7800 Golden Valley Road | Golden Valley, MN 55427
763-593-3992 | TTY 763-593-3968 | 763-593-8109 (fax) | www.goldenvalleymn.gov

Planning Commission

January 13, 2020 – 7 pm
Council Chambers
Golden Valley City Hall
7800 Golden Valley Road

REGULAR MEETING MINUTES

Call to Order
The meeting was called to order at 7 pm by Chair Blum

Roll Call

Commissioners present:	Rich Baker, Ron Blum, Adam Brookins, Andy Johnson, Lauren Pockl, Ari Prohofsky, and Chuck Segelbaum
Commissioners absent:	Ryan Sadeghi,
Staff present:	Planning Manager Jason Zimmerman and Planner Myles Campbell
Council Liaison present:	Not Assigned

Approval of Agenda
MOTION made by Brookins, seconded by Johnson to approve the agenda of January 13, 2020, as submitted and the motion carried unanimously.

Approval of Minutes
MOTION made by Baker, seconded by Johnson to approve the December 9, 2019, minutes as submitted and the motion carried.

Continued Informal Public Hearing – CUP Amendment

Applicant:	Home Health Care Plus, Inc.
Address:	800 Boone Avenue North
Purpose:	To modify an existing condition that limits the use of Boone Ave for loading, unloading, and parking of busses and vans

Staff announced that the applicant was requesting that the public hearing be delayed until additional plans from the architect could be provided for presentation.

MOTION made by Baker, seconded by Brookins, to table the agenda item to the January 27, 2020, Planning Commission meeting and the motion carried unanimously.

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.

Informal Public Hearing – Zoning Map Amendments

Applicant: City of Golden Valley
Address: I-394 Corridor Mixed Use Properties
Purpose: To rezone properties located in the I-394 Corridor from I-394 Mixed Use to a variety of other zoning designations including Mixed Use, Commercial, Office, Medium Density Residential, High Density Residential, and Institutional, as documented in the City's 2040 Comprehensive Plan

Jason Zimmerman, Golden Valley Planning Manager, reminded the board that the I-394 Mixed Use zoning designation was approved in late 2019 and took effect at the start of 2020. This rezoning has different subdistricts and has designations by scale and intensity; i.e. Community Mixed Use or Neighborhood Mixed Use. Golden Valley's 2040 Comprehensive Plan is scheduled to be adopted on February 4, 2020. Part of that Comp Plan is an updated Future Land Use Map and state statute requires consistency between land use and zoning.

Zimmerman displayed a map showing the exact location of discussion. He then displayed the 2040 Future Land Use Map and explained that this map guides the rezoning.

Zimmerman gave a history of the rezoning conversation and how it began in 2016 at an open house at City Hall. The conversation progressed in to 2017 at a Planning Commission meeting then in 2018 was part of the 2040 Comp Plan that was recommended for approval. In 2019 City Council directed staff to submit the approved plan to Met Council and in 2020 they are expected to approve. In February of 2020, City Council is expected to adopt the 2040 Comp Plan and the I-394 rezoning is part of that approval.

Zimmerman went in more detail on the property types:

- 21 properties to remain mixed use
- 23 properties are part of a PUD (Planned Unit Development)
- 18 properties rezoned away from mixed use
    - 14 to Commercial
    - 2 to Institutional
    - 1 to Office
    - 1 to Medium-Density Residential (R-3)

Zimmerman reiterated that the rezoning was done in an effort to more closely align the properties with their current use, not to prepare for a proposed project. He stated that businesses would be allowed to continue with current uses and site layouts under a legally non-conforming status. He continued that 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.

Commissioner Segelbaum asked Zimmerman what would happen if the use on the rezoned PUDs changed. **Zimmerman** stated that the underlying zoning generally reflects what's happening on site and the rezoning will more closely align with current uses. The PUD itself dictates more detail and if that

were to change, the PUD would need to be amended or revoked; then the zoning would govern further use.

Commissioner Johnson asked about the distinction between rezoning a property and changing a land use. **Zimmerman** replied that it's almost the same thing but the land use map is suggesting a particular zoning and the zoning of property implements regulatory language.

PUBLIC HEARING

Greg Hayes, Lupient Auto Group, asked if there would be a more detailed explanation of the difference between commercial and residential zoning.

Mike Baskfield675 Rhode Island Ave S, asked for clarity on what the rezoning means for his commercial business.

Susan Myer, 510 Pennsylvania Ave, all summer the cars go through the stop sign on Laurel and Pennsylvania. If more apartments are to be added, then a roundabout or another stop sign should be added.

Don Taylor, 5120 Circle Down, living in a currently high density living area and would like clarity on definitions between neighborhood and community. Mentioned wanting to see retail buildings put in the rezoned areas that will add value aside from high density living buildings.

