



**Planning Commission Regular Meeting  
City Council Chambers, 2660 Civic Center Drive  
Minutes – Wednesday, December 4, 2019 – 6:30 p.m.**

**1. Call to Order**

Chair Gitzen 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 Gitzen, City Planner Thomas Paschke called the Roll.

**Members Present:** Chair Chuck Gitzen; Vice Chair Peter Sparby, and Commissioners Michelle Kruzel, Tammy McGehee, Michelle Pribyl and Karen Schaffhausen.

**Members Absent:** Julie Kimble.

**Staff Present:** City Planner Thomas Paschke, Senior Planner Bryan Lloyd, Community Development Director Janice Gundlach

**3. Approve Agenda**

City Planner Thomas Paschke indicated the applicant asked to have Item 6A (Consider a Request for a Conditional Use to Allow Two Drive-Throughs at 2465 Fairview Avenue PF19-023) removed from the agenda. He noted this item will be back before the Planning Commission at the January 8, 2020 meeting.

**MOTION**

**Member Sparby moved, seconded by Member Pribyl, to approve the agenda as amended.**

**Ayes: 6**

**Nays: 0**

**Motion carried.**

**4. Review of Minutes**

**a. November 6 Planning Commission Regular Meeting**

Chair Gitzen indicated there were actually six people at the meeting but the motions reflected only five as voting on the approvals. He also noted the roll call was done by Community Development Director Janice Gundlach.

Member McGehee handed out her changes to the Commissioners and asked staff to put her corrections into the meeting minutes.

The Commission indicated the changes Commissioner McGehee made were acceptable.

**MOTION**

**Member Kruzel moved, seconded by Member Pribyl, to approve the November 6, 2019 meeting minutes as amended and incorporating the changes by Commissioner McGehee.**

**Ayes: 6**

**Nays: 0**

**Motion carried.**

Commissioner Schaffhausen arrived at 6:37 p.m.

**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.*

Chair Gitzen noted the January Planning Commission meeting will be January 8, 2020.

**6. Public Hearing**

- a. Consideration of a Request For A Conditional Use To Allow Two Drive-Throughs At 2465 Fairview Avenue (PF19-023)**

This item was removed from the agenda.

- b. Consideration of a Request For Approval Of An Amusement Area As A Conditional Use At 1975 Oakcrest Avenue (PF19-024)**

Chair Gitzen opened the public hearing for PF19-024 at approximately 6:39 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 6, 2020.

Senior Planner Bryan Lloyd summarized the request as detailed in the staff report dated December 4, 2019. He reported in addition to the one person who emailed staff before the report was finished and asking questions about safety, today staff received an email inquiring about if an evaluation was done about the liquor license that would have to go along with this. He noted staff has not evaluated the liquor license and not typically something that is looked at in zoning recommendations from the Planning Commission.

Member Pribyl indicated city Code definition for Amusements excludes restaurants and bars so if the Conditional Use permit would be for the amusement would that mean that portion of the potential program is something that is not being addressed because it will be covered separately.

Mr. Lloyd explained the part of the city Code that defines what an Amusement Area is excludes any of those things that otherwise seem to fit the definition if in a restaurant. It is one of the things he was considering as well and if there is food and alcohol served in this establishment can it be called a restaurant but since the minority of the area involved is food and alcohol related reasonably it cannot be called a restaurant. The food and alcohol portion are not really spoken to, especially in a situation like this where it is a small portion of the overall space. That does not exclude the rest of the things from the requirements of an amusement area and he did not think the definition of an amusement area says anything in particular about food and alcohol sales.

Member McGehee indicated the city licensing and policy does not have bars and this item would constitute more of a bar setting because the city's own recommendation are they have to be a restaurant or on-sale and have to have 25% of the proceeds in food and if the business is just selling packaged snacks and alcohol she really questioned having alcohol in an area where there are escape rooms, ax throwing and rage rooms and the fact that it does not meet any of the current guidelines for alcohol licensing. It seemed to her that it is a rather major issue unless it makes no difference to the applicant whether to have alcohol or not. She thought this spoke more directly toward a larger question in the city as it is now seeing an influx of these "Amusement areas" and what constitutes amusement in Roseville.

