

Planning Commission

January 27, 2020 – 7 pm
Council Chambers
Golden Valley City Hall
7800 Golden Valley Road

REGULAR MEETING MINUTES

1. 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, Ryan Sadeghi, and Chuck Segelbaum

Commissioners absent:

Staff present: Planning Manager Jason Zimmerman and Planner Myles Campbell

Council Liaison present: Gillian Rosenquist

2. Approval of Agenda

MOTION made by Segelbaum, seconded by Baker to approve the agenda of January 27, 2020, as submitted and the motion carried unanimously.

3. Approval of Minutes

Chair Blum, asked for a motion to approve the minutes from January 13, 2020.

Commissioner Johnson requested an edit to page six when he referenced the bylaws for the Planning Commission, the perceived direction of the group, and the environmental exception. As a result, there was a consensus to strike the following section from the January 13th, 2020 minutes:

Zimmerman mentioned the zoning chapter in the city code creates an overlap in responsibility as it states:

Sec. 113-2. - Purpose.

The purpose of this chapter is to regulate land use within the City, including the location, size, use, and height of buildings, the arrangement of buildings on lots, and the density of population within the City for the purpose of promoting the health, safety, order, convenience, and general welfare of all citizens of the City.

Therefore, this topic is relatable to the Planning Commission as defined by Sec. 113-2.

Johnson requested an edit to page five, within the tobacco ordinance item. **Johnson** requested adding to public record his vocalization that adding draft language and edits of an ordinance was not relevant to



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the Planning Commission but that the final language was. Johnson restated that he disagreed with providing the draft language as that is policy related and not Planning Commission related. As a result, the following section was added for clarity:

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.

MOTION made by Commissioner Brookins, seconded by Commissioner Pockl to approve the January 13, 2019, minutes after edits and the motion carried.

4. Continued Informal Public Hearing – CUP Amendment

Applicant: 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 buses and vans

Jason Zimmerman, Planning Manager, reminded the Commission that the following presentation and conversation is a continuation of one started in December 2019. By way of background, the operators are requesting an amendment to the current CUP in order to modify a condition that prohibits the use of Boone Ave for loading, unloading, and parking of vehicles related to the adult day care business. This amendment to the CUP occurred in 2018, due to safety concerns, and required loading, unloading, and parking of vans and buses to take place in the parking lot.

Zimmerman continued that after a tour and conversations, the applicant has stressed the need for Boone Ave access to continue due to restrictions imposed by the parking lot and the building access point from the lot. The applicant has indicated that 26 buses/vans arrive on Boone Avenue in the morning over a period of about an hour (7:50 am to 8:55 am). The timing is staggered so that only two vehicles arrive at a time; it takes 5-10 minutes to unload each vehicle. In the afternoon, 20 buses/vans arrive between 1:40 and 2:45 pm to pick up clients. During the day, approximately 8 vehicles depart and return between the hours of 10:00 am and 12:30 pm; in the summer, additional field trips occur between 10:00 am and 1:30 pm. Each of these individual trips require a bus or van to be parked on Boone Avenue for approximately 30 minutes.

After laying out zoning and engineering considerations, **Zimmerman** stated staff supports the request to continue loading and unloading on the east side of Boone Ave, with the caveat that future restrictions may be imposed in light of the pending conversation around on-street bicycle lanes. In 2020 it is likely

parking will be removed from Boone because on-street bike lanes will be added and staff believes it's advantageous to the applicant to plan for an area to load/unload on site.

Based on the findings, staff recommends approval of the amended CUP, subject to the following conditions:

1. The adult day care shall be limited to 350 clients, as specified by the Minnesota Department of Human Services license issued August 1, 2019.
2. All necessary licenses obtained by the Minnesota Department of Human Services and the Minnesota Department of Health shall be kept current.
3. The hours of normal operation for the adult day care shall be from 7 am to 5:30 pm, Monday thru Friday.
4. The adult day care facilities shall not be used for any activities that are not permitted in the Zoning Code.
5. Subject to any additional posted traffic regulations, all vans and buses shall be loaded and unloaded along the east side of Boone Avenue. No vans or buses shall be loaded, unloaded, or parked along the west side of Boone Avenue. No vans or buses may be parked in the angled parking stalls or in the first 21 perpendicular stalls located south of the building along the drive aisle.
6. No alcohol shall be served or distributed on-site without first obtaining the proper license or permit.
7. All outdoor trash and recycling containers shall be screened in a manner acceptable to the Physical Development Department.
8. The applicant shall provide an on-site bicycle rack allowing parking for a minimum of five bicycles.
9. The requirements found in the memo to Mark Grimes, Director of Planning and Zoning, from Ed Anderson, Deputy Fire Marshal, and dated May 17, 2011, shall become a part of these requirements.
10. This approval is subject to all other state, federal, and local ordinances, regulations, or laws with authority over this development.

