

Planning Commission

August 10, 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, Noah Orloff, Lauren Pockl, Ryan Sadeghi, Chuck Segelbaum

Commissioners absent:

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 Johnson**, seconded by **Commissioner Brookins** to approve the agenda of August 10, 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 July 27, 2020.

MOTION made by **Commissioner Pockl**, seconded by **Commissioner Brookins** to approve the July 27, 2020 meeting minutes, after edits were made. Staff called a roll call vote and the motion carried with the **Chair** abstaining as he was not present.

4. Informal Public Hearing – Zoning Text Amendment

Rezoning of Properties to Achieve Conformance with the 2040 Comprehensive Plan

Applicant: City of Golden Valley

Jason Zimmerman, Planning Manager, started with a presentation and reminded the group of the re-zonings taking place as part of complying with the 2040 Comprehensive Plan. This group is a second round of rezoning requests and this current request includes 47 properties. One location in



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this group being considered for a new multifamily development; the project is dependent on the rezoning taking place in order to move forward.

Zimmerman went on to break down the groups by neighborhoods, there are 7 groups in total. Each group had specific details, group-specific resident comments, all conveyed to the Commissioners by staff.

As a key reminder, **Zimmerman** added that state statute requires all zoning designations to be consistent with the land uses identified in the Comp Plan within nine months of adoption. Businesses would be allowed to continue with current uses and site layouts under a legally non-conforming status. PUD regulations take precedence. Should the City choose *not* to rezone any of these properties, the Future Land Use Map would need to be amended with the Met Council.

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 47 identified properties be rezoned as indicated.

Commissioner Baker asked what the notification process to neighbors is. **Zimmerman** responded that homes within a 500-foot buffer from the property are sent a notice 10 days prior to the informal public hearing and then another for the formal hearing with City Council.

Discussion around the proposed zoning changes occurred, by right changes, CUP, and PUDs.

Commissioner Pockl asked if there was objection to any rezoning groups, staff stated that there were two in advance regarding group 4's rezoning from R-3 to R-4.

Chair Blum opened the public hearing at 7:30 pm.

Amy

3211 St Margaret Drive

My question was, why are the properties here being rezoned when the light rail likely won't go through. However, this was addressed because the rezoning is being set aside. Watching the meeting, I see my question has been addressed. Is that correct that you're not currently rezoning the St Margaret Church property.

Leann Moss

2020 Douglass Drive

I heard we were already rezoned and have now been approached to sell our house. When will this rezoning be happening. How long will it take to happen?

Zimmerman chimed in, this is one of the properties being considered for multi-family development. It is being considered for rezoning but has not occurred yet. Assuming the rezoning passes the Planning Commission meeting, it will move on to City Council, and once it's approved by the Council, the rezoning will take effect the following week.

Anonymous

Golden Valley Road and Douglas Drive Intersection

What is the status of the property on 1111 Douglas Drive, the tenant office building. Depending on that, how does that effect the potential rezoning of properties on Golden Valley Road and Douglas Drive?

Zimmerman responded that there was interest in 1111 Douglas Drive since the Tennant headquarters is moving to Eden Prairie. The City is of the understanding that when that transition takes place, the property will be placed for sale. The comp plan guides that property as Mixed-Use, it could be residential, commercial, institutional-they're all options under Mixed-Use designation. If there were concerns about traffic, then maybe an evaluation of that area would be done.

Calvin Artimus

1950 Douglas Drive N

Is the property you're talking about that has interest from developers, going to be low-income housing?

Zimmerman stated the idea is multi-family housing but the level of income being targeted has not been shared with the City. The City has interest in affordable housing but until a proposal comes to the City, it's unclear. The caller responded that if the developer wants to put multi-level housing where houses are located, that may be what's right for the City but what about what's right for the neighbors? The developers came already and asked to buy my property, they then said if I don't sell to them, that my property will be worth nothing. **Zimmerman** responded that tonight's vote is not to vote on if a multi-family unit will be developed. Tonight, the Planning Commission will decide on whether or not to move the rezoning forward with a mixed-use zoning to support any number of uses. It's up to the current property owners and future property owners to decide what they would like to do; if they want to sell or develop. The caller responded, he believes his property is zoned Institutional, and would like to zone it residential; however, if a developer comes in and builds a multi-family housing unit, he doesn't see a future for himself in this location.

Chair Blum left the call-in line open while Commissioners had discussion.

Commissioner Johnson asked what the City's position is on low-income renters being displaced by re-zonings. **Zimmerman** responded that he doesn't speak for the City Council but that he feels the goal is not to see affordable housing reduced in the City. The overall Comprehensive Plan goal is to see the numbers increase over 10-20 years.

Discussion continued around specific groups and group 4 rezoning from R-3 to R-4 and area's ability to handle the increased traffic. It was mentioned that this proposed rezoning occurred in the past and staff offered to table group 4 and do some more research into what occurred to prevent the rezoning. The roads have since changed from a four way stop to a roundabout. A couple Commissioners stated their support of tabling group four and waiting for more analysis.

