

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Wednesday, August 7, 2019 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

Chair Maggi called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present: Armando Lissarrague
Elizabeth Niemioja
Pat Simon
Joan Robertson
Jonathan Weber
Tony Scales
Brett Kramer
Annette Maggi

Commissioners Absent: Dennis Wippermann (excused)

Others Present: Heather Rand, Community Development Director
Allan Hunting, City Planner
Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the July 16, 2019 Planning Commission meeting were approved with one correction.

KYLE HANNAH – CASE NO. 19-29V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow a detached accessory building to be located within the front setback requirement, for the property located at 1808 – 63rd Street. 4 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the property abuts 63rd Street on the front and Babcock Trail along the back. The applicant would like to construct a 576-square foot garage 16.6 feet from the property line along Babcock Trail whereas 40 feet is required. The existing house is setback 21 feet from the property line along Babcock Trail and is considered a legal non-conforming use. Additionally, the site does not have an attached or detached accessory building and the property has topographical challenges that limit the area an accessory building could be constructed without moving a lot of earth. Staff does not support the 16 ½ foot setback being requested but would support a 21-foot setback based on the current established setback of the home. Staff recommends approval of the 21-foot setback with the two conditions listed in Alternative A.

Chair Maggi asked if staff's recommendation for a 21-foot setback was discussed with the applicant and, if so, was he agreeable.

Ms. Botten replied that it was discussed with the applicant, but Mr. Hannah preferred to move forward with his proposed location.

Commissioner Robertson asked for clarification of the right-of-way.

Ms. Botten replied that the property line is 30 feet from Babcock Trail. The applicant is requesting

to build a garage 16.6 feet from the property line, or approximately 46 feet from Babcock Trail.

Commissioner Weber asked why the subject property had a larger right-of-way than many of the neighboring properties.

Ms. Botten stated the right-of-way was likely taken by the County or City during platting process. Even though it appeared as if some property lines went to the center of the road, there would still be an easement.

Opening of Public Hearing

Kyle Hannah, 2942 Union Ave S, Minneapolis, advised that he was available to answer any questions.

Chair Maggi asked the applicant if he read and understood the report.

Mr. Hannah replied in the affirmative. He advised that he wants to construct a 24' x 24' garage that is even with the front of the home, which is why he is requesting to be 16.6 feet from the property line. He asked if there was any reason this would not be approved.

Chair Maggi replied that from a planning commission perspective the challenge is always to find a practical difficulty because of the rules they are bound by. She noted that City Council; however, has more latitude.

Commissioner Simon asked if the small outbuilding shown on the Dakota County website has been removed.

Mr. Hannah replied in the affirmative, stating he demolished the small shed.

Ms. Botten advised that the photo was from 2017 and the 10' x 10' structure has since been removed.

Commissioner Robertson noted that tree removal was being done elsewhere on the property and asked if there were any other projects taking place on the property.

Mr. Hannah replied that no additional buildings were being constructed, just landscape improvements.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi asked if anyone could define a practical difficulty.

Commissioner Niemioja believed the topography to be a practical difficulty, in addition to the fact that you would not necessarily want to attach a garage to the historical home.

Commissioner Scales agreed that topography was a practical difficulty.

Commissioner Niemioja did not believe there was much difference between 16.6 feet and 21 feet in terms of any obstruction of visual traffic on Babcock.

Commissioner Scales asked Ms. Botten the reason for staff recommending 21 feet versus 16 ½ feet.

Ms. Botten replied that 21 feet was an established setback that was grandfathered in with the existing house.

Commissioner Robertson asked how the garage would be impacted if they removed five feet to meet the 21-foot setback.

Commissioner Scales replied it would make it unusable.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Scales, to approve the request for a 16 ½ foot variance to allow a detached accessory building to be located within the front setback requirement, for the property located at 1808 – 63rd Street, with the conditions listed in the report and the practical difficulty being the topography.