Failure to comply with one of more of the above conditions shall be grounds for revocation of the CUP.

Commissioner Baker asked when the CUP amendment with the modified condition regarding loading and unloading was added. **Zimmerman** responded in October/November of 2018. **Baker** followed up with asking if staff now thought that amendment was a mistake. **Zimmerman** responded that in 2018 staff recommended limiting loading and unloading to the east side of Boone and the Commission adopted the broader parking lot restriction. **Baker** reiterated his question and **Zimmerman** responded in the affirmative and without findings of a safety issue, staff recommends approval of the current amendment.

Commissioner Segelbaum mentioned previous confusion on if the applicant was the business owner or the property owner. He followed up by asking if the CUP should more clearly state which owner is responsible for the conditions. **Zimmerman** responded that in a situation where a building has multiple

tenants, either the property or business owner can apply. Both the property owner and the operator are present for the CUP Amendment agenda item.

Zimmerman continued on to specific conditions mentioned by the commissioner and gave examples of amended word choices to assist in clarification.

Segelbaum followed up by asking if the operator were to leave, would the CUP follow the operator or the property. **Zimmerman** stated that the CUP is filed with the county so it'll stay at the property. In the event that there is a violation, the property owner is responsible.

If the business owner is the one to apply for a CUP, then the property owner signs it, stating acknowledgement. Therefore either entity can apply but the property owner is responsible for violations to the CUP.

The discussion continued into the cap for the number of clients at the facility and who determines that number. Staff reminded the commissioners that previous conditions stated the Department of Human Services would determine that client cap as they're issuing the operating license. The cap on the operator's current license is 350 clients; staff said they hadn't considered reducing that cap to then create the city's own limit, but rather looked into further enforcing the current cap. This conversation evolved to addressing the operating hours; the city's condition is a weekday window of 7:30-5:30 and the operator is choosing to operate from 8-4:30 weekdays.

Chair Blum invited the applicant and operator to make comments.

Christine Eid, attorney on behalf of Healthcare Plus, introduced herself and then introduced Inessa Marinov from Healthcare Plus, and Randy Engel, the architect for the same company. **Eid** reminded the commissioners that they were before the Commission in December 2019 and after a series of poignant questions raised, they accepted a continuance to collect the necessary information to reappear. **Eid** thanked staff for their work through this process and the report presented before the Commission. **Eid** went on to address the discussed violation to the CUP granted in 2007 to allow for an adult daycare facility in the 800 Boone Ave building. **Eid** went on to read Golden Valley City Code as it pertains to adult daycare facilities and concluded that all clients at this operation qualify without further evaluation. Part of the daily accommodations include providing the most accessible and shortest path from the buses to their daily activities. This accommodation necessitates utilizing the east side of Boone for bus drop offs and pick-ups.

Eid went on to address the violation to the CUP granted in 2007. This was not an operator violation, but lead to an amendment in 2018 to prohibit drop-off/pick-up on the east side of Boone, which did directly and negatively impact the operator. **Eid** addressed the conditions listed in the staff presentation and their team agrees to work with city staff and the planning commission to cap the cliental at 350. The team would like to amend condition number five due to its broad nature and would like to participate in conversations with the city to ensure a bike lane may co-exist with regular drop-offs and pick-ups.

Randy Engel, Healthcare Plus Architect, presented a map of the 800 Boone building and listed minimal physical characteristics for an adult day care facility. **Engel** elaborated on the building structure and its split between businesses, he added that not every door to the building equates direct access to Healthcare Plus. **Engel** went on to explain the space requirements to accommodate the current cliental as well as the space options already considered by the operator in order to accommodate future possible clients.

Commissioner Segelbaum asked if the team has discussed edits to the fifth condition with city staff and how they concluded the line item “Subject to any additional posted traffic regulations,” meant removal of vehicle access due to a bike lane. **Eid** responded that while she doesn’t specifically know that is what it means, she understands a bike lane on Boone is being discussed and would like her team to be part of that conversation. **Eid** went on to state that she knows the City has full right to the right of way but currently she would like to see that condition item be silent.

Commissioner Brookins asked what the future intent is for the number of people being served. The operator responded that the intent is to serve the cap number of people, per the license granted by the Department of Human Services. The company has the staff, space, and met requirements to meet the needs to serve 350 people. Currently the organization serves 241 clients.

Blum noted that the required public hearing for this item occurred in December of 2019 and at the time of this meeting, attendees of the meeting consisted of: City staff, Commissioners, Applicant and team, and City Council Member. **Segelbaum** made a motion to open the floor for a public hearing and at 8:19 pm, **Chair Blum** formally opened the floor for a public hearing. No comments were made and the hearing was closed.

