



**MINUTES
PLANNING COMMISSION
August 17, 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, and Tim McQuillan

Members Absent.....Commissioner Eric Nelsen

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

III. Approval of Agenda

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

Approved 6-0.

IV. Approval of Minutes

Minutes from July 20, 2021

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

Approved 6-0.

V. Report from City Council Liaison

Councilmember Abdulle provided the Commission with an update from the City Council. He reported the City has posted for the Diversity, Equity and Inclusion position. He commented on the recent held Stockyard Days events and thanked all of the residents who participated in this community celebration.

VI. Public Hearing

(A) Rezoning and Preliminary Planned Residential Development (PRD): Review of a draft ordinance and preliminary PRD seeking to rezone property generally located at 2299 Palmer Drive from B-3 to R-3B, and to authorize future construction of a 132-unit residential building on the site of the former US Bank building – PID 19-30-23-43-0034.

Assistant Director of Community Assets and Development Gozola reported US Bank National Association and North Shore Development Partners are seeking approval of a Preliminary Planned Residential Development, rezoning, and site plan to redevelop the existing US Bank site at 2299 Palmer Drive into a 132-unit high-amenity residential building. Staff provided further comment on the request and recommended approval of the Rezoning, Site Plan and Preliminary Planned Residential Development (PRD), based on the findings of fact and subject to the following conditions:

1. Engineering comments in the 8/5/21 Engineering Memo shall be addressed.
2. To eliminate internal congestion concerns, the proposed internal entrance shall be shifted to the south to correspond with the second drive aisle in the shared parking lot. Reconfiguration of internal parking shall maintain or increase available surface spaces. Minor geometric changes, if needed, shall be made to the plans prior to final plan approval
3. Existing easements granting access rights to Palmer Drive for surrounding properties shall remain in place as part of this PRD
4. The boulevard along Palmer Drive shall be expanded into the existing turn lane as directed by the City Engineer.
5. Within the expanded boulevard of Palmer Drive, the developer shall construct sidewalk to extend the existing walkway easterly to the next driveway entrance.
6. Crosswalk striping shall be placed over the access point to Palmer Drive to connect the existing sidewalk with new sidewalk being constructed as part of this development.
7. Building materials shall be consistent with those approved as part of the development review process, and found to be compatible with the Palmer Drive Overlay Area and Brighton Village development.
8. Drainage and utility easements (or others), as required by the City Engineer, shall be provided as part of the future final plat application.
9. Final easement language shall be subject to review and approval by the City Attorney.
10. All public improvements shall be constructed in accordance with the City's Private Development Standards.

11. A permit authorizing the development shall be obtained from the Rice Creek Watershed District.
12. All utilities (i.e. telephone, electric, gas service lines, etc.) shall be placed underground in accordance with the provisions of all applicable City ordinances.
13. 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.
14. Lighting shall not shine directly into the public right-of-way or onto any residential use.
15. Prior to final plan approval, the City Attorney shall review and approve the shared parking agreement with Krause-Anderson providing 60 additional spaces which can be used by residents and guests of this building.
16. Signage for the building shall be reviewed and approved through the City's standard sign permit process
17. A fire hydrant shall be placed at location approved by Fire Marshal. The new hydrant shall not be greater than 50 feet from a building fire department connection, not be greater than 30 feet from a roadway, and shall not be placed in a manner that requires hoses connected from the hydrant to the fire truck, and from the fire truck to the fire department connection, to be placed across a primary ingress/egress route to the location.
18. All final drive aisles shall be designed to accommodate an aerial device with a 235" wheel base and a front cramp angle of 45 degrees. Amendments to parking lot geometrics, if needed, shall be incorporated into final plans and worked out with DCAD staff .
19. Pull station covers shall be placed over all pull stations.
20. Police and Fire Keyboxes shall be mounted at a location identified by public safety staff upon substantial completion of the facility.
21. The final building shall comply with all applicable fire codes.
22. Developers shall coordinate their development activities with the Fire Marshal and Community Engagement Officer during construction
23. The developer shall use 4" Stortz connection for the FDC
24. Placards shall be placed on standpipe connections indicating apartment units accessed by that standpipe. This must be coordinated with the Fire Marshall and Community Engagement Officer.
25. Placards on standpipes servicing garage area shall indicate the parking stall coverage range. This must be coordinated with the Fire Marshall and Community Engagement Officer
26. Whenever standpipes are placed on columns in garage area, the column shall be painted red.
27. Final plantings and trees shall be approved by the City Forester prior to submittal of the final PRD plans.
28. Metal cages and/or burlap shall be removed from all tree root masses prior to planting throughout the development.

