

# Planning Commission

July 28, 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 Pockl**.

#### Roll Call

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

Commissioners absent: Noah Orloff, Ryan Sadeghi

Staff present: Jason Zimmerman – Planning Manager, Myles Campbell – Planner

Council Liaison present: Gillian Rosenquist

### 2. Approval of Agenda

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

**Commissioner Johnson** asked when the Comp Plan alignment would conclude and reviewed a few areas in particular that were discussed. He asked when that will be completed. Staff responded there are updates and can discuss at the end of the meeting.

**MOTION** made by **Commissioner Baker**, seconded by **Commissioner Blum**, to approve the agenda of June 28, 2021. Staff called a roll call vote and the motion carried unanimously.

### 3. Approval of Minutes

**Chair Pockl** asked for a motion to approve the minutes from June 14, 2021.

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

### 4. Public Hearing – Major Amendment to PUD 90

**Applicant:** ISD #270 - Hopkins School District

**Address:** 5430 and 5300 Glenwood Ave, Golden Valley, MN 55422

**Chair Pockl** stated the hearing was postponed to today's meeting but the applicant has requested an extension to the July 12<sup>th</sup> meeting and it appears staff supports this request.



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**Jason Zimmerman, Planning Manager**, informed Commissioners that as staff reviewed plans that the applicant asked for more time to provide further details. Following state statute, staff is comfortable recommending tabling the hearing to July 12.

**MOTION** made by **Commissioner Brookins**, seconded by **Commissioner Blum**, to table the item to the July 12<sup>th</sup>, 2021 meeting, as requested by the applicant. Staff called a roll call vote and the motion carried unanimously.

#### 5. Discussion – Temporary Outdoor Service Uses

**Jason Zimmerman, Planning Manager**, reminded Commissioners that interim uses were discussed at both the March 8<sup>th</sup> and May 24<sup>th</sup> meetings. He reviewed the catalyst for this topic and reviewed a little history.

##### 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

Four main questions were raised by commissioners at a previous meeting, staff reviewed each and provided a response.

##### *Are Outdoor Service Areas an option for businesses currently?*

Existing outdoor seating all on private property and does not impact parking. Staff review and approval involves checking ADA compliance, parking counts, SAC charges, and stormwater impacts. Liquor licensing might also need to be adjusted.

No outdoor retail sales to staff’s knowledge – would likely require a similar type of review.

##### *Would a public hearing be required?*

Almost all other cities researched require public hearings before approving an interim use. The process is typically similar to a conditional use permit review, but limits the use to a fixed amount of time. Other temporary uses in Golden Valley are allowed through administrative approval (mobile food vending, seasonal farm produce sales, etc.).

##### *What sorts of potential impacts should be mitigated?*

Specific impacts raised by proposals would be reviewed and mitigated on a case by case basis, similar to a conditional use permit. Typical areas of evaluation might include parking, hours of operation, lighting, noise, visual screening, and more.

Conditions of approval for the Outdoor Service Area could be part of the approval and attached to the permit.

*What zoning district might be involved?*

It seems logical to incorporate all Residential zoning districts, as well as the Commercial and Mixed-Use zoning districts. Restaurants and other retail businesses would then be able to take advantage of the option.

Staff Conclusion

Given the existing ability for most businesses to install outdoor seating or to conduct outdoor sales, staff believes it is unlikely the temporary Outdoor Service Area would be pursued outside of Schuller's.

This solution would address their long-standing efforts to install a patio for outdoor seating, but the zoning text change would be considered for the benefit of one location only. Generally, this does not constitute good planning practice.

**Commissioner Baker** asked for clarification on if City Council directly requested Planning Commission look into this. **Zimmerman** clarified that staff looked into other cities and their interim use process but there wasn't direct input from Council or Schuller's. **Commissioner Segelbaum** asked about the realities of other businesses or even homeowners wanting to set up a sale, utilizing this use. **Zimmerman** added that an outdoor service area would not include a home occupation; this would only be allowed for a retail or restaurant in R-1 or R-2. **Commissioner Johnson** asked about a waiver from not being allowed to expand at Schuller's. **Zimmerman** responded that Schuller's is interested in a patio space and the current building doesn't meet current zoning. If there were an expansion considered, the owners would need 3-4 variances approved by BZA before going that route. Expanding the use goes back to state statute, a variance can't be granted for a specific use but a permitted temporary use in a specific district would be allowed. Staff expanded on interim use intent, term length, and renewal process. The discussion moved on to discuss a defined space and how that applies to Schuller's. The conversation continued on to logistics of renewals and potential conditions.

**Commissioner Blum** thanked staff for their transparency while working through this process. **Blum** added that small cities are more likely to create functional policy that will only impact one or two small businesses-merely by the function of size. However, is this policy something the City wants to see repeated with another potential non-conforming use in the future. Guiding his own thoughts, **Blum** finds it's reasonable to air on the side of people instead of the business, when there's an issue of compatibility with folks living in the area. **Commissioner Baker** stated that he will oppose it as it feels like this is creating a loophole for one business. **Commissioner Brookins** echoed Commissioner Baker's statements. **Chair Pockl** stated that if this interim use was approved, there would continue to be hurdles to reach approval. She added that this doesn't seem to be consistent with the intent of state statute and the zoning code. **Commissioner Segelbaum** echoed these statements and added he recalls the neighbors didn't want to change the land use to Commercial. Creating this use doesn't seem consistent with what other municipalities have done. **Commissioner Johnson** asked about neighborhood support and that led to a discussion with staff about direct neighbors versus close neighbors that would use the space. **Johnson** followed up with examples of other situations where it felt the Planning Commission was put in a position to

mediate. He added that he wants businesses to be successful but feels that the group should focus on the current regulations, and stated his opposition.

Zimmerman stated that he'll bring the discussion to City Council and let the Planning Commission know what the direction and next steps are.

**6. Discussion – Accessory Dwelling Units**

Item was tabled to next meeting so Val Quarels, Planning Intern, could be in attendance.

**Televised portion of the meeting concluded at 8:06 pm**

**7. Council Liaison Report**

**Jason Zimmerman, Planning Manager**, reported for **Council Member Rosenquist** and updated the Commissioners on new legislation that fixed the language around the funding for the Highway 55/Douglas Drive underpass project. **Commissioner Johnson** gave an update on a tour taken by the members of the Facility Study Task Force of new facilities in Fridley.

**8. Other Business**

The Commissioners discussed the outstanding rezoning proposal for the Highway 55/Winnetka Ave/Harold Ave corner and debated if the proposal should wait for a future traffic study and BRT study to be concluded before reevaluating the change.

**9. Adjournment**

**MOTION** by **Commissioner Blum** to adjourn, seconded by **Commissioner Brookins**, and approved unanimously. Meeting adjourned at 8:22 pm.

  
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Amie Kolesar, Planning Assistant

  
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Andy Johnson, Secretary