



**Planning Commission Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Minutes – Wednesday, October 7, 2020 – 6:30 p.m.**

Pursuant to Minn. Stat. 13.D.021, Planning Commission members, City Staff, and members of the public participated in this meeting electronically due to the COVID-19 pandemic.

1. Call to Order

Chair Gitzen called to order the regular meeting of the Planning Commission meeting at approximately 6:30 p.m. and reviewed the role and purpose of the Planning Commission.

2. Roll Call

At the request of Chair Gitzen, City Planner Thomas Paschke called the Roll.

Members Present: Chair Chuck Gitzen; Vice Chair Peter Sparby, and Commissioners Michelle Kruzel, Tammy McGehee, Michelle Pribyl and Karen Schaffhausen.

Members Absent: Commissioner Julie Kimble

Staff Present: City Planner Thomas Paschke, Senior Planner Bryan Lloyd, Community Development Director Janice Gundlach and Development Assistant Staci Johnson

3. Approve Agenda

MOTION

Member Pribyl moved, seconded by Member Schaffhausen, to approve the agenda as presented.

Ayes: 6

Nays: 0

Motion carried.

4. Review of Minutes

a. September 2, 2020 Planning Commission Regular Meeting

MOTION

Member McGehee moved, seconded by Member Gitzen, to approve the September 2, 2020 meeting minutes.

Ayes: 6

Nays: 0

Motion carried.

5. **Communications and Recognitions:**

- a. **From the Public:** *Public comment pertaining to general land use issues not on this agenda, including the 2040 Comprehensive Plan Update.*

None.

- b. **From the Commission or Staff:** *Information about assorted business not already on this agenda, including a brief update on the 2040 Comprehensive Plan Update process.*

None.

6. **Public Hearing**

- a. **Request for Approval of a Zoning Text Amendment to Allow Drive-Through Facilities as Conditional Uses in the Community Mixed Use 4 District (PF20-027)**

Chair Gitzen opened the public hearing for PF20-027 at approximately 6:38 p.m. and reported on the purpose and process of a public hearing. He noted this would go before the City Council on October 26, 2020.

City Planner Paschke summarized the request as detailed in the staff report dated October 7, 2020.

Chair Gitzen asked if there are any other CMU-4 Districts in the City.

Mr. Paschke indicated there were not.

Member Schaffhausen asked what the rationale for the non-permitted to begin with based on the locations being discussed. She asked for some historical background.

Mr. Paschke reviewed the history with the Commission. He noted that he did not know the specifics as to why the Council did not want drive-throughs, but the City has changed codes related to drive-throughs under the conditional use scenario. He noted the Engineering Department requires traffic studies so from that standpoint staff can really pinpoint whether or not there will be impacts on the peripheral roads or the interior of Twin Lakes as well.

Member Kruzal asked if this is typical of what other cities allow. She could see that drive-throughs are a big business right now with COVID.

Mr. Paschke indicated he could not necessarily disagree because he thought the City was seeing that fast food, fast casual, and some other restaurants that are not the sit-down variety are booming right now. He thought it was the sector that continues to grow but he did not know if it would impact the Twin Lakes area or the CMU-4

District all that much because there is not that much more property to develop within Twin Lakes.

Member Pribyl indicated she was thinking back to last year of the City approving drive-through's and wondered how those are different than this.

Mr. Paschke indicated those drive-through businesses were in different zoning districts which made a difference but those did require a Conditional Use like this one.

Member McGehee asked if there was a way to allow this drive through without making an overall change to the entire area. She thought that coming right off the freeway and because of the size of the retail off 35 it made sense and could be handled in that area but she thought on County Road C, whether or not it seems like it, there is going to be more impact, especially once it gets close to the Dominion site. This likely would put more pressure on Snelling where there already are a lot of intersections and it seems that this particular outlot seems fine now that Mr. Paschke gave some background. She thought this area along County Road C has developed into more of a business area than a retail area and she thought the examples of Bent Brewstillery and Gracious Table are examples of the kinds of things the City was thinking when last reviewing this area. Neither of these businesses have drive through service and do not appear to need it. It also appears that they are quite successful. She indicated she would not support drive through service in the whole CMU-4 District, but she did see a place for it at the apex off Cleveland and 35W. She wondered if there was a way to approve a drive-through for this site and perhaps the site Mr. Paschke have talked about in front of Aldi's but not anywhere else.

Mr. Paschke explained the existing lots in front of Wal-Mart will not be removing any berm or anything and those pads are pretty much set and building up to where it can base on the existing grade and property lines. There will be little change to some of those things there. If the Commission did not want it in the CMU-4 District, which only impacts four properties that can develop, then the Commission would have to recommend creating a separate and distinct zoning district to support that and other uses. He noted that as it relates to the Dominion project, there will be a signal light there and will assist in limiting the impact onto County Road C and Snelling Avenue.

Ms. Gundlach explained in addition to the traffic study, Mr. Paschke mentioned the City updated its drive-through conditional use standards approximately a year ago and there is a specific provision in those new standards that talk specifically about queuing lanes being sufficient to accommodate demand including primary driving entrance, exits, pedestrian walkways and not creating impacts to the surrounding roadways. Even with the traffic study and Conditional Use there are multiple reasons that staff could gather data to say not to a Conditional Use if the Commission chose to make this change.

Mr. Eric Abeln, Heights Metro Architects addressed the Commission on behalf of Panda Express.

Member McGehee thanked Mr. Abeln for his presentation. She noted she has not seen any restaurants yet with a walk-up window and wondered if that is also a possibility on this Panda Express Restaurant.

