



CITY OF OAK PARK HEIGHTS PLANNING COMMISSION MEETING MINUTES

Thursday, June 9, 2016 – Oak Park Heights City Hall

I. Call to Order: Chair Kremer called the meeting to order at 7:08 p.m.

Present: Commissioners Anthony, Kremer, Nelson & Thurmes; City Administrator Johnson, City Planner Richards, and Commission Liaison Runk.

II. Approval of Agenda:

Commissioner Nelson, seconded by Commissioner Thurmes, moved to approve the Agenda as presented. Carried 4 – 0.

III. Adjourn to Annual Meeting: Chair Kremer adjourned to the Annual Meeting.

IV. Call Annual Meeting to Order:

Chair Kremer called the Annual Meeting to order at 7:09 p.m. and noted the matter of business was to elect a Chair and Vice Chair.

A. Chair & Vice Chair Election:

Commissioner Nelson, seconded by Commissioner Anthony moved to nominate Commissioner Kremer to a second term as Commission Chair.
Carried 3 – 0 – 1, Kremer Abstaining.

Chair Kremer moved to nominate Commissioner Anthony as Commission Vice Chair. Commissioner Anthony, seconded by Commissioner Thurmes moved to nominate Beth Nelson to a term as Commission Vice Chair.
Carried 3 – 0 – 1, Nelson Abstaining.

V. Adjourn Annual Meeting & Reconvene Regular Meeting: Chair Kremer adjourned the Annual Meeting and reconvened the regular meeting at 7:10 p.m.

VI. Approval of March 10, 2016 Meeting Minutes: Commissioner Thurmes, seconded by Commissioner Anthony, moved to approve the Minutes as presented. Carried 4 - 0.

VII. Department/Commission Liaison / Other Reports: None.

VIII. Visitors/Public Comment: None.

IX. Public Hearings:

- A. Driessen Group, LLC – Oak Park Heights Retail – Consider requests for Planned Unit Development (PUD)-Concept & General Plan, Conditional Use Permit (CUP) for a drive-through restaurant, Zoning District Amendment to B-2, General Business District, Preliminary & Final Plat, and Design Guidelines/Site Plan Review for proposed retail development at the SW intersection of 60th St. N. and Krueger Ln. N.

City Planner Richards reviewed and discussed the June 1, 2016 Planning Report to the request related to a proposed shopping center and restaurants with joint signage, access and parking to be located on a land parcel at the front of Menards, between it and the frontage road at Highway 36.

Commission discussion ensued as to the congestion and safety at the intersection of Norell Ave. and the frontage road and whether or not there were any plans to change the roadway area and/or intersection to improve traffic safety. City Administrator Johnson noted that the intersection is the Minnesota Department of Transportation's right-of-way and while the area is often spoken of, he is not aware of any planned changes to it.

Chair Kremer opened the hearing and invited public comment.

Scott Nelson – DJR Architecture introduced himself as representing the Driessen Group. Mr. Nelson stated that they did not have any issue with the conditions noted within the planning report and discussed how they determined the transparency calculation for the structure at Lot 3. Mr. Nelson clarified that there is only one drive through planned for the end of the retail structure at Lot 2 and that they are requesting 2 monument signs and 1 pylon sign and noted the proposed locations for them and discussed traffic visibility, turn around and pedestrian access for the site. Given approval, they would like to start construction of the retail structures as soon as late Summer.

Commission discussion ensued as to sign ordinance allowance for one sign at each entry area and the need for a variance if a third is desired, off site signage situation with Menard's sign from years ago and traffic/vehicle maneuvering.

There being no visitors to the public hearing, Chair Kremer closed the public hearing and invited additional Commission discussion.

Commission discussion commenced as to planning report conditions including, review of proposed building materials, awning design, Lot 3 structure façade transparency in relation to ordinance requirements. Commissioner Thurmes stated that he would like to have staff look at the turn radius at the SE corner or of Lot 2.

Commissioner Anthony, seconded by Commissioner Thurmes, moved to recommend that the City Council approve the request, subject to the amended conditions of the June 1, 2016 Planning Report; specifically, as follows:

- Zoning District Amendment to B-2 District
 - Planned Unit Development, Concept and General Plan
 - Preliminary and Final Plat Approval
 - Conditional Use Permit for a Drive Through Restaurant
 - Design Guidelines/Site Plan Review
1. The preliminary and final plat shall be subject to review and approval of the City Attorney and City Engineer.
 2. The City will not accept ownership of Outlot B.
 3. The site plan shall be subject to review and approval of the Fire Marshal.
 4. All grading, drainage, erosion control, utility plans and access driveways are subject to review and approval of the City Engineer. Storm water plans are also subject to review and approval of the Brown's Creek Watershed District.
 5. The Applicant shall obtain a driveway access permit from the Minnesota Department of Transportation.
 6. City Staff review and approval of the restaurant drive through is required when the building plans are submitted.
 7. The Applicant shall provide a snow removal plan or indicate if the snow will be hauled off site.
 8. The landscape plan shall be subject to the review and approval of the City Arborist. All required landscape plans shall be submitted to the satisfaction of the City Arborist.
 9. All mechanical equipment on the roof or on the site shall be fully screened in accordance with the provisions of the Zoning Ordinance.
 10. All light fixtures shall be full cut off, compliant with height requirements, and be consistent with Section 401.15.B.7 of the Zoning Ordinance as it relates to lighting requirements. Outdoor lighting for the parking areas shall be turned off one hour after closing, except for approved security lighting.
 11. All signs shall be designed to comply with the Zoning Ordinance requirements for size, number, placement and internal illumination.

12. The bases of the three pylon signs shall be landscaped and included on the landscape plan, subject to the review and approval of the City Arborist.
13. The Planning Commission was favorable to the building design and building materials. The applicant has provided building materials for Planning Commission review.
14. The Planning Commission was favorable to the proposed transparency of the front façade of the Lot 3 building.
15. A bike rack should be identified on the site plan and placed on site for each building.

Carried 4 - 0.

- B. MSP Commercial – Oak Park Heights Furniture Warehouse/Simonet’s – Consider requests for Preliminary & Final Plat, and Design Guidelines/Site Plan Review for proposed furniture warehouse.

City Planner Richards reviewed and discussed the June 1, 2016 Planning Report to the request related to a proposed Simonet’s Furniture Warehouse to be constructed upon currently vacant land located at Memorial Ave. N.

Commissioner Thurmes noted that he was professionally involved with the project and removed himself from the public hearing.

Chair Kremer opened the hearing and invited public comment.

Alex Young of MSP Commercial introduced himself and noted that he had Simonet’s owner, Michael O’Brien and Architect Douglas Feickert in the audience. Mr. Young clarified that the plan calls for two monument signs – one at each entry, and discussed the transparency locations in relation to the building layout and from the perspective of a store front.

There being no other visitors to the public hearing, Chair Kremer closed the public hearing and invited Commission comment.

Discussion commenced between the Commission, Mr. Young and Mr. Feickert as to the transparency layout, the up/down style light fixtures proposed to the building, the propose building materials and color composition.

Commissioner Nelson, seconded by Commissioner Anthony, moved to recommend that the City Council approve the request, subject to the conditions of the June 1, 2016 Planning Report; specifically, as follows:

- Preliminary and Final Plat approval
- Design Guidelines/Site Plan review

1. The preliminary and final plat shall be subject to review and approval of the City Attorney and City Engineer.
2. The site plan shall be subject to review and approval of the Fire Marshal.
3. The Applicant shall provide a snow removal plan or indicate if the snow will be hauled off site.
4. The landscape plan shall be subject to the review and approval of the City Arborist.
5. All grading, drainage, erosion control and utility plans are subject to review and approval of City Engineer. Storm water plans are also subject to review and approval of the Brown's Creek Watershed District.
6. All light fixtures shall be full cut off, compliant with height requirements, and be consistent with Section 401.15.B.7 of the Zoning Ordinance as it relates to lighting requirements. Outdoor lighting for the parking areas shall be turned off one hour after closing, except for approved security lighting.
7. The Planning Commission was favorable to the use of the up/down fixtures that will provide architectural lighting for the building facades.
8. All mechanical equipment on the roof or on the site shall be fully screened in accordance with the provisions of the Zoning Ordinance.
9. All signs shall be designed to comply with Zoning Ordinance requirements for night illumination.
10. The Planning Commission was favorable to the percentage of transparency on the building elevation facing Highway 15.
11. The Planning Commission was favorable to the building design and building materials.
12. A bike rack should be identified on the site plan and placed on site.

Carried 3 - 0.

Commissioner Thurmes returned to the meeting at 7:43 p.m.

- C. Kwik Trip, Inc. – Consider requests for B-3 Zoning District Text Amendment to allow motor fueling stations & car washes, Conditional Use Permit (CUP) for a fuel station, convenience store and car wash, Conditional Use Permit (CUP) for signage and exterior storage, Preliminary & Final Plat, and Design Guidelines/Site Plan

Review for proposed Kwik Trip Store at 58th St. N. & Minnesota Ave. N., S. of Stillwater Motors.

City Planner Richards reviewed and discussed the June 2, 2016 Planning Report to the requests related to the construction of a Kwik Trip convenience store, motor fuel station and car wash upon currently vacant land at the intersection of 58th St. N. and Memorial Ave. N.