29. A decorative fence shall be introduced along the boulevard separating this development from the main drive aisle leading to Palmer Drive; coordination to be done with the Public Safety department.
30. The developer shall instruct the City's Park's Department as to existing plants which can be donated to the City prior to demolition, and outline the permitted removal times so the work may be completed prior to development activities beginning.
31. Reference monuments shall be placed as may be required by state law.
32. The final building shall comply with all applicable City of New Brighton multi-housing ordinances.
33. The sub-grade parking level shall be renamed to "lower level" or level "-1" to avoid confusion for emergency response.
34. Exterior doors shall be numbered in consecutive order in a clockwise manner around the building starting with the main lobby entry.
35. If building camera system is installed, the following shall be considered: a. A camera specifically installed to monitor the mail area and/or area where packages are designated to be left. b. Cameras at entrances should be of sufficient resolution and set at proper angles to support individual identification.
36. Indoor parking spaces shall be numbered from the lowest level up (i.e. lower level spaces numbered 100 – 199, and main level parking spaces numbered 200 – 299).
37. Residential units shall be numbered to indicate the floor they are on (i.e. main level units of which there are none in the 100's, 2nd floor units in the 200's, 3rd floor units in the 300's, etc.).
38. The property address shall be displayed on site consistent with City Code.
39. All construction activities shall adhere to New Brighton City Code restrictions especially as they relate to parking and hours of work.
40. Payment of the required park dedication fee shall be made prior to the City signing the final plat
41. Payment of sewer and water connection fees shall be paid prior to issuance of the building permit.
42. Approval of this Preliminary Planned Residential Development (PRD) shall remain valid for 90 days following the date of approval. Application for final PRD approval shall be made prior to expiration of the preliminary approval.

Assistant Director of Community Assets and Development Gozola reviewed the comments staff received from the public. He commented further on the request and reported staff recommends approval of the rezoning, along with approval of the PRD and site plan.

Commissioner McQuillan asked if the Krause easement went with the land. Assistant Director of Community Assets and Development Gozola reported the easement would go with the land.

Commissioner Biedenfeld questioned if the Krause Anderson parking would be reconfigured. He was of the opinion the parking for the proposed development seemed tight, noting a lot of the peak parking times would be in the evening hours. Assistant Director of Community Assets and Development Gozola reported this parking lot would not be reconfigured. He explained the applicant believes the resident parking could be accommodated onsite.

Commissioner Biedenfeld commented on the traffic concerns that were raised by the public. He explained he lived close to this new development and he understood traffic moved quickly along Robin Lane. He recommended this development address the traffic concerns in the area.

Kaitlyn Murray, Northshore Development Partners, thanked the Commission for their time and thanked staff for the detailed report. She reported she would not have pursued this project if it could not be properly parked. She commented with the ratios presented she was comfortable with the project moving forward. She explained she was available for comments or questions.

Commissioner Allen questioned if the developer has contingency plans in place if parking becomes a concern. Ms. Murray stated renters may have to be turned away in order to keep the property balanced. She noted if the parking became a concern this would be addressed.

Commissioner Biedenfeld asked if the fence would be replaced. Ms. Murray commented she was uncertain if this fence was on the subject property, but agreed the fence should be cleaned up.

Collin Kaas, Kaas Wilson Architects, discussed the architecture for the proposed building. He reported there was currently a curb cut on the northeast corner exiting from the US Bank site. He noted this would be closed off in order to direct traffic to the west. He explained he worked to preserve as much greenspace as possible on the site and noted he would work with the neighbor to solve the fence concern. He then commented on the indoor and outdoor amenities that would be provided within the development. He discussed the building materials that would be used within the development noting this would be a contemporary, modern facility.

