

PLANNING COMMISSION REGULAR MEETING MINUTES

June 23, 2020

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I. Regular Meeting

Call to Order:

Pursuant to due call and notice thereof, the Regular Meeting of the Planning Commission was held on June 23, 2020. Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners Freeman, Reed, Schmisek, Marlow and Rivera. VanderWiel was absent. Also, in attendance were Community Development Director Lindquist, Senior Planner Klatt, Planner Nemcek, Engineer Erickson, Assistant Engineer Smith and Recording Specialist Bodsberg.

The Pledge of Allegiance was said.

Additions to Agenda: None.

Audience Input: None.

Consent Agenda:

- a. Approval of the May 26, 2020, Regular Meeting Minutes.

MOTION by Reed.

Second by Freeman.

Ayes: 6. Nays: 0.

Public Hearing:

5.a. Request by KJ Walk, Inc. for Comprehensive Plan Amendment, Rezoning, Planned Unit Development Master Development and Final Site and Building Plan, and Preliminary and Final Plat Approval (Simple Plat) associated with the Rosewood Commons hotel, senior living mixed use, and memory care development. **(20-30-PUD, 20-35-SP, 20-26-RZ, 20-37-CP)**

Senior Planner Klatt gave a summary of the staff report for the Planning Commission. Klatt noted that the applicant has withdrawn the memory care portion of the application.

Commissioner Reed questioned if this area has always been zoned for commercial. Klatt stated that when the entire area was initially platted and approved by the City it was zoned for residential but then about three years after the initial approval, in 2004, it was changed to commercial for the zoning and guide plan.

Chair Kenninger inquired if the north entrance will be a right in and right out. Klatt stated that the current plans show a $\frac{3}{4}$ entrance so that you can go left or right into the site, and right but no left from the northern access.

Commissioner Schmisek inquired about the position of the apartment buildings and the amount of privacy to the existing neighboring homes. Klatt stated that the applicant has the majority of the units facing into the adjacent green space. There is one unit in each of the buildings on the side that faces toward the single family homes.

Commissioner Reed questioned if the primary traffic for the hotel would use 149th Street. Klatt stated that would be anticipated.

Chair Kenninger inquired if it would be possible to dead end Business Parkway around Brenner Court area, which would disconnect the traffic flow from this development and the current neighborhoods. Klatt stated that staff would not recommend disconnecting the streets. It would alter access to the current neighborhood and make a more unsafe condition for the existing and future neighborhoods.

Commissioner Reed inquired if the City could require the applicant to add additional buffers, like trees, and bushes, on adjacent residential lots. Klatt stated that is not usually a requirement that the City would make. Kenninger inquired if the resident was okay with having the trees planted on their lot would that tree

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be able to count for the developer's tree count. Lindquist stated that staff would be uncomfortable requiring mitigation off site, on someone else's property. We would want to place the screening on the developer's property, in part, to ensure it is maintained.

Commissioner Freeman stated that Colorado Blue Spruce is not recommended for Minnesota landscape. A different evergreen tree should be selected.

Commissioner Rivera questioned why the developer selected to not have underground parking. Klatt stated that it is because of the scale of the building and the proximity to the street meaning that they can't get enough slope to go under the building.

Commissioner Marlow inquired if the apartment balconies will include a privacy wall. Klatt stated that we will direct that question to the applicant. Chair Kenninger stated that she likes the privacy wall idea on the balconies.

Commercial Reed inquired what the difference is between senior apartments versus regular apartments. Klatt stated that there will be an age restriction of 55 years and older.

Commissioner Marlow inquired if the north west corner of the development would include an apartment building in that area. Klatt stated that they do have a future plan that does include future expansion of apartments but that is not included in tonight's item.

Chair Kenninger inquired what the point of a traffic study would be when the western development proposal comes forward to the Planning Commission. Klatt stated that the study would call out any needed improvements to the road system. The project tonight would be built and the study would benefit from understanding what is currently occurring at the site.

The public hearing opened at 8:07 pm.

Public Comments:

Chair Kenninger read resident letters that staff had received before the meeting.

