



**MINUTES
PLANNING COMMISSION
September 21, 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 PresentChairperson Erin Nichols-Matkaiti, Commissioners Liza Allen, Todd Biedenfeld, Youssef Enanaa, Jeanne Frischman, Eric Nelsen, and Tim McQuillan

Members Absent.....None

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

III. Approval of Agenda

Motion by Commissioner Frischman, seconded by Commissioner McQuillan, to approve the September 21, 2021 agenda as presented.

Approved 7-0.

IV. Approval of Minutes

Minutes from August 17, 2021

Motion by Commissioner McQuillan, seconded by Commissioner Frischman, to approve the August 17, 2021 meeting minutes as presented.

Approved 7-0.

V. Report from City Council Liaison

Councilmember Abdulle provided the Commission with an update from the City Council. He reported the Council approved the City's first equity statement at its last meeting. He explained this was the first step in many to ensure the City is welcoming to everybody. He noted the Council approved a TIF District for the US Bank site and discussed how to better coordinate efforts between the Council and the Commissions.

Assistant Director of Community Assets and Development Gozola discussed the City sponsored survey that was being conducted for Silver Lake Road and encouraged residents that live in the area to take the survey in order to provide the City with valuable feedback.

VI. Public Hearing

(A) Special Use Permit: Request from Mike Blomquist and Raynie Sutherland for authorization to construct a garage larger than 624 square feet meeting all other zoning requirements on the property at 720 McCallum Road – PID 32-30-23-33-0073.

Assistant Director of Community Assets and Development Gozola reported Mike Blomquist and Raynie Sutherland, owners of 720 McCallum Drive, are seeking to construct a detached garage on their property "...to enclose multiple personal belongings so they are out of sight and properly stored." Neighbors are adamantly opposed to the application citing mainly an alleged illegal home occupation currently operating from the property. It was noted a petition had been signed by 63 neighbors in opposition to the garage request. The violations from the property since 2018 were discussed. The proposed size and height of the oversized garage was reviewed in detail with the Commission noting the design was too tall and not complimentary to the principal structure. He discussed the concerns the City had regarding an illegal home based occupation was located on this property, however, he noted this was a separate issue from the SUP request. Staff provided further comment on the Special Use Permit and recommended denial of the request.

Chair Nichols-Matkaiti discussed the list of violations noting the property had a shed that had to be removed. Assistant Director of Community Assets and Development Gozola explained he would have to speak with the code enforcement officer further but noted it was his understanding this matter had been resolved.

Chair Nichols-Matkaiti opened the Public Hearing at 6:54 p.m.

John Burn, Sr., 699 Continental, explained this was a residential neighborhood and was not a commercial property. He stated if this resident wanted to run a business out of his house only a mailing address can be used for the business. He reported the gentleman making the request to build this garage does not live in New Brighton, nor does he have any voting rights. He commented it was his understanding there were three different families living in this home. He reported back in 2005 he asked to put in a second drive and a single car garage on the side of his house so he could back his boat in and he was told no by the City. He expressed great concern that the applicant was asking to put on an oversized garage for his business. He

suggested the applicant install a garage where he lives, but not in New Brighton. He stated he lived in a very friendly neighborhood with children playing in the street. He recommended the City oppose this request.

Jennifer Evans Hall, 1296 7th Street SW, stated she opposed the Special Use Permit for the property at 720 McCallum Road. She explained she has lived next to this property for the past 17 years. She indicated she appreciated the aesthetics of her neighborhood and appreciates the strong sense of community within her neighborhood. She reported the opposition to this request is not meant as a personal affront, but rather the opposition was due to the fact the proposed oversized garage would change the character and uniformity of the neighborhood, there is no precedent for detached oversized garages in side yards in New Brighton, the value of her property and other surrounding properties would decrease, the proposed building would block a double gated fence used utility companies and the City, and due to the fact the property owners do not live on the property but rather moved to Lindstrom in 2019. She stated it appears the applicants employees now live in the home. She commented the applicant has been running their construction and plumbing company from the home in 2015. She reported this was a violation to numerous City Code requirements. She indicated the proposed oversized garage was for the business. She explained the property owner has shown no regard for the City, the Planning Commission or the surrounding neighbors. She noted the City and Police Department have been called numerous times due to code violations. She feared what would happen if this request were denied and the applicant attempted to build an oversized garage. She commented she was happy that the applicants business was doing well, however, she did not believe her neighborhood should have to bear the equipment that came with this success. She encouraged the Commission to imagine the negative impact this property has on the neighborhood and recommended the request be denied.