Chair Nichols-Matkaiti inquired if the development would have a fenced in dog run. Mr. Kaas reported this was the case.

Patrick Querkle, SRF Consulting Group, reviewed the traffic study and study process in further detail with the Commission. He reported data was collected at the intersections along Palmer Drive and Silver Lake Road. He explained this gave him a baseline and then trip generations were created for the proposed project.

Commissioner Biedenfeld stated he was a daily driver of Palmer Drive and commented on how traffic had been reduced due to COVID. He questioned how adjustments would be made to the traffic data to take this information into account. He commented that when school is in session there will be additional traffic in this area as well. Mr. Querkle discussed the amount of traffic that will be generated by the proposed development and understood that the baseline might be heavier due to COVID. He anticipated the proposed development would not generate many more trips than the US Bank.

Chair Nichols-Matkaiti opened the Public Hearing at 7:40 p.m.

Laura Lind, 1113 Thorndale Ave, stated she was concerned that Robin Lane and Palmer Drive would be reconnected. She understood this was not the case. She explained she was concerned with the height of the proposed building because it would tower over the existing apartment building that was only three stories. She feared that changes would be made to the proposed plans and the neighbors would just have to live with it. She questioned when the garbage would be picked up and asked how often the garbage would be picked up.

Jessica McGraw and Father, 1253 Robin Ln, stated she did not want people parking on her street if there was not adequate parking within the apartment complex. She agreed that the height of the building was a concern. Her father inquired how much the construction traffic would impact his neighborhood. He recommended the semi-four at Silver Lake Road and Palmer Drive be upgraded when this project is completed. He indicated Robin Lane was a dangerous road given the fact kids bike and skateboard down the road to the park. He commented the speed should be addressed in order to keep these children safe.

Nick Pranky, 76 Cleveland Ave SW, explained he was concerned about affordable housing in the Twin Cities. He indicated this was an important plot of land in New Brighton and encouraged the City to pursue affordable housing for the community. He understood this would be a high end project and requested affordable units be pursued in order to provide housing for all.

Randy Lind, 1113 Thorndale Ave, discussed the number of trips that would be generated by the new apartment building and requested clarification from the traffic engineer. He commented he used to work for the fire department and questioned if the proposed building height could be serviced by the City's ladder truck.

Laura Miller, 1215 Brighton Square, explained she has lived at this address for the past 15 years. She discussed the changes that have occurred over this time and how it has impacted her neighborhood. She reported her neighborhood has become significantly noisier which has reduced the enjoyment of her property. In addition, she feared that the proposed development would have too many cars on site and this would spill out into the adjacent neighborhood.

Wendy Dykstra, 1125 Robin Lane, discussed the number of apartment units in New Brighton which now totaled 19. She understood the City needed housing options, but feared how the new apartment building would impact the resale value of her home. She explained she lived in a fabulous neighborhood and she did not want it adversely impacted by the new apartment building.

Eric Stevens, 1278 Robin Lane, stated he understood the City had a vacant site and a willing developer that was proposing to construct a very nice building. He indicated he did not object to this. He anticipated the proposed apartment building would economically stimulate redevelopment in the area. However, he had concerns with traffic, the height of the building and lack of parking. He explained this would be the tallest building in New Brighton to date. He commented the proposed building height may have more to do with profits than needed density. He reported if the developer was allowed to build only on its 1.6 acres of buildable

property, this would limit the project to 108 units which would be a five story building. He questioned why this project was getting special treatment with the added buildable acreage and unit density. He reported the easement density was for a “parking area” for parking purposes. He recommended the easement area not be included in the total buildable area. He explained if the easement area were excluded from the project area, this project density would be 71 units per acre. He noted PRD’s are not subject to a maximum buildable height but are allowed to go up to 60 units per acre. He stated this project was over 60 units per acre when considering the actual buildable acreage of the site. He recommended the developer reduce the number of units within the building and that the building height be lowered.