Commissioner Johnson asked about group 6 – removing the institutional zoning for the religious building, is there a concern around legislation? **Zimmerman** stated the City is allowed to rezone as Mixed-Use because that allows for Institutional as well as a number of other uses. **Johnson** continued by asking if businesses could continue to exist but have limitations by new zoning. **Zimmerman** responded that City Code addresses non-conforming uses; anything that was legally constructed in a previous zoning, is allowed to continue on. These businesses can remodel or even rebuild in the event of catastrophe, they cannot expand, however. The conversation continued on to roadways and creating safe/legal access to properties.

Chair Blum said he was wondering about group 7, and the R-1 area being rezoned to an R-2 and how it compares to the intersection of Medicine Lake Road and Winnetka. Chair added that it seems that area was more conducive to R-2 and wasn't sure he felt the same about group 7. **Zimmerman** added that currently R-2 doesn't allow for row-houses but adding them to the zoning designation has been discussed.

The conversation continued on about R-2 vs R-3, duplexes and row houses.

Chair suggested tabling group 7 for more analysis.

Chair Blum closed the public hearing at 8:20pm.

MOTION made by **Commissioner Brookins**, and seconded by **Commissioner Segelbaum** to approve Groups, 1, 2, 3, 5, 6 and to table Groups 4, 7.

Staff took a roll call vote and the motion passes unanimously.

5. Informal Public Hearing – Zoning Map Amendments

Section 113-152: Screening and Outdoor Storage

Applicant: City of Golden Valley

Myles Campbell, Planner, did not have a PowerPoint presentation for Commissioners as this was a continuation of a presentation from last meeting.

Three areas of the zoning code broadly fell under the title of screening and staff felt they could be improved on. The three areas, analysis, and draft language are as follows:

Arterial Road Fence Height Exception

Current zoning code language for residential properties limit the height of fences to 4 ft. in the front yard of homes. Homes abutting a minor arterial are allowed to go up to 6 ft. in height as part of an exception in § 113-152, Subd. (d)(2).

A number of properties that abut a frontage road for Principal Arterials have applied for variances for 6 ft. fences. These properties do not qualify for the exception, they see similar if not greater noise and nuisance impacts than those that abut a minor arterial street, thus staff suggests the following amendment to § 113-152, Subd. (d)(2)

A wall or fence not exceeding six feet in height is permitted in the front yard of all properties directly adjoining a minor arterial street or adjoining the frontage road of a principal arterial, freeway, or expressway; as designated by the City.

Public Safety Screening Exception

An outdoor storage facility opening in the City applied for a fence permit and presented a plan that would meet the City's requirements for screening such a facility. However, Police requested a portion of the screening requirement be waived or reduced along the main street-side of the property. This was requested so police could still monitor the internal site for criminal activity. In order to allow for this type of exception in the future, staff is suggesting the addition of a new exception to § 113-152, Subd. (d) of the Screening and Outdoor Storage chapter.

A portion of the required screening for properties in the Commercial, Light Industrial, and Industrial Zoning Districts may be waived for enhanced security and public safety purposes at the discretion of the City Manager or their designee, and only upon request by the Golden Valley Police Department.

Garden Structures

In 2010, the zoning code was modified to define "garden structures" and establish a new set of restrictions to their location and design, separate from other types of accessory structures. These structures were considered primarily decorative in nature and were allowed to be in front yards with reduced setbacks, to allow for their potential use as landscaping elements. However, there have been a handful of recent cases in which the more lenient restrictions have been utilized to create additional screening and obstruction between properties. Staff conducted some research of how garden structures were handled in other City's zoning codes. The result of this research was finding that most communities did not strictly define for these types of decorative structures, but often did for larger ones such as greenhouses. Following the review, staff recommended amending just the definition, to be clearer about these open structures. This would effectively solve the issue of these being used to provide screening between properties.

From § 113-1. – Definitions:

Garden Structure: A permanent outdoor fireplace or grill, or a freestanding or attached structure such as a pergola or arbor, which serves a primarily aesthetic purpose customarily incidental to the principal structure. Garden structures do not include greenhouses, gazebos, or fencing.

Recommendation

Staff is recommending that the City Code in sections 113-1 and 113-152 be amended to include the new language as proposed, relating to screening and garden structures.

Chair Blum opened the public hearing at 8:30pm.

Commissioners stated support of the recommendation and moving forward.

Chair Blum closed the public hearing at 8:34pm.

MOTION was made by **Commissioner Pockl** seconded by **Commissioner Baker** to follow staff recommendation and amend language in City Code sections 113-1 and 113-152 to include the new language as proposed, relating to screening and garden structures. Staff took a roll call vote and the motion passed unanimously.

Televised portion of the meeting concluded at 8:37 pm

6. Council Liaison Report

Council Member Rosenquist updated the Commissioners on the City's plans regarding voting in the primary election, the Partners in Energy task force appointments approved by the City Council, and a 12 month moratorium that was adopted on the establishment of pawnshops, precious metal dealers, and pay day lenders. She also relaying information regarding the METRO Blue Line Extension and conversations that were taking place with Hennepin County and Metro Transit regarding the future of the proposed line.

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 **Commission Baker**, and approved unanimously. Meeting adjourned at 8:50 pm.



Amie Kolesar, Planning Assistant



Adam Brookins, Secretary