
  9. Overnight parking and storage by the vendor is prohibited at the permitted location. The vendor must vacate the permitted location when not engaging in vending operations. Hours of vending operation are limited to 8:00 a.m. to 10:00 p.m. unless otherwise limited or extended by the City Manager or his/her designee, as set forth in the permit. Permits approved for food vending operations on properties located in Residential Zoning Districts are limited to an eight-hour time period.
  10. With the permit application, the applicant shall provide written proof permission from the owner of the property at the permitted location to engage in vending operations at those location. If the permitted location is located on City-owned property, the issuance of the permit by the City shall constitute such permission.
  11. The vendor must keep a copy of the permit with the vending unit and demonstrate compliance with the permit and the permit conditions set forth in this section upon inspection.
  12. The vending operation may be located on public right-of-way adjacent to the property for which the permit is issued, with the service window facing the curbside of the street. The vending operation may not block sidewalks or drive aisles, impede pedestrian or vehicular traffic, or interfere with public safety.
  13. The vending operation shall be located on an impervious surface unless unique circumstances cause the City Manager or his/her designee to permit the operation to be located on a pervious surface.
  14. No vending operation may occupy accessible parking spaces or parking spaces used to fulfill any property's minimum parking requirements under this Code, unless the applicable property owner can demonstrate that parking would be adequately supplied during the vending operations.
  15. The vendor must provide and remove trash and recycling receptacles for customer use and keep the site in a neat and orderly fashion. The permitted location must be kept free from

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litter, refuse, debris, junk or other waste which results in offensive odors or unsightly conditions. The vendor shall be responsible for all litter and garbage left by customers.

16. No vendor may be located within 200 feet at its closest point to the main entrance of a permanent business offering similar products or services except with the written consent of the proprietor of the permanent establishment. This restriction does not apply to proximity from other mobile vendors. No person shall either pay or accept payment for such written consent. With the permit application, the applicant shall provide written permission from the proprietor when applicable.
17. No vendor may be located within 1,000 feet at its closest point to a school while the school is in session unless written permission from the school principal is provided in the permit application. With the permit application, the applicant shall provide written permission from the principal when applicable.
18. Permits issued for vendors on properties located in Residential Zoning Districts must limit sales to the property owner, tenants and other parties associated with a private event. The vending operation shall not serve the general public unless a special event permit is approved by the City.
19. The placement, duration, or any other applicable requirements for operation under this section may be superseded by the provisions of an approved special event permit.
20. If, while holding a permit granted under this section, a vendor violates any provision of this section, in addition to any other remedy provided under this Code, the City Manager or his/her designee may revoke the permit and/or prohibit such vendor from obtaining a new permit under this section for a period not exceeding 13 months from the date of such violation for properties in Residential Zoning Districts and not exceeding 30 days from the date of such violation for properties in all other zoning districts.