Motion carried (8/0). This item goes to the City Council on August 12, 2019.

UNITED PROPERTIES – CASE NO. 19-28PDA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a planned unit development amendment to amend certain conditions from the approved Inverpoint Business Park PUD relating to changes to hours of operation and landscape plan, for the property located between Courthouse Boulevard and Highway 55, west of Barnes Avenue. 29 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that in 2007 Council approved a preliminary plat and PUD for a three lot, five building industrial office park building complex. In 2008 the City approved a final PUD for Phase 1 consisting of a one lot, two building 200,000 square foot office/warehouse. The grading and utilities were completed but no building has yet occurred. United Properties is now proposing to continue with the development of Phase 1, but are requesting some modifications to the approved conditions in order to make the site more palatable to tenants. The changes they are requesting include 1) the hours restricting the idling of engines and hours of deliveries be changed from 8 PM-7 AM to 10 PM to 6 AM, 2) Condition 31 limiting use of the building overnight be removed, 3) a re-wording of Condition 34 to be more specific that truck terminals are not allowed, 4) to add additional trees along the front of the property to enhance and screen the project, some of which would be planted in the right-of-way of Courthouse Boulevard, and 5) regarding Condition 6 of the preliminary PUD approval which states a trail MAY be installed after the first 200,000 square feet of the project is occupied, United Properties is now proposing to pay for and construct the trail along the south side of Courthouse Boulevard. Staff supports the changes as proposed.

Commissioner Niemioja asked if City sewer and water would expand beyond this point.

Mr. Hunting replied it would not.

Commissioner Kramer asked if other cities had restrictions on hours of operation.

Mr. Hunting replied he was not sure but was not aware of other businesses in the City that Council had placed restrictions on.

Commissioner Simon thought there were other businesses that had restrictions placed on them regarding hours of operation, including Simon Delivers, because of their proximity to homes.

Mr. Hunting replied that perhaps things changed over time, but he recalled there initially not being any restrictions on Simon Delivers.

Commissioner Niemioja stated her understanding was that State Statute 7030 defines nighttime as 10 PM to 7 AM. In looking at past minutes from 2017, it appeared that the Planning Commission preferred not to have businesses operate before 7 AM.

Opening of Public Hearing

Brandon Champeau, Vice-President of United Properties, 651 Nicollet Avenue Mall, Minneapolis, advised he was available to answer any questions.

Chair Maggi asked the applicant if he read and understood the report.

Mr. Champeau replied in the affirmative. He advised that they have built a lot of this type of product in the Twin Cities in the last five years and have continued to wait for something to happen here. The consistent challenge they have run into has been over the onerous language they agreed to 12 years ago. Many companies have been interested in the site but have backed off because of the hour restrictions. Many companies would not have an issue with the hour restriction, however, once in a while companies need to run multiple shifts or keep people late. Hour restrictions could result in violations of a lease if a tenant stays open for too long, which means technically they could be kicked out of the building and it could negatively affect their ability to get financing.

Chair Maggi asked what types of businesses they anticipated.

Mr. Champeau advised that the clear height is what typically determines the type of tenant that will move into a building. They are proposing a 24-foot clear height type of product which attracts office manufacturing with perhaps a smaller warehouse component. Examples of the types of tenants they have done work with in this type of product are door manufacturers, lip balm manufacturers, media companies, medical device companies, and technology firms. Most of the companies they put into buildings like this have 1.5 to 2.5 jobs per 1,000 square feet, so generally speaking 150-250 jobs for each 100,000 square foot building.

Commissioner Niemioja agreed that the current hours of operation were too constrictive and asked the applicant how he would feel about moving the start time from 6 AM to 7 AM.

Mr. Champeau stated he would prefer to keep it at 6 AM to align more with competing cities. If a tenant needs to open early it would be helpful to have some sort of agreement with them that they are allowed to do that at certain times of the year, such as a busy season. Often when they are competing for a deal they are up against multiple cities and hour restrictions will often cause tenants to go to other cities.

