

Planning Commission

March 8, 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 7:10 by **Chair Blum**.

Roll Call

Commissioners present: Rich Baker, Ron Blum, Adam Brookins, Andy Johnson, Noah Orloff, Lauren Pockl, Chuck Segelbaum

Commissioners absent: Ryan Sadeghi

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 Segelbaum**, seconded by **Commissioner Baker**, to approve the agenda of March 8, 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 February 22, 2021.

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

4. Informal Public Hearing – Major PUD Amendment to Carousel Automobiles PUD 95

Address: 9191, 9393, 9595 Wayzata Blvd

Applicant: Carousel Motor Group

Myles Campbell, Planner, introduced the topic and told the Commissioners that this is amendment #4 to PUD no. 95, this PUD was last amended in 2014. This amendment is considered a major PUD amendment due to the degree of changes and a review from Planning Commission and City Council are required. Both lots in the PUD are zoned Commercial and there are 9.9 acres between the two.



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Amendment #4 will allow for a number of improvements:

- Reintroduces auto sales to the former Porsche building
- Expansion of the Audi dealership building
- New battery storage building
- Reduction in parking setbacks along Wayzata to 10'
- Reduction of rear setback on south lot from 50' to 10'
- Expansion of south lot parking, requiring relocation of storm water retention pond
- Addition of second curb cut off south lot to allow truck traffic

While discussing the items and history of the lot, a map was displayed to show what surrounds the location. Campbell gave a history of the PUD and the previous three amendments.

The current location has three principal structures on the north site and there are 590 parking spaces, 577 were approved during amendment #3. Over both lots, 74.8% of land is considered impervious, but there is not an upper limit in Commercial Zoning; two storm water ponds currently help to manage surface water run off on-site. Majority of the trees are located on the south lot around the existing storm water pond, the pond on the south lot would need to move as part of the proposal.

The south lot is separated from a residential neighborhood and Westwood Hills Nature Center by an existing 12' sound wall.

A required neighborhood meeting was held on Monday 1, 2021. The main concerns expressed were:

1. Expansion of the south parking lot requiring the removal of trees that provide additional screening with the sound wall
2. Introduction of trucks unloading on the south lot would have increased noise impacts on the residential neighborhood
3. Concerns about modification to the stormwater pond creating runoff issues for surrounding properties

Proposals – North Lot

- An expansion of the existing Audi dealership building within the PUD by 5,650 sq. ft.
- New 260 sq. ft. accessory building on the northern lot for the storage of Electric Vehicle Batteries.
- Both additions require additional review at permitting for consistency with City's Architectural and Material Standards
- Re-use the former Porsche Dealership for new Ferrari location
- Reduction in the parking setback from Wayzata Boulevard across the site to 10'
- Proposal includes pervious pavers within new display areas, as well as some enhanced landscaping along Wayzata Blvd

Additional Items

- Parking lot reconfiguration
- New landscaping added along Wayzata Boulevard to mitigate decrease in parking setback
- Sculptures added near drive entrances to the site
- Updated LED lighting across the site would respond to the City's "dark skies" requirements

Staff Evaluation of North Lot

- Battery Building
 - Closer to property line to the west than any principal structure, which requires some flexibility from code
 - Exterior Materials must match existing Principal Structures
 - City supports these types of sustainability measures that are in line with 2040 Comp Plan goals
- Audi Addition
 - Expansion subject to requirements of City's Arch & Material Standards, additional details required prior to permitting
 - No concerns raised by fire department staff on impact to drive lanes/accesses
 - Would not increase site impervious surface
- Landscaped Buffer between property line and parking reduced to 10' across the north lot
- Engineering staff have some concerns about the use of pervious pavers as suggested in the proposal, due to proximity to City's underground utilities
- Ferrari Dealership
 - At the time of Amendment #3, the former Porsche dealership was maintained for internal operations, and Carousel noted to staff and PC that a third franchise would not be added to the property.
 - Staff is not opposed to reintroducing sales
 - Staff is not concerned with additional parking required as the site has ample capacity