Chair Kremer opened the hearing and invited public comment.

Scott Teigen, Vice President of Kwik Trip introduced himself and provided a brief history of Kwik Trip's presence and operations. Mr. Teigen discussed signage, noting that they could give up "Kwik Trip" sign on the canopy side facing the store and would also be willing to give up the diesel pricing on the east end of the diesel of the gas canopy. He feels that the signage on the diesel canopy is directional in nature in that it says "diesel enter and exit."

Discussion ensued with Mr. Teigen as to the anticipated percentage of customers anticipated to be utilizing diesel, proposed signage, building materials and color composition.

Mr. Teigen indicated that they are willing to commit to the right turn lane condition but would like to see the possibility of limiting the financial investment towards its development and time frame to do so, if it is found needed. City Administrator Johnson noted the existing condition of the intersection, noting that how it will function is uncertain and that input has been sought from Washington County. He noted that a flexible time line seems reasonable to address how it functions and what is needed; however, establishing a financial limit was something that could not be as easily addressed and that no estimate was presently available as to what the costs for the improvement would be.

Discussion ensued as to current traffic counts and estimated traffic counts at the area with the increased activity and proposed signage.

There being no other visitors to the public hearing, Chair Kremer closed the public hearing.

Commissioner Nelson, seconded by Commissioner Anthony, moved to recommend that the City Council approve the request, subject to the amended conditions of the June 2, 2016 Planning Report; specifically, as follows:

- B-3 District Amendment to allow motor fueling stations and car washes
- Conditional Use Permit for the motor fuel station and car wash use
- Conditional Use Permit for additional sign height, sign face size, number and square footage of signage
- Conditional Use Permit for exterior storage limited to ice and propane

- Preliminary and Final Plat approval
 - Design Guidelines/Site Plan review
1. The preliminary and final plat shall be subject to review and approval of the City Engineer and City Attorney. All vacation of easements and creation of new easements shall be subject to review and approval of City Engineer and City Attorney.
 2. The location of all access points from City streets shall be subject to review of the City Engineer.
 3. The site plan shall be subject to review and approval of the Fire Marshal.
 4. The grading, drainage and utility plans shall be subject to review and approval of the City Engineer. The drainage plans shall be subject to the review of the Brown's Creek Watershed District.
 5. Kwik Trip's traffic generation is anticipated to impact the 58th street intersection with County Highway 15. Kwik Trip shall be responsible for the costs associated with the installation of a right-turn lane onto or from County Highway 15 including all elements, appurtenances and adjustments related thereto on City streets and/or as may be additional required by Washington County on County Highway 15 to accommodate those right-turn lanes. All installations shall be at the direction and timing as determined by the City Engineer and follow established roadway and engineering standards and when the City Engineer deems it reasonably warranted.
 6. An eight-foot trail along 58th Street shall be extended westerly from Minnesota Avenue North and around the corner to continue on 58th Street along the entire length of the Kwik Trip site. The trail shall be installed and paid for by Kwik Trip. A six-foot walk along Minnesota Avenue North will be constructed and maintained by Kwik Trip.
 7. The Applicant shall provide additional information to the City regarding noise levels from the car wash, subject to approval of the City.
 8. All lighting fixtures shall be full cut off and installed in compliance with the lighting standards of the Zoning Ordinance.
 9. The canopy light fixtures shall be full cut off and installed within the canopy structure.
 10. The outdoor lighting shall be turned off one hour after closing, except for approved security lighting.
 11. No strip lighting of the building, canopy or freestanding sign shall be allowed.

12. The landscape plans are subject to review and approval of the City Arborist.
13. All mechanical equipment on the roof or on the site shall be fully screened in accordance with the provisions of the Zoning Ordinance.
14. All signage shall be subject to final review and approval of City Staff for conformance with Zoning Ordinance standards.
15. The Applicant shall clarify the amount of signage and type of signage on the gas pumps.
16. All signs shall be designed to comply with the Zoning Ordinance requirements for internal illumination.
17. Only ice and propane sales in locked enclosures shall be allowed for outdoor sales.
18. The Planning Commission was favorable to the ground level expression, façade transparency, building materials and general building design and determined compatibility with the Design Guidelines.
19. The Planning Commission agreed that the franchise design of the building is in keeping with the Design Guidelines.
20. A bike rack shall be provided near an entrance of the building.
21. The Applicant shall provide a snow removal plan or indicate if the snow will be hauled off site.

Carried 4 - 0.

Chari Kremer called a brief recess and reconvened the meeting at 8:33 p.m.

- D. Zoning Ordinance 401 Transient Lodging Text Amendment – Consider amendments to Sections 401.15.M *Home Occupations* and 401.02.B *Definitions*, adding language related to Transient Lodging.