Commissioner Robertson struggled to understand why employee activity would happen in the building past 10 PM.

Mr. Champeau stated that he rarely sees companies that run a 24-hour operation in this type of facility; however, not having the option to stay open later during a busy season is a deal breaker. He stated they have been trying for 12 years to find buyers or tenants for this property but if there is a restriction in place that the owner does not have to deal with elsewhere it is a non-starter. If they cannot provide what these companies are getting elsewhere they have to rethink what this site is and consider other uses.

Commissioner Robertson asked if the applicant believed the established operating hours to be the primary reason for potential tenants not being interested in this site.

Mr. Champeau replied in the affirmative.

Commissioner Simon asked the applicant if their properties in other cities were as close to residential as they were at this location.

Mr. Champeau replied that the residential homes were probably closer at this location than typical. In Mendota Heights they were right next to a hotel. The hotel was very concerned because the truck area was facing the hotel, but they have had no issues there. He stated industrial office warehouse can be a good neighbor compared to other uses as they typically close at 5 or 6 PM and are closed on weekends.

Chair Maggi asked how long the property had been zoned for Industrial Office Park.

Mr. Hunting replied that the zoning was likely changed in 2007 but it was guided for Industrial Office Park since at least the late 1990's.

Jerry Bretoi, 8365 Courthouse Boulevard Court, advised that he lived directly across the street from the subject property and did not have a problem with the development. His biggest concern was the truck traffic but he felt that had been addressed by requiring that trucks use the easternmost entrance rather than the other two access points. He was concerned about allowing employees to work in the building until midnight because of the noise generated by their cars as they are leaving to go home. He stated signage needed to be installed to prohibit truck traffic from using Annalisa Path. Another concern is that most of the road has a concrete base. It recently got sealcoated and is already bumpy. He did not see any reason for installing lighting on the proposed trail and suggested that it be constructed on the north side of the Orchard Trail development rather than on Courthouse as it would be safer and he believed the residents there would be more likely to use it. He stated that his understanding back in 2008 was that the original agreement with United Properties could not be opened up again after it was settled.

Chair Maggi clarified that the only changes on the table this evening were the landscaping, pedestrian trail, and hours of operation.

Mr. Bretoi stated the main concession the residents had in 2008 was the hours of operation. He would have liked to see the project completed by now so when they want to sell people would know what they were getting rather than what it might be. He hoped the trail was kept within the existing easement and not encroach into the residents' front yards. He believed the easement was 80 feet from center of road on the south side and 40 feet on the north side. He did not think noise would be a problem as the proposed building would act as a buffer from the trucks backing up because the loading docks were on the inside.

Mr. Hunting advised that he did not have a drawing with him showing the exact easement dimensions.

Jeff Johnson, 8690 Ann Marie Trail, stated there should be signage prohibiting right turns out of the development and 'Local Traffic Only' on Annalisa Path and Ann Marie Trail. Even with the signage he thinks semi's will cut through his neighborhood. He was concerned about the employees driving through his neighborhood as well, especially if the hours are extended, stating cars have often gone off the road. The proposed sidewalk basically goes to nowhere as it ends at the property line and it would be difficult to cross Courthouse Boulevard because of the truck traffic.

Paul Hark, 8119 Courthouse Boulevard, made a couple suggestions for making the project more palatable for the people who live in the neighborhood. He asked the City to do everything it could to keep traffic from coming off Highway 3 and cutting through on Ann Marie Trail. Two actions he recommended were to post signage on Highway 3 stating 'No Access to Inver Pointe Business Park' and also to add barriers on the right-in left-out accesses along Courthouse Boulevard to force drivers to the east. He was not opposed to the development but wanted to make sure it was done with respect to the neighborhood. In regard to Condition 32, Mr. Hark asked if the mill and overlay of Courthouse Boulevard that was done several years ago was at a 9-ton spring loaded rating. He noted that the semi-trucks would likely do a fair amount of damage to the road over a period of time and asked if the residents would be assessed for that.