Warren Israelson, KJ Walk, Inc, stated that without the access on the north, he could turn that area into a parking lot and cut off that access. He noted that underground parking and the height of the building goes together. The orientation of the buildings would have to change in order to have the underground parking. The apartments would then overlook the current neighborhood. They would like to have a high-quality apartment complex that is why they put an age restriction of 55. They selected to do the smaller buildings in order to have a neighborhood feeling. He stated that he likes the idea of the wall on the decks. He noted that the staff report mentioned he doesn't have enough landscaping and they will need to be looked at where another 100 trees can be placed throughout the development.

Chair Kenninger inquired as to why the proposed apartments include three bedrooms. Mr. Israelson stated that the third bedroom is more for an office or den. The age group that the apartments are for will most likely be coming from a larger home and downsizing. Kenninger stated that the top floor has four apartments and if they make the building a little wider, they could incorporate those apartments into the bottom floors and eliminate the top floor. Israelson stated that they could look into that design.

Commissioner Rivera inquired what the retail will entail. Mr. Israelson stated that they do not have tenants for the retail.

Commissioner Schmisek stated that he is impressed with the thought and planning that has gone in to the proposed development to minimize the impact on the current residential neighborhood.

Commissioner Rivera questioned what chain the hotel will be. Mr. Israelson stated that they do not have one in mind and it will be shopped around.

Andy Dosdall, 14803 Blanca Ave, inquired why the hotel is being located at this site, knowing that a hotel can bring in people that can make a lot of noise, how will that be maintained. Community Development

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Director Lindquist stated that a hotel is in demand for the city and the City has been working to attract one for several years. The location at Hwy 3 and County Road 42 is a prime commercial corner for the community. The noise ordinance is in place which can be enforced at the hotel site.

Kathryn DeWolfe, 2662 148th Street West, stated that in conjunction with the traffic study, was a study done in regard to the trains that stop on the railroad tracks for sometimes 10-15 minutes without moving. With a good portion of the project being senior living, there will be an increased need for emergency vehicles needed to reach them. With angled parking within the development, how will a car turn around if the parking spaces are filled and someone sees one on the opposite side? Where business parkway and 148th street meet, residents on both sides of that corner use the street parking when they have guests. Currently it's a blind corner and there is an increased possibility of accidents when cars are parked on both sides of the intersection. Lindquist stated that the senior living building is an age restricted, and a market rate project. There will be no services offered. Klatt stated that the traffic study didn't look into the train impact in this area. The impact caused by the trains is a wide spread issue throughout the community. He noted there are currently no parking restrictions on the surrounding streets.

Wayne Sisel, 14883 Brenner Court, questioned if a berm would be possible along the tree line, in between the development and the current residential neighborhood. Mr. Israelson stated that a berm would be a possibility.

William & Maria Mojica, 2717 148th Street West, inquired if there would be a fence line in addition to the tree line. Mr. Israelson stated that he would be more in a favor of adding additional hedges versus adding a fence.

MOTION by Schmisek to close the public hearing.

Second by Marlow.

Ayes: 6. Nays: 0. Motion Passes

The public hearing was closed at 8:50 pm.

Additional Comments:

Commissioner Schmisek stated that he is excited for this project and the plans. But he would like to see some things worked out and would like to see this project continued until our next meeting.

Commissioner Reed stated that he agrees with Commissioner Schmisek. He is in favor of the project but would like to see some of the logistics worked out.

Commissioner Freeman stated that there are too many outstanding issues that need to be worked out and would like to continue this item.

Chair Kenninger stated that she appreciates the developer's flexibility with the surrounding neighborhood but would like to see the item continued to work out the details. A large concern lies with the height of the buildings. She would like to eliminate the access into the neighborhood at the curve. That would eliminate the additional traffic that could potentially go through the neighborhood. If this item continues Kenninger would like to see what the signage would look like, a phasing plan, and timeline of construction. The construction traffic would also need to be addressed.

MOTION by Reed to continue the request until the July 28, 2020, Planning Commission Meeting in order to provide the applicant with additional time to:

- a. Update the landscape plan to bring in into conformance with the zoning ordinance.

