



**MINUTES
PLANNING COMMISSION
December 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 Present.....Chairperson Erin Nichols-Matkaiti, Commissioners Liza Allen (attending via Zoom), Todd Biedenfeld, Youssef Enanaa, Jeanne Frischman, Tim McQuillan, and Eric Nelsen (arrived at 6:41 p.m.)

Members Absent.....None

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

III. Approval of Agenda

Motion by Commissioner McQuillan, seconded by Commissioner Enanaa, to approve the December 21, 2021 agenda as presented.

A roll call vote was taken.

Approved 6-0.

IV. Approval of Minutes

Minutes from November 16, 2021

Motion by Commissioner Biedenfeld, seconded by Commissioner McQuillan, to approve the November 16, 2021 meeting minutes as presented.

A roll call vote was taken.

Approved 6-0.

V. Report from City Council Liaison

Councilmember Abdulle provided the Commission with an update from the City Council. He stated Council recently completed a performance review of the City Manager and all were impressed by his leadership over the past year. He reported the Council held its Truth in Taxation Hearing and approved the budget and tax levy for 2022. He noted DEI interviews were held and members have been appointed for the new Commission. He thanked all of the members of the public that applied for this Commission. He highlighted the items the Council achieved in 2021 and thanked the Commission for all of their efforts on behalf of the community.

VI. Public Hearing

(A) Site Plan and Nonconforming Use Permit Review: Request from Aqseptence Group Inc (Johnson Screens) to construct a car port on the property at 1950 Old Highway 8 – PID 17-30-23-44-0006. The nonconforming use permit will address the absence of a 60-foot landscaped strip along the property's southern boarder following after-the-fact construction of a multi-family residential building to the south of the pre-existing business.

Assistant Director of Community Assets and Development Gozola reported the applicants are seeking to construct a 22' x 24' x 9' carport on the southeast corner of their building to provide protected parking for a truck and trailer. The location will meet all required setbacks and will be outside of the normally required 60' landscaping buffer from adjacent residential uses. By code, all new structures in the I-1 district must be reviewed through the site plan review process. Furthermore, the legal nonconforming lack of a vegetative buffer has never been addressed by a previous application, so a nonconforming use permit review is also being conducted at this time. Staff provided further comment on the request and recommended approval of the Site Plan and Nonconforming Use Permit Review, based on the findings of fact and subject to the following conditions:

1. The applicant shall work with the fire marshal on final location for the carport as it must not impede access to a nearby fire hydrant, nor can it block ingress & egress via the door to the primary building.
2. The applicant shall utilize the remaining winter months to meet with their neighbors regarding outdoor storage, and attempt to identify agreeable win-win solutions moving forward. By the end of July 2022, the applicants shall return to the City with a Special Use Permit application which outlines how all outdoor storage will be handled moving forward. Failure to return with the SUP application by the deadline shall be grounds for the City to require removal of the carport being authorized by this approval.

3. 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.
4. The applicant shall incorporate all necessary updates to plans as directed by the Planning Commission and/or City Council.

Chair Nichols-Matkaiti asked what triggered the site plan request. Assistant Director of Community Assets and Development Gozola reported the structure itself triggered the site plan request.

Commissioner Frischman understood there have been structures built on this property in the past that did not come before the City. She questioned why the carport was coming before the City. Assistant Director of Community Assets and Development Gozola explained New Brighton was a complaint based City and only responded to matters after receiving a complaint on a property.

Chair Nichols-Matkaiti opened the Public Hearing at 6:55 p.m.

Skip Bolton, Johnson Screens representative, introduced himself to the Commission noting he has worked with Johnson Screens for the past eight years. He stated he was before the Commission in order to have the carport approved in the right matter. He thanked the Commission for considering his request.

Commissioner Frischman requested further information regarding the storage issues on this property. Mr. Bolton indicated Johnson Screens was using the property to its fullest as this business continues to grow. He discussed how the size of screens has grown over time. He anticipated more storage space would be requested in the future.

Commissioner Biedenfeld asked if the applicant supported the conditions as recommended by staff. Mr. Bolton stated he supported the conditions as drafted and noted he has spoken with the neighbors.

Joan Barnes, member and resident of Applewood Pointe, stated she liked the recommendation of Applewood Pointe having a conversation with Johnson Screen.

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

A roll call vote was taken.

Approved 7-0.

Commissioner Biedenfeld indicated he would be willing to grant the applicant more time for the Special Use Permit request.

Commissioner McQuillan supported this recommendation and suggested the applicant be given one year to submit a comprehensive plan.

Commissioner Frischman recommended outdoor storage be reviewed by staff with the new SUP request. Assistant Director of Community Assets and Development Gozola understood this would have to be looked into further.

Motion by Commissioner McQuillan, seconded by Commissioner Nelson, to recommend the City Council approve the proposed site plan based on the findings of fact and conditions listed within the report as may have been amended here tonight.

A roll call vote was taken.

Approved 7-0.

VII. Business Items

- (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 request and recommended approval of the Special Use Permit Amendment, based on submitted plans and findings of fact.

Brian Carpenter, architect for the applicant, reviewed the updated plans with the Commission. He thanked the Commission for the opportunity to discuss these new plans. He reported all fabric would be utilized within the new plan. He noted he would be printing up a fact sheet on the building that could be shared with visitors to highlight the energy efficiency measures that have been taken within this building.

David Wong, applicant, noted he had heard the recommendations of the Commission and explained more landscape would be added to the site. He indicated he also supported the fence. He stated he could not put any more solar panels on the roof because it was already maxed out.

Chair Nichols-Matkaiti asked if the solar panels should be discussed at this time. Assistant Director of Community Assets and Development Gozola stated this would be appropriate.

Commissioner McQuillan stated the plans were not altered in any manner except for the recommendations the Commission made last month.

Commissioner Biedenfeld explained he appreciated the solar efforts from Mr. Wong, but noted the building looked better without the panels on the side of the building. He indicated the City had already made concessions on the plans and he didn't know if he could support further concessions.

Commissioner Frischman asked if solar panels could be installed across the entire front of the building at the top and not have them down lower by the Clock Tower sign. Mr. Wong stated this was considered in the updated plans.

Commissioner Biedenfeld asked if the panels could be angled on the north side of the building. Mr. Carpenter did not believe this would work because the angle would not be correct and they would be difficult to support. He commented further on the tie backs that were in place to keep the existing solar panels supported and in place.

Commissioner McQuillan asked what the additional eight panels on the front of the structure would provide the building. Mr. Wong estimated this would provide him with 8 to 10 kilowatts. He noted his goal was 40 for the building.

Further discussion ensued regarding the size and placement of the solar panels.

Commissioner Biedenfeld supported the solar panels being moved to the top of the building. Mr. Carpenter stated he could rework the building renditions for the Commission to review at a future meeting. Assistant Director of Community Assets and Development Gozola explained he would like to see this request move on to the City Council and noted the applicant could come forward with a new application for the solar panels.

Chair Nichols-Matkaiti recommended that if the proposal were to move forward that Condition 3 be amended to state any proposal to add photovoltaic to the building must come through the Site Plan Review process.

Commissioner Biedenfeld stated he liked the original false wall plans better than the new plans. He noted he liked the improvements that the applicant came back with for the north and northwest side. He wished the building could have remained as is, but understood this was not going to happen. He reiterated that he appreciated the solar portion of this project and recommended the applicant come back with more detailed plans for the Commission to review.

Chair Nichols-Matkaiti stated she did not like the photovoltaic on the front of the building. She explained she appreciated the work that was done on the screen. She requested the applicant come back to the City with more detailed plans on the photovoltaic plans for the building. Assistant Director of Community Assets and Development Gozola recommended Finding 3 read: Future rooftop solar installation shall not occur across the front of the building or any portions of the fall wall unless otherwise approved through a subsequent review process.

Motion by Commissioner Nelson, seconded by Commissioner Allen, to recommend the City Council approve the requested special use permit amendment based on the findings of fact listed on page 17 amending Finding 3 as discussed.

A roll call vote was taken.

Approved 6-1 (Commissioner McQuillan opposed).

VIII. Adjournment

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

A roll call vote was taken.

Approved 7-0.

Meeting adjourned at 7:49 PM

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ben Gozola". The signature is stylized with a large, looped "B" and a cursive "G".

Ben Gozola
Assistant Director of Community Assets and Development