Joanna Hyman, 95 Oregon Ave S, is curious about the impact of more high density residential and the resulting overcrowding at Meadowbrook Elementary. She also stated that she supports mixed use properties that provide retail/commercial on the first floor and high density residential on the upper levels. Requested a more clear definition of what mixed-use means.

John Bean, 501 Radisson Road, Requesting clarification and what the rezoning means, and if it will be easier for more buildings to be built.

Chair Blum, closed the public hearing section at 7:30 pm

Chair Blum addressed the questions from the public hearing and asked staff to point residents to definitions of the zoning changes.
Zimmerman responded that the packet definitions were general but the zoning code for Golden Valley is accessible to the public and has a detailed descriptions of each zoning classification. **Zimmerman** went on to state that when the re-zoning was approved, part of the equation was to encourage small-scale neighborhood services in the mixed-use properties. Addressing other questions, **Zimmerman** reiterated that the rezoning wasn't done with a building plan in place but done rather to encourage projects as the market creates opportunities. He also reiterated that this rezoning is not allowing for more high density housing but actually scaling back on that in this particular area.

Chair Blum mentioned that residents should read the city code, accessible through the City of Golden Valley website, as well as look at past meeting videos and minutes.

Zimmerman addressed the difference between Neighborhood Mixed Use and Community Mixed Use. Neighborhood Mixed Use are those with more neighborhood amenities and with modest building height regulations. Community Mixed Use has less modest building height regulations, development can be a larger scale, parking was addressed, and pedestrian friendly amenities. **Zimmerman** echoed the Chair's suggestion to view past meeting videos and read previous minutes. He also stated that this rezoning process did not include a traffic study and therefore there wasn't immediate data for the stop sign on Laurel, per the resident inquiry. Contact information for the City's engineering department was shared as well as an invitation to connect with other questions.
In regards to the overcrowding at Meadowbrook, the Commission and staff discussed that enrollment projections are part of the City Comp Plan and the City has no jurisdiction over the school's enrollment cap. As of today, Meadowbrook's cap is at 800 students.

Chair Blum asked staff what the expected date is for the City Council to take action. **Zimmerman** responded that it will occur on February 4th, 2020, the same meeting that the Comp Plan will be considered for adoption.

MOTION made by **Commissioner Brookins** to recommend City Council approval of the presented rezoning of the I-394 Corridor Mixed Use Properties. Seconded by **Commissioner Johnson** and passed unanimously.

DISCUSSION – Tobacco Sales Restrictions

Myles Campbell, Golden Valley Planner, gave a presentation on tobacco sales zoning regulations that the City Council requested the Planning Commission to consider. Amendments to the handling of tobacco sales were first raised as potential work items through the City Council's 2019 goal setting process. Tobacco licensing was amended and approved in October of 2019 and previous conversations occurred at three other meetings in 2019.

Campbell presented the commission with an extensive list of licensing changes and explained the 3 goals of amending the zoning code in conjunction with those changes.

- Restrictions placed on tobacco licenses are extremely effective at creating a safer tobacco sales environment, but are still linked to the license itself and deal mostly in the operation of the retailer.
- Zoning can be used to place restrictions applicable to all commercially zoned land, and can be more effective at combatting retailer density or accessibility to youth consumers.
- A combination of both zoning and licensing controls gives the city a more comprehensive procedure to mitigate the negative public health impacts posed by tobacco retailers.

The three new regulations that City staff and the Planning Commission examined, per the City Council direction are:

- Permitted zoning districts
- Proximity to other land uses
- Site requirements

Campbell expanded on each item.

<u>Permitted Zoning Districts</u>

Commercial	Permitted
I-394	Permitted with conditions
Revised Mixed Use	Permitted with restrictions

Campbell explained that in order to have proximity restrictions on tobacco sales, the districts would need to list tobacco sales as a restricted use or a conditional use. In addition, many communities have used proximity restrictions to decrease the overall density of tobacco retailers and access to youth consumers. These two types of proximity restrictions are

- Proximity to Youth-Oriented Uses
    - Reduces distance between retailers and places like parks, schools, and community centers
- Proximity to Other Tobacco Retailers
    - Requires a minimum distance between retailers to reduce over-densification

Looking throughout the metro area for ordinances to model, staff found only Minneapolis and Saint Paul have these restrictions. Based on size, the parameters aren't transferable to Golden Valley. However, **Campbell** presented a model ordinance from the Public Health Law Center. Utilizing this model, staff created four scenarios with potential buffer distances and displayed that model for the Commission. **Campbell** presented maps of the City of Golden Valley with each buffer option as an overlay.
As a final consideration, **Campbell** discussed updating site design requirements to assist in limiting the public health impact of tobacco. For each of the potential code amendments, there must be reasonable justification and have a clear link to the City's stated interest in diminishing the negative health impact of tobacco consumption.