Proposals – South Lot

- Reduction in the existing street setback for parking, similar to the north lot
- Reduction in the rear parking setback (south) from 50' to 10'
- Combined parking setback changes would allow for reconfiguration of the parking to allow for added storage (**112 new spaces**)
- Storm water reconfiguration
- Introduction of a second curb cut access for the lot

Additional Items

- New storm water pond amenities
- New landscaping added along Wayzata Boulevard
- Updated LED lighting, similar to the north lot improvements, would respond to the City's "dark skies" requirements

Staff Evaluation of North Lot

- Reduced Setbacks
 - Changes to the setbacks would allow for large expansion of the parking lot
 - The 10' rear setback is significantly less than the original 50' setback put in place by the PUD, and is also less than the 25' required by zoning for a commercial parking area abutting residential uses

- The rear setback reduction would also result in the loss of a number of trees identified by residents to the south as providing screening above the 12' sound wall
- Reconfigured Lot
 - Staff is concerned with the introduction of trucks unloading on the south lot
- Added impervious surface is significant across the south lot, although accounted for with the new storm water pond in terms of runoff
- The new amenities around the pond raise question of maintenance and ownership, which would need to be agreed to between the City and the applicant

Staff Evaluation – Additional Items

- *Lighting*
 - Improvements to lighting across both sites are a positive change for the site, a significant investment by the applicant, and a clear public benefit to the proposal
 - Some outlying questions from review regarding trespass and curfew hours, staff recommends a more thorough lighting plan as a condition of approval
- *Electric Vehicle Charging Stations*
 - These are described as amenities in the application narrative but not detailed on any of the plan set materials
 - Not required under zoning, but fitting with City's Sustainability goals from the Comprehensive Plan
 - Staff is recommending their inclusion at the three dealerships as a condition of approval

Additional Considerations from City Engineers

- The city limits tree plantings on or around underground utilities as shown in some areas of the plan, this could impact the location and provision of replacement trees along Wayzata Blvd.
- Similarly, pervious pavers shown in the plan aren't allowed within 25' of public utilities, which could jeopardize some of their inclusion, and result in additional impervious surface
- The proposed landscaping and seating area around the south pond seems like a minor public benefit to balance against a 5.8% increase in impervious surface and the loss of 67 significant trees

Recommendation

Staff recommends approval of a modified version of Amendment #4 to PUD No. 95, **allowing for the proposed changes to the north lot** including the Ferrari dealership, Audi expansion, battery building, and reduced street setbacks, **and disallowing all requests relating to the south lot**, including the reduction in street and rear setbacks, the relocation of the storm water pond, and the introduction of a new curb cut to allow for truck access.

The amendment's approval is subject to the following conditions:

1. The plans for site revisions to 9191, 9393, and 9595 Wayzata Boulevard, and the associated lot to the south of Wayzata Boulevard, submitted January 22, 2021, and subsequently updated to address City comments, shall become a part of this approval.

The applicant shall revise the plans so as to:

- a. Remove the reconfiguration of the south lot, including the relocation of the storm water pond, the expansion of pavement, and the second curb cut onto Wayzata Boulevard.
 - b. Show and label the access gate and trail along the east property line of the south lot.
 - c. Show and label bicycle parking and vehicle charging stations, as noted below.
2. Applicant shall provide a parking diagram for the north lot that clearly labels parking spaces reserved for customers and employees associated with all three dealerships separately.
3. Applicant shall provide in their site plan at least 20 bicycle parking spaces, in a location accessible for employees and customers to the three dealerships.
4. Applicant shall provide electric vehicle charging stations on-site as part of the PUD Amendment, to be included in a location accessible to each dealership.
5. Applicant shall provide exterior material details on the accessory battery building for review and approval prior to applying for a building permit.
6. Applicant shall provide exterior elevations and architectural and material information for the Audi dealership addition, conforming with the City's standards, for review and approval prior to applying for a building permit.
7. Applicant shall provide a revised lighting plan that addresses the outstanding questions around light trespass on both lots and lighting levels on the south lot, addressing how hours of illumination and curfew lighting will be handled.
8. Applicant shall adjust their tree and landscape plan as directed by City Engineering staff to avoid conflicts with underground utilities across the sites.
9. The loading and unloading of trucks delivering vehicles to the dealership shall take place on the property located north of Wayzata Boulevard and shall not take place on the south lot or within the public right-of-way.

