

## WEST ST. PAUL PLANNING COMMISSION

The regular meeting of the West St. Paul Planning Commission was called to order by Chair Samantha Green, on Tuesday, July 21, 2020 at 6:34 pm in the Municipal Center Council Chambers, 1616 Humboldt Avenue, West St. Paul, Minnesota 55118.

**ROLL CALL:** Samantha Green, Morgan Kavanaugh, Peter Strohmeier, Dan McPhillips, Lisa Stevens, Maria Franzmeier, Tori Elsmore

**Also Present:** Melissa Sonnek, City Planner; Sharon Hatfield, Administrative Assistant, Amanda Johnson, Attorney; John Justen, Council Liaison

**Adopt Minutes:** **Minutes from the October 15, 2019 meeting were approved. Stevens remarked that it was hard to remember the meeting in order to review the minutes. Sonnek apologized and said that the City lost the recorder for the October Meeting. Admin. Specialist Sharon Hatfield would now get the minutes done.**

**Minutes from the January 21, 2020 meeting were approved with the correction; Kori Land was not present.**

**Minutes from the May 19, 2020 meeting were approved.**

### **PUBLIC HEARINGS:**

#### **PC Case #20-06 - Preliminary/Final Plat Review for 895 Robert Street - Dakota County CDA**

Sonnek reviewed the commission report for the CDA's request to plat two lots on the southwest corner of Annapolis and Robert Street. Sonnek reminded the Commission that Council approved the site plan on March 23 to build a 54-unit apartment building on the northern half of the site. The new site will consolidate single family lots into two new plats. City engineering staff reviewed the proposed plat; they had no specific conditions or recommendations for the plat. Because Robert Street is a state road, MnDOT reviewed the plan. They had no specific corrections or alterations; they did outline items like noise levels and how to work with existing transit stops and permits and submittal requirements. Staff recommends that as a condition of approval that the applicant address the items outlined in the MnDOT memo of July 15, 2020. Sonnek concluded saying that staff recommended the approval of the preliminary and final plat, (subject to the plat being recorded with Dakota county within one year of approval and prior to the application of the building permit, and that the applicant address the MnDOT July 15 memo. Sonnek asked if there were any questions for her or for the applicant. The public hearing was opened at 6:41 pm. As there were no comments, the public hearing was closed at 6:42 pm. Chair Green asked if there were any comments from the commissioners. There were none.

**A motion was made to approve the preliminary and final plat by commissioner McPhillips as written.**

**Commissioner Kavanaugh seconded.**

**Vote-All Ayes.**

#### **PC Case #20-17 - Conditional Use Permit, Site Plan, Rezoning, Preliminary and Final Plat Review for the Construction of Two Apartment Buildings at 1201 Robert St. and 100 Signal Hills Ave.**

Sonnek said that the Commission would be reviewing multiple applications for the redevelopment of the site. Dominion Development is proposing to demolish the existing K-Mart and Signal Bank buildings to construct two apartment buildings, (393 units). The west building would be the "Family Building" with 146 units which are not age restricted. The east "Senior Building" would have 247 units and would be restricted to people 55 years and older. Both buildings will offer 1-, 2- and 3- bedroom units. Both buildings will have amenities like fitness rooms, secure entry, children's indoor and outdoor play areas as well as a shared dog park. Sonnek said there are several applications: the conditional use permit to allow buildings over 35 feet in height, and to allow

