



**Planning Commission Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Minutes – Wednesday, January 5, 2022 – 6:30 p.m.**

1. Call to Order

Vice Chair Pribyl 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 Vice Chair Pribyl, City Planner Thomas Paschke called the Roll.

Members Present: Vice Chair Michell Pribyl, and Commissioners Michelle Kruzal, Tammy McGehee, Karen Schaffhausen, Erik Bjorum and Emily Leutgeb.

Members Absent: Chair Julie Kimble.

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

3. Approve Agenda

MOTION

Member Bjorum moved, seconded by Member McGehee, to approve the agenda as presented.

Ayes: 6

Nays: 0

Motion carried.

4. Review of Minutes

a. November 3, 2021, Planning Commission Regular Meeting

MOTION

Member McGehee moved, seconded by Member Leutgeb, to approve the November 3, 2021, meeting minutes.

Ayes: 6

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.*

Member Schaffhausen indicated the Planning Commission Members received an email from a resident regarding the use of parking spaces at HarMar Mall and she wanted to acknowledge that the information was received and while it is not on the agenda for discussion, the Commissioner appreciated the comment and input.

City Planner Paschke indicated the Joint meeting with the City Council this month is on January 31, 2022 and will be a virtual meeting for Planning Commission members. He also noted Mayor Roe is planning to extend the declaration allowing for Planning Commission members to attend meeting virtually. Staff anticipated February will be a virtual meeting other than staff being present to allow the public to attend the meeting and to provide staff presentations related to those items.

Member McGehee commented on the housing development by Byerly's. She questioned the car wash and did not think it was a use that fits there from a safety and traffic perspective. The City should think of those spaces in terms of the needs of that very dense community and look to things that the residents may need and do not have in the immediate vicinity and particularly walkable. She thought maybe a laundromat might be appropriate there. She thought that space should be looked at from a planning perspective as a space to serve the community there.

Mr. Paschke explained the open house is not necessarily related to the development but is for a major plat. It is for the lots that will be developed for the uses that will ultimately go on that property. As much as staff would like to try to have certain things on that property and be able to manage those uses, what is allowed under the Code, whether permitted or conditional are the things that can go there and staff does not have a lot of power and authority to regulate certain types of uses that might be more useful or helpful in that area than anywhere else in the City.

Member McGehee understood that but brought up the issue for the City and the Council to think about what should be done and could be done for the residents in the area rather than constantly accommodating the builders.

6. Public Hearing

- a. **Consider a Request by Gateway Washington, Inc. and Chase Bank for a Conditional Use to Allow a Drive-Through ATM at 2100 Snelling Avenue (PF21-025)**

Vice Chair Pribyl opened the public hearing for PF21-025 at approximately 6:39 p.m. and reported on the purpose and process of a public hearing. She advised this item will be before the City Council on January 24th or January 31st.

City Planner Paschke summarized the request as detailed in the staff report dated January 5, 2022.

Member Bjorum explained on the landscaping plan staff mentioned the fencing component, but he did not see any physical fencing on the plan. He wondered if that was part of the agreement with the applicant, to provide physical fencing or was it just the landscaping component.

Mr. Paschke indicated there is a requirement for the applicant to provide a fence screen consistent with that section of the code. He thought that attachment might not have been included in the packet but that would be necessary to comply with that last criterion.

Member McGehee noticed under Condition C that if any changes need to be made to the circulation plan for whatever reason, it would require an amendment. She wondered how that amendment is initiated and what is required to pass it.

Mr. Paschke thought if there is any change to the circulation plan, based on an approval at the Planning Commission, it would require the applicant to come back before the Planning Commission to amend that. It is not to suggest the Planning Commission could not suggest a change today and have that approved if everyone agreed with it, but it is whatever plan is approved by the City Council, if there is a change in the future, after that plan is approved, it must go back through a Conditional use (CU) process.

Member McGehee indicated she understood that but because she thought there was a little bit of a bottleneck there and since staff believes this will not receive heavy use, she thought it might be ok, but if it turns out that this is a problem for pedestrians or for traffic management there when the cars come out of those boxes, if that should be the case, what would be the process for the City to indicate the Drive-Through is not working very well.

