

**DRAFT MINUTES OF THE
WINDSOR HEIGHTS
PLANNING AND ZONING COMMISSION
Council Chambers- 1133 66th St.**

September 23, 2015

1. Call to Order.

Egger called the meeting to order at 5:01 p.m. Foss, Tillotson, Turner, in attendance. Libbie arrived at 5:04 p.m. Planning Director, Sheena Nuetzman was also in attendance. Absent were Commission member Calhoun and Jones.

2. Approval of the Agenda.

Foss made the motion to approve the agenda as presented; Turner seconded. Voice vote passed unanimously.

3. Approval of the minutes from the August 26, 2015 meeting.

Tillotson made a motion to approve the minutes as presented; Foss seconded. Voice vote passed unanimously.

4. Public Hearing on CUP03-15, Condition Use Permit Application for property at 7204 University Avenue for a new grocery store (Aldi's) and associated parking in the Midtown Center Master Plan re-development area, formally known as Apple Valley.

Andy Brandel, ISG, Inc. representative was present and provided opening remarks on the Aldi's conditional use permit application and request to allow grocery over 10,000 square feet as a tenant in the Midtown Center Master Plan.

Egger opened the public hearing at 5:06pm for public comment. The following people, with their names and addresses listed, spoke and expressed opposition of the conditional use application request.

Mike Draper, 6525 Forest Court
Kerry Bowen, 7215 Reite Avenue
Matt Kniefel, 1100 73rd Street, Edward Jones
Doreen Chamberlain, 7019 Sunset Terrace
Kathryn Dickel, 1007 64th Street
Joe McConville, 2009 66th Street
Janet Strate, 7015 Sunset Terrace
Jim, 954 64th Street, spoke as well for Zachary Bales-Henry (resident)
Ryan Omara, 1007 64th Street
Heather Hansen, 1128 68th Street
Leonard McConnell, 1124 68th Street

Andy Brandel, ISG, Inc. reminded the Commission the action is to decide on the Conditional Use application. He stated the site plan was previously approved and wanted to clarify that comments being made related to storefronts, walkability, etc. as a tenant, is out of their control. They are just coming in to request use for a grocery. "I understand the comments, but they are not related as this is a conditional use and is not related to the design of site, TIF, etc."

Dave Knau, 2010 75th Street- asked about clarification of whether the CUP was for grocery use or the fact that it is grocery over 10,000 square feet.

Nuetzman, "CUP is for any grocery store over 10,000 square feet"

Kathryn Dickel, "if it was 10,000 square foot store to begin with as in the site plan", "why did the applicant not get a variance?" "Not sure how it got this far based on previous comments from public meetings"

Janet Strate- "this has been hard to follow, I have been trying to get Council minutes put on the website- hard to follow with little information"

Joe McConville- "how was the plan approved without CUP being approved first?", "Slightly backwards, CUP should have been issued before"

Egger- "site plan was approved without knowing who was going to be a tenant, only the developer knew"

Kathryn Dickel- "approved plan under certain assumption?", "Different than what you thought?", "The footprint was showing 10,000 or 18,000 square feet?"

Tillotson- "the use was not something they needed to disclose during the site planning process"

Hope Wood, 6711 Elmcrest- opposed

Egger closed public hearing at 5:39pm.

Discussion from Commission

Foss- "I'm glad you're not happy about it; I am not happy with it", "we have been dealing with it since spring", "but because zoning ordinance allows this, the developer is doing the minimum requirement"

Turner- "heard the news of what was proposed after site plan; I don't want Windsor Heights to be known as grocery store capital." Noted the pattern in comments.

Tillotson- "This is different than when the city owned the property", "Land is currently assessed at 2 million and proposed to go to 10 million", "Cannot continue to put property tax burden on residents", "Developer has said this or nothing"

Libbie- Agreed with most comments

Egger- "people in the city is what it's all about", "Had a conversation with developer back in late spring of what should have went in and the developer didn't like my ideas", "we can now place conditions on the permit"

Egger made the motion to approve the conditional use permit with the following conditions:

1. To see the building moved forward to the minimum setback of 25 feet from the right of way.
2. Parking to be located behind the building.
3. Be a mixed use building- both commercial and residential.
4. It must be at minimum a \$10 million assessed value, all construction to be done in 3 years.

Turner, seconded.

Libbie- yes

Foss- yes

Turner- yes

Tillotson- no

Egger- yes

motion passed.

5. Discussion of Design Guidelines.

Public hearing on Design Guidelines will be next month.

6. Comprehensive Plan RFQ and Colby Park Trail Hub RFQ Update

Staff updated the Commission on the consultants selected, RDG and Pros Consulting/Confluence respectively.

7. Adjourn.

Foss moved to adjourn at 5:59 p.m.; Libbie seconded. Voice vote passed unanimously.

Jim Egger, Chair

ATTEST:

Sheena Nuetzman, Planning Director