Mr. Hunting replied that would have to be answered by the Public Works Director.

Mr. Hark asked Mr. Hunting to pass that question on to Scott Thureen. He hoped that the developer would compromise some on the hours of operation out of respect for the neighborhood.

Commissioner Niemioja asked Mr. Hark his thoughts on the proposed hours.

Mr. Hark stated he did not live next to the development but would not want to be woken up at 6 AM; however, he believed there should be some kind of compromise.

Greg Lafrance, 8646 April Court, was opposed to the proposed hour of operation changes. He found it hard to believe that other industrial developments did not have restricted hours of operation, especially when next to residential. He stated there was quite a battle with the original approval in 2007 and a compromise was reached on the hour restrictions. His biggest concern is the noise and speed of vehicles accessing this site. He already is affected by the Wagner Sod traffic and this would just increase it. He would prefer they retain the existing hours of operation.

Steven Peterson, 2019 - 86th Ct E, purchased his house in Orchard Trail in 2010. Generally he was in support of this project. He agreed that this new development would benefit the community and local retailers, however, the people that live in the neighborhood are going to take the brunt of the noise and associated nuisances from the truck traffic. Because of the fairly steep grade going up towards Barnes Avenue there will be a lot of engine braking and noise. He suggested a sound barrier be installed to help eliminate the noise and he showed various designs, heights, and configurations of sound walls.

Chair Maggi asked if Mr. Peterson believed that the neighbors would prefer a physical barrier because she would guess they would not want that.

Mr. Peterson stated he had no idea if his neighbors would want a barrier or not, but he was proposing it to help mitigate the noise.

Commissioner Robertson questioned whether Wagner Sod had hour restrictions and asked Mr. Peterson if the Wagner trucks came by before 7 AM.

Mr. Peterson replied that their business is seasonal so it's worse in the summer but he believes there are trucks hitting the road before 7 AM.

Unknown man in audience stated that Wagner's website lists their hours as 8 AM–5 PM.

Chair Maggi stated that crews could potentially leave earlier to get to the jobsite.

Mr. Peterson stated that he checked the noise levels at a similar site in Woodbury and the sound

barrier made a big difference in noise.

Rami Derphy, 8304 Annalisa Path, stated the base of Courthouse Boulevard is deteriorated and continues to fall apart. Annalisa Path all the way to Robert Street is also falling apart and any additional traffic will destroy the road. He urged the City to take that into consideration as residents would have to pay for it. He purchased his lot when the subject property was a farm and he wanted to live in a quiet neighborhood. In 2007 that was changed, however, and a compromise was reached. He asked United Properties to respect the neighborhood by retaining the existing hours of operation. They may make less money by having more restrictive hours but it is the right thing to do for the neighborhood.

Commissioner Lissarrague asked Mr. Derphy when he purchased his house.

Mr. Derphy replied 2000.

Michael Daddario, 8235 Courthouse Boulevard, stated he was speaking on behalf of his parents, who have lived here since 1984. He does not have a problem with the development but was concerned about trucks, noise, and the number of employees. Courthouse Boulevard has been repaired twice but continues to break down. His biggest concern is the traffic as a whole. The first phase may only be a small amount of people and trucks, but eventually there will be two additional phases. This will be a safety hazard due to Courthouse being curved and having steep elevation changes. He hoped that residents would not be responsible for the cost of fixing the road. In his opinion putting 'Do Not Enter' signs will not stop employees from using Ann Marie Trail and Annalisa Path to get to Robert Street. He does not feel that the bike path should go on the residential side, especially since the existing homes are not at grade. He would prefer it be on the north side of Courthouse Boulevard and he questioned whether it was even needed. If all the phases are built, he thinks they will have to somehow make a second entrance/exit to defer traffic from Ann Marie and Annalisa.