Mike Blomquist, the applicant, explained he was trying to create a solution for the property. He noted he has had equipment consistently on the property and his goal was to move the business out of this property. He stated over the years he has not had the money to do a project like this, however, of the past year he has raised the money to build a storage garage. He indicated the proposed garage would only be used for personal storage. He commented on how his business was impacted by COVID over the past year. He reported he has an office in Lindstrom and noted the business vehicles can be moved to this location. However, he stated he still needed space to store personal items. He reported he was from New Brighton, graduated from Irondale and truly loved this community. He understood that he got off on the wrong foot with many of the neighbors. He explained he had sold a number of the vehicles and noted the rest would remain in Lindstrom. He hoped that the proposed garage would be a positive solution for the neighborhood. He stated he originally thought the garage height could be 30 feet, but recently learned this wasn't the case. He indicated he was willing to bring the height down to meet City requirements. He commented he would be willing to get rid of the shed and explained he was hoping the proposed garage would address all of the concerns the neighbors had with his property as all items would now be stored indoors. He stated he did not want to receive any future letters from the City.

A member of the audience asked if Mr. Blomquist lived in Lindstrom. Mr. Blomquist explained for tax purposes his primary residence was in New Brighton, but noted he also had a home in Lindstrom.

Judy Munson, 659 Continental Drive, stated she has lived in New Brighton in the same home for the past 50 years. She explained the applicants lot was a mess and has been for quite some time. She did not believe any of the code violations had been addressed, and feared what would happen if an oversized garage were approved. She commented she was concerned about how the young families in the neighborhood would be impacted given the fact the applicant was running a business out of this property. She reiterated that this was an R-1 neighborhood and this business should be moved out of the neighborhood. She recommended the Commission deny this request.

Nicki Oswald, 1357 7th Street, reported she ran a small business from her home. She discussed how important it was to keep the neighborhood residential. She indicated she has always tried to be aware of the fact she worked in a residential neighborhood. She explained the construction company working out of the corner lot had a commercial feel due to all of the activity and equipment that was stored on the property. She believed that having an extra large garage on the property would make this property even more commercial feeling.

Mr. Blomquist reiterated that he would be moving his business up north and he was proposing to build a garage for him to store his personal items in.

Ms. Hall explained she would like further information regarding the activities that were occurring today on the side yard of the applicants property, where the topsoil was being removed.

Chair Nichols-Matkaiti recommended this not be addressed. She reported the matter before the Planning Commission was the oversized garage.

Mr. Blomquist stated one way or another he would like to build a garage. He explained he took some topsoil off today because last year he put too much on. He reported he would not build anything larger than was allowed by the City. He indicated he was not trying to overstep any boundaries, but was preparing the site for a garage.

Chair Nichols-Matkaiti asked if there were any comments via Zoom. Assistant Director of Community Assets and Development Gozola invited those attending the meeting via Zoom to unmute themselves at this time if they would like to speak.

Karen Jones, 701 McCallum Road, stated she was happy for Mr. Blomquist and that his business was doing well. She explained her biggest concern was with the dishonesty being displayed by the applicant. She noted the applicant lives on a lake property in Lindstrom. She indicated the neighbors have not had a problem with the boat, kayaks, motorcycles, lawn equipment and pontoon being stored in the yard or driveway. She reported the problem has been with the business vans, ladders, lumber and other business equipment that have been stored in the driveway. She anticipated that the application has created a great deal of distrust with the

neighbors. She stated if the City were to approve this request, she wanted to know what the neighbors can count on to make sure they are comfortable in the neighborhood and what the limitations would be on this property. She expressed concern that if the oversized garage were allowed, it would invite another business onto the property if Mr. Blomquist were to sell the home.

