



**MINUTES
PLANNING COMMISSION
February 16, 2021 City Hall
Council Chambers 6:30 p.m.**

I. Call to Order

The meeting was called to order at 6:30 p.m. by Chairperson Nichols-Matkaiti. Due to the COVID-19 pandemic this meeting was held virtually.

II. Roll Call

Members Present.....Chairperson Erin Nichols-Matkaiti, and Commissioners Todd Biedenfeld, Youssef Enanaa, Jeanne Frischman, Tim McQuillan, and Eric Nelsen

Members Absent.....Commissioner Liza Allen

Also PresentBen Gozola (Assistant Director of Community Assets and Development) and Mayor Kari Niedfeldt-Thomas

III. Approval of Agenda

Motion by Commissioner McQuillan, seconded by Commissioner Biedenfeld, to approve the February 16, 2021 agenda as presented.

A roll call vote was taken. Approved 6-0.

IV. Approval of Minutes

Minutes from November 17, 2020

Motion by Commissioner McQuillan, seconded by Commissioner Nelson, to approve the November 17, 2020 meeting minutes as presented.

A roll call vote was taken. Approved 4-0-2 (Commissioner Frischman and Chair Nichols-Matkaiti abstained.

V. Report from City Council Liaison

Mayor Kari Niedfeldt-Thomas introduced herself to the Commission and thanked each Commissioner for their dedicated service to the community. She explained she was looking forward to City's Zoning Code being updated. She reported the Council would be seeking student commissioners for each of its commissions. She indicated the City Council has directed staff to hire a new individual to assist with inclusivity initiatives this summer and noted an inclusivity commission would be formed. She encouraged the Commissioners to send her names of individuals that would be interested in serving on this commission. She commented on how this new commission would partner with the community. She further discussed the strategic plan and scorecards the Council would be creating for the coming year. She encouraged the Commissioners to reach out to her with any comments or questions.

VI. Public Hearing

A) PUD & Site Plan Amendment: Request from TÜV SÜD to expand their existing research and testing facility at 141 14th Street NW.

Assistant Director of Community Assets and Development Gozola reported TÜV SÜD is seeking to place a 20,000 square foot addition onto their existing building at 141 14th Street NW to expand their testing capabilities for the North American market. Most of the site related issues for this property were previously addressed via the 2017 approval authorizing construction of the original facility. While additional details are still being requested by staff, we do believe the plans submitted are sufficient to secure conditional approval given past plan reviews & approvals. Staff provided further comment on the history of this property, the proposed expansion and recommended approval of the PUD and Site Plan, based on the findings of fact and subject to the following conditions:

1. The applicant consents to making minor amendments to the plans to successfully address all engineering issues that arise once updated Civil plans are submitted and reviewed.
2. Plans shall be updated as needed to address any concerns relating to the existing domestic water service line location in relation to the addition.
3. A revised landscaping plan showing consistency with the original landscaping plan must be submitted along with any future building permit application and shall be subject to approval by DCAD staff.
4. A formal lighting plan shall be submitted as part of the building permit application to show consistency with previous approvals and no impacts to adjacent ROWs or neighboring properties.
5. Any problems with existing or proposed lighting that are later identified shall be brought into compliance with code requirements.
6. The applicant shall obtain all necessary permits from the Rice Creek Watershed District.
7. Plans shall successfully show how the existing passive gas venting framework under the existing building will be extended under the new foundation/addition.

8. All new/additional utilities (i.e. telephone, electric, gas service lines, etc.) are to be placed underground in accordance with the provisions of all applicable City ordinances
9. Lighting shall be directed downward, and installed so as to prevent direct light from being detectable at the lot line of the site on which the source is located.
10. Lighting shall not shine directly into the public right-of-way or onto any residential use.
11. All construction activities shall adhere to New Brighton City Code restrictions especially as they relate to parking and hours of work.

Commissioner Frischman asked if the comment staff received was from a local business owner or resident. Assistant Director of Community Assets and Development Gozola explained the call was received from a resident from the nearby neighborhood.

Chair Nichols-Matkaiti opened the Public Hearing at 6:53 p.m.

Adam Menzi, Director of Medical and Health Services for TUV SUD, thanked the Commission for their consideration. He stated he was very excited for TUV SUD to be expanding in New Brighton. He anticipated 25 additional high paying scientific jobs will be added to the local economy from this expansion.

Motion by Commissioner McQuillan, seconded by Commissioner Frischman, to close the Public Hearing.

A roll call vote was taken. Approved 6-0.

Motion by Commissioner Biedenfeld, seconded by Commissioner Frischman, to recommend the City Council approve the requested PUD Amendment and site plan based on the findings of fact and subject to the listed conditions.

A roll call vote was taken. Approved 6-0.

B) Special Use Permit: Request from Susan Morrison and Clearscape Holdings LLC to establish a special use permit for a new landscaping company intending to replace the existing D-Rock landscaping company at 175 Old Highway 8 SW.

