



**MINUTES
PLANNING COMMISSION
June 15, 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 Vice Chairperson Jeanne Frischman. Due to the COVID-19 pandemic this meeting was held virtually.

II. Roll Call

Members Present.....Vice Chairperson Jeanne Frischman, (lost internet connection at 6:58) and Commissioners Liza Allen (joined the meeting at 6:48), Todd Biedenfeld, Youssef Enanaa, Tim McQuillan, and Eric Nelsen

Members Absent.....Chairperson Erin Nichols-Matkaiti

Also PresentBen Gozola (Assistant Director of Community Assets and Development)

III. Approval of Agenda

Motion by Commissioner Biedenfeld, seconded by Commissioner McQuillan, to approve the June 15, 2021 agenda as presented.

A roll call vote was taken. Approved 5-0.

IV. Approval of Minutes

Minutes from May 18, 2021

Motion by Commissioner McQuillan, seconded by Commissioner Biedenfeld, to approve the May 18, 2021 meeting minutes as presented.

A roll call vote was taken. Approved 5-0.

V. Report from City Council Liaison

There was no update from the City Council.

VI. Public Hearing

(A) Special Use Permit Amendment: Request from NBMN TT, LLC to add an allowance for operating a “trucking terminal” on the property at 201 5th Avenue SW – PID 32-30-23-14-0014.

Assistant Director of Community Assets and Development Gozola reported NBMN TT, LLC has purchased the property at 201 5th Avenue SW, and is looking to amend the existing Special Use Permit on the property to add “trucking terminal” as a permitted use. Previous special use permit approvals for this site have already authorized truck and trailer sales, truck and trailer repair, and outdoor storage; all of which would continue under this new ownership following the proposed SUP amendment. Staff provided further comment on the request and recommended approval of the SUP Amendment, based on the findings of fact and subject to the following conditions:

1. Adherence to all engineering requirements outlined in the Engineering memo dated 6/7/21.
2. To ensure the parking plan is followed, the applicants shall have the parking lot restriped per City specs in the proposed configuration. Restriping shall be completed prior to launching the new trucking terminal use.
3. Lighting on the site and buildings shall be directed downward and installed so as to prevent direct light from being detectable from surrounding properties. Lighting is also not to shine directly into the public right-of-way. Any problems with existing lighting that is later identified shall be brought into compliance with code requirements.
4. The manhole located within the parking lot shall be cleaned and properly maintained throughout the life of the SUP.
5. The applicant shall address storm water concerns if unforeseen issues arise (or become foreseeable) as a result of the revised on-site parking and storage plan.
6. The landowners shall show all previously required improvements from past SUPs for fire safety have been implemented. Alternatively, the applicants may schedule an in-person inspection of the property with the fire chief, and implement all fire safety improvements identified at that meeting.
7. All activities related to this business shall remain on-site in accordance with the approved parking and site plan, and no activities shall block vehicle access to 299 5th Avenue NW.
8. A sign permit shall be obtained for any future signage changes requested on the property.

9. Reconfiguration of the approved parking and storage layout, which does not substantially change or increase overall storage or parking on the property, may be administratively approved by City staff provided the amended storage pattern is approved by public safety, will always allow for emergency access to all areas of the site, and is restriped in accordance with City specifications

Mike Singhem, attorney for NBMN TT, LLC, introduced himself to the Commission and noted he was available for comments or questions. He thanked staff for providing the Commission with a thorough report. He explained his client was in the process of purchasing this property and would like to operate a trucking terminal on this property.

Todd Johnson, Bay and Bay representative, explained refrigerated trucking would be the main use on this property along with any technical work that may be needed on the trucks.

Mr. Singhem reported loading and unloading would not occur on this site.

Commissioner Allen joined the meeting at 6:48 p.m.

Commissioner Biedenfeld questioned how many employees would be located at this site. Mr. Singhem indicated there would be 12 to 16 full time employees.

Commissioner Enanaa asked if the applicant spoke with the neighboring company regarding the fence. Mr. Singhem indicated he was in the process of purchasing the property and he has been in talks with the seller's attorney to learn more about the history of the fence. He commented the location of the fire hydrant may be why the fence was jutting out.

Commissioner McQuillan indicated he was comfortable with the proposed use.

Commissioner Nelson requested further information regarding the screening that would be placed on the property. Assistant Director of Community Assets and Development Gozola reported the proposed use was authorized and therefore additional screening was not required.

Vice Chair Frischman opened the Public Hearing at 6:53 p.m.

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

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

Commissioner Biedenfeld stated he supported the request moving forward.

Commissioner McQuillan reported there would be a lot of truck traffic moving through this area of the City.

Acting Chair Frischman left the meeting due to technical difficulties at 6:58 p.m.

Motion by Commissioner Biedenfeld, seconded by Commissioner Nelson, to recommend the City Council approve staff recommendation.

A roll call vote was taken. Approved 5-0.

VII. Business Items

(A) Preliminary Plat: Request from Ibiza LLC to subdivide the existing parcel at 2221 7th Street NW into four lots meeting R-1 zoning standards – PID 30-30-23-13-0001.