both buildings to have over 16 units, the site plan, the rezoning which will include the entire Signal Hills site, and lastly, the preliminary and final plat review. Sonnek related that with larger scale projects, the City likes to conduct a review of long range planning documents to ensure consistency across the board. The 2040 Comp Plan called out Signal Hills as a property to likely redevelop by 2030. It was decided that a mix of residential and commercial was the best fit for the property. The density would be 35 units per acre. The project fits this proposed density and meets the Met Council 2040 Housing Needs Assessment. For due diligence, Dakota County performed a housing needs assessment through a third party; in 2019 there were over 1,400 names on a waiting list for housing. Units at new housing developments at 252 Marie Avenue East and 1631 Marthaler Lane were fully occupied. Regarding the site plan and the setbacks, Sonnek said the PMD does allow some flexibility. The Family Building setbacks are met and actually exceed the code. The parking set backs are being met with the exception of the front yard, (northern property line.) City staff is comfortable with the deviation especially because the building has a unique shape with “three fronts.” The Senior Building setbacks have been met and exceed code. The parking setbacks at the front and at the eastern property line do not meet code but City Staff is comfortable with this due to the commercial nature of the property. Parking code requires two stalls per unit. The applicant exceeds the code in the Family Building with 293 stalls, (surface and underground.). The Senior Building does fall short of the code for the parking count at 1.22 stalls per unit. However, City Staff is comfortable with the ratio; parking numbers are in lesser demand for senior facilities. Not all [senior] residents will own or drive a car. The City has approved parking counts for similar buildings, 1631 Marthaler Lane, (DARTS) and 900 Robert Street, (Dakota). The drive aisles and stall dimensions (20 feet) meet code with the exception of the parking stall depth in the central parking area, (18 feet). Staff is comfortable with the deviation; cars today are much smaller than when the City made the requirements. Regarding the site plan analysis, Dakota County has recommended that the western access on Butler Avenue be closed. The applicant is still in discussion with the County; the County, City Staff and the applicant are meeting tomorrow to discuss the County recommendation memo from July 9, 2020. Sonnek is recommending as a condition of approval the applicant adhere to the recommendations in the Dakota County Plat Commission memo. The traffic study that was done found that the multi-family building would create roughly 3,300 fewer trips than a big box retail building. The site has excellent transportation options (ten bus stops); the City is requesting that the applicant improve or upgrade the existing sidewalk on Butler Ave to an 8-foot wide multiuse trail and a 5-foot sidewalk along Livingston Avenue. There are extensive pedestrian connections throughout the plan for both recreation and transportation. Plans do show minimal lighting extends beyond the property line. This is not permitted by code. There are no submitted plans for signage. The applicant exceeds the tree replacement planting requirements with 151 deciduous trees. The applicant exceed requirements with other proposed landscaping. City Staff is requesting as a condition of approval, an irrigation plan be submitted with the building permit plans. Sonnek stated that whenever there is a development next to single family homes, staff reviews screening requirements with fencing or landscaping. Along the western property line, there is a maintained line of trees. After talking to some residents, Sonnek learned there was a preference for both fencing and landscaping. The Environmental Committee did an informal review of the plan. The committee recommended the use of pollinator-friendly native plantings not treated with neonicotinoids, the use of a green roof or a white roof to offset heat, and that lighting be dark sky compliant. The applicant is proposing a mixture of brick, decorative masonry, glass, lap and panel siding; the siding is to be field-painted. Code does not allow for color to be applied post production. Staff recommends as a condition of approval that all siding be factory-painted. Since the proposal is disturbing more than one acre of land, it has come under stormwater review. An outside firm, WSB, has reviewed the plan and submitted a memo of revisions for the plan. Staff recommends as a condition of approval that the applicant adhere to the WSB memo of July 14, 2020. The Rezoning to a PMD (Planned Mixed-Use Development) with an R4 Multi Family and B4 Shopping Center District underlying zoning, will allow the site to operate as residential and a commercial area as well. The rezoning is in compliance with the 2040 plan. Currently the entire site is unplatted. No right of way or easements have been recorded for the property. The site meets all of the minimum lot requirements. City is requiring as a condition of approval that the plat be recorded at the County within one year of approval and prior to the submittal of a

building permit. The plat application is contingent upon approval of the other applications. Butler Avenue is a County road, so Dakota County did review the proposed plat in a July 9, 2020 meeting. The County is requesting additional right of way to allow for the 8-foot mixed use trail, the closure of the western most access. They also strongly recommended the realignment of Livingston Avenue. City staff recommends as a condition of approval that the applicant adhere to the items in the July 9 memo from the Dakota County Plat Commission. The City Engineering staff also reviewed the proposed plat; staff mirrored the recommendations from the County. Engineering is also requesting 10-foot easements along the property that abuts city streets and 5-foot easements for interior property lines. City staff is recommending as a condition of approval that the applicant adhere to the items in the West St. Paul Engineering memo of July 9, 2020. Sonnek summarized the staff recommendations that she outlined during her presentation.