Commissioner Niemioja asked if the traffic change had already been discussed with MNDOT in 2007 and determined not to be needed.

Mr. Daddario replied he believed so, but the City or County would have to make a decision if the business ends up dictating a great increase in traffic.

Jennifer Gale, President of River Heights Chamber of Commerce, stated her Board supports the proposed PUD amendment and were in support in 2007 as well. She advised that in 2007 United Properties did not agree to the hour of operation limitations prior to going to Council that night. After listening to the neighbors City Council recommended the hour restrictions and United Properties agreed to try it. It has not worked; however, and the property has remained vacant for 12 years. The land is zoned for this type of development and it is important to keep being a diversified economy. The last couple customer service surveys that residents filled out showed that they wanted more business. The City needs jobs here to support the existing restaurants and retail businesses. It will also bring in a lot of property tax revenue that can be used for roads, infrastructure, and services throughout the City. The Chamber of Commerce hopes the Planning Commission will support this request.

Ben Davidson, 8453 Courthouse Boulevard, stated that he supported the building plan but hoped that residents would not have to pay for road repair since it would be United Properties that was destroying it. He asked for clarification on what hours were being proposed.

Commissioner Simon replied 6 AM to 10 PM.

Mr. Davidson stated those hours would not necessarily impact him but may affect his neighbors. He stated he had a culvert in his front yard right-of-way and was concerned about where the water would go if the proposed walking trail was installed. Likely it would end up farther into his yard and could freeze the bottom of his driveway in the winter. He assumed the tenants would most likely be the ones using the trail and he would prefer it be on the north side of Courthouse Boulevard. He thought the buildings were designed well; however, and would likely block some of the highway noise. He preferred this project rather than a residential townhome development. He questioned how they could enforce the hours of operation as a City or a landowner.

Mr. Bretoi stated the biggest issue semi's will have leaving the site is turning left from Courthouse Boulevard to Barnes as there is a sharp curve and a 6% grade. Taking the corner too fast will result in the trailers leaning. Employees will likely drive too fast on Courthouse but hopefully United Properties will ask them to slow down in this residential area. He believes that the trucks idling will create less noise than that of Highway 55.

Nancy Stanton, 8459 Courthouse Boulevard, stated she lived across from the proposed buildings and supported the request. She does not have a problem with the proposed hours of operation, stated that United Properties kept the neighborhood well informed, they have a good reputation as a developer, and she did not care which side of the road the walking trail was on. Traffic is a bit of a concern, however. Wagner's has been a very good neighbor and when their employees drive too fast, he slows them down if you call and complain. She asked if the trail would go all the way down Courthouse Boulevard.

Mr. Hunting replied it would not, just in front of the United Properties property.

Ms. Stanton stated there was no point in constructing a trail if it did not go all the way down Courthouse.

Commissioner Scales asked if the City determined the location of the walking path.

Mr. Hunting was unsure who made the decision but noted that Condition 6 references the trail being built on the south side.

Commissioner Scales asked if the Planning Commission needed to address that tonight.

Mr. Hunting replied in the affirmative, stating the existing condition states the City MAY install a trail along the south side after the first 200,000 square feet is occupied. The applicant is now proposing to pay for and construct the trail right away.

Commissioner Scales asked if Commissioners could recommend that the trail not be built.

Mr. Hunting replied they could recommend that the condition stay as is to remain MAY as opposed to WILL.

Commissioner Scales asked the applicant their reasoning for building the path at this time.

Mr. Champeau replied it was in response to comments they received at the community meeting they hosted last fall. The neighbors expressed safety concerns about the increase in traffic, so they offered to provide a bike path.

Chair Maggi asked the history of why it was proposed on the south side versus the north.

Mr. Champeau did not recall.

Ms. Gale stated it was requested by the residents.

