



**Planning Commission Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Minutes – Wednesday, July 10, 2019 – 6:30 p.m.**

1. Call to Order

Vice 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 Vice Chair Gitzen, City Planner Thomas Paschke called the Roll.

Members Present: Vice Chair Chuck Gitzen, and Commissioners Julie Kimble, Michelle Kruzel, Michelle Pribyl, and Peter Sparby

Members Absent: None

Staff Present: City Planner Thomas Paschke, Community Development Director Janice Gundlach

3. Approve Agenda

City Planner Paschke added an item to elect a Chair and Vice Chair to the Planning Commission. Also add an alternate to the Variance Board and a representative of the seated members for the Ethics Commission.

MOTION

Member Sparby moved, seconded by Member Pribyl, to approve the agenda as amended.

Ayes: 5

Nays: 0

Motion carried.

3a. Election of Chair and Vice Chair to the Variance Board

Vice Chair Gitzen stated the Commission needs to elect a new Chair and Vice Chair. He asked for any nominations for the Chair.

Member Sparby nominated Member Gitzen for Chair of the Planning Commission.

Member Kimble seconded the nomination.

MOTION

Member Sparby moved, seconded by Member Kimble to elect Member Gitzen as Chair of the Planning Commission.

Ayes: 5

Nays: 0

Motion carried.

Member Pribyl nominated Member Sparby as Vice Chair of the Planning Commission.

Member Kimble seconded the nomination.

MOTION

Member Pribyl moved, seconded by Member Kimble to elect Member Sparby as Vice Chair of the Planning Commission.

Ayes: 5

Nays: 0

Motion carried.

Chair Gitzen volunteered to serve as alternate on the Variance Board.

Member Kruzel volunteered to serve as representative on the Ethics Commission.

4. Review of Minutes

a. June 5, 2019 Planning Commission Regular Meeting

Member Kimble noted the section from line 142 to line 165 is a little mixed up in as such that the math is a little upside down. Rather than go through it she could explain it and then edit it after. She noted if there is more square footage per person there is lower densities, all of the language through this section is reversed, and it is really that the chart showed low densities for office because each person had more square footage. If that is acceptable, she could give the edits to staff.

Chair Gitzen thought that was appropriate. He noted another correction on line 6, City Planner Thomas Paschke was not at the meeting, it was Senior Planner Bryan Lloyd.

Mr. Paschke indicated he was at that meeting.

Member Pribyl stated on line 115, she asked “if the floor area ratio on the forecast is expressed as a percentage”. She also noted on lines 282 to 283, the playback was muffled but she thought Member Gitzen was talking about the City Council was thinking low density residential and not just residential.

MOTION

Member Kruzel moved, seconded by Member Pribyl, to approve the June 5, 2019 meeting minutes as amended.

Ayes: 5
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.*

Chair Gitzen wanted to recognize Commissioners Bull and Daire for their years of service on the Commission.

6. Public Hearing

- a. Consideration of a Proposed Amendment to Section 1009.02.D.12, Drive Through Facilities (PROJ0017-Amdt 36)**

Chair Gitzen opened the public hearing for PROJ0017-Amdt 36 at approximately 6:41 p.m. and reported on the purpose and process of a public hearing. He advised this item will be before the City Council on July 22, 2019.

City Planner Paschke summarized the request as detailed in the staff report dated July 10, 2019.

Member Pribyl asked in the research staff did of other Metro Area cities, did most of them also have a requirement for a circulation plan that might be amended.

Mr. Paschke stated not all of them did. He thought there may have been two related to that. He would have to say that out of all of the community's staff looked at that had requirements, Roseville's was either as consistent or had more criteria or conditions to be reviewed to better protect the adjacent property owners. This one was something staff gleaned from just one community in particular.

Member Pribyl stated specifically what she was wondering about was the phrase "need to be amended from time to time", she wondered if other jurisdictions had more specifics on when that would be triggered. As a business owner she would like to know what would trigger this amendment.

Mr. Paschke thought this was an unknown and there are times that projects have conditions on them that leave certain things to the discretion of the City. It is going out and inspecting the site to determine whether or not the traffic flow for instance, more through a drive through or the stacking isn't being achieved because of the use or maybe the demand on parking is such that there needs to be additional parking

installed. This is a way to get at that and from time to time staff might have to review a site because of calls or see an issue and then decide afterwards. It gives staff flexibility to not have to put in an emphatic type of determination as to when something might occur. It gives staff some discretion to work with property owners.

Member Kimble asked if there were any known drive throughs where there is not a circulation and that have been problematic. She wondered if that was part of the background for bringing this forward.

Mr. Paschke stated he did not know of one in particular, specifically.

Member Sparby stated he was a little unclear from the staff report just exactly what outcome the City gets by adding this specific language.