Sonnek asked the Commission if there were any questions. Green asked how about the height of the buildings. The Family Building is four stories, 40 feet; the Senior Building is five stories, about 50 feet. Green asked if there were any family homes that are adjacent to the Senior Building. Sonnek said to the north, across Butler, there are some single family homes. Green asked about the platting of Signal Hills Mall. Sonnek said that Signal Hills is included in the plat; the entire property is currently unplatted. It is being platted now to align with the rezoning. It is a good time to come into compliance with the Comp Plan. Green asked Sonnek about the recommendation (not requirement) to realign Livingston Avenue. Sonnek explained that the County cannot require it; it is not a County road. The City is still in discussions with the applicant. Green would like the commission to discuss how the realignment would affect businesses on Livingston Avenue. Green asked about the parking requirements; did the City push for it or did the applicant. Sonnek said that the City and the applicant worked toward a goal of 1.5. Kavanaugh commented about the existing fence on Butler; it is very dilapidated. Sonnek said that there is some retaining wall on the north side and the west side; the applicant will have to repair some of it. If it is in good condition, it has to be maintained. Depending on the height of the retaining wall, the fence will have to come with it. Sonnek said it would be a reasonable condition of approval to replace the fence. Franzmeier had questions regarding the rezoning. She asked about the scenario if the if the Commission changes to a higher standard of rezoning. Sonnek said that the CUP is formally recorded and stays with the property. If the Commission were to increase the allowable height for permitted uses to 40 feet and 10 years later, were to go back to 35 feet, the CUP would still remain present with the property.

With no other questions for Sonnek, the applicant, Eric Omdahl of Dominion Development, came before the committee. He was accompanied by Mike Krych, an architect from BKV Group and Sam Trebesch, a Civil Engineer from Loucks. Green asked if Dominion was content with the parking stall requirements. The applicant replied that the site was designed to city code; they strive to meet the codes. However, with similar buildings they have designed, the parking requirement is lower- a 1.5 to 1 ratio. The ratios will fluctuate especially if the site is transit oriented. In a senior facility, they look for a 1.25 to 1 ratio. Green asked about incorporating more green space if there were less parking. The applicant confirmed it could be done and there would be a benefit of having less impervious space for snow removal. Proof of parking would be a good way to move forward. Green asked about the snow removal for the property. The applicant said that the snow would be piled on the southern part of the property and in cases where there is excess, they would pay to have it removed offsite. Green remarked that none of the sidewalks connect to the roads. The applicant will talk to the architecture teams to make sure this “gets into the plans.” Green would also like to see the pedestrian crossing painted in the parking lots. McPhillips asked about the realignment of Livingston Avenue. The applicant said that he would have to study what impact the realignment would have to the site. He thinks the impact would predominately be on the parking area. It may also affect costs and setbacks. Stevens asked about the recommendations from the Environmental Committee. The applicant replied that they can take care of the lighting at the property line. Regarding the green roof, they have tried to stay away from this. It is a maintenance concern for the long term and the investment it takes. Dominion will look into the white roof. Krych has experience with white roofs; there are pros and cons. It is not a big deal, cost-wise. Franzmeier asked about the site plan and the amenities. The applicant said there is a main entry zone with parking on both sides.