Commissioner Robertson noted that today; however, many residents are saying they do not want a sidewalk on the south side.

Commissioner Scales stated his reason for asking was to make sure they were not moving forward with something that neither the residents nor the applicant wanted.

Mr. Champeau stated he would have to check with his civil engineer on the cost impact, but they would probably be fine with having the path on the north side of the road. Since the proposed trail would not be connected to a larger trail system, he would be agreeable to waiting to see if the tenants were wanting it installed.

Commissioner Robertson asked if the proposed location was on the south side of Courthouse because United Properties does not want to give up land on their own property for the trail.

Mr. Champeau replied that if the residents do not want to use the trail his preference would be to install the trail on the north side.

Commissioner Weber stated they should be careful on changing Condition 6 as the developer was willing to pay for the trail versus the City.

Mr. Hunting clarified that the developer would pay up to \$175,000 for the trail no matter when it was built.

Commissioner Lissarrague asked the applicant how many vehicle trips he anticipated.

Mr. Champeau replied it was hard to say as it depended on the type of use and the tenant.

Commissioner Lissarrague asked when construction contractors were allowed to start work.

Mr. Hunting replied he was unsure whether this was a written or unwritten rule, but typically 7 AM.

Mr. Bretoi believed the discussion in 2008 referenced up to 1,000 trips a day.

Mr. Peterson stated he was familiar with this type of commercial product and agreed that it was hard to make traffic predictions; you could get a tenant with 100% finished offices and lots of employees and parking or minimal office space with essentially a truck terminal.

Mr. Lafrance stated currently there is a high demand for warehouse space. That, in addition to the Viking facility and major corridors, is turning Inver Grove Heights into a shipping location which is not what he thinks the City wants to be known for.

Commissioner Niemioja asked what the speed limit was on Courthouse Boulevard.

Mr. Hunting replied 45 MPH.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi stated the challenge is that everyone wants development in the City but not in their

neighborhood. She believes the Commission's role is to try to look at the bigger picture and make a decision based on that. Residents want more restaurants and shopping which requires higher density and more employment.

Commissioner Simon questioned whether the removal of Condition 31 regarding use of the building overnight should be lumped in with Conditions 29 and 30 regarding truck idling and delivery hours.

Chair Maggi believed they were different and clarified that removing Condition 31 did not mean that deliveries could be made all night.

Commissioner Scales had no issues with the proposed re-wording of Condition 34, no issue with the removal of Condition 31 to allow people to come into their office off hours, and he thought the proposed hour restriction for idling and deliveries from 10 PM to 6 AM were reasonable. He also had no issues with the additional landscaping being proposed but suggested leaving the condition regarding the pedestrian trail as is to state that it MAY be installed rather than WILL.

Commissioner Lissarrague believed that 6 AM is too early for truck noise in a residential neighborhood. He wants to see commercial growth but not at the cost of the citizens.

Commissioner Scales stated the problem is that cities around us do not have these restrictions. When businesses have a choice of going to a city where there are fewer restrictions, even though they may seem minor, they will go to those other cities. Unfortunately there are restrictions like this scattered throughout Inver Grove Heights.

Commissioner Lissarrague agreed with Commissioner Scales on all the requests except he would prefer a 7 AM start versus 6 AM.

Chair Maggi stated the challenge is that there are a lot of businesses throughout the City bumped up against residential areas that are open 24 hours or early in the morning and late at night (i.e. gas stations, The Grove, etc.). She does not want this treated differently from those other businesses.

Commissioner Lissarrague said if they asked those neighbors though they would likely not be happy with the situation.

Commissioner Scales noted that Wagner Sod right down the road does not have restricted hours.

Commissioner Lissarrague stated but he does not run his trucks in the middle of the night.

Chair Maggi stated it did not matter; the point was that he was allowed to do so and anyone buying the business could as well.