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- b. Revise all development drawings to reflect the update parking and driveway layout for the hotel and apartment area.
- c. Provide additional information about the visual impact of the apartment buildings.
- d. Address other concerns from the Planning Commission and public.

Second by Schmisek.

Ayes: 6. Nays: 0. Motion Passes

5 minutes recess until 9:06pm

Discussion:

6.a. Discussion Related to a New, Small Lot Residential Zoning District (20-38-TA)

Planner Nemcek gave a summary of the staff report for the Planning Commission.

Chair Kenninger stated that the zoning ordinance already includes some verbiage on exterior materials, landscaping, and sidewalks. Nemcek stated that is correct but you would lose the requirement about mix of materials, but if Council-adopted plans call for trails in certain areas, those would be required. Chair Kenninger expressed that there is a positive in allowing applicants or developers to move forward without needing a PUD. She confirmed that she would like to see a number set instead of having a range for any standard, particularly related to lot coverage.

Planner Nemcek mentioned that the majority of developments are occurring on fields where there is little in the way of natural features that would need to be preserved through deviations from the ordinance within the PUD process.

Commissioner Reed inquired how many of our developments would have been treated differently had this been in place and have there been things that the Commission has negotiated for. Nemcek stated that for example with Doolin Heights, additional landscaping and setbacks were included as part of negotiating the PUD. Discussion took place comparing and contrasting a development like Doolin Height with Emerald Isle, which proposed developing a farm field.

Community Development Director Lindquist brought up the point that because the City generally doesn't rezone property until an application for development comes in, the rezoning offers an opportunity to negotiate special conditions of approval in the absence of the Planned Unit Development process. The architectural standards included in recent PUDs haven't seemed to be overly onerous, and are generally consistent with the products being built by those developers in other communities.

Chair Kenninger supported the dimensional standards for a small lot zoning districts, but a lower lot coverage standard would still necessitate the PUD process for some developments.

Commissioner Marlow expressed concern about going below 8,000 square feet for a lot area considering stormwater management components such as swales take up a fair amount of space on many lots that are already tight. Commissioner Schmisek mentioned concerns related to losing the opportunity to negotiate additional features such as sidewalks on both sides of the street in particular areas.

Director Lindquist described how other communities use a Small Lot PUD that identifies standards that would be supported by the City, which would offer a more streamlined process while maintaining the ability to negotiate other standards beyond those such as setbacks and lot coverage. The Small Lot PUD may be more palatable for neighborhoods adjacent to proposed developments as it identifies the standards ahead of time.

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6.b. Discussion Regarding a Zoning Ordinance Text Amendment Related to Transmission Facilities and Essential Services. (20-39-TA)

Planner Nemcek gave a summary of the staff report for the Planning Commission.

Community Development Director Lindquist indicated that Flint Hills has a specific interest in this topic due to their operations. Staff will be meeting with them to better understand their concerns and their operations. Staff appreciates the public hearing process required for transmission facilities, but to what extent is it necessary?

Chair Kenninger stated that she would be in favor of removing the reference to natural gas, as it gives the City more control. No other Commissioner expressed concerns with that change to the definition. Chair Kenninger asked what it would mean for the Planning Commission with regards to regulating transmission facilities? Would there be no regulation? Nemcek stated that it would be more of a permitting process and would not come across to the Planning Commission. Director Lindquist acknowledged that without the public hearing, you wouldn't have to send out public notices and it really comes down to a timing issue.

The Commission discussed potential thresholds such as if it impacts a residential use, and if changing the threshold results in problems related to projects that wouldn't result in a public process. Director Lindquist explained the concerns that FHR has with regards to the pipes within their property relate to timing of a public hearing process rather than the permitting process itself.

Commissioner Rivera and Chair Kenninger expressed the need for a public hearing process if a project will impact neighboring properties. The Commission supported adding some flexibility to the ordinance that would ensure the public hearing process is being used efficiently.

Adjournment: There being no further business to come before this Commission, Chair Kenninger adjourned the meeting at 9:58 pm.

Secretary

Respectfully submitted,
Stacy Bodsberg, Recording