Commissioner Johnson asked if a new dealership was going in and if the requested 200 additional parking spaces were related to that. **Campbell** responded that the third dealership will be in the original Porsche dealership location but was only used internally from 2014. The spaces are primarily for inventory and vehicles to display.

Commissioner Segelbaum asked if there were open concerns with the north lot that the City had not addressed with the applicant. Staff felt more comfortable with the north lot changes and their alignment with the 2040 Comprehensive Plan. The south lot proposed changes will have a greater impact on surrounding communities. **Commissioner Baker** asked if the city discussed a modified plan for the South lot so they can use the space but not disturb the area closest to the neighborhood. **Campbell** responded that modifications had not been discussed by staff but those may be suggested by the Planning Commission.

Staff and Commissioners discussed particulars around stacked cars, setbacks, and pervious/impervious surface area.

The Chair invited the applicant to present.

Applicant, Nguyen Hoang, addressed some of the Commissioners early questions regarding a battery building. He discussed the parking space details and said they will be released before City Council.

Regarding the electrical concerns, the applicant is still working with their contractor. Some of the specifics are due to regulations with the previous PUD. The dealership needs more parking space to accommodate greater inventory on site. The applicant added that the south lot was originally a more private lot per the PUD and they intend to honor that moving forward. The applicant continued to discuss the stormwater pond plans and setback requests. The applicant added that the 12ft. sound wall is partially on the dealership's property and offers a clear separation from the residential area. The applicant is requesting removal of trees along the wall and asking they are replanted. To mitigate noise, the applicant would like to lock the south lot so transport of cars can occur after hours. The applicant added that while it may not show up now, they are constantly reimagining how to improve the process.

Wayne Pisinski, Applicant, added that he went to the neighbors of the south lot and made a commitment to put trees in specific areas to mitigate the sight line concerns they had. He also said he would work with a landscape company to install ornamental trees to help with the same concerns. There will be a secondary fence developed between the lot and Wayzata Blvd to help with this issue. **Pisinski** also looked into a neighbor's concern over a wetland area being connected to the dealership's retention pond. Both Golden Valley and St Louis Park looked into it and SLP contacted the resident to assure them the retention pond and wetland area are not related. **Pisinski** elaborated on the need for a building for batteries and explained the size and safety needs of that lead to a new building construction.

Johnson asked if applicants addressed parking stacked cars at the north lot, **Pisinski** stated they cannot so the driveway is accessible for firetrucks. Additionally, that location is close to the highway and the dealership experiences cars that run off the highway and on to their property about 5-8 times a year. **Campbell** added there is minimal greenspace available on the north property line of the north lot and not enough room for additional stacking. **Commissioner Brookins** stated that the north retention pond seems to be expanding, the applicant responded that the pond is being increased and improved on to increase treatment with the MPCA.

Commissioners and the applicant discussed charging stations on site and public access.

Baker asked the applicant what other inventory options there are and the applicant listed a number of lots outside of Golden Valley for inventory but finding a place to lease and safely leave a vehicle is hard to find. It's hard to meet the customer need with what parking the dealership has available today.

Chair Blum opened the public hearing at 8:31pm.

John Thompson
9430 West 14th Street, St Louis Park

I wish the trees on the other side of the retaining wall to remain as a barrier for my home. I live a block north but my walk out deck is above the 12-foot barrier and the trees help block the sound in the summer.

Elizabeth
1511 Flag Ave S St Louis Park

My house is 3 houses from the barrier wall and I look over the wall. I can see the buildings on the dealership lot. Pesinski has met with me and said he would do his best to maintain the mature trees on the south wall but I was alarmed to see 67/73 trees may be cut down. I would like alternatives to be explored.

Michael Miller

9416 W 14th Street St Louis Park

My back deck faces the south wall and there is light pollution that escapes over the wall. I'm not sure what alternative will occur to make up for the removal of the retention pond. I spoke to Eric in St Louis Park and he said there is probably no connection between the wetlands and retaining pond but he didn't say definitely. I wanted to clarify that comment.

Commissioner Johnson asked staff if there was a preference for above or below ground stormwater management. Staff responded that either are acceptable as long as they meet requirements but the City's preference is above ground as it's more environmentally friendly and provides habitat. **Blum** asked if there is a standard for mitigation to prevent standing water. Staff is not aware of any.

Laurie Kirk

1301 Flag Ave St Louis Park

My home is adjacent to the SE corner of the wall and the trees along the south wall provide a great deal of screening from the dealership. The new frontage they're proposing would be better however right now the trees keep the aesthetics of the neighborhood. It doesn't feel industrial or commercial even though I can see the dealership from our window. The trees on our side of the wall are City of Golden Valley trees because they are in the easement. There was storm damage and Xcel cut them because of that. I am concerned that the 10ft setback will create a situation where trees can't be planted there at all, we will then lose the ambiance of our neighborhood.

Commissioners discussed the north lot first. Staff wasn't concerned with reduced sight lines on the north lot since there's a wide city boulevard. The discussion continued that there haven't been many concerns with the north lot historically as it's a commercial area. While the reduction in green space is disappointing, the ask here doesn't seem to be out of line with what other dealerships have/were granted. **Johnson** reiterated that a PUD is a compromise between the City and the business, and he is concerned with the setback reductions as they were placed there initially for a reason. He continued with wanting to see what other options there are to maximize the north lot as the original intent of the PUD seems to be altered. **Commissioner Pockl** added that the increase of impervious surface is concerning. The conversation continued on to approving the whole amendment or broken up into two sections by the north or south lot. This discussion continued on to what to recommend to City Council and how the PUD amendment should be approved or denied.

Chair Blum closed the public hearing at 8:55pm.

Commissioners continued on and discussed the retention pond location and alternatives at greater length. The discussion moved on and elaborated on staff's decision to generally support the PUD

amendment and the regulations to support those decisions. Commissioners discussed whether or not they support the 10-foot setback, Johnson doesn't while Segelbaum, Baker, and Pockl all expressed support.

A number of residents have decks above the 12-ft wall due to the topography and **Baker** commented the wall barely screens them. Discussions around lighting continued as well as specifics stated in a previous PUD amendment.

Commissioners moved on to discuss the south lot and stated sensitivity to the proposed removal of the mature trees. Staff reviewed the easements, property lines, and the wall to illustrate specifics for Commissioners. This moved on to illustrate parking locations and the 10foot easement, the potential for increasing charging stations, public art, dropping lighting so neighbors aren't affected by light pollution, and the impact of loading/unloading vehicles just on the other side of the wall. **Commissioner Brookins** said if the setback can stay at 50ft, he is supportive of the rest of the amendment, and maybe add additional conditions. **Commissioner Johnson** stated the irony of cutting down trees to then sell electric cars.

MOTION made by **Commissioner Baker**, seconded by **Commissioner Segelbaum**, to follow staff recommendation and conditions as stated.

Staff called a roll call vote:

Aye: Baker, Brookins, Pockl, Segelbaum

Nay: Johnson, Blum

The motion carries.

