



**MINUTES
PLANNING COMMISSION
November 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.

II. Roll Call

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

Members Absent.....None

Also PresentBen Gozola (Assistant Director of Community Assets and Development), and Councilmember Abdullahi Abdulle

III. Approval of Agenda

Motion by Commissioner Allen, seconded by Commissioner McQuillan, to approve the November 16, 2021 agenda as presented.

A roll call vote was taken.

Approved 7-0.

IV. Approval of Minutes

Minutes from October 19, 2021. Motion by Commissioner McQuillan, seconded by Commissioner Enanaa, to approve the October 19, 2021 meeting minutes as presented.

A roll call vote was taken.

Approved 7-0.

V. Report from City Council Liaison

Councilmember Abdulle provided the Commission with an update from the City Council. He stated the property owner pulled their SUP request at 720 McCallum Drive and would be building a standard sized garage. He explained the City was taking applications for the Equity Commission through Wednesday, November 17.

VI. Public Hearing

(A) Special Use Permit Amendment: Request from NROCK PROPERTIES LLC (Silver Lake Smiles) to amend the existing SUP and site plan for 2370 Palmer Drive to address the overall plan for exterior aesthetics of the building that was impacted by COVID and the closing of companies initially contracted to provide approved exterior treatments – PID 19-30-23-43-0043.

Assistant Director of Community Assets and Development Gozola reported in late 2018, Dr. David Ong (Silver Lake Smiles) received approval to construct a new commercial building at 2370 Palmer Drive. Architectural review at the time acknowledged the proposed design was unique, but determined it would still be compatible with the area and bring some needed diversity to the look and feel of the corridor. Building construction in mid/late 2019 ultimately stalled due to winter setting in, and by the Spring everything was shutting down (including the dental clinic) in the face of COVID. Vendors of the proposed false wall either backed out or went out of business, and costs for the remaining project components increased dramatically according to the applicant. Replacement vendors ultimately installed a partial false wall non-consistent with the approved plan. This application seeks to revise the previous SUP approval in light of the circumstances resulting in the present state of the building. It is the applicant's hope that a win-win solution can now be identified through this process. Staff provided further comment on the history of this request, the revised plans for the building and recommended approval of the Special Use Permit Amendment, subject to the following conditions and based on Planning Commission decided findings of fact:

1. Construction shall be consistent with all plans approved as part of this special use permit amendment except as required to be updated by City Staff to conform to conditions of approval.
2. The applicant shall incorporate all necessary updates to plans as directed by the Planning Commission and/or City Council.

Commissioner Biedenfeld questioned if there were other buildings in the City that had solar panels became an accent feature. Assistant Director of Community Assets and Development Gozola indicated the City did not have a large number of businesses that had installed solar. He explained this business would have a rooftop array along with panels on the false wall.

Chair Nichols-Matkaiti asked if there was any concern that a precedent would be set when it comes to placing solar panels on the front of a building. Assistant Director of Community Assets and Development Gozola discussed the City's screening standards for solar panels. He reported

solar panels were not viewed as rooftop equipment. He noted for the record, the City has a rooftop array on one of its building.

Chair Nichols-Matkaiti opened the Public Hearing at 6:59 p.m.

Brian Carpenter, architect and representative for the applicant, discussed further with the Commission why the building would be changed. He commented on the energy use goals for the building noting the site had triple glazed windows. He stated he was in the process of gathering information about energy consumption and use and how this was a real success story for businesses in the community. He reviewed the timeline for this project, which was a supplement to the information that staff provided. He indicated the only difference on the updated images was that he was trying to minimize the trellises to the outside. He described the landscaping that was proposed in detail with the Commission.

David Wong, the applicant, commented on how the solar panels would increase the sustainability of the building. He noted he would be encouraging his employees and tenants to move to EV vehicles in the future. He discussed the R value of the building and encouraged the Commission to visit the site to learn more about what he was trying to do. He reported his electric bill was lower than adjacent buildings that were quite a bit larger.

Mr. Carpenter commented this had to do with the natural daylighting and the amount of insulation the building had. He stated this was the biggest story of the building. He anticipated this was one of the best commercial builds in the State.

Mau Lee, solar contractor for the project, explained he installed his first solar project in New Brighton eleven years ago. He reported the solar panels on the roof top would add another layer of insulation on the building, which would improve the R value. He discussed how the solar panels on the front of the building could be viewed as Mondrian art.

Chair Nichols-Matkaiti questioned if the angled solar panels would become habitats for birds. Mr. Lee reported the vertical lines would create an artistic look and noted a mesh could be installed to deter rodents from nesting on the solar panels. He explained the panels on the front of the building would not be reflective but rather would absorb sunlight.

Commissioner Nelson discussed the landscaping and screening and inquired why there were differences from what staff presented and the applicant presented. Mr. Carpenter reported changes were made to provide focus on the two corners. He commented he would like to keep the courtyard area more open. He noted the building was still aesthetically pleasing and commented on how he was working to balance the number of plantings with his sustainability priorities.

Commissioner Nelson stated it was commendable the priorities the applicant had when it came to sustainability.

Mr. Carpenter commented further on the lighting plan that was being designed for the building.

Chair Nichols-Matkaiti stated the lighting plan sounds quite unusual and questioned if this plan had been reviewed by staff. Assistant Director of Community Assets and Development Gozola reported the decorative lighting being proposed has not yet been reviewed by staff.

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

A roll call vote was taken.

Approved 7-0.

