



**MINUTES
PLANNING COMMISSION
July 20, 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.

II. Roll Call

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

Members Absent.....None

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

III. Approval of Agenda

Motion by Commissioner Frischman, seconded by Commissioner McQuillan, to approve the July 20, 2021 agenda as presented.

Approved 7-0.

IV. Approval of Minutes

Minutes from June 15, 2021

Motion by Commissioner McQuillan, seconded by Commissioner Nelson, to approve the June 15, 2021 meeting minutes as presented.

Approved 7-0.

V. Report from City Council Liaison

None.

VI. Public Hearing

(A) Special Use Permit: Request from Daniel Marquardt and Susan Schwichtenberg at 2554 Eastman Drive to build a new garage exceeding 624 square feet in size – PID# 18-30-23-12-0028.

Assistant Director of Community Assets and Development Gozola reported Dan Marquardt and Sue Schwichtenberg are seeking approval to relocate their existing single car garage to the NE corner of their lot (to become a storage shed), and to build a new 24' x 32' two-car garage in its place. The new two-car garage will be 768 square feet in size and will include a parking space for their car and a personal woodworking workshop. This new garage will have a complimentary style and color to their home, and both accessory structures will be well within setbacks. 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. The Special Use Permit shall authorize the location and size of garage as shown on the Certificate of Survey for 2554 Eastman Drive dated June 11, 2021; any changes to the location or size of the garage addition shall require an amendment to this permit.
2. Roof and exterior color and material(s) must be consistent and complimentary with the principal structure.
3. No commercial or home occupation activity shall be conducted within the detached garage.
4. Final building plans must show the resulting drainage patterns around the structures will not adversely impact neighboring properties.
5. Failure to adhere to conditions of approval shall be grounds for revocation of the special use permit by the City Council.

Chair Nichols-Matkaiti opened the Public Hearing at 6:37 p.m.

Commissioner Biedenfeld asked if the applicant supported the conditions as recommended by staff. Dan Marquardt, 2554 Eastman Drive, stated he supported the conditions as listed.

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

Approved 7-0.

Motion by Commissioner Frischman, seconded by Commissioner McQuillan, to recommend the City Council approve the requested special use permit based on the findings of fact and recommended conditions as may have been amended here tonight.

Approved 7-0.

(B) Special Use Permit: Request from FedEx at 50 14th Street NW to construct a special purposed fence to provide light and sound protection for nearby residential properties – PID# 20-30-23-14-0011.

Assistant Director of Community Assets and Development Gozola reported within the last year, FedEx acquired the property at 50 14th St NW which has been the site of a legal nonconforming trucking operation dating back to the 1970's. While the use is allowed to continue under state law, its impacts cannot be expanded. Accordingly, FedEx is currently before the City seeking approval of a special purpose fence to address lighting and sound concerns from the nearby Enclave neighborhood. The special purposed fence would be the last component of corrective actions needed to address the problem(s). 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. The Special Use Permit shall authorize a northern barrier which is 19' tall and approximately 255' long, and a southern barrier that is 17' tall and approximately 350' long.
2. Plans shall be updated to show existing utilities (private and public). Adjustments, if needed, shall be made to address any engineering concerns to protect utilities or to ensure proper drainage.
3. Additional minor adjustments to the fence location and length may be administratively approved by staff, but major adjustments shall only be authorized via an SUP amendment.
4. The sound barrier shall be properly maintained and in place while the legal nonconforming trucking use is in operation. Removal of the wall or failure to maintain the wall aesthetically or operationally will be deemed an illegal expansion of the legal nonconformity.

Commissioner Frischman requested further information regarding the main concerns from this request. Assistant Director of Community Assets and Development Gozola explained noise and light were the main concerns at this time. He noted the proposed fencing walls would address both of these issues.

Chair Nichols-Matkaiti questioned why there has been an increase in noise. Assistant Director of Community Assets and Development Gozola reported the former trucking company wasn't running at top efficiency and after a new operation moved in there has been a change in operations.

Commissioner Enanaa asked if any other complaints have been received from adjacent properties. Assistant Director of Community Assets and Development Gozola indicated the only complaints the City has received were from the adjacent residential neighborhood.

Chair Nichols-Matkaiti opened the Public Hearing at 6:48 p.m.

Eric Simon, 1480 Old Highway 8, reported FedEx was much quieter than the previous trucking company. He noted he did complain about the lights because they were shining into his home. He explained the lights have since been adjusted and were not an issue. He requested the applicant consider planting more trees along the fence. He asked if the new fence would absorb

sound. Assistant Director of Community Assets and Development Gozola stated this was the case noting the wall would absorb sound from both sides.