5. Discussion – Interim Use

Jason Zimmerman, Planning Manager reminded the group about a restaurant last summer who was searching for solutions to meet their need for outdoor seating. In this particular situation, restaurant/bar is a non-conforming use in an R-1 zoning district. Expansion of non-conforming uses are not allowed, so no outdoor seating/dining can currently be added. City Council is wary of rezoning so requested investigation of other options; one of those possibilities is Interim Use.

Interim Use

- Covered in State statute
- “temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it”
- Must conform to the zoning regulations
- Conditions of use may be attached

Currently, Golden Valley doesn't have Interim Use in the zoning code but it does have three types of temporary uses that are allowed: mobile food vending, seasonal farm produce sales, temporary retail sales. Each use does require a permit from the City in order to operate.

If outdoor seating was considered as an interim use, it would need to be distinguished in the R-1 zoning code, an end date would need to be identified, and conditions could be applied to mitigate potential impacts.

Typically, interim uses are complementary to the underlying zoning and permitted uses. A commercial outdoor dining use, appears to be in conflict with R-1 Zoning.

Interim uses tend to be limited in nature and duration and the investment in a patio is great for a limited use. Not having an obvious timeline or condition to end, directly contrasts to the nature of interim/temporary use.

Conditions for approval should be created, as they are in other areas, and this could mitigate potential impacts to surrounding properties.

Staff Conclusion

An interim use that allows outdoor seating/dining doesn't seem to be a good solution to the problem at hand.

The limitation of a commercial use in a single-family residential area is a big constraint. Staff can look into what it would mean to have neighborhood commercial zoning district.

Commissioner Pockl asked how staff predicted the proposal would be received by the neighbors since there seems to be a split response to the restaurant in general. **Zimmerman** responded that neighbors are primarily concerned about additional noise, music outside, and an uptick in traffic. The larger concern from residents regarding rezoning that spot, is the what-ifs for the future if another business takes over.

Commissioner Segelbaum asked about the difference between this and emergency zoning that occurred from the Governor's restrictions at the start of Covid. **Zimmerman** responded that the Governor asked Cities to find alternative ways to allow services to operate outdoors and City Council allowed temporary outdoor service areas. This was a limited time, special circumstance use. **Pockl** asked how the restaurant/bar owners are responding to this idea. **Zimmerman** said interim use was their idea after seeing how other cities were responding to the need for adaptation, they're willing to do many things to mitigate potential issues. This doesn't change that their potential investment is large nor that a timeline for a temporary use is hard to define. **Segelbaum** stated he thinks interim use is worth exploring and tight definitions could help make it appropriate in this situation. **Pockl** echoed this statement and stressed that the applicant really needs to understand the cost and potential risks associated with this kind of use approval. **Chair Blum** stated that this use regulation seems connected to the pandemic and a person can't put a timeline on its end. Being that the use should have a definitive timeline, he doesn't feel this solution is the right match. **Blum** added he's not against exploring options. **Segelbaum** asked if a neighborhood commercial zoning district would add flexibility. **Zimmerman** said it could but conditions could be added to decrease extreme by right use.

No direction is needed.

Televised portion of the meeting concluded at 8:42 pm

6. Council Liaison Report

7. Council Member Rosenquist provided a link to the State of the City address and encouraged all Commissioners to view the recording. She also pointed them to the online recording of an open house for the Facilities Study. Rosenquist noted that the City had hired a Housing and Economic Development Manager who would be starting at the end of the month.

8. Reports on Board of Zoning Appeals and other Meetings

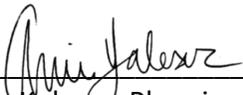
None.

9. Other Business

None.

10. Adjournment

11. MOTION by **Commissioner Pockl** to adjourn, seconded by **Commissioner Johnson**, and approved unanimously. Meeting adjourned at 10:18 pm.



Amie Kolesar, Planning Assistant



Adam Brookins, Secretary