

# Planning Commission

March 22, 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

### 2. Approval of Agenda

**Chair Blum** asked for a motion to approve the agenda.

**MOTION** made by **Commissioner Baker**, seconded by **Commissioner Johnson**, to approve the agenda of March 22, 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 8, 2021.

**Commissioner Johnson** asked for the expanded conversation on above or below stormwater retention to be addressed as well as edit his comment to accurately reflect the irony of cutting down trees to then sell electric vehicles.

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

### 4. Discussion – RLUIPA

**Jason Zimmerman, Planning Manager**, started his presentation by defining RLUIPA: Religious Land Use an Institutionalized Persons Act. This act was passed in 2000 to protect religious organizations from discrimination in land use regulation. The goal was to state no substantial burdens could be places on religion unless it can be shown there is a compelling interest. **Zimmerman** went on to explain ways RLUIPA regulations can come up and reminded Commissioners that the Planning Commission discussed RLUIPA as it relates to the Golden Valley zoning chapter in 2017. This conversation led to recommended updates. Some of the recommendations became part of the City Code recodification. A



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recommendation related to parking will be revisited in conjunction with a review of all City parking requirements later in 2021.

The final item to discuss is if the City should expand areas for religious institutions to locate. A list was displayed to show zoning districts where there are existing and proposed permissions for places of worship.

Commissioners discussed the definition of “a place of worship” as well as other language choices in the memo. Differentiating between places of worship and other facilities with a religious affiliation was discussed, such as a community center or daycare.

Commissioners and staff discussed zoning districts, uses, locations, definitions, and inclusivity.

## 5. Discussion – Pawn Shops, Precious Metal Dealers, and Payday Lenders

**Myles Campbell, Planner**, reminded Commissioners that at the request of City Council a moratorium on new pawnshops, precious metal dealers and payday lenders put in place in August 2020. Staff was directed to examine how these establishments are handled in the code. The concerns mainly revolved around potential issues surrounding public safety, risks regarding stolen goods, impact on surrounding properties, and consumer protections.

The examination of uses within the context of the current zoning code aligns with the current revisions to the land use tables.

**Campbell** went on to explain the current code regarding Pawnshops and Precious Metal Dealers. Pawnshops are currently classified as “general retail” and are a licensed use. Payday lenders are considered a financial institution; no licensing is required with the City but a state license is required.

Staff reviewed zoning code in adjacent cities while assessing changes to the Golden Valley Zoning Code. Staff found most communities use the definition of “Currency Exchanges” rather than payday lenders to differentiate banks from other financial businesses.

**Campbell** provided a list of zoning control examples for both pawn shops and currency exchanges, many akin to those in place for tobacco sales.

### Staff recommendations:

- Introduce “Pawnshops and Precious Metal Dealers” and “Currency Exchange” to the Zoning Code
- Pawnshop and Precious Metal Dealers are defined in Sec. 16-389. of City Code, no new definition required
  - Added as a restricted use to the Commercial Zoning District only
    - Restrictions should at a minimum include density restriction, proximity to residential zoned properties, and visibility requirements
- Currency Exchanges will need a new definition in the zoning code
  - Commissioners can consider also adding a definition for “Payday Lenders”
  - Currency Exchanges are added as a restricted use in the Commercial Zoning District
    - Restrictions should again focus on a density restriction between exchanges, and a proximity restriction to residential zoned properties.

**Campbell** wrapped up with providing definitions of currency exchanges and payday lenders, as well as provide a list of potential restrictions for pawnshops and currency exchanges.

**Commissioner Baker** supported staff recommendations but wanted input from staff's Equity & Diversity Manager to ensure the list isn't excluding services vital to some populations. **Commissioner Segelbaum** mostly echoed Baker's statements while adding he too doesn't want to put so many restrictions on currency exchanges that it limits access to anyone who cannot access a bank. **Chair Blum** cited case studies from Florida that show pawnshops enhance property crimes and facilitate criminal activity. He added that property crimes related to pawnshops tend to be underreported and often lack evidence to be further investigated.

**Commissioner Johnson** stated some of the proximity restrictions in light industrial, may interfere with places of worship, per the previous conversation. **Johnson** added he was surprised to see the definition of a payday lender included to provide a loan. He added a question asking why defining a person's use for an establishment is listed in a city code. **Campbell** responded that the particular language referenced is from another city and state licensing references "short-term consumer loans". He added that purpose language could probably be removed aside from the business use description.

**Campbell** stated that City Council direction wasn't related to crime and safety but to consumer protections. There are studies that show payday lenders utilize predatory practices to garnish wages.

**Campbell** asked Commissioners if they are comfortable with removing some language in the definition as suggested by Commissioner Johnson. Chair Blum and Commissioner Pockl suggested edits. **Segelbaum** pointed out that payday loans are very specific and some of the suggested edits sound like a general short-term lender. **Campbell** said staff would review statute language and state licensing requirements to make sure city code is as in line with them as possible.

**Commissioner Pockl** asked if Golden Valley Police are included in the conversations related to pawn shops. **Campbell** responded that it's part of the next step in this process.

## 6. Discussion – PC Annual Report/Work Plan

**Jason Zimmerman, Planning Manager**, presented the annual report, he summarized the work the Planning Commission did, the application types, code amendments, and recommendations of approval or denial. The end of the report illustrates the work plan for 2021.

**Commissioner Baker** asked if corrections need to be made to adjust for the light rail no longer coming through Golden Valley. **Zimmerman** said there are a few areas to be rezoned and the final decision will occur when the City knows the final status of the light rail. Commissioners and staff discussed a few more specifics regarding the 2021 work plan.

**Chair Blum** pointed to the bullets on the Planning Commission purpose statement. He suggested developers not be first but mention the residents of Golden Valley first. **Blum** felt that this will show commitment to the people and not developers. **Zimmerman** responded that this was in discussion the previous year and the process to change this is a bylaw change. City Council needs to approve that change.

**7. Discussion – BZA Annual Report**

**Myles Campbell, Planner**, presented the annual BZA report, he summarized the work done, variance application types, hearings, practical difficulty standards, and recommendations of approval or denial. BZA members will be attending a similar diversity and equity training as the Planning Commission.

**Televised portion of the meeting concluded at 8:56 pm**

**8. Council Liaison Report**

**Council Member Rosenquist** informed the Commission that the rowhouse changes to the zoning chapter were approved by the City Council. She updated the Commission on talks with the Minneapolis Park and Recreation Board around a Memorandum of Understanding for operations at Twin Lake, and reported on public engagement around the Police Task Force. She also noted that concepts were being developed for the Facilities Study.

**9. Reports on Board of Zoning Appeals and other Meetings**

None.

**10. Other Business**

None.

**11. Adjournment**

**MOTION** by **Commissioner Segelbaum** to adjourn, seconded by **Commissioner Pockl**, and approved unanimously. Meeting adjourned at 9:08 pm.



Amie Kolesar, Planning Assistant



Adam Brookins, Secretary