Commissioner McQuillan stated when this building was approved, he had the understanding this building would be unique for Palmer Drive and the community. However, as this building has matured over the course of the past three years, the building has become an eyesore and the City was now forced to take action because of the actions of the applicant. He reported the color on the posts and vinyl was a concern to him. He indicated he was a businessman and he understood the applicant wanted to make the building cost effective. He expressed concern with the fact the City approved a certain plan and this plan was not being followed. He stated he supported the site having more landscaping.

Chair Nichols-Matkaiti explained she agreed with Commissioner McQuillan's comments. She asked for clarification from staff on the landscaping plan. Assistant Director of Community Assets and Development Gozola reported the landscaping that has been planted follows the plan as approved, but the size of the plants was so small that it would take years for the plants to mature and become what it was supposed to be.

Commissioner McQuillan inquired if the trellising was part of the original plan. Assistant Director of Community Assets and Development Gozola stated this was a new component to the plan.

Commissioner Biedenfeld explained he served on the Commission when this project was originally approved and commented on how this building was approved with the understanding it would be a unique and different project. He commented on the feedback he has received from his neighbors on this project. He indicated he was frustrated with how this building turned out and understood COVID had a part in this. However, in the end the City had the right to enforce the plans that were approved. He discussed the compromised changes as proposed by the applicant and stated he did not like them at all. He feared the building would become even more of an eyesore to the community. He believed having the solar panels as an accent was a mistake and that they should not be used to cover the mistakes that have been made. He supported the applicant going back to the drawing board in order to draft up a new plan for this building.

Commissioner Enanaa agreed the solar panels were a concern to him as well, given their location and position. He recommended all solar panels be placed on the roof of the building.

Commissioner Nelson concurred. He stated he feared the proposed changes to the building would increase the number of complaints the City received for this building. He reiterated that the building was not built as it was approved and he feared the proposed changes would not enhance the look and feel of Palmer Drive.

Commissioner Allen agreed with the comments that had been made. Assistant Director of Community Assets and Development Gozola discussed the solar panels that were originally planned for the building and reported staff had expressed concern with the panels that had been moved to the front of the building. He noted staff recommended these panels be moved to the back of the building. He reported solar would happen on the building but noted the Commission could provide feedback on where the solar should be located.

Commissioner Enanaa indicated he was concerned with the small size of the plantings within the landscaping surrounding the building. He stated he supported how sustainable the building was.

Commissioner Nelson explained the framing around the east side of the building would add a feeling of purpose to the screen that was in place.

Chair Nichols-Matkaiti stated this was a valid point.

Commissioner McQuillan requested staff provide a picture of the screening provided at CSI. He indicated this type of screening may be more acceptable for the applicant's building.

Chair Nichols-Matkaiti discussed the building that was being constructed across the street, noting it would be fairly modern and consistent with the applicant's structure.

Commissioner McQuillan stated he understood this would be a modern building, but he would like it to more closely reflect the plans that were originally approved.

Mr. Lee discussed a solar array he installed in Long Lake along Highway 12 for Gear West.

Commissioner Biedenfeld asked if it would help if the existing screening were carried through the site versus having a live wall or trellis in place.

Chair Nichols-Matkaiti reported the applicant was not proposing to have this type of screening in place.

Mr. Carpenter commented on the amount of fabric he had on hand for screening. He reported the fabric comes in eight foot widths. He further discussed the cost effective measures that had been put in place when using the two sided fabric. He requested further guidance from the Commission as to what they were looking for.

Commissioner Biedenfeld discussed how bringing in more variety to the footprint was taking the Commission further away from the original objective. He asked if the Commission should bring consistency along the west side versus using another new element.

Chair Nichols-Matkaiti stated this may be how the majority of the Commission was feeling when considering the purposefulness of the screening and continuity of the building. She explained she did not want new elements added because this could lead to a piecemeal look.

Commissioner Biedenfeld discussed how the wrapping on the southeast corner would help this elevation of the building.

Assistant Director of Community Assets and Development Gozola asked if the preference was to have the west wall extend all the way to the back or was it more important to have the feature wall.

Chair Nichols-Matkaiti stated she believed it was more important to have the west wall extend to the back.

Further discussion ensued regarding the exterior building elevations and which changes should be pursued.

Commissioner Biedenfeld believed the north side should have more design features, but noted his priority was to improve the west, south and east sides of the building.

Commissioner McQuillan stated it would be nice to provide a finished looking project. He believed the existing structure looked unfinished.

Commissioner Biedenfeld expressed frustration with how the building had moved away from the originally approved plans.

Mr. Carpenter believed he had tangible steps in mind noting he could revise the proposed plans and these plans could be reviewed with staff.

Commissioner Biedenfeld stated he would like to see the plans revised based on the feedback that was provided by the Commission.

Commissioner Nelson asked if the Commission could table action on this item in order to allow the applicant to revise the plans. Assistant Director of Community Assets and Development Gozola reported this would be allowed.

Commissioner Frischman stated she supported the item being tabled in order for the plans to be revised by the applicant.

Motion by Commissioner McQuillan, seconded by Commissioner Biedenfeld, to table action on the special use permit amendment to the December Planning Commission meeting.

Assistant Director of Community Assets and Development Gozola asked if the Commission would support a solar array being installed on the rooftop of the building and the rear of the building. The Commission supported this action.

A roll call vote was taken.

Approved 7-0.

VII. Business Items

None.

VIII. Adjournment

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

A roll call vote was taken.

Approved 7-0.

Meeting adjourned at 8:09 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