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

Approved 7-0.

Chair Nichols-Matkaiti requested further information regarding the garage height. Assistant Director of Community Assets and Development Gozola discussed the City's matching and complimentary requirements for accessory structures. He explained this process was triggered because the applicant requested a garage that was larger than 624 square feet. He noted the applicant could construct a detached garage that was 624 square feet or less. However, he indicated the applicant would like to construct a garage that was 1,064 square feet which required the structure to be complimentary to the existing house.

Chair Nichols-Matkaiti commented all oversized garages in the City come with a requirement that the property not have a home occupation. She questioned how this concern would be addressed. Assistant Director of Community Assets and Development Gozola stated this would have to be addressed with a condition. Staff read Condition 8 which read as follows: The garage shall be in compliance with the City Code and Zoning Code. He noted this was a blanket requirement. He explained the applicant has come forward and stated a business has been running out of this property but that it would be moving. He indicated staff would continue to follow up with this property owner on this matter to ensure the business is moved if the City's home occupation requirements are not being met. He noted Conditions 10 and 11 address the home occupation concerns and the actions the City will take if there is a violation. He commented if the Commission were to support this request moving forward the proposed conditions will help protect the City and the neighbors from future transgressions.

Chair Nichols-Matkaiti reported there has been concerns on this property regarding the storage of business property. She inquired how the City would verify this. Assistant Director of Community Assets and Development Gozola commented on how the City addressed code enforcement matters. He stated if the applicant does what he says he is going to do, the City would see motorcycles and personal vehicles on the property and not giant vans that were designed for business.

Commissioner McQuillan asked if the applicant was provided with staff's recommended conditions. Assistant Director of Community Assets and Development Gozola reported the applicant was provided a copy of the staff report with the recommended conditions last week.

Commissioner McQuillan questioned if Mr. Blomquist supported the listed conditions. Mr. Blomquist indicated he supported the listed conditions.

Commissioner Nelsen inquired if action on this item should be tabled to the next Planning Commission due to the illegal activity that was occurring surrounding the home occupation. Assistant Director of Community Assets and Development Gozola reported the Commission could take this action to allow staff to address these concerns, along with the proposed oversized garage building plans.

Commissioner Biedenfeld stated he was struggling with how to support this request. At this time, he indicated his vote would be to deny or table the request. He indicated the applicant has stated he would bring the property into compliance, but this was being done in a backwards order. He commented it was very clear a business was being operated out of this property. He explained he would not be able to support this request. He recommended action on the item be tabled.

Chair Nichols-Matkaiti explained the Commission was bound by City Ordinance. She stated if the structure in the application meets code, there was not a lot of room to deny. However, in this case, the proposed detached garage design does not meet or compliment the primary structure. She commented she was also concerned with the height of the proposed structure. She feared that if the request were approved, the conditions would not have enough teeth.

Commissioner Biedenfeld stated this was his concern as well. He indicated the proposed plans were not complimentary and he understood there was a misunderstanding between the applicant and the City. He suggested action on this item be tabled to allow the applicant to work with staff to create a plan that was complimentary to the existing house.

Commissioner Nelsen explained it was tricky to separate the issues. He reported there were concerns regarding the proposed structure along with concerns with the violations occurring on the property surrounding a home occupation. He noted he was not in place where he could support approval. He recommended the applicant work with staff in order to allow the applicant to work with staff to address all of these concerns.

Chair Nichols-Matkaiti concurred stating these were her concerns as well.

Commissioner McQuillan commented if the property owner meets City requirements, he has the right to do what he wants on his property. However, he understood there was a lot of backstory on this property. He indicated the property owner was aware of the conditions for approval and for this reason, he supported the item moving forward with the conditions as listed by staff.