Assistant Director of Community Assets and Development Gozola reported Clearscape Holdings LLC, a company operating On Time Landcare, is seeking to consolidate its various real estate locations throughout the metro into a central company headquarters located at 125/175 Old Highway 8. The new landscaping company would replace the existing landscaping company (D-Rock) on the subject site. This SUP would address long-standing issues of screening outdoor storage and protection of the nearby creek/ditch. Staff provided further comment on the request and recommended approval of the Special Use Permit, based on the findings of fact and subject to the following conditions:

1. Materials/design of the opaque wall/fence/gate combination intended to screen on-site storage from view from Old Highway 8 must be reviewed and approved by staff prior to installation. Appeals to staff's determination would be sent to Council for a final decision.

2. Lighting on the site and building shall be directed downward and be installed so as to prevent direct light from being detectable at all lot lines. Lighting is also not to shine directly into the public right-of-way. Any problems with existing lighting that are later identified shall be brought into compliance with code requirements.
3. The applicants shall provide a narrative of spill control practices for equipment stored near creek, and come to an agreement with DCAD staff on final mitigation measures to contain and prevent materials from leaving the site and entering the creek/ditch as may be needed both now or in the future.
4. The applicant shall obtain all needed permits from the Rice Creek Watershed District (RCWD), and agree to address storm water concerns if unforeseen issues arise (or become foreseeable) as a result of the on-site storage.
5. The applicants shall provide spot elevations and a grading/drainage plan for proposed employee parking lot for staff approval prior to the improvement being made. Drainage created by the proposed parking lot shall not adversely affect neighboring properties.
6. The applicants shall stripe the new employee parking lot per the approved plan upon completion of paving.
7. The applicants shall provide an updated survey to staff showing on-site utilities, and accommodate minor site changes if directed to do so by the City to protect these utility lines.
8. The applicants will provide the fire marshal with updated Material Safety Data (MDS) sheets as may be needed.
9. The applicants shall either make improvements to the site to eliminate tracking of dirt into the street, or shall pay for street sweeping services whenever directed to do so by the City.
10. Sign changes on the building and/or site will need to be reviewed and approved via a separate sign permitting process.
11. If later determined necessary, the applicant shall make minor adjustments to the arrangement of parking spaces if it is ultimately determined changes are needed to facilitate large vehicle turning movements.

Chair Nichols-Matkaiti asked if there was a difference between the outdoor storage of building/landscaping materials versus vehicles. Assistant Director of Community Assets and Development Gozola stated the City has not historically distinguished between the vehicles and building materials, both are viewed as outdoor storage.

Commissioner Biedenfeld recommended this business be required to use 8th Avenue.

Commissioner McQuillan asked if there was a wall along 8th Avenue. Assistant Director of Community Assets and Development Gozola reported there was a building and fence along 8th Avenue.

Commissioner McQuillan supported the building having to use 8th Avenue versus Old Highway 8 for egress and ingress.

Chair Nichols-Matkaiti opened the Public Hearing at 7:09 p.m.

Wade Gerten, owner of Clearscape Landscaping, explained the business would naturally want to enter and exit onto quieter streets, especially if traffic were backed up along Old Highway 8. He anticipated trucks would be using 8th Avenue or 8th Street to enter and exit the site.

Chair Nichols-Matkaiti questioned how many vehicle trips would occur on a daily basis. Mr. Gerten reported he services commercial properties, large townhome associations and apartment buildings. He explained he tries to have crews roll out at different times. He estimated he would have 20 to 25 vehicles leaving each morning and noted the crews would return at different times in the afternoon or evening. Further discussion ensued regarding the number of cars that would be parked in the parking lot.

Chair Nichols-Matkaiti asked if staff was concerned about truck traffic from the other businesses in this industrial area, especially during the morning hours. Assistant Director of Community Assets and Development Gozola commented staff did not have any concerns at this time.

Motion by Commissioner McQuillan, seconded by Commissioner Biedenfeld, to close the Public Hearing.

A roll call vote was taken. Approved 6-0.

Chair Nichols-Matkaiti asked if the Commission wanted to add a condition with respect to traffic flow or should the applicant be allowed to work through this matter.

Commissioner Biedenfeld suggested Condition 11 be amended to address this concern.

Commissioner Frischman anticipated traffic safety would dictate how the applicant chooses to enter and exit this site. She recommended traffic safety be referenced in Condition 11 if it were to be amended.

Commissioner Nelson stated if this were a retail establishment, he would be more concerned, but given the fact this was for the movement of employees and fleet vehicles, he anticipated these employees would work through the traffic concerns.

Commissioner Enanaa agreed explaining the applicant was aware of the traffic situation and could address the traffic concerns with his employees.

Motion by Commissioner Nelson, seconded by Commissioner Enanaa, to recommend the City Council approve the proposed special use permit based on the findings of fact and listed conditions.

A roll call vote was taken. Approved 6-0.

VII. Business Items

None.

VIII. Adjournment

Motion by Commissioner Frischman, seconded by Commissioner McQuillan, to adjourn the meeting.

A roll call vote was taken. Approved 6-0.

Meeting adjourned at 7:32 PM

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ben Gozola". The signature is stylized with a large, looped "B" and a cursive "G".

Ben Gozola
Assistant Director of Community Assets and Development