Mr. Lloyd explained from a zoning standpoint, from the perspective of reviewing this conditional use application, whether there is a food an alcohol component to it does not make or break the overall analysis. If in fact a liquor license cannot be issued or is not issued for this venue that does not mean the rest of amusement area could not be approved.

Member McGehee agreed but given the public comment that the city has received in written form and given the fact that it does not conform to the city code she thought as a Commission receiving public input the question should be raised and put it forward to the Council so it is on their radar as the sketch comes forward.

Member Sparby added that he had a question about the additional components that have been added into the recommended action. He viewed these as outside the scope of the Planning Commission. When talking about the insurance policy that is submitted to the police and the fire department wanting to do their inspection to make sure there are emergency exits and then some requirements about sufficient parking. He felt like these all seem to be business concerns, hoops the applicant will have to jump through to actually get the business up and running. He indicated he was a little

confused as to why the additional components were a part of the Planning Commission recommended action.

Mr. Lloyd explained the booking and traffic management does relate to typical Planning Commission concerns for traffic flow and pedestrian safety. Since part of the city code does conflate the business license for amusement with conditional use consideration for an amusement, there is a bit of a gray area in what is part of the review.

Member Sparby asked if the applicant was given the conditional use it would still be required to have the business license.

Mr. Lloyd indicated that was correct.

Mr. Paschke noted the applicant would still need to get the liquor license as well.

Member Schaffhausen did not think there is anything holding this applicant up specific prevue to land usage yet there is still the hovering question with regard to amusements. She asked what the next steps would be to certify alignment with that because this is an enormous amount of work on staff's part as well as in the business person's part to put this information together and if it is ultimately going to be covered under the business license she would rather have this information be covered in a way to the question Commissioner Sparby indicated as far as why are there certain actions in there. It really seems to be under that umbrella ultimately. She wondered if there is something that the Planning Commission can do to help facilitate that because the volume of work both on the business end as well as on staff end is quite significant.

Mr. Paschke explained at the joint meeting this was discussed and takes a few months for staff to decide what to do with the code and whether a conditional use is still necessary, whether it goes away and what changes. It allows staff to look at what the city has to tweak it to something more appropriate and that takes time and will need to go through whatever process is needed and may take a couple of months for something to come back to the Planning Commission for a code amendment.

Chair Gitzen thought all of these were good comments but he asked the Commission to go back to the agenda item.

#### Patricia Wood

Ms. Wood explained she owned the Hidden Puzzle Rooms, LLC and wanted to address the concern regarding food and alcohol. She indicated she is not seeking an intoxicating liquor license. She is seeking a 3.2 beer license and after speaking to Ms. Katie Bruno she indicated there is no food requirement for that license but her plan of having a snack stand would be sufficient. She explained she was not set on having beer there if denied and she was fine with that. She wanted to include the low point beer and snacks to be competitive with the other ax throwing venues within the state. The other concern was from the Fire Department regarding the escapes, the buttons

for the doors and is something that is currently being used and will definitely be used at this venue as well. She noted she will be working with an insurance company that specializes in ax throwing and rage rooms and escape rooms.

Member Kruzal asked how many people at one time might be at the venue.

Ms. Wood explained everything is pre-booked and currently less than two percent walk in traffic and everything else is booked online. She did not anticipate needing more than fifty-sixty parking spaces at one time.

Member Sparby was curious about the building itself because it states it is a multi-tenant and he wondered how many tenants are in the building now.

Someone from the audience indicated there would be five tenants.

Member Sparby asked from the five tenants is there sufficient parking.

Ms. Wood indicated there would be because the other tenants are in the building during the day and her business peak hours are on the weekend with some weekday evenings but mostly weekends.

### **Public Comment**

#### **Mr. Mark Rancone, Roseville Properties**

Mr. Rancone indicated Roseville Properties own the building. He explained his company owns nine other buildings in the area and are not looking for certain kinds of venues on their properties. This building is a mixed tenant building. This particular space is at the end of the building and has had trouble getting a tenant to rent. He thought clientele would be a little more upper level and sophisticated. He indicated his company vetted this business and the history of it and how it has been run and thought this would be a good venue for the building space. He thought it was worth taking a chance on this type of a business.