There are pedestrian connectors that connect the main entrances. The two buildings are organized around this access point. There is a green courtyard in both buildings. There are pedestrian sidewalks surrounding the site in front and around all sides. Connecting back to Livingston will be easy to do. There will be easy pedestrian access to the Caribou. There will be a dog-run area, a pool in the middle area and playground area, and a fire pit. There are places to families and children to play outside; there is a large green space around the Senior Building as well. Franzmeier asked if there is any opportunity for community engagement with this site such as a farmers' market. The applicant said that the management staff will be committed to searching for these types of efforts. McPhillips said it would be nice for there to be a walkway to Signal Hills for the apartment residents. Elsmore asked about security for the pool and the playground. The applicant that these areas would be limited to the apartment residents. They will be fenced in and secured. There would be electronic fobs for these areas. The grilling and bocce ball areas would be more open. Kavanaugh remarked that he would like to see less parking. The applicant's first thought were the parking spaces that abut the first floor family apartments. There is probably an overabundance of parking for the Senior Building. Franzmeier asked about a community room in the Senior Building. The general occupancy would be 75-80 people. Kavanaugh clarified that the "comfortable" ratios for parking would be 1.2 to 1 for the Senior Building and 1.5 to 1 for the Family Building. The applicant confirmed the ratios. Kavanaugh asked about the flow of traffic in the plan. Omdahl said there would be full access/two-way traffic throughout the site. Kavanaugh asked how the middle access that aligns with Gorman Avenue would work. Franzmeier remarked that it looks like there would be blind spots or perspective issues if there were more than one person at the intersection. Krych replied that at Butler Avenue and Gorman Avenue, they want to create an alignment with Gorman Avenue to the north. There is a significant grade differential that is almost a story high. Krych wants to create a gradual decline down to the lower portion of the site to the main street between the two buildings. He will make sure that the area is flat enough to be able to look both ways and enter in and out safely. Trebesch proposed a stop sign for residents exiting the sight. The concern for "stacking" and multiple vehicles needing to make movements at once, is hopefully reduced by everybody stopping before exiting the site. The stop sign would be placed at the intersection at Butler, stopping anyone from making a right or a left onto Butler. They are open to recommendations for signs in the internal intersection if necessary. Franzmeier asked about eliminating the "fork" and making it into a "T." Trebesch said that it could be done but would affect the traffic flow around the site. Omdahl said that the "fork" also allowed for the developer to work with the steeper grade at that area. The fork would especially be necessary if the western Butler Avenue access were to be closed. Omdahl said that placing yield signs in this area would be reasonable to have people slow down. Franzmeier asked if Dominion was open to working with Metro Transit on the bus stop adjacent to the Senior Building on Livingston. Omdahl has not spoken with Metro Transit. He would be happy to speak with them. Franzmeier asked about trash removal. Omdahl said there are trash chutes in both buildings that lead to containers in the garage. A piece of equipment would bring the containers to the staging areas outside the building. The staging area is a designed enclosure space. The staging areas look like the rest of the parking lot; they are meant to hold the dumpster for a few hours. Franzmeier asked if the staging areas could be moved to face Signal Hills. Omdahl said that especially during winter months, the dumpster would be hard to move. They would like to keep the areas as close to the garages as possible. Kavanaugh asked about exterior bike racks. Omdahl said there are racks in the parking garage, some dedicated space in the family building. There may be some near the pool for visitors. They can become an eyesore to place them throughout the sight. Kavanaugh remarked that the number of handicapped parking spaces looks fairly light. Omdahl said there are designated guest and resident spaces that usually remain empty; many people use the regular spaces because they are just as close as the designated handicapped spaces. He is comfortable with the number of handicapped parking stalls; the site plan meets or exceeds code on this number. Franzmeier asked about the exterior façade and if the buildings would look identical. Omdahl said that the buildings will be a have an earthen-tone palette that will last over the "test of time." The brick will have buff tones. There is variation between the Family Building and the Senior Building. The Family Building has a different treatment in the corners and has bigger overhangs in the balconies. Both buildings will have a neutral natural color palette. The

palette complements the St. Paul region and the Bluffs. The character of the buildings will be different but the quality of the materials of both buildings will be the same. They will both be compatible and harmonious.

Stevens talked about concerns with the traffic. The K-Mart did not have a lot of traffic. It was not a typical "Big Box." The intersection is notorious for being dangerous. The intersection at Robert Street and Butler Avenue is a big concern. Omdahl said his study looked at peak times during the am and the pm. There are a 150 peak trips at this site. Compared to a retail use, this is about a third. If the site were redeveloped on a commercial use, traffic would increase much more than a housing development, (particularly a senior development.) Many seniors, seventy years and over, do not travel during peak traffic. Dominion has done their best to improve the traffic patterns with full access to the east and the north. The traffic study that was done shows minimal impact to the area. Green echoed the concern, especially with the traffic around Walgreens.