Mr. Paschke explained if the drive-through becomes problematic, he thought staff has the ability to say the design is not working and will need to be reviewed for modifications to it to correct whatever the problem is and then if there is a change that is ultimately determined and needs to be put in place staff would have to go back through the process in order to amend the plan and have the applicant make the change.

Member Schaffhausen indicated when Rosedale made the adjustment to how the traffic flowed, how much did the City participate in that discussion or was it a decision where Rosedale made the decision on their own and the City was responsible for the land use.

Mr. Paschke explained the Planning Department, Community Development really had no say in what occurred out there. That is more of a transportation, City Engineer issue. He knew there were traffic studies that were necessary to determine how best to design it and how it was all going to operate so that there would not be problems. The Engineering Department, Public Works Director and City Engineer would have reviewed that with their consultants and reached those conclusions that based on the proposed plans that the two way was fine to implement and approved it.

Member Schaffhausen indicated the reason she brought this up is that this particular corner is very busy to the point of bottleneaking, so she has thought about the crosswalk and fears the person that is in the crosswalk and also a person that is on the phone. Her question was how much the City has to say that this is sufficient, and she agreed that there is not enough traffic, but she has been a user of this corner enough to be curious about what role the City can play in keeping people safe. It sounds like the City has done to the best of its ability what it can.

Mr. Paschke indicated that was correct. He preferenced it to say if the Planning Commission supports the drive-through in this location, which staff believes is a suitable location for the drive-through, seeing how it is designed basically where the traffic is going in the appropriate direction and existing in an area that is appropriate, in essence at an intersection. He thought if staff has put in enough measures, signage and the speed table and the striping and things, in his mind, is the best staff can do to protect pedestrians.

Member Schaffhausen asked how the crosswalk played into the development. She wondered if the crosswalk was even considered a part of this longer reaching aspirations for redevelopment of HarMar.

Mr. Paschke explained any large-scale redevelopment is going to include many different things. This is not necessarily a part of that. It basically is a connection from existing systems that are already there to provide better protections for the people that are currently using it without having any protection at all. It is not necessary on this broader scale because the City does not know what that is.

Mr. Brian Wurdeman, design engineer for the applicant was at the meeting for questions.

Member McGehee wondered if would help if this was moved back a little bit from the intersection, the actual canopy. She indicated she did not have any objection but somehow the closeness of the exit of the canopy structure on the corner, if there is not going to be that much traffic and they do allow for queuing, it seemed like this could go around the corner and que and still have the actual canopy back just a little back further from that intersection and the crosswalk.

Mr. Brian Wurdeman, Kimley, Horn and Associates, explained from an engineering perspective he thought it works but they can look at that. He thought the bigger

question might be with the ques that are stacking there. They would have to work with Chase to identify what their corporate standard is for ques and their ATM lanes. They want to make sure the ques are staying within their defined area and not stacking back further into the parking area.

Vice Chair Pribyl thought where it is located now cars are not going to be picking up speed to get to the pedestrian crosswalk so there might be some advantage to keeping it where it is.

Public Comment

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

Vice Chair Pribyl closed the Public Hearing at 7:08 p.m.

MOTION

Member Leutgeb moved, seconded by Member Kruzel, to recommend to the City Council approval of a Conditional Use for 2100 Snelling Avenue, allowing a Drive-Through on the Subject Property Based on the Comments, Findings, and Three Conditions Stated in the Report. (PF21-025).

Ayes: 6

Nays: 0

Motion carried.

b. Consider a Request by Jones Lang LaSalle for Approval of Drive-Through as a Conditional Use for a Proposed Panera Bread at Rosedale Center (PF21-021)

Vice Chair Pribyl opened the public hearing for PF21-021 at approximately ? p.m. and reported on the purpose and process of a public hearing. She advised this item will be before the City Council on either January 24th or January 31st.

City Planner Paschke summarized the request as detailed in the staff report dated January 5, 2022.

Member Schaffhausen asked if the corner that is being talked about is the bus lane.

Mr. Paschke indicated part of it is used by the bus, part is used by delivery trucks and the rest is utilized by customers and is not a dedicated bus lane.