#### **MOTION**

**Member Sparby moved, to recommend to the City Council approval of the proposed Amusement Area as a Conditional Use at 1975 Oakcrest Avenue (PF19-024), based on the content of this RPCA, public input, and Planning Commission deliberation.**

#### **Commission Deliberation**

Member McGehee asked for clarification on the motion.

Member Sparby indicated he left the conditions out because through discussion staff indicated those items will be part of the business licensing process and he did not view these conditions as something the Planning Commission can really dig into with the Conditional Use. He would like to keep it at approving the Conditional Use for

the Amusement and not get into all the additional requirements that will come when seeking out a business license for this.

The Motion failed for lack of second.

**Member Gitzen moved, seconded by Member McGehee, to recommend to the City Council approval of the proposed Amusement Area as a Conditional Use at 1975 Oakcrest Avenue (PF19-024), based on the content of this RPCA, public input, and Planning Commission deliberation with the following conditions:**

- A. Pursuant to the memo from Police Department staff in Attachment D of this RPCA, the applicant shall submit an extra copy of the insurance policy required among the license application materials, which City staff will provide to the Police Department for review.**
- B. Pursuant to the memo from Fire Department staff in Attachment D of this RPCA, all locked escape rooms shall have emergency release equipment located within the rooms near the doors for emergency and panic exists.**
- C. Hours of Operation and Pre-Booking of Business shall be managed, as described in the applicant narrative in Attachment C, to ensure sufficient parking and circulation can be maintained throughout the multi-tenant site.**
- D. A business license is secured in accordance with City Code.**

Chair Gitzen explained he would leave the conditions in the motion and felt it was appropriate. The Development Review Committee looked at this and he thought there were some concerns and he thought it was a way, whether handled through the business license or elsewhere, he thought it was pertinent to the conditional use.

Member McGehee agreed with the points and should be included. She thought the research went into this and was important to have a complete packet go to the Council.

Member Sparby asked if the Conditional Use ran with the applicant or the property.

Mr. Paschke indicated it ran with the property.

Member Sparby asked if it was then on the property owner to manage the parking.

Mr. Paschke thought that was correct. Even if it was not a Conditional Use, it would be up to the property owner to manage the parking.

Member Sparby felt Condition C was odd to throw on this about pre-booking a business when the property owner has multiple tenants. He was not in favor of Condition C being in this because it is on the property owner to work with the tenants there to ensure there is sufficient parking. He did not want to put too many conditions in here.

Member McGehee thought the conditions were fine and belong on the property owner and in this case, there is an extremely responsible property owner and will see to it this is enforced. She would rather have it on the property owner rather than the business because the property owner has a much more vested interest in what is there and the city has had trouble with some property owners but Roseville Properties runs very good properties and the owner obviously felt strongly enough to come and help this tenant to come forward and made a very strong case.

Chair Gitzen thought Condition C was appropriate to bring it into the component conditions the Commission is recommending approval for.

**Ayes: 5**  
**Nays: 1 (Sparby)**  
**Motion carried.**

**c. Consideration of a Request For A Conditional Use For Limited Warehousing And Distribution At 2830 Fairview Avenue (PF19-025)**

Chair Gitzen opened the public hearing for PF19-025 at approximately 7:17 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 8, 2020.

City Planner Paschke summarized the request as detailed in the staff report dated December 4, 2019. He noted Chair Gitzen spoke to the Community Development Director regarding some concerns he had, and conditions can be added after Commission deliberation if needed. No public comment has been received.

Member Kruzal explained if there was any theft or burglary of the area how it would be secured or protected. She wondered if there would be a security system.

Mr. Paschke indicated the security would be private and the city would not be responsible for securing the site or building or individual art.

Mr. Chris Kirwan

Mr. Kirwan explained he was with A2 Art Storage and Services, LLC. He indicated he did not have a lot to elaborate on besides what Mr. Paschke presented. He noted this will be the first institutional level art service and storage business in the Twin Cities and is very excited for the opportunity and to make this work.