Commission Liaison Runk noted that he serves as the City Council Liaison to the Stillwater/Oak Park Heights Convention & Visitors Bureau and explained the bureau's role in promoting tourism and the lodging tax that supports the promotional efforts for lodging facilities and tourism in the area. He noted that the City Council for the City of Stillwater is also represented at the Bureau and at their February meeting it was noted that they had been receiving inquiries about AirBnB's – a short term use - private rental of a home or a room of a third party. As the AirBnB

lodgings were not Bureau members, they have not been able to readily assist in the inquiries regarding them.

Runk explained that some inquiry was made at the City of Stillwater as to whether or not these lodgings should be required to pay the lodging tax under MN State, wherein it was expressed that they should be subject to the tax as short term lodging was being offered. The Bureau asked that the subject be brought back to both Cities for review of use regulation.

At its February meeting the Oak Park Heights City Council directed staff to review. Staff review was conducted and presented to the City Council in March. City Council determined that the lodging presents value to the City and that they should be treated as any other home based business within the City. As such, staff prepared a proposed amendment to City Zoning Ordinance 401.15.M to include transient lodging and guests.

Discussion ensued as to the issue at hand to the City being the operation of a business in a residential area, State law tax requirement of short term lodging, the collection of the tax and conveyance to the Bureau, and it being more of a matter of setting standards for operation within the City versus a revenue proposition.

City Planner Richards reviewed his June 1, 2016 Planning Memorandum regarding the matter.

Chair Kremer opened the public hearing and invited public comment.

Martin Fenner – 6315 Peacan Ave. N. introduced himself and stated that he and his wife, Louise have operated a vacation rental in their home for the past two years. They occupy the home and have dedicated parking for their guests and strict criteria of no more than 2 people, no children or pets for their rentals. Mr. Martin responded to questions as to how they advertise, collect trash and what their occupancy has been. Mr. Fenner did note that they do pay state sales tax for their business operation.

Melanie Ebertz – 1924 1st St., N., Stillwater introduced herself as the owner of her Grandmother's house at 6337 Panama Ave. N. that she operates as a vacation rental and has just begun receiving guests to it. She stated that she feels that operating the rental short term allows her to interact with the house whereas with a long term rental she feels she could not. She noted that private home lodging raises the bar and brings people into the community. She noted that she is also paying state sales tax for the rental operation. She thanked the City for being open minded and supportive to the concept in the community.

Discussion ensued as to whether or not the operation is considered a business and should be treated as a home based business subject to a home occupation permit, impacts of the operations upon the residential feel of the community, nuisance and

similar enforcement potential, the attempt to clarify what is permitted and what the process is, that no problems had been reported as of present,

Chair Kremer suggested that City Staff & Planning Commission meet with anyone who is known to be operating a vacation rental to have a workshop to discuss their operation so as to gain a better understanding before making any regulation requirement.

Commission consensus was to have City Administrator Johnson coordinate a workshop for City Staff, the Planning Commission and vacation rental property operators to have a workshop prior to the July meeting and to continue the public hearing on the matter to July.

X. New Business:

- A. Commission Appointment Recommendation: Discuss and make recommendation for appointment to Planning Commission vacancy for a 3-year term commencing July 1, 2016 and culminating May 31, 2019.

Chair Kremer noted that it was his understanding that Commissioner Thurmes would be leaving the City and the Commission at the start of the year creating an opening on the Commission at that time. He noted that two applicants were received for the current vacancy and suggested that the Commission consider appointing one of those candidates for the current vacancy and the second to the vacancy created at time Commissioner Thurmes departs, which is anticipated to be within the next 6 months.

Commissioner Nelson, seconded by Commissioner Thurmes moved to recommend City Council appointment of Greg Quale to the Commission effective immediately and also to appoint Warren Wasescha to a term effective at the time of the departure of Commissioner Thurmes. Carried 4 – 0.

XI. Old Business: None.

XII. Informational:

A. Upcoming Meetings:

- Monday, June 27, 2016 City Council 7:00 p.m./City Hall
- Thursday, July 14, 2016 Planning Commission 7:00 p.m./City Hall
- Tuesday, July 26, 2016 City Council 7:00 p.m./City Hall

B. Council Representative

- Monday, June 27, 2016 – Commissioner Nelson
- Tuesday, July 26, 2016 – Commissioner Thurmes

XIII. Adjourn. Commissioner Nelson, seconded by Commissioner Anthony, moved to adjourn at 9:18 p.m. Carried 4 – 0.

Respectfully submitted,

Julie Hultman
Planning & Code Enforcement

Approved by the Planning Commission: 07-14-2016 / 4-0