

# Planning Commission

September 13, 2021 – 7 pm

## REGULAR MEETING MINUTES

This meeting was conducted in a hybrid format with in-person and remote options for attending, participating, and commenting. 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 Pockl**.

#### Roll Call

Commissioners in person: Adam Brookins, Andy Johnson, Lauren Pockl, Mike Ruby, Chuck Segelbaum  
Commissioners virtual: None  
Commissioners absent: Rich Baker  
Staff present: Myles Campbell – Planner  
Council Liaison present: Gillian Rosenquist

### 2. Approval of Agenda

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

**Commissioner Johnson** brought to the group's attention that updates on the Comprehensive Plan were not on the agenda.

**MOTION** made by **Commissioner Brookins**, seconded by **Commissioner Ruby**, to approve the agenda of September 13, 2021. Motion carried.

### 3. Approval of Minutes

**Chair Pockl** asked for a motion to approve the minutes from August 23, 2021.

**Commissioner Segelbaum** requested a correction on page 8.

**MOTION** made by **Commissioner Johnson**, seconded by **Commissioner Segelbaum**, to approve minutes after this correction is made. Motion carried.

### 4. Discussion – Class I Material

**Jason Zimmerman, Planning Manager**, reminded the group that this is a discussion on the portion of code that allows the Planning Commission to determine materials used on building exteriors. In 2019 code was passed that allowed minimum requirements for architectural features, materials and their types. This varies based on the zoning district. Given the evolution of building material, it was suggested the Planning Commission review new materials instead of the city code changing each time.



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A developer is proposing a redevelopment at 1111 Douglas Drive. Staff shared the material standards for the Neighborhood Mixed Use zoning district. Staff then defined Class I materials as the developer's architect identified a product not currently included on the Class I list.

Current Class I Materials are:

- Brick • Natural Stone • Glass • Copper • Porcelain
- Other materials not listed elsewhere as approved by the City Manager or his/her designee or as recommended by the Planning Commission.

The material introduced is a James Hardie panel, a fiber-cement panel siding; staff indicated this material is already listed as a Class II Material in City Code.

**Mohammed Lawal, LSE Architects**, introduced himself and explained the project his firm is working on. **Lawal** explained the product name is an Aspyre Panel, a James Hardie product. This panel has been used in Seattle, Portland, and some Canadian cities. This panel comes in a larger size, is denser, and the warranty is longer than the existing Hardie warranty. **Lawal** went on to explain how this product is more sustainable and has a longer life span. While the material is a fiber cement, it looks more akin to a porcelain panel. **Lawal** displayed photos to illustrate appearance of the product on completed projects in Seattle, Portland, and Toronto.

Commissioners asked a few questions about the product in general, how panels are made up, and how they uphold in the elements. While Lawal and his team have not used this product in particular, they are frontrunners for LEED builds, and sustainable/technical material uses. LSE architects' goal is to have this material cover 17% of the façade. Over 33% of the façade is a Class I material, this material is a sustainable product while adding aesthetic appeal to the build.

**Commissioner Brookins** mentioned he works with James Hardie regularly although he hasn't worked with this particular product. **Brookins** added that this particular panel product may be of higher quality even though it falls under the Class II material definition. He would not feel comfortable defining this product to Class I and leaving the other panel products as a Class II material.

Commissioners had a discussion on product pricing, aesthetic, components, and maintenance requirements.

**MOTION** made by **Commissioner Brookins** seconded by **Commissioner Johnson** to follow staff recommendation and deny the request to include the reveal panels of the James Hardie Aspyre Collection in the Class I material list. The motion passed unanimously.

5. **Discussion – RLUIPA**

**Myles Campbell, City Planner**, started by reminding the group about zoning language updates around religious uses. He reviewed current code, "places of assembly" language, and districts where this use is allowed. **Campbell** went on to explain RLUIPA, Religious Land Use and Institutionalized Persons Act, as well as the two principle violations as they relate to land use regulation: Substantial Burden and Equal Terms. Federal courts are split on how to evaluate an equal terms claim and there are two standards; Minnesota has not adopted either.

During their review of proposed land uses, staff identified some non-religious gathering/assembly uses; indoor entertainment and recreation buildings. A location map was displayed for visual reference.

**Campbell** went on to discuss economic activity as a “legitimate regulatory purpose” and the pathways that could be used to exclude “places of assembly” from Commercial zoning districts. From there, **Campbell** reviewed the spectrum of zoning options from strict legal interpretation and more areas open to new places of assembly to contested RLUIPA standard and less land opens to places of assembly. Staff reviewed zoning maps and existing conditions, then displayed three maps with three potential zoning scenario changes.

**Commissioner Segelbaum** stated when he thinks of a religious use, he thinks of a large increase in folks at a particular time, and asked if the uses discussed would experience similar influx. Staff discussed concepts of assembly and different zoning districts to compare uses and numbers.

After Commissioner inquiries, staff discussed specific uses in each district that could compare in terms of population.

The conversation went on to available land for use, ensuring equality in use, then evolved to costs associated with inclusion of RLUIPA and tax generation.

Discussions moved on to other cities, range of conditional or permitted uses, and the breadth of substantial burden.

**Commissioner Segelbaum** stated that the recommendation seems reasonable and the code should be more permissive than it is now. It also seems to fit other conditional uses in Light Industrial.

**Commissioner Brookins** echoed Segelbaum’s comment and added that he’s in favor of adding zoning for schools, he was disappointed in how AOWL was handled and felt it was spot zoning. The recommendations before the group feel like a better fit because there’s an allowance for opportunities for schools to exist.

**Chair Pockl** stated agreement with staff recommendations. **Commissioner Johnson** asked about office. Staff responded that some cities have a business district that allows these uses. In general, residential and office are the two districts that don’t include these uses. **Johnson** added he’s not in favor of widespread changes to zoning districts and added there seem to be a lot of options that would avoid this. **Brookins** asked if the city was unintentionally limiting firearm sales and ranges, as well as locations of schools/parks/religious uses with this rezoning. The two have buffer requirements from each other so will this change impact both/either.

**Chair Pockl** closed the discussion, and ended the televised portion of the meeting.

## 6. Council Liaison Report

**Council Member Rosenquist** provided a summary of the recent Council Work Session, including updates on the proposed 2022 budget and federal funds that will need to be spend by 2024.

**Commissioner Segelbaum** asked about the recent City Council vote to approve the Preliminary PUD Plan for the northwest corner of the Golden Valley Country Club. He mentioned concerns raised by the Planning Commission and asked about the Council’s views. **Rosenquist** discussed improvements that

had been discussed with staff since the applicant had appeared before the Commission and also highlighted the importance of keeping the Country Club operating in Golden Valley.

**7. Other Business**

**Planning Manager Zimmerman** reminded Commissioners about the opportunity to attend the upcoming virtual State Planning Conference.

**8. Adjournment**

**MOTION** by **Commissioner Segelbaum** to adjourn, seconded by **Commissioner Brookins**, and approved unanimously. Meeting adjourned at 8:46 pm.



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Amie Kolesar, Planning Assistant



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Andy Johnson, Secretary