Member Pribyl asked Mr. Kirwan if he had experience with this type of storage at this level.

Mr. Kirwan explained his company has a lot of experience with self-storage and have been in the self-storage business for a long time. This is not self-storage and his organization was looking for a new and different business to get involved with. His company has been approached by several large institutions with whom ongoing discussions are going on. Part of this is the typical warehouse storage business but

there is also a lot of small collectors and galleries that would like to have secure storage.

Member McGehee asked if the photos in the packet what Mr. Kirwan is anticipating having displayed in the warehouse because she knew this building has the high ceilings.

Mr. Kirwan indicated the ceiling is different heights throughout the building and this display area will be in the office area where the ceiling will be lower, and the lighting will have the art gallery feel and look to it. There will be professional art handlers on staff along with a professional museum registrar to help set it up to the standards.

Member Schaffhausen indicated she was familiar with this property and wondered if there were any outside issues with regard to use of space and what or may not exist in that parking lot.

Mr. Paschke believed there was not a concern because all of those things are regulated by other sections of the code.

Member Sparby asked where this stood as far as insurance and emergency exits and the business license on this one.

Mr. Kirwan explained regarding the insurance there are other businesses like this throughout the Country and Lloyds of London underwrites a policy for these types of facilities. Since the property has not been acquired yet, the plans are not finalized, and he did not have the policy yet but will get one and will provide to the Police Department once obtained. He noted as far as fire safety went sprinklers were an issue and most of the building is sprinkled already and his business will be putting in an updated delayed action system and will be an improvement of what is currently there and will cover the entire building. With regard to exists and things like that improvements will be approved and through the proper channels for review.

Mr. Paschke indicated the following condition could be added to the motion if the Commission prefers. "Incorporation of the recommendations in the inner-office memorandums from the Police and Fire Chief". He noted this Conditional Use is different from the last Conditional Use in that there are not those types of requirements that staff would review this Conditional Use against and there is not a business license that has all of those things in it either. There is a difference between the two and the applicant is not against adding the condition.

Mr. Kirwan explained he would rather have this approved without any conditions. His understanding about the way things work is that his business would not be able to get a certificate of occupancy unless the law enforcement folks signed off on anything and if the insurance issues is not coordinated then that would be an issue. In order to close on the property, it would be cleaner, from his perspective to have the use without the condition.



Community Development Director Janice Gundlach explained in regard to the inner office memorandums, the intent behind those is to get comments to applicants early on so the applicant does not get through the conditional use process and move into phases that cost a lot of money in regards to using the building and applicable building codes or get surprised by things from the Police and Fire Departments. Mr. Kirwan will require a CO for her use but that is only reviewed by building and fire and she suggested that there is no harm in including the Police Chief's memorandum, so the Police Department requirements or concerns are voiced to the applicant very early on.

Mr. Kirwan indicated it that was the case then he would not have an issue.

### **Public Comment**

No one came forward to speak for or against this request.

#### **MOTION**

**Member McGehee moved, seconded by Member Kruzal, to recommend to the City Council approval of the Conditional Use for A2 Art Storage & Services based on the comments and findings stated in this report and the CU documents contained herein with the additional conditions by the Fire and Police Departments memorandum. (PF19-025).**

#### **Commission Deliberation**

Member McGehee commented she was excited for the project coming to Roseville and thought this was an interesting building and progressed nicely. She thought this has a lot of parking in the back and nice storage in the front and all issues surrounding it previously have been resolved.

Member Kruzal thought it innovative to see new business like this come into Roseville.

Member Sparby thought irrespective of the type of business, he would like to see the conditional uses be kept as clean as possible. He thought this was a great proposal that he would like to see move forward.

Chair Gitzen indicated he was in favor of this.

**Ayes: 6**  
**Nays: 0**  
**Motion carried.**

#### **7. Adjourn**

**MOTION**

**Member Kruzel, seconded by Member Pribyl, to adjourn the meeting at 7:37 p.m.**

**Ayes: 6**

**Nays: 0**

**Motion carried.**