Commissioner Segelbaum asked Campbell to clarify if a "tobacco retailer" includes gas stations. **Campbell** responded that a tobacco retailer includes anyplace with an active license to sell tobacco products.
Commissioner Johnson asked if the City has already approved licensing changes related to tobacco sales and **Campbell** responded affirmatively and reminded the commissioners the information is in their agenda packet.

Based on the fact that the license and ordinance changes were approved, **Johnson** asked why the redlined draft document was presented to the Planning Commission. **Campbell** responded that he added the draft so the commissioners could see what the old language was and what the new approved language is. He expanded that the Planning Commission is not approving any language changes in the licensing or the ordinance. **Johnson** made a final comment that the group was not presently discussing the changes in the ordinance or the licensing requirements.

Commissioner Baker mentioned the revised and approved ordinance to cap tobacco retailers in the City at eight as currently there are 15. He asked if reducing that number by license lapsing will be City imposed or volunteered. **Jason Zimmerman, Golden Valley Planning Manager**, stated that it will be volunteered. **Campbell** added that if someone came in to apply for a new license, they would not be approved as the retailer cap is already above eight.
Commissioner Pockl asked if the cap was eight retailers, does that also mean eight is a minimum to maintain. **Campbell** responded in the negative, currently there is not a minimum to maintain.

Baker commented that capping the tobacco retailers to eight is already pretty restrictive and it seems unlikely a new license would be granted. **Segelbaum** echoed the statement.
Johnson stated the Planning Commission bylaws direct discussion to environmental and land use concerns, not social or health concerns. While these issues are important, it's imperative the Commission adhere to its discussion topics. **Baker** responded that in addition to items stated in the bylaws, the Commission is charged with addressing items as requested by the City Council. This topic being an example of that.

Commissioner Brookins stated that if there is to be only one zoned area to allow tobacco sales, he would choose Commercial. The Commission was unanimous in supporting this statement and adding that it be Commercial with restrictions.
The Commission was unanimous in deciding to not be in favor of the City regulating the density of tobacco retailers.
Brookins stated that he supports regulating tobacco retailers around areas of assembly at 500 feet.
Pockl asked if the zoning code had a definition for a "youth oriented facility". **Zimmerman** stated that currently there is not a definition.
Commissioner Prohofsky stated that the proximity regulation of tobacco retailers around schools should be 1000 feet at a minimum. He continued that changing signs won't do much, if tobacco is being sold at a location, people will know. He added witnessing minors soliciting older adults to purchase tobacco for them and making a retailer further from an area of congregation, will make that process more difficult. **Segelbaum** echoed this statement.

Campbell stated he will provide maps showing the difference between distance proximities at the next meeting.

Johnson stated there should be alignment between smoking in public places and these potential proximity regulations. **Pockl** stated that the Public Health Law Center has s definition of youth oriented facilities and that definition should be considered when defining the same term for Golden

Valley. **Zimmerman** stated that the group should consider ease of enforcement, a mapped buffer zone is clearly defined. He added that according to city code, smoking is prohibited in public parks and recreation facilities. **Chair Blum** said that fact reinforced his opinion that a proximity regulation should be instated in an area where smoking is prohibited.

Pockl restated her previous question and asked if the cap is at eight allowable locations, does that also mean eight is a minimum to maintain. **Campbell** responded in the negative and added that if there are seven or fewer allowable locations, then that would be a red flag to staff that restrictions are potentially not reasonable.

When mentioning potential site requirements for tobacco related businesses, the members agreed that signage should be regulated. **Campbell** reminded them that signage regulation can't be specific to only tobacco retailers but must be consistent with other businesses. **Baker** mentioned that he'd like to see something akin to firearms regulation where the product can't be displayed outwardly. **Zimmerman** added that signage and displays are different.

In summary, at the next meeting:

- Staff will provide options regarding Commercial as the permitted district, with restrictions.
- Staff will not look at density of tobacco retailers.
- Staff will research proximity restrictions and provide maps with buffer examples, specifically to youth oriented facilities, as defined by Commissioners.
- Staff research into sign restrictions will be approached at a later date.

--Short Recess--

Council Liaison Report
None given.

Reports on Meetings of the Housing and Redevelopment Authority, City Council, Board of Zoning Appeals, and other meetings
None given.

Other Business
Zimmerman reminded the Commissioners of the Narrow Lot Public Forum on Thursday, January 16. **Chair Blum** and **Commissioner Baker** indicated they would attend and the group discussed the role of Commissioners at the meeting. It was agreed that they should represent the Commission and keep their personal feelings on the issues private at the Forum.

Adjournment

MOTION made **Commissioner Segelbaum**, seconded by **Commissioner Pockl** and the motion carried unanimously to adjourn the meeting at 9:15 pm.

Adam Brookins, Secretary

Amie Kolesar, Planning Assistant