Chair Nichols-Matkaiti asked what would happen if action on the item were tabled. Assistant Director of Community Assets and Development Gozola stated he would sit down with the applicant to see how the plans can be brought down to meet the City's requirements. He indicated the garage could not be a dominant feature but rather should be secondary or complement the existing home. He noted the review time on this application would have to be

extended another 60 days and the matter would come back to the Planning Commission on October 19, 2021.

Motion by Commissioner Frischman, seconded by Commissioner Nelsen, to table action on the SUP request for a 30' x 40' garage for the property at 720 McCallum Road directing the applicant to work with staff to create plans that were complimentary to the existing home.

Approved 6-1 (Commissioner Biedenfeld opposed).

Due to a technical difficulty, Chair Nichols-Matkaiti recessed the meeting at 7:38 p.m.

Chair Nichols-Matkaiti reconvened the meeting at 7:44 p.m.

(B) Special Use Permit Amendment: Request from Global Academy to amend their existing SUP and site plan to authorize expansion of the current campus to include a new gymnasium to the south of the existing building at 3000 5th Street NW – PID 30-30-23-0044.

Assistant Director of Community Assets and Development Gozola reported Global Academy is proposing to place a new gymnasium addition on the SW corner of their existing building. The gym space would include one new office, new bathrooms, and a storage area. Staff provided further comment on the request and recommended approval of the Special Use Permit Amendment, based on the findings of fact and subject to the following conditions:

1. Engineering comments in the 9/13/21 Engineering Memo shall be successfully addressed to the satisfaction of the City Engineer prior to issuance of a building permit.
2. The applicant shall be required to correct any lighting problems that are identified following construction of the new gym.
3. New locations for the two handicapped stalls being lost shall be identified prior to issuance of a building permit, and striping for the new stalls shall be completed prior to the certificate of occupancy being issued for the new addition.
4. Failure to adhere to these conditions of approval shall be grounds for revocation of the special use permit amendment by the City Council.

Chair Nichols-Matkaiti opened the Public Hearing at 7:53 p.m.

Dennis Vegan, 4842 Stinson, stated he lived across the street in Columbia Heights. He discussed how the building his property would be impacted by the proposed large structure. He noted he has lived in his home since 1985 and his view would be drastically transformed. He suggested the structure be moved to the other side of the property in order to impact New Brighton residents and not Columbia Heights residents. He expressed frustration with the fact this new structure was being added and feared that additional structures would be added in the future. He commented on how traffic from the school adversely impacts his neighborhood. He stated he anticipated this project would go forward, but encouraged the Commission to consider if

they would like this large structure in their front yard. He requested that the trees that are in place remain in place in order to minimize the view from his home.

Jim Radamski, 548 Yankton College Lane, stated he has lived in his home for the past 32 years and was the closest residential structure to Global Academy. He believed Global Academy was a good neighbor and it was in the best interest that they be successful. He commented he did not object to the proposed plans and he appreciated how the seminary property had been repurposed.

Mr. Vegan explained Mr. Radamski may support the project but noted Mr. Radamski would not have a large gymnasium in his front yard.

Mr. Radamski indicated Global Academy was in his backyard and he believed they were good neighbors. He agreed that additional trees and screening could be planted between the school and the neighboring properties.

Chair Nichols-Matkaiti understood the gym was being built to accommodate current student enrollment. She questioned if traffic for Global Academy would increase after the gym was constructed. Helen Fiske, representative for Global Academy, stated the school does not have an extracurricular program noting this was not part of the schools mission. She reported the gym was being added to allow for PE everyday for each student. She explained Global Academy loves being in the City of New Brighton. She noted the school was in the process of refinancing and due to low interest rates, the school could now afford to build a second gym, which it wanted to build originally, but could not afford at the time. She reported no athletic events or tournaments would be held at the school on the weekends after the gym is constructed. She indicated Global Academy was not interested in adding a high school and would continue to serve the community as a K through 8 school. She discussed the traffic concerns surrounding the school noting many parents have opted to drop their kids off/pick their kids up due to COVID. She indicated the proposed gym expansion would not impact parent traffic. She thanked the Commission for considering her request.

Commissioner McQuillan asked if there were any other options for the gym location that would still meet site setbacks. Ms. Fiske explained she had looked at locating the gym on the other side of the building but noted she does not own the seminary apartment building. She commented for the flow of the building she would like the two gyms next to each other.

Chair Nichols-Matkaiti questioned if the existing trees would remain in place. Ms. Fiske stated all of the trees along the boulevard trees would remain.

Commissioner Biedenfeld inquired if there was an opportunity to plant additional trees on the site. Ms. Fiske noted the kindergartners planted an apple tree on the property last year. She anticipated additional trees could be planted on the other side of the building.

Chair Nichols-Matkaiti asked if there were any other comments or questions via Zoom. Assistant Director of Community Assets and Development Gozola reported he had received a video link but noted this has not gone through IT and he would rather not open this. He

reported IT would look at this link in the coming week and a transcript would be shared with the City Council.

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

Approved 7-0.

Chair Nichols-Matkaiti appreciated how the lighting and drainage would be addressed. Assistant Director of Community Assets and Development Gozola reported one of the conditions for approval required the applicant to meet all engineering requirements.

Assistant Director of Community Assets and Development Gozola stated based on the concerns raised by a resident from a neighboring community, he wanted the Commission to understand that this project along with the additions that were made to Sunnyside Elementary, Pike Lake Elementary and Irondale High School were all based on what was best for the school facility.

Motion by Commissioner Allen, seconded by Commissioner Nelsen, to recommend the City Council approve the requested special use permit and variance based on the findings of fact and subject to the conditions listed in the staff report as may have been amended here tonight.

Approved 7-0.

VII. Business Items

(A) Final Planned Residential Development: Review of the proposed final plans for redevelopment of US Bank at 2299 Palmer Drive.

Assistant Director of Community Assets and Development Gozola reported US Bank National Association and North Shore Development Partners are seeking approval of a Final Planned Residential Development to authorize a redevelopment project for the former US Bank site at 2299 Palmer Drive. The new building will be a highly-amenitized 132-unit multifamily building. Preliminary approval for this development was granted by the City Council on August 24, 2021. Staff provided further comment on the request and recommended approval of the Final Planned Residential Development, based on the findings of fact and subject to the following conditions:

1. Engineering comments in the 8/5/21 Engineering Memo shall all be addressed moving forward, and the City reserves the right to hold up filing of the final plat and/or permits until all applicable conditions are satisfied.
2. The applicant shall enter into a developer's agreement with the City covering all aspects of public improvements, dedications, responsibilities, etc.

3. All general development conditions of preliminary approval (i.e. utilities to be underground, lighting to be down directional, plantings to remove metal cages around root balls, etc.) shall continue to be applicable to Final PRD approval.
4. The Applicant shall obtain a sign permit from the City prior to construction/changing of monument signage.
5. Developers shall coordinate their development activities with the Fire Marshal and Community Engagement Officer during construction.
6. All construction activities shall adhere to New Brighton City Code restrictions especially as they relate to parking and hours of work.

Commissioner McQuillan requested further information regarding the TIF District. Assistant Director of Community Assets and Development Gozola explained the Council approved the establishment of a TIF District. He noted this TIF District would be used to support 14 affordable units at 60% AMI. He reported these units would be exactly the same as the other units within the development.

Motion by Commissioner Frischman, seconded by Commissioner Biedenfeld, to recommend to City Council that the proposed Final PRD plans are in substantial compliance with the preliminary approval based on the findings of fact and conditions within the staff report or as may have been amended here tonight.

Approved 7-0.

VIII. Adjournment

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

Approved 7-0.

Meeting adjourned at 8:20 PM

Respectfully submitted,



Ben Gozola
Assistant Director of Community Assets and Development