Segelbaum commented that originally tabling this item was so the applicant and City staff could come to a compromise. He believes the applicant has a point about the condition they addressed and commented that the City Attorney may be the best person to address it. With that in mind, **Segelbaum** believes it may be premature for the Planning Commission to address the agenda item. Baker and Brookins echoed Segelbaum. **Segelbaum** asked for the time limit on responding to the applicant and **Zimmerman** responded that it needed to be to City Council by February 22nd or the applicant would need to agree to an extension in writing. **Brookins** commented that he’d like to make a determination today and that will give staff time to make recommendations when this item is presented to City Council. **Commissioner Pockl** echoed this statement. **Commissioner Baker** commented that putting a transition plan in place for the applicant when a bike lane occurs may be beneficial.

The conversation continued on to the possibility of capping the clients at a number below the cap provided by the MN Dept. of Human Services. Concerns about this Commission’s authority to override the Dept. of Health’s client cap was raised. **Commissioner Sadeghi** pointed out that the concern for this committee was traffic related and therefore instead of capping the client number, could client transportation be reconfigured so the number of drop-offs could be capped. Staff replied that it’s possible but there is concern about who would enforce that cap on vehicles.

This conversation moved on to condition five, as addressed by the applicant. The applicant/operator chimed in and added that during the architect’s presentation, he showed that open space for new clients is in the back of the building. Therefore, any addition of clients, will be loaded and unloaded in the parking lot by way of following the operator’s policy of providing the most accessible and shortest path from the buses to their daily activities. An increase in clients will not cause a direct impact on Boone Ave. **Blum** stated that based on the drawing provided, it appears the capacity will increase in the front of the building, directly accessible by Boone Ave.

Commissioner Johnson stated that according to the Secretary of State Website, all the organizations in 800 Boone Ave are related to one another. Because of that, it's disingenuous for the applicant to assert that there's nothing to be done, internally, to accommodate the conditions. **Johnson** added that it seems within the purview of the Planning Commission to discuss condition five and if the City Attorney determines that's inaccurate, then the Commission should be given a finding to support that.

Zimmerman asked the Commission to address the two questions posed:

1. If the Commission was interested in amending the condition to allow or not allow use of the east side of Boone for loading and unloading.
2. Regardless of that choice, is there any consideration for a cap on the number of clients to be served, even if it's lower than the current number of clients allowed on their residence.

Regardless of the choice there should be reasonable findings to support the decision.

Baker stated he's opposed to revising condition five as requested by the applicant. **Blum** is concerned about loading and unloading on the west side of the street, crossing the street for this client is inherently dangerous. It's reasonable to restrict loading/unloading to the east side of the street. **Pockl** echoed Blum's statement and added that the loading/unloading may occur on the street but to encourage use of the parking lot.

Commissioners continued their conversation on if they should cap the number of clients aside from the current DHS license the applicant holds. The conversation moved back to the impact of loading and unloading of vehicles on Boone and what the impact of the city is and evolved on to if a traffic study would help create a solution. **Pockl** circled back to the original recommendation and stated that the commission still hasn't shown findings to support forbidding loading/unloading on Boone. **Brookins** added that car dealerships are not allowed to load and unload on the street in front of the business. **Blum** noted a parking restriction on Boone based on its proximity to Hwy 55 is reasonable.

MOTION made by **Baker**, to accept the recommendations of city staff with the exception that condition five is not included; to prohibit loading and unloading on Boone. Motion was seconded by **Brookins**, with an amendment to return some language from the 2007 CUP regarding client numbers to be determined by DHS and approved by the City. **Brookins** suggested that cap be determined at 350. **Baker** accepted that amendment to his motion. **Zimmerman** added that the commission can't strike condition five but can choose to not accept the amended language to condition five.

Johnson suggested to remove the first sentence in the condition and change no parking on the west side of Boone to say entirety of Boone. **Baker** withdrew his motion. **Blum** asked for a new motion.

MOTION made by **Johnson** to accept the recommendations made by staff, regarding the CUP, with the exception of condition 5, to then look like this:

5. ~~Subject to any additional posted traffic regulations, all vans and buses shall be loaded and unloaded along the east side of Boone Avenue.~~ No vans or buses shall be loaded, unloaded, or parked along the ~~west side~~ **entirety** of Boone Avenue. No vans or buses

may be parked in the angled parking stalls or in the first 21 perpendicular stalls located south of the building along the drive aisle.

Brookins seconded this motion. Approval of the motion went to vote and was failed 3-4.

Ayes: Baker, Brookins, Johnson

Nays: Blum, Pockl, Sadeghi, Segelbaum

Based on that denial, **Blum** asked for a further motion.