Assistant Director of Community Assets and Development Gozola reported Ibiza LLC proposes to subdivide the existing property at 2221 7th St NW into four lots. The existing home would be retained on one of the proposed lots. Each of the proposed lots is conforming to minimum code standards for R-1 zoned lots. Provided suggested conditions of approval are agreed to, staff finds the preliminary plat should be approved. Staff reviewed three emails he received from the public regarding the proposed plat. Staff provided further comment on the request and recommended approval of the Preliminary Plat, based on the findings of fact and subject to the following conditions:

1. Engineering comments in the 6/7/21 Engineering Memo shall be addressed.
2. Future access to Lots 2, 3, and 4 shall come off of Inca Lane and not off 7th St NW.
3. Curb cut permits shall be obtained for each building site if a dropdown curb is required.
4. All drainage and utility easements (or others), as required by the City Engineer, shall be provided on the future final plat application.
5. Existing water services that are shown for re-use (Lots 1 and 4) must be determined to be operable before they can be used. One or both shall be replaced at the developer's expense if deemed necessary by DCAD.
6. An existing senior deferred assessment for a previously installed water stub (\$993.90) shall be paid prior to acceptance of a final plat application.
7. A NPDES permit and project SWPPP will be required.
8. Tracking of dirt into the street shall be monitored and addressed in a timely manner, or the developer must agree to paying for street sweeping services when directed to do so by the City.
9. All new utilities (i.e. telephone, electric, gas service lines, etc) shall be placed underground in accordance with the provisions of all applicable City ordinances.
10. Lighting on any of the proposed lots 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.

11. Lighting shall not shine directly into the public right-of-way or onto any adjacent residential lot.
12. Details on street lighting, if determined to be needed at this intersection, shall be worked out with the City Engineer prior to final plan approval.
13. Reference monuments shall be placed in the subdivision as required by state law.
14. As part of the Final Plat Approval, a Development Agreement shall be negotiated which mandates that building proposals on Lots 2, 3, and 4 shall demonstrate sensitivity to preserving existing tree cover in as much as possible. Building permits for all lots shall be subject to required updates including but not limited to grading plan adjustments to preserve trees, required tree protection fencing, agreements to replace threatened trees, etc.
15. Any trees removed should be done at the appropriate time of year to avoid the potential spread of disease for the species in question.
16. All construction times and activities shall comply with New Brighton City Code especially relating to parking and hours of work.
17. All necessary permits must be provided to the City. (RCWD, NPDES, MDH, etc. as may be applicable).
18. Park dedication in the amount of \$5,475 in lieu of a land dedication shall be paid in full prior to the final plat being signed by the City.
19. Additional soil tests, if deemed necessary by DCAD, shall be submitted to the City prior to a future final plat approval.

Commissioner Allen commented she understood more housing would be great, but she also understood there would be a large number of trees lost along with the habitat for wildlife.

Commissioner Biedenfeld questioned what the average lot size was for the neighboring lots. Assistant Director of Community Assets and Development Gozola reported the lots across the street were slightly bigger, but noted the criteria these lots were being measured against was the R-1 zoning standards. He noted each of the proposed lots met the R-1 standards.

Commissioner Biedenfeld stated he believed three lots felt better than four lots and commented this would also protect more trees.

Commissioner Enanaa stated the lot owner was not responsible for preserving the natural habitat and should be allowed to develop his property. However, he also understood the need to create a balance and preserve more of the trees.

Commissioner Nelson indicated he too was conflicted on this application. He understood the request was straight forward, but encouraged the City Council to consider the density further along with the importance of preserving trees and greenspace. Assistant Director of Community Assets and Development Gozola expected the Council would discuss how the City Code interplays with this lot, given the fact this was a unique lot. He stated staff would work with the builder to protect trees. However, he noted the City had to enforce the rules that were on the books at this time.

Commissioner Biedenfeld agreed this was a tough call given the number of trees on this lot. He understood the applicant had the right to develop this property and was meeting all of the City's requirements. He asked if the applicant had anything to offer at this point.

Aleksey Derevyanko, owner of the lot, thanked the Commission for their consideration. He stated based on the feedback received from the Commission and the neighbors, he clarified that not every tree would be removed from the property. He understood the value of the trees on the lot. He discussed the location of the potential house pads and noted the majority of the trees would not be touched. He commented all of the trees on Lot 1 would remain and noted Lot 4 was oversized, which meant a lot of the trees could be saved. He reported this was not a forested area or a park and he was uncertain what type of wildlife was on the property. He was of the opinion the proposed plat would nicely compliment the neighborhood.

Motion by Commissioner Nelson, seconded by Commissioner Enanaa, to recommend the City Council approve staff recommendation.

A roll call vote was taken. Approved 5-0.

VIII. Adjournment

Motion by Commissioner Allen, seconded by Commissioner Biedenfeld, to adjourn the meeting.

A roll call vote was taken. Approved 5-0.

Meeting adjourned at 7:28 PM

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ben Gozola", written in a cursive style.

Ben Gozola
Assistant Director of Community Assets and Development