Mr. Abeln indicated a person would not be able to walk up to what is considered a drive-through window. The industry and Panda Express itself, does a really good job of trying to isolate and separate vehicular use from pedestrian use for safety issues. There are designs in the works, but he indicated they were not far enough along in the operational section for this building to provide more walk-up windows. The industry has really been forced to move in that direction and those design conversations are being discussed right now about how a business can have a pickup window where the customer does not need to enter the restaurant and also can continue to operate on. He thought the primary convenience for not only third-party delivery and first party carry out option is that drive up window.

Public Comment

No one came forward to speak for or against this request.

Chair Gitzen closed the public hearing at 7:12 p.m.

MOTION

Member Gitzen moved, seconded by Member Pribyl, to recommend to the City Council approval of a Zoning Text Amendment to Allow Drive-Through Facilities as Conditional Uses in the Community Mixed Use 4 District (PF20-027).

Commission Deliberation

Chair Gitzen thought with the controls in place he believed that the one that possibly could go in front of Dominion will have plenty of opportunity to make sure that it fits into that area before the City grants that Conditional Use.

Member Pribyl agreed and thought given the limited number of sites with CMU-4 and within that the limited number of sites that are actually open for development, most of them seem that they would make sense for this with maybe one questionable but that still have to go through the Conditional Use process. It feels like a simpler means to achieve this goal of allowing some flexibility without adding another layer of another type of Zoning District or overlay that makes it more complicated for just a few lots.

Member McGehee indicated she was not as confident in all of the safeguards that City has because sometimes it works and sometimes it does not. She was not particularly in favor of making another more complicated zoning but she would have favored this just on Cleveland Avenue because she thought the City has a variety of problems along County Road C already and she thought there will be a lot of pressure

for whatever goes on around Dominion. She indicated she would like to sidestep that and just have it contained on Cleveland Avenue.

Member Kruzel stated she would support the motion made considering there is limited space that can be developed in that area and she thought the City could hopefully contain what happens.

Member Sparby explained he supports this motion as well. Moving to Conditional Use makes sense because it will still come to the Planning Commission to be sure it is in line with the area and having it come back before the Planning Commission and the City Council is a good check. He noted he would support the motion and thought the other members on the Commission laid it out nicely as well.

Ayes: 5

Nays: 0

Abstain: 1 (McGehee)

Motion carried.

7. Project File 0037: 2040 Comprehensive Plan Update

a. Discussion Regarding Zoning Code Update

Community Development Director Janice Gundlach summarized the Zoning Code as detailed in the staff report dated October 7, 2020.

Member McGehee indicated she added a few things under the main headings. She reviewed the additions with the Commission. She suggested, among other things, that some sort of a checklist under the sustainability section might be included to be sure the City is getting from the development some of the things that move the City toward their carbon neutral goals set out in the Comprehensive Plan.

Ms. Gundlach explained the City could do a checklist separate from the Zoning Code update specifically. The items she is thinking of really relate to things that can be built into the Zoning Code to really make it an incentive for developers who want to develop in the City if doing sustainability items. The other point she would make is that Public Works Engineering has gotten a Partners in Energy grant or an employee plus creating an Energy Action Team and there may be some actionable items that come out of that which would be incorporated into some of the Comprehensive Plan goals. These are not necessarily related to the Zoning Code update specific. She noted there are specific things or incentives that can be built into the Zoning Code to encourage things that do not necessarily mean the City has to come to the table with money. She indicated part of the purpose of putting together this scope of work is to define for a consultant what the City wants out of them.

Member McGehee asked regarding Social Equity if staff was speaking about hiring processes with contractors being used or City staff.

Ms. Gundlach indicated this is related to the Zoning Code and the Zoning Code is generally related land use. There are some things out there that say Zoning originally was invented to provide racial inequities across their built landscape. This is really broad and what staff is talking about is asking consultants to come back to them with some things that are in the Code right now or may not be in the City Code that could address some of the racial inequities.

Member McGehee thought if the City was going to go forward with what she thought some of the intent was in the Comprehensive Plan, large lot size is an issue as is increased density. Overall, however, the City wants to have a variety of housing options. In terms of the environment, the City could do more things with incentivizing native plantings, etc. Things need to be done with trees as well, such as their diversity, placement, specie, and potential for success. She also thought people are expecting more walkability with shaded pathways. She thought the City should look at and review parking lots. She also thought the City should make a push to get in some clean, small light manufacturing and small business so that those living in the new housing going up throughout Twin Lakes have places to work other than Wal-Mart and Panda Express.

Chair Gitzen thought everything brought up was important to discuss. He thought staff was asking the Commission to figure out what is missing on these tables right now.

Ms. Gundlach indicated staff did a pretty good job with section one because the Comp. Plan has a nice table at the end of the land use section that outlines what the current zoning districts are and what needs to change and what parcels do not have the right zoning based on the future land use plan. The other point is, if there is something in section two that the Commission has discovered since being on the Planning Commission please let staff know that as well. She noted the items in Section two comes from an ongoing list the Council keeps and goes through after the end of certain Council meetings.

Member Pribyl thought one thing that came up in a previous meeting was parking requirements, especially with affordable senior housing in the City.

Chair Gitzen thought staff did a good job with putting this together.

Ms. Gundlach asked the Commission to review this information and get her possible additions or changes before October 19th so she can include it for the Council review.

8. Adjourn

MOTION

Member Pribyl, seconded by Member Kruzel, to adjourn the meeting at 7:40 p.m.

Ayes: 6

Nays: 0
Motion carried.