With no more questions from the commissioners, Green opened the Public Hearing at 8:10 pm. She said that the Commissioners cannot legally speak on TIF, Tax Increment Financing, prevailing wage or property taxes, even though these issues are very important. Darla McGinnis of 1146 Hall Avenue, came before the commission. She said that the site will be right in her backyard. Her biggest concern is the fence. The fence will keep people out of residents' yards and maintain privacy. The area between the fence at the property line and the privacy fence is not maintained by anyone, and grows like crazy. Kids hang out there and smoke pot. There is trash. She has concerns with traffic. There are a lot of kids that walk Butler Avenue and Moreland Avenue to get to Heritage School. She does not want [the project] in her backyard but she at least wants those things addressed. She would also like the lighting to be addressed. Her backyard is right up against the proposed pool. Jim Madsen of 1124 Hall Ave, spoke before the commission. He does not want this in his backyard either. He would urge the closure of the west bound entrance to Signal Hills. It is about 10-15 feet from his property. Green said that it would ultimately up to the County for the closure. Sonnek said the County has already recommended that the western access be closed during the preliminary plat review. She feels the closure is probably the top condition for the County. Madsen asked about the actual height of the K-Mart building. He can see the K-Mart building from this property and the Family Building will be even taller. He does not want people in their balconies looking into his backyard. Madsen talked about the traffic concern; it is a residential area and there will be traffic all the time. He asked about curfew times for the pool and the playground. Green said that almost 99.99 percent of the time there are set hours for these types of amenities. Madsen would also like the present owners to address graffiti and the overgrown field. Robin Gulley of 1045 Gorman Avenue spoke. She has been paying close attention to the project. She talked about energy efficiency and green space and sidewalks; she wants Dominion to be good neighbors. She is concerned about the traffic. She has asked for a stop sign at this intersection. Her children were almost hit by a car at the intersection. There will be many more people walking in this area when the apartments are done. She strongly supports making the site as energy efficient as much as possible. [The residents] are publically subsidizing the project and need to hold Dominion accountable. Ann Bailey from DARTS, 1645 Marthaler Lane, spoke. She talked about the DARTS senior housing building (1631 Marthaler Lane); it has been open since May and they are at 50 percent capacity already with leases coming in daily. Bailey checked with the CDA tallies from two years ago, there was a list of 700 people waiting for affordable senior housing. The list is down to 600; there is still a need for this type of housing. There is a "clamoring" to stay out of assisted living because of the realities of the COVID scare. Places where people can congregate in small groups are needed. [The City] needs more units. [The City] needs all those beds. The Winslow filled its one bedrooms very quickly. Mike Klassen came before the commission to represent his son and wife who live at 1116 Gorman Avenue. He said that his son made an investment into his property and added solar [panels] to his home. It was vetted and inspected by the City. They have talked to the City and Dominion about the impact the buildings would have on his son's home. A shadow study was done; the new building will shade his son's home. They are concerned that the tree plantings will affect the greening at his son's home. He would like Dominion to keep this in mind. The solar was a big investment.

Green opened the hearing to phone-in callers. Michael Orange of 1211 Bidwell Street called in. He is delighted with the redevelopment of the site. It has been blighted for many years and it brings much direly needed affordable housing. The site could be improved. There is too much parking especially for the Family Building. In a letter that he submitted to the Commission he said that the parking ratio is three times what is reasonable. It does not take into account future ride sharing and ride hailing. This will become increasingly important substitute for owning a vehicle. Climate change and economic inequity will also decrease [car ownership.] The traffic study should also include a parking demand component taking into account the parking lot and the on-street parking within a ¼ mile of the site. It should take into account bus travel. If parking is reduced, the cost of the project could be reduced and taken away from public subsidy. There should be onsite stormwater treatment. The buildings are also an opportunity for onsite solar. It would bring down the electricity cost for the residents. The comprehensive plan encourages green building standards. The City is within its rights to require green building standards especially when a City provides subsidy for the project. This site could serve as a model for other cities. Laura Zammiller of Ward I, had concerns regarding traffic, especially the intersection at Livingston and Butler. She shared a story about an almost accident with the turn into Walgreens. She is concerned with the children walking to Walgreens and to Heritage School. Zammiller also referenced the recommendations from the Environmental Committee. She wants to ensure that all the trees are going to be planted. Many times the landscaping is the first to go in project like this. She feels sorry about the man with the solar system but trees are very important for the environment. Judy Rangel from 1207 Bidwell Avenue phoned in. She wanted to echo Michael Orange's comments regarding having solar panels on the new buildings. She also wondered if costs would be reduced if the Senior Building, had only 1- and 2- bedroom apartments, and not 3 bedroom units. She suggested reducing parking for the Family Building as well. Tax payers would pay less. The Public Hearing was closed at 8:41pm.

Green opened up discussion of the site with the commission. Green shared her thoughts.

She suggested the following:

1. Sidewalks to line up and attach to the street sidewalks on both Butler and Livingston.
2. Crosswalks in the parking lots.
3. The County to access putting a crosswalk from the building to Walgreens.
4. More information from the City on how the realignment of Livingston would affect the businesses on Livingston.
5. Dominion keep all mature trees on the property lines that neighbor the houses;
6. The installation of a yield and/or stop sign on the four-way cluster on the Butler Avenue exit/entrance.
7. Connecting the sidewalk to the City sidewalk on Butler on the exit on the west side.
8. Recommendations that Dominion partner with Metro Transit to better the bus stops and
9. Dominion provide a new fence on Butler as far as the site plan goes.

McPhillips said the fence is a necessary thing on the west end and [there should be] connectivity to Signal Hills from the property. Kavanaugh said that parking should be reduced to 1 to 1.5. It would allow City Staff to come up with a better site plan that allowed more green space. Omdahl said that he is comfortable with a (1.25 - 1) to 1 ratio for senior facilities. For family building projects, he is comfortable with a ratio of 1.5 to 1. The site plan was built to the 2-1 ratio per City Code; he cannot commit right now to reducing the parking; he has to study first. Green said that she would like to keep some proof of parking because of the lack of on-street parking. Elmore asked about the 3-bedroom option for the Senior Building. Omdahl said that in most of Dominion's senior building facilities, there is a mix of one-, two- and three- bedroom apartments. There is a very high demand for one-bedroom and an almost equally high demand for two-bedrooms. There is however, demand for three-bedroom units for people who are downsizing from single family homes. Dominion has scaled down the number of three-bedroom units for the West St. Paul site to 10 percent. Kavanaugh suggested the recommendation of the closure of the western access. Franzmeier asked for additional exterior bike racks. She remarked that there are some very large strong recommendations from the Commission, the County and the Environmental Committee. She asked about the time frame for the approval of the site plan. There are some

items that still need to be vetted out. She would like to review the final production. Sonnek said that meeting with Dakota County would be tomorrow; the agenda for Monday, is published the Friday before the Monday Council meeting by 11 pm-12 pm. It does give some turnaround time for plans. Green asked about the alignment of Livingston and how it would affect the site plan. Omdahl said it is a little hard to say without some study first. It would probably reduce parking and opportunities for green space. He does not know the cost implication yet. He is hopeful it is not substantial. This is a large project and sometimes these costs can be absorbed. Franzmeier said she is hesitate to give approval to the site plan without more information. She would like to know if Dominion would react to green energy. The parking situation with the realignment of Livingston is a big concern. She feels the alignment on Gorman Avenue into the entrance is forced. Kavanaugh asked Sonnek if the County is okay with the entrance from Gorman. Sonnek confirmed this and said the Gorman entrance was the preferred access. Omdahl said that the County requested that the western access be closed because is less than one-eighth of a mile away from the full access on Gorman. Dominion intends to close the western access. The two main items with the County that will be discussed is the realignment of Livingston and the right of way and the retaining wall in the space. Green asked if the plan would come before the Commission again. Sonnek does not see the plan coming before the Commission again for minor changes. If there is a significant change, the plan will come back to the Commission. There are some points outlined in Code which constitute major site plan amendment. Sonnek cannot answer if the Livingston realignment is a major change. Green said that she would like the Commission to review the site plan again if the realignment of Livingston is approved. Kavanaugh asked Sonnek about the reasoning behind realigning Livingston. Sonnek said that it was brought up by the County in the preliminary plat review. The City Engineer has also pushed the recommendation. It would be a safer intersection if it were "T-ed." Stevens asked for clarification on who would maintain the buffer zone on the west side if there was going to two fences. Sonnek has to look at the property line to see who owns that part of the property. She thinks it is Signal Hills. Franzmeier is okay with the reduced parking; however, buildings have a second life. She would like a flat parking ratio with both buildings. The Senior Building may become market-rate units in the future.

Green said the Commission has several items to vote on: the Conditional Use Permit, Site Plan, Rezoning, and the Preliminary Plat and Final Plat Review for the construction of two buildings at 1201 Robert and 100 Signal Hills.

**Commissioner Kavanaugh made a motion was made to approve the Conditional Use Permit. Discussion followed. McPhillips asked about the solar panel investment made by the resident. He asked if there could be an amicable settlement that could be made with Dominion and the City and the resident. He asked if this would be reasonable. Johnson said that in terms of a condition that the City could place on Dominion, it would not be appropriate to require Dominion to compensate the owner for the solar panels. If the parties wanted to have a mutual discussion, the parties could enter into that privately.**

**Commissioner Elsmore seconded the motion.**

**Vote: 7 ayes/ 0 nays. The motion carried.**

**Commissioner Kavanaugh made a motion to approve the site plan. There were twelve conditions made by staff.**

**Green added sixteen conditions generated from the meeting:**

1. Connection of all sidewalks to the streets
2. A Crosswalk painting in the parking lot
3. The City paint a crosswalk across Livingston to Walgreens
4. The City provide better information to the Council on how the realignment of Livingston would affect businesses
5. Preservation of all mature trees on property lines that neighbor houses

6. Addition of a yield and/or stop sign at four way cluster at the Butler Avenue entrance/exit
7. Connection of the sidewalk to the City sidewalk on Butler.
8. Recommendation that Dominion partner with Metro Transit to create a fantastic bus stop
9. Addition of a new fence on Butler Avenue property line
10. Addition of a privacy fence on the west border
11. Connection/pathway of the sidewalks to Signal Hills
12. Leniency to parking but providing proof of parking that matches City requirements (
13. Removal of the Butler exit on the west side
14. Consideration of locations for an outdoor bike rack
15. City clarification on who maintains the lot behind K-Mart to ensure lot maintenance on property line
16. Recommendation that the Commission review the site plan again if there is a realignment on Livingston

**Franzmeier made a friendly amendment/addition: a condition to request onsite stormwater management. Sonnek said that the applicant has an underground water filtration system; it does have storage tanks. Kavanaugh said he would like the City Staff conditions. Justen reminded the Commission of the condition of having the site plan come before the commission again if the realignment is approved. The amendment was withdrawn by Franzmeier.**

**Commissioner McPhillips seconded the motion.**

**Vote: 7 ayes/ 0 nays. The motion carried.**

**Commissioner Kavanaugh made a motion to approve the rezoning of 1201 Robert St and 100 Signal Hills from B4 Shopping Center to PMD subject to one condition.**

**Commissioner Elsmore seconded the motion.**

**Vote: 7 ayes/ 0 nays. The motion carried.**

**Commissioner Kavanaugh made a motion to approve the preliminary and final plat subject to the four listed conditions.**

**Commissioner Stevens seconded the motion.**

**Vote: 7 ayes/ 0 nays. The motion carried.**

**NEW BUSINESS** - Green mentioned the Commission's last night training session; she is excited about the ongoing list of things to continue to work on. On the next agenda, she wants to narrow the list of the down to the Commission's favorites for a work session. Franzmeier would also like to add reevaluate building height for R4. Sonnek asked commission members to send items to add to the agenda. Kavanaugh said parking.

**OLD BUSINESS-NA**

**OTHER BUSINESS-NA**

**ADJOURN**

**A motion was made to adjourn the meeting at 9:17 pm. The motion carried. All ayes.**

**Respectfully submitted,  
Sharon G. Hatfield**