Commissioner Biedenfeld thanked the applicant for being cooperative, for going above and beyond the ask of the association. He encouraged the applicant to continue to work with the neighbors.

Dan Breninger, General Contractor and representative for the applicant, commented on the fence construction and discussed how the parking lot lights could be further adjusted so as not to impact the neighbors.

Chair Nichols-Matkaiti questioned if public safety had a concern with such a large fence for security purposes. Assistant Director of Community Assets and Development Gozola stated public safety had no concerns.

Assistant Director of Community Assets and Development Gozola read a letter in full for the record from Glenda Lemars at 1470 Old Highway 8 NW. Ms. Lemars supported an attractive and well maintained wall being installed on the FedEx property. Ms. Lemars commented on how the employee parking lot cars were shining lights onto her property.

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

Approved 7-0.

Chair Nichols-Matkaiti reported there may still be lighting issues coming from the employee parking lot. She requested staff work with the applicant to resolve these concerns. Assistant Director of Community Assets and Development Gozola anticipated that several trees planted in the right locations would address these concerns. He indicated FedEx was working to be a good neighbor.

Chair Nichols-Matkaiti discussed the conditions for approval and asked if the applicant supported these as written. Assistant Director of Community Assets and Development Gozola reported this was the case.

Commissioner McQuillan commented this neighborhood was constructed long after the trucking use was in place. He thanked FedEx for working to be a great neighbor and encouraged FedEx to continue to work with the neighbors.

Motion by Commissioner Frischman, seconded by Commissioner Enanaa, to recommend the City Council approve the requested special use permit based on the findings of fact and conditions as may have been amended here tonight.

Approved 7-0.

(C) Comprehensive Plan Amendment: Request from US Bank National Association and North Shore Development Partners to provide an avenue for the maximum residential density in the Mixed Use Regional land use designation to reach 60 units per acre.

Assistant Director of Community Assets and Development Gozola reported the City of New Brighton has received an application from US Bank National Association and North Shore Development Partners requesting that the City amend its comprehensive plan. If approved, the change would add clarity to the existing plan language, and would provide an avenue for residential projects within the Mixed Use Regional land use classification to reach up to 60 units per acre under certain conditions when approved through a Planned Residential Development or Planned Unit Development. Staff provided further comment on the housing market in New Brighton, the reasons for the proposed change, and recommended approval of the Comprehensive Plan Amendment.

Commissioner McQuillan asked what was being approved this evening. Assistant Director of Community Assets and Development Gozola reported the Commission was being asked to recommend the City Council approve a Comprehensive Plan Amendment.

Commissioner Biedenfeld questioned if this amendment was similar to neighboring communities. Assistant Director of Community Assets and Development Gozola reported he has heard from four of the seven neighboring communities and they were considering adopting similar language to address future density issues.

Commissioner Biedenfeld stated it would be interesting to see what plans come out of this change.

Chair Nichols-Matkaiti asked if a future application could be just residential. Assistant Director of Community Assets and Development Gozola reported the site could be all residential or mixed use which consisted of residential and commercial.

Commissioner Allen questioned what percentage of units would be market rate, and what percentage would be affordable. Assistant Director of Community Assets and Development Gozola explained the Comprehensive Plan was being amended at this time, and the City would have a proposal to look at in the coming months.

Chair Nichols-Matkaiti opened the Public Hearing at 7:20 p.m.

Kaitlyn Murry, Northshore Development Partners, introduced herself to the Council. She understood US Bank closed in January of 2021. She discussed her plans for the US Bank site and how she was working with the City to bring these plans to fruition. She reported there was a lot to get done in order for this project to move forward. She thanked staff for being extremely helpful throughout this process.

Commissioner Biedenfeld questioned why the City was pursuing this language change now. He asked if this was the same as the Palmer Drive overlay district. Assistant Director of Community Assets and Development Gozola provided further information to the Commission on the Palmer

Drive overlay district. He commented further on how the proposed development from Northshore Development Partners would drive redevelopment of the entire area.

Commissioner Frischman stated there was a really nice rental building in Shoreview at Rice Street and I-694. She discussed how this development was benefiting the entire community through the amenities that were provided. Assistant Director of Community Assets and Development Gozola explained Krause Anderson had provided the City with a letter of support for this development as it would assist with redeveloping their adjacent properties.

Commissioner McQuillan stated he could support the Comprehensive Plan Amendment at this time and noted he would have more questions when the development came before the City.

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

Approved 7-0.

Motion by Commissioner Frischman, seconded by Commissioner McQuillan, to recommend the City Council approve the Comprehensive Plan Amendment.

Approved 7-0.

VII. Business Items

None.

VIII. Adjournment

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

Approved 7-0.

Meeting adjourned at 7:31 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