Commissioner Niemioja stated that nighttime is statutorily defined as 10 PM to 7 AM. Also, noise is pollution and many cities in the metro have city code with residential restrictions from 10 PM to 7 AM. She noted that they have put hour of operation limitations on other businesses in the past. In her opinion the original conditions were too restrictive and she agreed with the proposed changes, except for having a 7 AM start rather than a 6 AM start.

Chair Maggi asked Mr. Hunting if he had stated earlier that it is atypical for the City to put these types of restrictions on a business.

Mr. Hunting replied that it was not typical for City Council to impose hours of operation.

Commissioner Niemioja advised that in 2017 it was stated that the City typically has start times of 7 AM in areas abutting residential properties. This was stated in the minutes regarding a request from Bituminous Roadways. In that instance Commissioners did not have an issue with allowing trucks idling at 6 AM because it was not in a residential area.

Commissioner Scales stated in the case of Bituminous Roadways, the applicant also did not have a problem with set hours.

Commissioner Weber stated the Commission also put hour restrictions on a trailer facility.

Commissioner Robertson noted that they also put hour limitations on a business along Concord Boulevard.

Commissioner Weber asked if they could perhaps reduce the speed limit on Courthouse Boulevard to abate some of the noise.

Mr. Hunting replied that according to the Public Works Director MnDOT determines the speed limits; the City cannot establish its own speed limits that are not consistent with MnDOT standards.

Commissioner Weber asked if there was an assessed value differentiation between residential industrial property.

Mr. Hunting stated he was unsure.

Commissioner Weber asked if potential tenants would have to come before the Planning Commission.

Mr. Hunting replied they would not have to come before the Planning Commission if they were proposing a permitted use; only if it was a conditional use.

Commissioner Robertson commended everyone for their input, stating what she heard from the neighbors was that everyone wants this to succeed but that it should be done respectfully. She believed that truck traffic should have limitations out of respect for the neighborhood. She struggled to believe that most tenants would not locate here if they could not start at 6 AM. She recommended there be strong specific signage prohibiting traffic through the abutting neighborhood and that the exits be designed to force traffic towards Barnes Avenue.

Commissioner Lissarrague asked Commissioner Scales for clarification of his recommendation.

Commissioner Scales replied that he supported the applicant's request, including a 6 AM start time for trucks.

Chair Maggi asked for a show of hands on who wanted a 6 AM start and who preferred 7 AM; the result was 4-4.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Lissarrague, to approve changing the restricted hours of operation on Conditions 29 and 30 from 8 PM - 7 AM to 10 PM - 7 AM.

Commissioner Kramer stated he understood the concerns with semi-traffic but believed that companies with round-the-clock truck traffic would choose not to go into this space because of the restrictions and ingress/egress configuration and would naturally flush themselves out.

Motion failed (4/4 – Weber, Maggi, Scales, and Kramer)

Motion by Commissioner Scales, second by Commissioner Kramer, to approve changing the restricted hours of operation on Conditions 29 and 30 from 8 PM – 7 AM to 10 PM – 6 AM.

Commissioner Weber asked if they should make a motion that Commissioners were all in agreement on the 10 PM change but were split on 6 AM versus 7 AM.

Commissioner Simon noted that Council would see that in the first motions.

Motion failed (4/4 – Niemioja, Robertson, Simon, and Lissarrague)

Motion by Commissioner Weber, second by Commissioner Scales, to remove Condition 31 and modify the language of Condition 34 to clarify that truck terminals shall not be allowed.

Motion carried (8/0)

Motion by Commissioner Weber, second by Commissioner Robertson, to approve the modified landscape plan.

Motion carried (8/0).

Motion by Commissioner Weber, second by Commissioner Scales, to deny the request for the proposed changes to Condition 6 regarding the pedestrian trail and to leave the condition as is.

Motion carried (8/0). This item goes to City Council on August 26, 2019.

The meeting was unanimously adjourned at 9:18 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary