

Planning Commission

April 12, 2021 – 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.

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, Noah Orloff, Lauren Pockl, Ryan Sadeghi, Chuck Segelbaum

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

Council Liaison present: Gillian Rosenquist

Commissioner Johnson asked when the final items from the 2040 Comprehensive Plan will be discussed. **Jason Zimmerman, Planning Manager**, responded that it depends on applications and in about 2-3 months the last pieces will come together.

2. Approval of Agenda

Chair Blum asked for a motion to approve the agenda.

MOTION made by **Commissioner Brookins**, seconded by **Commissioner Sadeghi**, to approve the agenda of April 12, 2021. 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 March 22, 2021.

MOTION made by **Commissioner Johnson**, seconded by **Commissioner Brookins**, to approve minutes. Staff called a roll call vote and the motion carried unanimously.

4. Public Hearing – Continued Consideration of a Major Amendment to Hidden Lakes PUD 74

Applicant: Regency Hospital

Address: 1300 Hidden Lakes Parkway, Golden Valley, MN

Jason Zimmerman, Planning Manager, reminded the group that this hearing is a follow-up from a previous meeting on January 25th, due to new material. This amendment to PUD 74 would allow for an expansion of the hospital building and that would lead to necessary utility and landscape changes.



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Zimmerman displayed a map and reviewed the zoning district and location within the City of Golden Valley.

The previous meeting ended with a list of outstanding concerns and since then, there were negotiations between the hospital and the HOA Board, revisions were made to the plans:

- 6' high solid wall along east edge of parking lot
- Additional landscaping
- Reduction of seven proposed parking spaces (37 vs. 44)

The updated proposal includes a new private agreement between the HOA and the Hospital Board that addresses eight areas of concern:

- Hidden Lakes Parkway – maintenance and cost issues
- Employee smoking and littering
- Traffic speeds, stop signs, noise, deliveries, etc.
- New parking lot landscaping and wall
- Lighting
- Stormwater management
- Construction activities
- Future expansion

This private agreement was approved by the HOA Board and hospital, then shared with residents on April 7th. This agreement is intended to manage issued outside of the PUD permit.

Zimmerman recapped the details of the PUD amendment regarding the size of the addition, utility details, the existing entrance, dining/day room on the second floor, and the exterior material details. To illustrate these details, a map was displayed as well as a 3D rendition of the proposal. The updated plan recap is:

- Parking lot reconfiguration triggered:
 - Expand to the south, add 37 parking stalls
 - Would remain under the usual required parking ratio
 - Knoll and existing trees would be removed
- New landscaping/screening added along east edge of parking lot – both low and high
- Lighting would respond to the City's "dark skies" requirements
- Stormwater treated/managed through an underground system

Using the trip generation data for nursing homes, traffic engineers estimated that the addition would generate an estimated 42% increase in trips per day (578 to 822).

Zimmerman reviewed the details surrounding community engagement, public comments, and the schedule for this item appearing before Planning Commission and the scheduled date it will appear before City Council.

Staff evaluation and preliminary findings were extensive and resulted in a recommendation for approval subject to 18 conditions.

Recommendation

Approval of Amendment #8 to Hidden Lakes PUD No. 74, subject to the following conditions:

1. The plans for the Regency Hospital addition, submitted January 13, 2021, and subsequently updated on March 29, shall become a part of this approval. Required revisions include:
 - a. Showing and labeling the access gate and trail along the south property line.
 - b. Reducing lighting levels under second-floor addition and under the port cochère.
 - c. Working with staff to locate designated smoking area for employees and visitors.
 - d. Indicating the location of trash receptacles in and around the parking lot.
2. Public bicycle racks or similar facilities for a minimum of 11 bicycles shall be provided. The applicant shall work with staff to appropriately locate the bicycle facilities.
3. The applicant shall provide a snow storage/removal plan that does not reduce the number of parking stalls nor impact the public trail for staff review and approval prior to City approval of the PUD Permit.
4. A public walkway easement shall be dedicated over the public trail in the southeast corner of the site. This trail shall be temporarily rerouted and maintained for public use during construction.
5. A permanent conservation easement shall be dedicated along the shoreland of Twin Lake.
6. The applicant shall repair and maintain the fence along the south property line to discourage cut through foot traffic to Twin Lake.
7. The applicant shall utilize motion sensors on parking lot lighting, and utilize motions sensors and motorized shades on timers within the day room, in order to reduce unnecessary illumination and reduce impacts to adjacent properties.
8. The applicant shall install and maintain landscaping adjacent to the public trail on the east side of the property in accordance with the approved plans on file with the City. Maintenance shall include all reasonable care, trimming, repairs, and replacement needed to ensure the landscaping improvements are kept in good condition.
9. With the exception of oxygen deliveries, large truck deliveries and pick-ups shall be limited to the hours of 7 am to 8 pm daily.
10. The hospital shall be limited to a total of 92 beds. The building footprint shall not be expanded without the required review and approval by the City.
11. The applicant shall work with staff to address questions around the outdoor chemical storage areas near the southwest corner of the building.
12. Plans must be reviewed and approved by the Bassett Creek Watershed Management Commission.
13. A stormwater maintenance and chloride management agreement with the City shall be executed.
14. The applicant shall complete all inspections related to the City's Inflow and Infiltration requirements and work with staff to resolve any repairs or improvements necessary.
15. An updated agreement between the hospital and association, addressing reimbursement procedures and commitments for construction-related damage on Hidden Lakes Parkway and the reallocation of roadway expenses, shall be provided to the City for review prior to approval of the PUD Permit.

16. The applicant shall share with the City its plan for management of trash in and around the parking lot as well as for employee communication around these efforts.
17. The applicant shall address the three conditions outlined by the Minneapolis Park and Recreation Board in its letter dated December 29, 2020.
18. A development agreement shall be drafted prior to City approval of the PUD Permit and shall include details on:
 - a. Permitted days and hours of construction activity.
 - b. The location and nature of construction parking, access, delivery, staging, equipment and materials storage, and employee parking.
 - c. A neighborhood “Hot Line” for issue resolution.

Commissioner Pockl asked how the City insures the private agreements are enforced. **Zimmerman** responded that the City stays out of the private agreement between the hospital and the HOA. Any condition or agreement in the PUD permit has the enforcement of the PUD process. Violations will be addressed, require corrective actions, and could result in legal action.

With all the conditions and the private agreement, **Commissioner Johnson** asked if the Planning Commission has now set itself up as a mediator and straying from its expertise in reviewing parking etc. He followed up by asking who has precedence, the HOA or the homeowners in the HOA. **Zimmerman** responded that staff has not inserted itself in the private agreement but together they came to the City and asked how it could be enforceable. The HOA will discuss what they intend to do to enforce their agreement. **Johnson** followed up that he hopes the Commission stays within its realm of ability.

Chair Blum invited the Applicant to address the Commission.

Dave Garmin, Applicant - Regency Hospital, stated the private agreement with the HOA was a good compromise that benefits them and the HOA.

Chair Blum opened the public hearing at 7:40pm.

Jeff Eisenberg, President of HOA, stated staff provided a good presentation and elaborated on a background between the HOA and the applicant. Discussion between the HOA and Commissioners included resident input on and responses to the agreement.

Fredda Pink
1405 Waterford Drive

My husband has written quite a bit but my concern is the hospital is planning on doing a piling. I don't know how many people are aware of the noise associated with a piling. My son is a real estate developer and he told us a few days ago that there's a more expensive style that eliminates the constant pounding noise and potential damage to our homes. I was wondering if it would be possible to look into that, it would relieve a lot of tension. There's also no protection for the people who face the north end of the hospital, we have a full view of the north end of the building and parking lot. That hasn't been addressed either.

Patrick Lewis

1750 Waterford Court

I wanted to clarify a few things from the presentation, there isn't unanimous HOA Board support for the agreement and there is a difference between the homeowners and the HOA. I'll reiterate that this project will be problematic no matter what, it's a commercial development in a residential area. This expansion involves all the mitigations discussed to mask the issue that it's too big of a build for this area. The hospital said they don't have plans to expand but there's nothing preventing them from proposing expansions in later years. The main thing I want to state again is that there isn't an agreement between homeowners, the HOA Board doesn't represent the homeowners, and there isn't even agreement among the Board.

Ron Schiferl

4220 Woodland Trail

There's been significant improvement since the last Planning Commission Meeting. The landscaping plan pictures look great but the actual plan proposed is to limit the trees to 6foot-that's exactly as high as the wall. There needs to be more variation in the plan. I hope the city works with the hospital to create more variety so it looks like landscaping. Can we add something to ensure the hospital maintains its landscaping as they have a history of not doing that. The last Planning Commission meeting there was mention that the hospital reached out to homeowners, they had not before or after that meeting. All communication has come from the HOA. My understanding is that this plan is for a two-story building to allow for expansion on the first floor, if the hospital isn't planning on any expansions in the future, why do they still need a two-story building?

Chair opened Commissioner discussion.

The Chair asked staff to address the pilings question. **Zimmerman** said his understanding is that they're not planning on using pilings but rather do spread footings. He followed up that he's not sure how that impacts surrounding properties. A development agreement can address those issues. Displaying images from the presentation, staff addressed the concerns regarding shielding from the north end of the building and staff pointed out that most of the homes are on a hill from the hospital which may create more difficulties. **Zimmerman** added a condition to the PUD that landscaping must be maintained and trees will be 6 feet in height to start, not top out at 6 feet.

Chair closed the public hearing at 8:11pm.

Commissioners Johnson asked if the parking spaces exceed minimum amount, why is the City agreeing to this when they value green space. Staff responded that the minimum amount from the hospital is their standard amount and they'd prefer more to accommodate staff, training, visitors etc. **Johnson** expressed concern on this topic and feels the number of parking spaces is arbitrary. **Commissioner Pockl** asked if they can ask the applicant why removal of the knoll is needed.

Alan Catchpool, Applicant Engineer with Kimley-Horn, stated that public utilities goes through the site and to the SE corner and the entrance to the parking lot is through the knoll. Those items require the knoll removal.

Chair Blum noted the dedication of a conservation easement and staff responded that most of twin lakes has a conservation easement along it and the City would like to continue protecting that area. This helps prevent erosion and development and the area is not currently developed. **Blum** asked if it's harder to develop on a slope as steep as the one along the hospital to the lake. **Zimmerman** responded that it is and was part of the hospital's original plan but the decided against it. **Blum** noted to Commissioners that the area unlikely to be developed and may have less value to be dedicated as a conservation easement.

Pockl asked the HOA representatives to explain how the HOA Board came to support the private agreement as a caller noted they hadn't. **Eisenberg, HOA**, stated that the Board was updated after every conversation with the hospital and the Board voted unanimously to support the private agreement.

Johnson referred to page 10 that the applicant wants to use motion sensors in the parking lot, and asked if that means the lot will be completely dark. **Zimmerman** stated the City Code has a minimum level for how the lot is illuminated.

Blum discussed the building height and setbacks in the proposal. Commissioners had a discussion revolving around these items, lighting, and the easement. The discussion moved on to property maintenance, the applicant meeting requirements, and negotiations between applicant, city and HOA.

Commissioner Segelbaum commended the negotiations and supports staff recommendation.

Commissioner Brookins stated he supports the proposal and staff recommendation. **Blum** asked for more mitigating changes. **Commissioner Sadeghi** asked if the HOA Board mentioned the items concerning to Blum as they will feel the direct impacts. **Eisenberg, HOA**, responded that the private agreement, gives them more rights than they had before. The hospital needs repairs and the proposal will help that. **Pockl** said she's not concerned about the setbacks or height, negotiations have been productive and the hospital improvements will have a positive impact. **Pockl** stated support for staff recommendations. **Commissioner Johnson** said he tried to consider all parties involved and doesn't think an HOA Board has more say than the average resident. He added the process may need to change in the forward to ensure consideration of everyone's rights.

MOTION made by **Commissioner Brookins**, seconded by **Commissioner Segelbaum** to formally adopt staff findings and follow staff recommendation for approval subject to the 18 conditions as listed in the memo.

Chair Blum stated he felt the final approval could be stricter.

2d: **Blum** suggested the language change to "install and maintain"

16: **Blum** suggested instead of the plan being shared, that there be more certain language.

Staff took a roll call vote on the motion and it passed unanimously.

5. Public Hearing – Amendments to Future Land Use and Zoning Maps

Applicant: Golden Valley Country Club

Address: Northwest corner of 7001 Golden Valley Road

Prior to presentation, Commissioner Sadaghei recused himself as there was a conflict of interest.

Myles Campbell, Planner, summarized that the applicant is petitioning the City for both a Zoning Map Amendment and a change to the City's Future Land Use Plan for a portion of the Golden Valley Country Club Property. Property is currently zoned I-4 for Institutional use and the requests would result in the property being zoned "R-1, Single Family Residential. Reguiding and Rezoning the property is the first step to allowing the site to be redeveloped for single-family housing.

Country Club approached the City in late 2019 about the opportunity to sell a portion of their property to a private developer. 7001 Golden Valley Road is in total 148.76 acres, the area being considered for rezoning is 2.25 acres.

Ron Clark Construction (developer) is proposing to use the site for the development of seven single family homes. The applicant would like to use a new private road to provide access to the homes, limiting the number of new curb cuts off the public streets, and allowing for additional greenspace buffers. A PUD would be necessary and the City would require some public benefits and amenities in order to allow for flexibilities such as the private road. None of these actions can occur without change to the site's zoning and guided land use

Campbell discussed the existing conditions of the area, topography, creek location, and showed maps to illustrate these items.

The approvals process prior to any redevelopment is large, if the rezoning and reguiding are approved, the applicant must then either apply for a major subdivision or a PUD. A potential approval schedule was displayed assuming each step was approved without tabling or additional review.

Staff analyzed surrounding uses, traffic generation, buildable lots, and the comprehensive plan.

Staff Findings

- The site is currently in an area with other R-1 zoned properties, and would not be out of character with the surrounding neighborhood.
- More work is needed to determine the safest street access to the new residential development, but Engineering staff is not concerned about the traffic generated by the inclusion of new single-family residential in the area.
- The use of this site for a residential purpose fits with a number of the goals and objectives of the Comprehensive Plan.
- In its Housing Chapter, the Comprehensive Plan recognizes the need for new housing in the City to maintain pace with demand, but notes the lack of available land area for a relatively

built-out city. Rezoning this land and allowing for development would be a path to providing some new housing in the city.

- While the focus of rezoning should be on all potential future users under the R-1 zoning designation, the narrative provided by Ron Clark Construction demonstrates both a high quality end product and an understanding that they are entering an existing neighborhood and an area with critical natural resources to protect.

Recommendation

Staff recommends **approval** of the requested amendment to the Zoning Map, changing the zoning designation for the proposed parcel as described in the land survey from Institutional Sub-district I-4, to Single Family Residential R-1.

Staff recommends **approval** of the requested amendment to the Future Land Use Map, changing the guided land use for the proposed parcel as described in the land survey from Parks & Natural Areas to Low Density Residential.

The discussion started with process explanations and, PUD process, community engagement, and other input from watershed organizations and Met. Council. **Chair Blum** commented that it seems PUDs tend to maximize number of lots which causes concern for him on the size of lots proposed in this area. **Campbell** explained that a PUD can allow for more design flexibility, helps the City maintain wooded areas and greenspace. The City also changed the PUD requirements and new standards are in place to identify public amenities to be included in a PUD which allows the developer design flexibility. **Campbell** added he doesn't feel a PUD only serves the developer.

Commissioner Pockl asked if consideration for mature vegetation could be added to PUD requirements. **Campbell** responded that tree and landscape requirements would be required regardless of how the lots are established. The conversation moved on to discuss requirements for vegetation prior to these other approvals, hoping the property owner doesn't clear cut prior to the landscaping considerations being in place.

Commissioner Johnson expressed concern that the group is picking at the comp plan and how affordable and variety of housing is being factored into this plan. **Campbell** stated that the purchase agreement for the property may preclude affordable housing policies. However, the mixed-income property policy requires new developments over a certain scale, make a percentage of the units available at a lower income value. In this case, the 7 units, do not meet the requirement for the policy. There are items in other chapters of the comp plan that can be addressed later in the proposal, at this point there are not enough details to say if these goals will be met.

Blum stated that the Comp. Plan can be used to argue against the proposal as well and cited the open green space item.

Pockl asked if the topography of the site limits development. **Campbell** responded that Engineering staff didn't have an initial reaction when reviewing the proposal but details surrounding those specifics will be reviewed and discussed when this process is further along. Watershed and state agencies will be included in those conversations.

Chair Blum invited the applicant to speak.

Ron Clark Construction, Applicant, has been working with the club for 6-8 months and they feel strongly that re-zoning that area to be R-1 makes sense. The Club has been focused on making sure this benefits the City and the golf course and has had a holistic approach to this process. The design isn't cookie cutter and the creation of a private road helps appeal from the course and helps the buffer to the road side.

Chair Blum opened the public hearing at 10:04pm.

Eric Boe

1023 Quebec Ave N

I have lived here since 1993 and I'd like to add that all the homes in the area surrounding it are single-family detached homes. I think that's an important detail. It's good to hear in the plan they'd like to use a private road. One thing not mentioned, the four-way intersection at Pennsylvania and Plymouth is offset. That creates limited visibility and any additional traffic and parked cars will add to safety concerns. I don't want to see parking on this intersection or short driveways like over by Menards, I'd like to see a sidewalk added to the plan for added safety.

Brent Behn

1300 Kelly Drive

My concerns are regarding the term "low-density" as it seems 7 large homes will be on a 2-acre site and that appears to be fairly dense. This density level doesn't fit in the community surrounding as the surrounding lots are bigger. I'm concerned with the rezoning continuing and more land being used for development in the golf course.

Eric Brandt

7400 Plymouth Ave N

We have a lot of parks in Golden Valley but I can't think of another, separate 2.2-acre wooded lot. I think we're giving up a unique lot. Living here and looking at the wild-life, they will all be impacted by clearing the trees. The private road sounds appealing but I can't think of a single private road in Golden Valley that compares. Also, 7 homes on 2.2 acres is dense for this neighborhood and the proposed lot development would be an outlier.

(Name inaudible)

1205 Pennsylvania Ave

I'm also speaking on behalf of my neighbors. I've been privy to the plans and I want to indicate that I'm speaking a little out of context as I'm aware of the plans shared with golf course members. The private road is set to be on Pennsylvania Ave, the intersection is offset and congested. Our neighbors moved from an area near construction because it was impacting their quality of life and found this neighborhood mature and enjoyed the forest area across the street. The lot with trees is a gem as the previous caller mentioned. The cost associated with the development, the homes will not be on the

affordable side and while it may up our property values, it doesn't seem that it would further Golden Valley's objective to increase middle-income housing.

Chris Lowman

7440 Plymouth Ave

We bought this house due to its location, we look right at the wooded lot. We are afraid the community that surrounds us will be taken away with this project. Additional traffic on this already busy corner makes us worried about the decrease in safety. We're concerned about the lot sizes not matching the aesthetic of the neighborhood as well. The target market doesn't seem to align with the market that wants to live in this neighborhood. My hope is that whatever decision is made, is the best one for the neighborhood and the city, not the developer.

Commissioner Orloff stated that he feels more information on the ecological impacts will be needed. **Campbell** responded that any development will require removal of many trees and details around that will be navigated if this becomes a PUD.

Commissioner Segelbaum thanked the callers and noted that many items will be addressed as the project moves forward. However, it seems that City Engineering staff do not think the addition of 7 homes will create unmanageable traffic. At this early stage, is parking or the offset intersection considered. **Campbell** responded that traffic volume is a principal concern, the other concerns will be addressed later as discussions around the private roadway occur.

Brian Gieseke

1337 Kelly Drive

I'd like to echo what I've already heard about the intersection, setbacks, the watershed, and traffic. The road is already narrow and there isn't a stop sign for a few blocks so vehicle speeds increase. Parking will be an issue, especially over the winter and I'm concerned for further lot splitting if this area is zoned residential. The wooded area is special for our neighborhood and I am concerned for it to disappear.

Blum urged everyone to utilize flexibility at this early stage and consider what's most appropriate for the City and neighborhood here while being fair to the applicant. He referenced the 2040 Comprehensive Plan's guide for open and green spaces. **Blum** stated he doesn't support the applicant's request. **Pockl** echoed those comments and said an appeal of Golden Valley are the green spaces and natural spaces. **Pockl** stated she doesn't feel comfortable changing the zoning and land use at this point.

Lynne Jensen

1039 Pennsylvania

I've lived here 30 years and see a lot of wildlife coming from that area, eagles and owls nest in the trees proposed to be removed. The road to Winnetka on Plymouth is blocked and a lot of traffic is pushed to Pennsylvania. Traffic is already a problem on this street and particularly during rush hour. Additional traffic will also dissuade the active cycling community.

Commissioner Johnson echoed Blum and Pockl's and doesn't see the benefit of taking the vibrant wooded greenspace and turning it in to 7 homes. **Johnson** is not in favor of changing the designation. **Segelbaum** followed up by saying the group is looking at seeing if the area is appropriate to convert from unused golf course space to housing. Caller concerns can be mitigated later in the negotiation process, it seems like there may already be a traffic issue. The PUD process will present an opportunity to help the existing areas. **Johnson** responded that the group has a responsibility to maintain greenspace. This plan drastically alters the landscape and he feels there will be more harm than good as a result. **Blum** responded that if they start the process now, momentum may take over and the project won't turn out in the way the Commission intends on. Flexibility may occur now but things may not always turn out the way we want with that flexibility. Greenspace is valuable and so are lot sizes, once they're given up, they're gone. The group needs to do what it can to preserve those things.

Chair Blum closed the public hearing at 10:45.

Commissioner Brookins stated support for staff recommendation, feeling it's appropriate for the area.

MOTION made by **Commissioner Pockl** and seconded by **Commissioner Johnson** to recommend denial the zoning designation amendment for the Northwest corner of 7001 Golden Valley Road.

Staff took a roll call vote:

Aye: Johnson, Pockl, Blum

Nay: Brookins, Segelbaum

Motion carries as stated.

MOTION made by **Commissioner Pockl** and seconded by **Commissioner Johnson** to deny the land-use amendment for the future land-use map for the Northwest corner of 7001 Golden Valley Road.

Staff took a roll call vote:

Aye: Johnson, Pockl, Blum

Nay: Brookins, Segelbaum

Motion carries as stated.

Televised portion of the meeting concluded at 10:53 pm

6. Council Liaison Report

Council Member Rosenquist provided a brief update on recent Council actions and upcoming events. The City and the Minneapolis Park Board are close to finalizing a Memorandum of Understanding regarding public safety/enforcement in Theodore Wirth Park. Three Rivers Park district is involved regarding trails and bike infrastructure. A late April "call in" session will be provided for the Police Task Force to receive input from the public. A bill to study Highway 55 Bus Rapid Transit continues to move through the legislature.

7. Reports on Board of Zoning Appeals and other Meetings

None.

8. Other Business

None.

9. Adjournment

MOTION by **Commissioner Pockl** to adjourn, seconded by **Commissioner Brookins**, and approved unanimously. Meeting adjourned at 11:02 pm.



Amie Kolesar, Planning Assistant



Adam Brookins, Secretary