MOTION made by **Blum** to accept staff recommendation and approve the CUP application and to not amend condition 1 but to amend condition 2 to replace the word “by” with “from”. Condition five is accepted with edits, so condition five reads:

5. Subject to any additional posted traffic regulations, all vans and buses ~~shall~~ **may** be loaded and unloaded along the east side of Boone Avenue. No vans or buses shall be loaded, unloaded, or parked along the west side of Boone Avenue. No vans or buses may be parked in the angled parking stalls, ~~or~~ in the first 21 perpendicular stalls located south of the building along the drive aisle, **or on the east side of Boone Ave.**

Segelbaum seconded this motion and the motion was approved 4-3.

Ayes: Blum, Pockl, Sadeghi, Segelbaum

Nays: Baker, Brookins, Johnson

Zimmerman stated the February 18th City Council meeting will receive this information.

5. DISCUSSION – Narrow Lots

Jason Zimmerman, Planning Manager, presented a summary of the public forum held at Golden Valley City Hall, on January 16th, 2020.

Zimmerman listed the specific items City Council directed to the Planning Commission.

- Investigate possible modifications to the City Code for narrow lot development
- Focus on lots 50’ wide or less but note ideas that might apply more broadly
- Involve outside experts – realtors, architects, and builders
- Solicit resident feedback
- Aim to bring forward recommendations before the spring building season

Zimmerman followed with a list of items already addressed and presented the Commission with a revised timeline of events. City Council will hold a public hearing on this topic on April 7th.

Public Forum Summary:

- Divided into three parts
 1. Overview of study
 2. Small group discussion
 - a. City Staff provided a few questions as conversation starters.
 3. Large group report out and Q&A
 - a. Commonly raised issues revolved around height restrictions, setbacks, impact on residents, green space and trees.

Next steps include addressing non-zoning regulations and policy questions that arose at the meeting and looking at the purview of the BZA for variances to ensure consistency.

Commissioner Baker commented that height restrictions and the resulted shading of neighbors seems to be a top concern. **Baker** revisited the comments from a local builder on the public forum panel who suggested height restriction were possible while introducing dormers for space. **Baker** stated that it seems possible to find a solution that won't restrict the purchase of and building on narrow lots while also ensuring quality of life for neighboring residents. **Commissioner Pockl** echoed this statement and asked staff for optional solutions versus the Commission inventing their own ideas for solutions. **Zimmerman** presented a list of such options.

- Develop language around incentivizing reduction in height in exchange for dormer space
- Increase some side yard setbacks
- Lower maximum lot coverage and/or impervious percentages to preserve open space
- Eliminate two stall garage requirements similar to R2 single-family zoning regulations
- Reduce existing secondary front yard setbacks on corner lots in order to eliminate need for variances

Baker mentioned the desire to require the preservation of old trees in conjunction with developments. **Pockl** asked how many houses on narrow lots have alley access and what the process to construct an alley is. **Zimmerman** responded he can provide that information but that public and builder feedback shies away from creating alleys. **Chair Blum** stated that bringing BZA into alignment with resident preferences is a priority. In conjunction, there are points to consider with comprehensive plan consistency, zoning elements, and essential character elements that are all reflected in City ordinances. **Blum** stated that the setback consideration he's gravitating towards are larger than historically seen: 10 ft setbacks on a 40 ft wide lot. This considerations seems consistent with resident feedback while setting the city up for flexibility in development in the future. **Blum** continued that while incentivizing houses to reduce height is reasonable, he suggests incentives to reduce tax parcel division of larger lots all together. **Commissioner Brookins** stated that he thinks the setbacks are satisfactory but that the focus should be height requirements, building envelope, and neighborhood character preservation. **Commissioner Segelbaum** stated the need for precise language and the clear differentiation between subdivision and tax parcel division.

Television portion of the meeting concluded at 10:06pm

--Short Recess--

6. Council Liaison Report

Gillian Rosenquist introduced herself as the new City Council liaison to the Planning Commission. Council Member Rosenquist gave a brief description of her background on the City Council and other committees. She praised the Planning Commission for their ongoing work and asked for their thoughts on how the Council Liaison role could be improved to provide more information to Commissioners. Rosenquist provided additional information on upcoming projects and items, including: potential BRT along Highway 55, upcoming bonding projects, and the City Council's goal setting meeting for 2020.

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

No other reports were given.

8. Other Business

Staff provided a brief update on some upcoming goals of the City's HRA.

9. Adjournment

MOTION made by **Commissioner Pockl**, seconded by **Commissioner Baker** and the motion carried unanimously to adjourn the meeting at 10:27 pm.



Amie Kolesar, Planning Assistant



Adam Brookins, Secretary