



**Planning Commission Regular Meeting  
City Council Chambers, 2660 Civic Center Drive  
Minutes – Wednesday, January 3, 2018 – 6:30 p.m.**

**1. Call to Order**

Chair Murphy called to order the regular meeting of the Planning Commission meeting at approximately 6:30 p.m. and reviewed the role and purpose of the Planning Commission.

**2. Roll Call**

At the request of Chair Murphy, City Planner Thomas Paschke called the Roll.

**Members Present:** Chair Robert Murphy; Vice Chair James Bull; and Commissioners James Daire, Chuck Gitzen, Julie Kimble, Sharon Brown, and Peter Sparby

**Members Absent:** None.

**Staff Present:** City Planner Thomas Paschke and Community Development Director Kari Collins

**3. Approve Agenda**

**MOTION**

**Member Gitzen moved, seconded by Member Kimble to approve the agenda as presented.**

**Ayes: 7**

**Nays: 0**

**Motion carried.**

**4. Review of Minutes**

**a. December 6, 2017 Planning Commission Regular Meeting**

**MOTION**

**Member Gitzen moved, seconded by Member Bull to approve the December 6, 2017 meeting minutes.**

**Ayes: 7**

**Nays: 0**

**Motion carried.**

**5. Communications and Recognitions:**

**a. From the Public:** *Public comment pertaining to general land use issues not on this agenda, including the 2040 Comprehensive Plan Update.*

None.

- b. From the Commission or Staff:** *Information about assorted business not already on this agenda, including a brief update on the 2040 Comprehensive Plan Update process.*

None.

## 6. Public Hearing - Continued

- a. Consider Design and Dimensional Standards to Support Multi-Family Uses in the Regional Business District (PROJ0017-AMDT32)**

Chair Murphy continued the public hearing for PROJ0017-AMDT32 at approximately 6:34 p.m. and reported on the purpose and process of a public hearing. He advised this item will be before the City Council on January 22, 2018.

City Planner Paschke summarized the request as detailed in the staff report dated January 3, 2018 and noted the revisions made are highlighted in blue beginning on page 31 of the meeting packet. He highlighted the following revisions:

- Section 1005.01 Statement of Purpose  
Staff incorporated the definition of mixed-use under item C.
- Section 1005.02.C Dimensional Standards  
Under multi-family uses, the maximum building height was changed to 120 feet, which is based on a maximum story height of 12 feet, but no taller than 10 stories.

Member Gitzen inquired if a residential requirement is a part of mixed-use.

Mr. Paschke responded it is required for vertical mixed-use. He confirmed that mixed-use contains both commercial and residential, but multi-family contains only residential.

Member Gitzen referred to Section 1005.02.A, Design Standards – Non-Residential and Mixed-Use Project. He inquired if item D - Horizontal Façade Articulation and item H - Maximum Building Length were compatible.

Mr. Paschke explained item D refers to horizontal articulation and has to do with the length of the building and item H refers to a courtyard or recessed entry, which is different than was it addressed in item D.

Member Gitzen inquired if the window openings need to be addressed in both item E, Nos. 1, 2, and 3, and item G.

Mr. Paschke stated the window openings do need to be addressed in both places because that is how the code is laid out and how it has been enforced for the past nine years. Item G describes how they want the four sides of the building to generally look the same and items E and F address how to dress it up with materials. The horizontal and vertical articulations are also built into it as well. It helps to break up the mass and make it more pleasing to the eye.

Member Gitzen referred to item I – Garage Doors and Loading Docks. He inquired why it included “to the extent feasible” instead of “as approved by the Community Development Department.”

Mr. Paschke stated it was amended in 2013 and is unsure why it is stated that way. The phrase “to the extent feasible” allows people to work together to determine whether or not the requirements are actually feasible, given the design and location. Ultimately, it requires approval by the Community Development Department.

Member Sparby stated the footnote attached to the 120-foot maximum building height for multi-family uses that sets the maximum story height at 12 feet seems confusing. It would be a restriction on someone who wanted less stories with more ceiling height. He suggested they just keep it at the 120-foot maximum, not put a restriction on stories or heights, and leave it up to the developer to address what they see as the market trends.

Member Kimble and Member Bull agreed with Member Sparby.

Member Kimble pointed out there were two sections label item A under Section 1005.01 - Statement of Purpose. She also inquired if they should use the term multi-family instead of residential for consistency.

Mr. Paschke agreed to use multi-family instead of residential.

Member Kimble referred to 1005.01 - Statement of Purpose, item B, and inquired if they should also include office in the last sentence.

Mr. Paschke agreed to include office as stated by Member Kimble.

### **Public Comment**

Chair Murphy closed the public hearing at 6:47 p.m.; none spoke for or against.

### **Commission Deliberation**

Member Daire requested clarification from Member Sparby on what he proposes to remove from the footnote previously discussed.

Member Sparby stated he proposes to remove the entire footnote and leave it up to the developer to determine the height of the stories and how many stories as long as it did not exceed the maximum height of 120 feet.

Member Bull commented they could eliminate the maximum height of a story at 12 feet, but include a maximum number of stories.

Member Sparby noted at the last meeting they discussed having a maximum number of stories and height or an overall limit of the building height.

Member Kimble inquired about previous discussion relating to stepping down boundaries where mixed-use zoning was adjacent to single-family residential.

Community Development Director Collins pointed out the footnote in Table 1005-4 that states “the City may require a greater or lesser setback based on surrounding land uses.”

Member Kimble recalled it related more to stepping down the height of buildings and suggested it be included in the same footnote.

Mr. Paschke commented he did not recall that discussion and it may be addressed moving forward. He does not know what height would make sense within a certain distance of single-family residential. The regulating plan within Twin Lakes has standards based on the Greenway corridor.

Member Kimble agreed it may be more of a setback issue than a height issue, and the current footnote addresses it.

Member Gitzen agreed they are safe using the existing guidelines of the included footnote.

Mr. Paschke stated the setback would encourage a building step back anyway.

Member Kimble commented by stepping back, density is still allowed.

#### **MOTION**

**Member Sparby moved, seconded by Member Gitzen to recommend approval to the City Council approval of Amendments to Section 1005.02 and Table 1005-4 of the Roseville Zoning Code (PROJ0017-AMDT32), with the following changes:**

- **Section 1005.01 – the term multi-family will be added in front of residential.**
- **Section 1005.01, item B – the term office will be added to the last sentence.**
- **Table 1005-4 – the asterisk will be eliminated after 120 feet along with the corresponding footnote.**

**Ayes: 7**

**Nays: 0**  
**Motion carried.**

**7. Public Hearing - New**

- a. Adopt an Ordinance Amending §1001.10, §1009 Procedure, and Table 1006-1 of the City Code to Create a Second Office/Business Park Zoning District (PROJ0017-AMDT33)**

Chair Murphy opened the public hearing for PROJ0017-AMDT33 at approximately 6:59 p.m.

City Planner Paschke summarized the request as detailed in the staff report dated January 3, 2018. He reported the proposed ordinance includes amending §1001.01 Definitions, §1009 Procedures, and Table 1006-1 of the City Code to create a second Office/Business Park zoning district within the commercial and employment districts. The amended definition section proposes to eliminate warehousing as a definition and replace it with the definition of warehouse and warehousing; add the definition of distribution center; amend the definition of contractor yard; and, add the definition of contractor yard limited.

Mr. Paschke referred to a map on page 39 of the meeting packet, and pointed out the new zoning district is located on the east side of Fairview Avenue, south side of County Road C, east side of Interstate 35W, and both sides of Oak Crest. The proposed modifications are similar to things that have previously occurred in that area and the proposed amendments will provide greater clarity in the zoning ordinance definitions and use table.

Member Daire stepped down from the dais at approximately 7:02 p.m.

Member Gitzen inquired why the terms warehouse and warehousing were used. In his opinion, warehouse refers to where items are stored, and warehousing is the act of storing items. He suggested under distribution center they use the phrase “an enclosed building” instead of “warehouse.”

Mr. Paschke responded this is how it has traditionally been identified and it would be up to the Planning Commission to call it out differently. The proposed amendments provide more clarity than what has previously been included. The warehouse and warehousing definition are two definitions in the same because they are talking about storage of materials. A distribution center is typically a warehouse type building. These definitions are consistent with other municipal codes in the area.

In response to Member Bull, Mr. Paschke explained everything is currently considered Office/Business Park (O/BP). In order to modify the code to add in the new area, these current O/BP areas would become O/BP-1, and the new area would become O/BP-2.

Member Bull inquired if any properties going from O/BP to O/BP-1 would become nonconforming.

Mr. Paschke responded it is only being given a new name and is a zoning map change, but the uses remain the same.

Member Daire returned to the dais at approximately 7:08 p.m.

Member Sparby inquired if there were any properties in O/BP-1 that should have the additional options that O/BP-2 allows.

Mr. Paschke responded staff does not believe there to be any. Some current O/BP-1 areas have PUD controls with them and the others are more predominantly office that do not require the additional allowances. The changes under O/BP-2 allow a contractor yard as a conditional use and warehousing as a permitted use.

Member Bull referred to line 24 of the staff report, and pointed out it states the location is north of County Road C, when the actual location is south of County Road C.

Mr. Paschke stated the zoning map shows where it is located.

### **Public Comment**

Chair Murphy closed the public hearing at 7:12 p.m.; none spoke for or against.

### **Commission Deliberation**

#### **MOTION**

**Member Gitzen moved, seconded by Member Sparby to recommend approval to the City Council approval of the zoning map change creating a second Office/Business Park (O/PB-2) and text changes to §1001.10 Definitions and Table 1006.1 pertaining to contractor yards, warehouse/warehousing, distribution center, and various forms of outdoor storage (PROJ0017-AMDT33), with the following changes:**

- **Under item C: Warehouse – an enclosed building with the principle use of storing materials or equipment.**
- **Under item D: Distribution Center – an enclosed building primarily used for receipt, temporary storage and redistribution of goods, typically involving heavy truck and/or freight rail traffic.**

Member Sparby stated he supports Member Gitzen's motion because it is clearer to define both types of buildings as enclosed structures and what they are.

Member Bull inquired why they would say an enclosed building.

Member Kimble pointed out it reflects the current language used.

Chair Murphy commented it is not an open lumber yard or outdoor storage.

Member Brown noted it is less redundant and will support Member Gitzen's motion.

**Ayes: 7**

**Nays: 0**

**Motion carried.**

**b. Consider a Preliminary Plat for Rosedale Retail, LLC Creation of an Additional Lot from 1700 County Road B2 (PF17-022)**

Chair Murphy opened the public hearing for PF17-022 at approximately 7:19 p.m.

City Planner Paschke summarized the request as detailed in the staff report dated January 3, 2018. He reported the applicant proposes to create a smaller lot on a larger parcel owned by JC Penny. This area, also known as Rosedale Center Sixth Addition, is considered a Major Plat and the process will require a preliminary and final plat.

Member Kimble referred to line 49 of the staff report and inquired who sits on the Development Review Committee.

Mr. Paschke responded it is made up of a minimum of one member of every City department and other members from other City divisions, such as Engineering, Planning, and Building Inspections.

Chair Murphy noted it allows all City staff to know what is going on and for each department to share their knowledge for each project.

Member Kimble inquired what this will do with parking and balance to Rosedale Center.

Mr. Paschke noted there will be a site reduction in parking, but Rosedale Center is overparked based on code requirements for number of spaces.

In response to Member Sparby, Mr. Paschke provided more information on what is being triggered by the addition of the proposed new lot in relation to park dedication. He explained the proposed parking lot is subject to payment in lieu of and the Parks and Recreation Commission will have a recommendation that will accompany the Preliminary Plat when it goes to the City Council for approval. The land to be dedicated is typically part of the parcel that triggers it. However, most dedications in the recent past have been payment in lieu of since the City already has an established park system. The payment will go into a fund to be used to buy land where it is supported by the Park Master Plan.

Chair Murphy inquired about a park in the original Applewood.

Mr. Paschke stated there was an existing pond area. It was redone, and land was dedicated to create a park area for the residential that went in there.

Member Bull inquired if Portillo's has a bearing on the decision to replat.

Mr. Paschke stated they do not. This area could be split off and it could go to anyone.

Member Bull inquired if they knew how many parking spaces they would lose to this replatting and how many have recently been added with the recent construction of the parking deck.

Mr. Paschke responded he is unsure if there was a net loss or gain after Von Maur built the parking structure.

Chair Murphy recalled it was a gain in parking, but was unsure how much.

### **Public Comment**

Chair Murphy closed the public hearing at 7:30 p.m.; none spoke for or against.

### **Commission Deliberation**

#### **MOTION**

**Member Kimble moved, seconded by Member Bull to recommend to the City Council approval of the Preliminary Plat for Rosedale Center Sixth Addition, based on the comments and findings stated in the report dated January 3, 2018 (PF17-022).**

**Ayes: 7**

**Nays: 0**

**Motion carried.**

- c. Consideration of a Request by Hunter Development Group and JCPenney Properties, Inc, for a Drive-through as a Conditional Use at County Road B2 and Fairview Avenue (PF17-023)**

Chair Murphy opened the public hearing for PF17-023 at approximately 7:31 p.m.

City Planner Paschke summarized the request as detailed in the staff report dated January 3, 2018. He reported the zoning ordinance permits restaurants, but drive-throughs require a Condition Use Permit. He directed the Commission to page 52 of the meeting packet, and reported the request will meet the general and specific use criteria. He highlighted the following general conditional use criteria:

#### **General Conditional Use Criteria:**

- a. *The proposed use is not in conflict with the Comprehensive Plan.*
- b. *The proposed use is not in conflict with a Regulating Map or other adopted plan.*



- c. *The proposed use is not in conflict with any City Code requirements.*
- d. *The proposed use will not create an excessive burden on parks, streets and other public facilities.*
- e. *The proposed use will not be injurious to the surrounding neighborhood, will not negatively impact traffic or property values, and will not otherwise harm the public health, safety and general welfare.*

Mr. Paschke reported the Planning Division believes the conditional use does meet these requirements. The increase in traffic has been reviewed by the City Engineer and Public Works Director, and they have concluded traffic on County Road B2 and Fairview Avenue will not be impacted negatively.

Mr. Paschke provided the following information on the specific conditional use criteria as it relates to the drive through:

Specific Conditional Use Criteria:

- a. *Drive-through lanes and service windows shall be located to the side or rear of buildings and shall not be located between the principal structure and a public street except when the parcel and/or structure lies adjacent to more than one public street and the placement is approved by the Community Development Director.*

Mr. Paschke explained the plans have been reviewed and there is more of a presence along Fairview Avenue. The drive-through circles around due to the unique lot shape and to allow for appropriate stacking. They have worked with Portillo's and staff finds it acceptable.

- b. *Points of vehicular ingress and egress shall be located at least 60 feet from the street right-of-way lines of the nearest intersection.*

Mr. Paschke pointed out the nearest intersection along County Road B2. The Public Works Department and City Engineer are supportive of the proposed drive-through and internal circulation design.

- c. *The applicant shall submit a circulation plan that demonstrates that the use will not interfere with or reduce the safety of pedestrian and bicyclist movements. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with on-site parking/circulation.*

Mr. Paschke reported the drive-through lane will be on the outer edge of the parcel, with parking in the middle. He pointed out where the pedestrian circulation would come in, along with the crosswalks and walk lanes.

- d. *Speaker box sounds from the drive-through lane shall not be loud enough to constitute a nuisance on an abutting residentially-zones property or property in residential use.*

Mr. Paschke noted the requirement does not apply because the drive-through lane is not adjacent to a residential property. He pointed out where the speaker box will be located and the additional screening and landscaping that will buffer that area.

- e. *Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.*

Mr. Paschke stated the proposed plan does not have this.

- f. *A 10-foot buffer area with screen planting and/or an opaque wall or fence between six and eight feet in height shall be required between the drive-through lane and any property line adjoining a public street or residentially zoned property or property in residential use and approved by the Community Development Department.*

Mr. Paschke pointed out where the proposed fence will be on the property. They are currently working on the type of fence and landscaping that will be incorporated.

Mr. Paschke reported the Planning Division recommends approval of the Conditional Use Permit based on the submitted site and development plans, subject to the following condition:

- a. The applicant shall work with the Planning Division on an acceptable fence and landscape screen design for the drive-through lane adjacent to County Road B2 and a portion of Fairview Avenue.

In response to Member Bull, Mr. Paschke pointed out the proposed fence locations on the map. He stated the fences will aid in blocking headlights onto the public streets and provide screening.

Member Bull inquired what numbers were used to analyze the traffic patterns and if they conducted a study on the internal traffic through Rosedale.

Mr. Paschke responded Portillo's provided a study to the Public Works department that is included in the packet. He also believes they took the one-way flow through Rosedale into consideration.

Member Bull recognized the conditional use would stay with the property if Portillo's changed into something else in the future. He noted another aspect of the permanent conditional use could be related to the noise from the speaker coupled with the potential to redevelop this area into mixed-use. Currently there is no residential in this area, but that may not be true by 2040.

Mr. Paschke confirmed this. If a new use were to come forward for permitting, they could determine at that time if additional information was needed related to traffic.

Staff's greatest concern is how the public roads are impacted and the internal traffic is not as great of a concern. They will address other concerns as things change, which is standard in any type of redevelopment.

Member Sparby requested additional information on the type of drive-through at Portillo's.

Mr. Paschke responded he is unsure how Portillo's conducts the operation of moving vehicles. The Planning Division reviews how it would operate under a standard condition, if there is conflict present, and if there is adequate stacking.

Chair Murphy inquired if the fence needs to come further to the south. If someone is turning in the inside turn lane from northbound Fairview to eastbound B2, headlights may be an issue.

Mr. Paschke stated they just received the updated plan. There are still things that need to be worked on, and it is possible the fence needs to be adjusted.

Member Sparby noted when people are exiting drive-through, their headlights will be pointed in the opposite direction of the one-way.

Mr. Paschke commented they did consider this, but it is how the entire parking lot functions.

Member Brown inquired about the entrances and exits to the site, noting that during the holidays, that area gets backed up.

Ms. Paschke confirmed the drive-through exits onto the internal roadway of Rosedale Center. The site has two ingresses and two egresses, and there will be some shared parking on the other side of the internal roadway. The site flows well and if there were more entrances, it would cause additional conflicts. During the holidays, no matter where you are in that entire area, it is going to take some time to get out. It is something that is going to occur, and he would not define it as a concern.

Member Kimble inquired if they have taken into consideration the success and traffic issues Portillo's had in Woodbury when they looked at the stacking on this site.

Mr. Paschke stated the traffic issues were probably around when it first opened. He did not notice traffic issues when he was in Woodbury over the holidays.

Member Gitzen inquired if another condition should be preliminary and final plat approval and recording.

Mr. Paschke stated they could record the approved conditional use on a land description that would encompass this area for this particular use. It would be Lot 2, Block 1 of Roseville 6<sup>th</sup> Addition. A plat is not needed for a conditional use.

### **Public Comment**

Peggy Hart, Vice President of Real Estate for Portillo's, Will Matzek with Kimley Horn, and Wendy Hunter, with Hunter Development Group representing Portillo's introduced themselves to the Commission.

Ms. Hunter noted the Woodbury Portillo's site is much more restrictive and this proposed site has a much longer access and loading area for the drive-through. This is a prime layout and they would be fortunate to have this at every Portillo's site.

Member Sparby requested clarification on how the drive-through works.

Ms. Hart responded she has been a customer of Portillo's for 30 years and they are best in class for drive-through. She also worked the drive-through at one of their sites during the opening month. As cars enter the drive-through lane, a worker will take the order on a tablet which is then transmitted into the store. At this time, a colored tag is put on the car. The customer will then drive a little further to where someone will take payment. As they proceed further, they will be directed into two lanes, depending on how long the order is going to take. Workers will then walk the order out to the car based on the color of tag on the car. People in the inner lane will be waiting for food. The workers will be maneuvering people to the outer lane through cones that they move around to direct the cars out. If there is an order that is taking a while to be completed, there is an additional staging area out of the lanes where the customer is directed to wait. Due to the number of people working the drive-through, there are very few cars actually waiting for food on a typical day. They will have six to eight people working during a typical rush and more people can be moved out there if needed. When it is dangerously cold or during lightening, they do not have people working outside with the drive-through.

Ms. Hunter noted the drive-through is set up as a standard drive-through and the employees are out there during the peak hours.

Ms. Hart explained when the extra drive-through employees are not present, the orders will be placed though the microphone by the menu board, then paid for and picked up at two different windows.

Member Sparby inquired about the project timeline.

Ms. Hunter responded if this is approved by the City Council on January 22, 2018, they hope to begin construction in mid-May and open in November.

Chair Murphy closed the public hearing at 8:02 p.m.; as no one else appeared to speak for or against.

### **Commission Deliberation**

Member Bull commented he likes the design and queuing, that there are no headlights facing residential, and that ample screening is included toward County Road B2.

**MOTION**

**Member Bull moved, seconded by Member Sparby to recommend to the City Council approval of a Conditional Use for the subject property, based on the comments, findings, and condition in the report dated January 3, 2018 (PF17-023).**

**Ayes: 7**

**Nays: 0**

**Motion carried.**

Chair Murphy advised the next Commission meeting will be on January 24, 2018 for discussion relating to the Comprehensive Plan.

Community Development Director stated the Planning Committee will be meeting with the Community Advisory Group for the Rice-Larpenteur project at the end of January. The project consultant will give a presentation on the project to the City Council at the end of February.

**8. Adjourn**

**MOTION**

**Member Kimble, seconded by Member Bull to adjourn the meeting at 8:06 p.m.**

**Ayes: 7**

**Nays: 0**

**Motion carried.**