Mr. Paschke thought the outcome the City gets is that the person going through the process understands that if the business is super successful there might be problems in the future and that will need to be remedied somehow because the business may not achieve compliance with this condition. Those are things that nobody can determine at this point in time, how success a business might be. This allows the City to deal with that and also allows the City to work with sites that staff determines might be having an issue.

Member Sparby asked if this will allow for a permitted use of just updating the language for a Conditional Use.

Mr. Paschke stated this will be across the board and not just for neighborhood business. This is for every District that would be allowed a drive through. The moratorium was specific for Neighborhood Business, but this condition is unilateral to every drive through. The conditions are not just for District specific.

Member Sparby asked if this is giving the City more authority to come in and make amendments to circulation plans.

Mr. Paschke stated this will allow the City to work with individuals on making the drive through flow and work better, whatever that might be.

Member Kimble thought the practical outcome is a little bit interesting because a person would assume for the most part if it is being paid attention to going in that there would be circulation in the plan and if there is a problem, she questioned how much would be able to be fixed. How much land is left, etc. because there usually is not a lot of excess land left on these kinds of sites. She thought it seemed odd to her.

Member Sparby stated he was trying to get more clarity as to how this is going to help the City staff work with an applicant that wants to have a drive through. What benefit does the City get for adding this language.

Mr. Paschke thought the City staff gets awareness and everyone will have to pay attention to circulation, the drive through in particular because those are two different things. The drive through is separate from site circulation and there should not be too many conflicts.

Member Sparby asked if this gives the City a better avenue for staff to go in and work on an ongoing basis on the circulation plan.

Mr. Paschke stated it is tied to the drive through but circulation of vehicles on the site.

Community Development Director Gundlach stated a point to make and which has not been made yet is when staff discussed this issue with the City Council and one of the Council's concerns was the drive through that was in question there was not necessarily a concern, it was once those Conditional Uses were approved for that initial business that asked for it and that business left and some other business came in and picked up under that same Conditional Use would that drive through work for the new business even if the new business was so much different than the business that originally got the Conditional Use.

Ms. Gundlach stated the idea behind the research was how could staff tweak the language to better be able to work with the people who maybe were not the original applicants for those Conditional Uses and then bring them back to the table to make some tweaks to that site to comply with the intent of the Ordinance. That is where the "Sufficient to Accommodate Demand" came in and where some of that more specific language about "primary driving entrance/exit, pedestrian walkways" and the second two sentences she thought Mr. Paschke already alluded to is that it is already kind of engrained in a Conditional Use so why does the City have to have it as language in the Condition,

Ms. Gundlach thought the Council's concern was for those people who are coming in and picking up on a Conditional Use that was already granted, those new owners are already aware that this is the expectation, regardless of this site already having a Conditional Use.

Member Sparby indicated the clarification helped a lot.

Chair Gitzen indicated the Conditional Use goes with the property so this will alert the new owners that there are some things that will needed to be looked at. He thought the intent was to make it clear on how the City can control it with the new owner.

Public Comment

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

MOTION

Member Kimble moved, seconded by Member Kruzel, to recommend to the City Council approval of the proposed Amendment to Section 1009.02.D.12, Drive Through Facilities (PROJ0017-Amdt36).

Ayes: 5

Nays: 0

Motion carried.

7. Other Business

a. Consider Agenda For Upcoming Joint City Council Meeting

City Planner Paschke noted due to the removal of Commissioner Bull and resignation of Commissioner Daire, until such time as those two seats have been selected by the City Council, the joint meeting will not be held because the City Council prefers a full Planning Commission. That will probably not occur until sometime in early October. He noted if the Commission has some things to add to the list staff would add those items.

Member Kimble did not understand how the Planning Commission met 14 times in 2018 because she thought the Commission met almost twice a month for a while so 14 times did not seem like enough meetings.

Ms. Gundlach indicated she went back through the 2018 agendas and noted the Commission met several months twice but she did believe there were one or two months where the Commission did not meet. She stated staff would go back and verify that number.

Ms. Gundlach stated at Monday, July 8, 2019 City Council meeting the Council did authorize staff to seek applicants for the two vacancies on the Planning Commission. The schedule the Council is trying to stick to is interviewing applicants on August 26, 2019 and appointing them on September 9, 2019. Hopefully the Commission will be up to a full seven-person Commission for the meeting in October. She would not expect this joint meeting to be held until late October, maybe even November. There is lots of time for the Commission to review the list and add to it if needed.

Member Kimble indicated if appropriate, she would like to add discussion of the proposed changes at Rosedale.

Member Pribyl stated she would like to add the review of tree preservation requirements to the list in light of the two variances approved at the Variance Board.

8. Adjourn

MOTION

Member Sparby, seconded by Member Kruzel, to adjourn the meeting at 7:05 p.m.

Ayes: 5

Nays: 0

Motion carried.