Andrea Stevens, 1278 Robin Lane, stated she has written letters to the Planning Commission and the City as well. She explained she was concerned with traffic and how the additional traffic would impact her section of Robin Lane. She believed the City needed to discuss what was a reasonable amount of traffic that should be allowed on a residential road. She indicated most residential roads have 150 to 200 trips per day and Robin Lane would now have 500 to 800 trips per day. She reported she did not oppose to building on this site or having high density residential on this property. However, she indicated she did oppose this project moving forward without addressing the long-standing issues to this small stretch of Robin Lane. She wanted to see a more equitable solution as to how traffic in this area was impacting the existing residents. She requested that if this project moves forward that the City include a plan on how traffic in the surrounding area will be addressed.

Joann Morris, 1405 29th Ave NW, stated if the number of units per acre was truly 71, she questioned how the City would follow up on this issue.

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

Approved 6-0.

Chair Nichols-Matkaiti recessed the Planning Commission meeting at 8:10 p.m.

Chair Nichols-Matkaiti reconvened the Planning Commission meeting at 8:15 p.m.

Assistant Director of Community Assets and Development Gozola responded to the questions that were raised by the public. He reported the berm area would not be opened nor would Palmer Drive and Robin Lane be opened. He explained the building height could not be increased and the plans could not be changed. He stated if the PRD plans are approved by the City Council, the building would have to be constructed per the approved plans. He indicated all garbage would be collected on the interior of the first floor of the building. He stated staff would work with the developer to stage all construction vehicles and building materials once the project received approval. He commented staff could work with Ramsey County to address the traffic signals timing. He explained on street parking was allowed throughout the City and noted there was no plans to changes this. He reported up to 14 units within this project would be affordable at 60% AMI, but noted this would be discussed by the Council next month. He stated the proposed building plans were routed through public safety and the height of the

building had not been a concern. He indicated noise was always an issue and discussed how the proposed building would block noise for the adjacent neighborhood. He commented further on the work that still had to be done on the dental clinic building. He explained this was a market driven project and the City was not driving more apartments in the community. He stated rents in the metro area were high because the Twin Cities did not have enough rental units. He reported a \$33 million investment in a neighborhood does not bring property values down. He indicated this developer was not receiving any special treatment with the parking easement. He commented the Mixed Use Regional District was guided for residential and commercial uses. He explained in acquiring a legal easement (that is tied to the property) this land can then be included in the overall PRD area. He noted the easement area could not be used by Krause Anderson for additional residential density. He deferred the question regarding traffic concerns on Robin Lane to the traffic engineer.

Chair Nichols-Matkaiti asked if a bus stop was being considered at this development. Assistant Director of Community Assets and Development Gozola commented this was something that would be encouraged because New Brighton needs better and more frequent access to transit.

Commissioner Biedenfeld noted there was a bus stop at Silver Lake Road and Palmer Drive.

Chair Nichols-Matkaiti questioned what impacts this building would have to the neighborhoods to the north, particularly the Brighton Square area. Community Assets and Development Director Schlichting explained this building would not mitigate noise from Cowboy Jacks but could help mitigating noise from the freeway.

Commissioner Biedenfeld inquired if the Commission could add conditions to address the traffic concerns along Palmer Drive. Assistant Director of Community Assets and Development Gozola commented he would hesitate to add this as a condition. He indicated the Commission could direct staff to bring this matter to the Public Safety Commission based on the concerns that have been voiced from the neighborhood.

Commissioner Biedenfeld commented on how he believed the traffic data set was inaccurate due to the reduction in traffic from COVID. He believed now was the opportunity to fix the concerns along Palmer Drive and Robin Lane. Community Assets and Development Director Schlichting understood traffic volumes were down at this time. He discussed how the traffic engineer estimated trips for the new project and commented on the historical traffic data for Palmer Drive and Robin Lane. Further discussion ensued regarding the vehicular and pedestrian traffic in this area of New Brighton.

Commissioner Biedenfeld requested staff have a conversation regarding the traffic concerns that were raised by the residents this evening.

Chair Nichols-Matkaiti asked how this matter could get before the Public Safety Commission. Community Assets and Development Director Schlichting reported this neighborhood would have to make a petition. He commented this neighborhood made a petition in 2011 and traffic calming measures were put in place.

Mr. Kaas addressed the Commission regarding the building height and site density. He reported this building could be higher than six stories per City Code. He discussed the benefits of having the building six stories noting this allowed for more greenspace, than if the building were shorter.

Assistant Director of Community Assets and Development Gozola clarified that given the base zoning, the site could support a five or six story building.

Chair Nichols-Matkaiti asked for further comments or questions from the Commission.

Commissioner Frischman stated she believed what was being proposed was following the City's guidelines. She understood there were some items that may require further discussion, but these discussions may have to be held between the developer and staff or the City Council. She indicated as a resident of this community, she was more worried about what else could be located on this property.

Commissioner Allen supported the City pursuing more affordable housing within this development.

Commissioner Biedenfeld commented on how the adjacent strip mall could potentially redevelop. He explained he was concerned about what was next for that area. He anticipated the Commission could not set conditions on that space, but recommended a conversation be held at the City Council level to plan for this area. He understood that New Brighton needed more housing options and he supported the idea of the development. However, he wanted to ensure that the concerns from the neighborhood are being heard.

Commissioner McQuillan discussed the steps that were taken with Midtown Village to provide senior and affordable housing, noting the Midtown Village project was very dense. He thanked all of the residents that were in attendance and stated he appreciated them for sharing their concerns. He agreed there were traffic concerns that had to be addressed. He encouraged these residents to bring their concerns to the Public Safety Commission through a petition.

Commissioner Enanaa supported the residents bringing their traffic concerns to the Public Safety Commission.

Chair Nichols-Matkaiti stated her concern with the mixed use designation was that it would become all residential. She was of the opinion the new building was thoughtful and well done. She appreciated how traffic would flow through the site and noted her only concern was with the building height.

Councilmember Abdulle explained he had cards available for the residents in attendance and encouraged them to reach out to him regarding their safety and traffic concerns. He reported the Council was holding conversations regarding the speed of traffic in residential areas.

Motion by Commissioner Biedenfeld, seconded by Commissioner Enanaa, to recommend the City Council approve the requested preliminary planned residential development, rezoning,

and site plan based on the findings of fact listed within the staff report subject to the conditions listed as may have been amended here tonight.

Approved 6-0.

VII. Business Items

(A) Amburg 1st Additional Final Plat Review.

Assistant Director of Community Assets and Development Gozola reported the purpose of final plat review is to ensure that all conditions and details regarding the subdivision have been successfully addressed, and that documentation is ready for filing. By code, this final review is to be done by the Director of DCAD and the Planning Commission. If all conditions of Preliminary Plat approval are met, the final plat must be approved. Staff provided further comment on the request and recommended approval of the ___, based on the findings of fact and subject to the following conditions:

1. The Developers Agreement for Amburg 1st Addition shall be executed prior to the final plat being signed by the City.
2. Engineering comments in the 6/7/21 Engineering Memo shall be addressed.
3. Future access to Lots 2, 3, and 4 shall come off of Inca Lane and not off 7th St NW.
4. Curb cut permits shall be obtained for each building site if a dropdown curb is required.
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. A NPDES permit and project SWPPP will be required.
7. 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.
8. 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.
9. 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.
10. Lighting shall not shine directly into the public right-of-way or onto any adjacent residential lot.
11. 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.

12. Reference monuments shall be placed in the subdivision as required by state law.
13. All construction times and activities shall comply with New Brighton City Code especially relating to parking and hours of work.
14. All necessary permits must be provided to the City. (RCWD, NPDES, MDH, etc. as may be applicable).
15. 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.
16. Additional soil tests, if deemed necessary by DCAD, shall be submitted to the City prior to a future final plat approval.

Assistant Director of Community Assets and Development Gozola commented on the proposed plat further and recommended approval.

Motion by Commissioner Frischman, seconded by Commissioner Biedenfeld, to recommend the City Council approve the final plat for Amburg 1st Addition based on the findings of fact listed within the staff report subject to the conditions listed as may have been amended here tonight.

Approved 6-0.

VIII. Adjournment

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

Approved 6-0.

Meeting adjourned at 9:07 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