Member Schaffhausen recognized that as a person who has traveled this space and watching it, she was not sure there will be a high amount of pedestrian traffic, but this is going to be some sort of actual, intentional spot to redirect traffic to turn around and fix basically what happens now. She thought that was smart and still creates the potential problem where the right hand facing corner is a little bit of a mess right now because people do not know if they are turning into the bus lane and people hustle around the corner to go on the outside of the buses and some people actually follow the road all the way around, depending on the day. She wondered that since the

applicant is trying to fix the turnaround, if it might be of benefit for them to consider how to create something that makes it easy for buses. She was concerned with cars starting to go and bump in front of the buses and deter the already funky corner. She noted she was not suggesting a traffic study but because the applicant is already fixing it, they might want to consider some signage or a table or some way to keep people in traffic so that it does not make it worse.

Mr. Paschke indicated staff is aware that Metro Transit is looking at making some improvements out there in the future. There is continued discussion on making improvements to their facility and at that point in time staff could look at some further improvement. He thought there was signage out there but people do not pay attention to it so they go right to the bus lane because there are other cars in front of them and they can short cut to take a right-hand turn and get up to wherever they want to go. That is something staff is aware of and something that might be difficult to remedy because without a dedicated lane and gates and those type of things people are just going to, by habit, try to short cut it. As a part of the EAW there is a requirement along with the broader pedestrian safety issues within Rosedale Center. There also is a requirement on way finding which may be another way this can be addressed.

Member Kruzel pointed out if further redevelopment happens at the old Ferber spot that is going to cause even more traffic flow issues. She thought because there is two-way traffic now it may benefit this spot versus the way it was before.

Member McGehee asked if the City had any statistics or was staff thinking of collecting any statistics on traffic incidents between cars and pedestrians and cars and cars related to these new outlot developments at both HarMar and throughout a lot of the City's commercial area.

Mr. Paschke was not sure if the City had any statistics on those things. The Planning Department is not keeping anything like that. He noted the Police Department might have information on that if needed.

Vice Chair Pribyl indicated regarding the pedestrian connection, many people going to Panera and the Shake Shack will probably be driving and parking in the lot but the report says that employees might be parking elsewhere to reserve the parking to customers or people going to the movies might want to walk over for food so presumably the crosswalk will get used but from her memory and the drawing, it does not look like there is any way if parking to the northwest of the AMC Theatre in the lot where Panera is that a person could really get around the corner because the egress stair from the theatre goes almost all the way to the curb and not a way for pedestrians to get around without stepping into traffic. She wondered if there was any way to create more pedestrian space going to the southeast.

Mr. Paschke thought the issue would be overall width of the drive area and pedestrian lane. He reviewed the sketch plan of the area with the Commission.

Mr. Brian Wurdeman, design engineer for the applicant was at the meeting for questions.

Public Comment

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

Vice Chair Pribyl closed the public hearing at 7:41 p.m.

MOTION

Member Bjorum moved, seconded by Member Schaffhausen, to recommend to the City Council approval of a Conditional Use for Panera Bread on Lot 3, Block 1, Rosedale Center Fifth Addition, based on the Comments and Findings of the report and three conditions listed in the report. (PF21-021).

Ayes: 6

Nays: 0

Motion carried.

- c. Consider a Request by Jones Lang LaSalle for Approval of a Drive-Through as a Conditional Use for a Proposed Shake Shack at Rosedale Center (PF21-022)**

Vice Chair Pribyl opened the public hearing for PF21-022 at approximately ? p.m. and reported on the purpose and process of a public hearing. She advised this item will be before the City Council on either January 24th or January 31st.

City Planner Paschke summarized the request as detailed in the staff report dated January 5, 2022.

Mr. Brian Wurdeman, design engineer for the applicant was at the meeting for questions.

Public Comment

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

Vice Chair Pribyl closed the public hearing at 7:46 p.m.

MOTION

Member Kruzel moved, seconded by Member Leutgeb, to recommend to the City Council approval of a Conditional Use for Shake Shack on Lot 3, Block 1, Rosedale Center Fifth Addition, based on the Comments and Findings of the report and the three conditions listed in the report. (PF21-022).

Ayes: 6

Nays: 0

Motion carried.

7. Adjourn

MOTION

Vice Chair Pribyl adjourned the meeting at 7:48 p.m.

Ayes: 6

Nays: 0

Motion carried.