

**APPROVED MINUTES
PLANNING COMMISSION
CITY OF WYOMING, MINNESOTA
JULY 26, 2022
7:00PM**

CALL TO ORDER:

Planning Commission Chairman Lobermeier called the Regular Meeting of the Wyoming Planning Commission for July 26, 2022 to order at 7:00 PM

CALL OF ROLL:

On a Call of the Roll the following members of the Wyoming Planning Commission were present: Mark Lobermeier, Michael Naumann, and Roger Carr

ABSENT: Commissioner Katie West

Also Present: Fred Weck Zoning Administrator, Kim Lindquist, WSB, Robb Linwood, City Administrator, and Mayor Lisa Iverson

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM: NONE

APPROVAL OF MINUTES:

1. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota Planning Commission for June 14, 2022

A MOTION WAS MADE BY COMMISSIONER CARR, SECONDED BY COMMISSIONER NAUMANN, TO APPROVE THE MINUTES OF THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR JUNE 14, 2022 AS SUBMITTED.

<i>Voting Aye:</i>	<i>Carr, Naumann, and Lobermeier</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>West</i>

SCHEDULED PUBLIC HEARINGS:

2. **Conditional Use Permit: C-22-002 and Site Plan Review: SP-21-001 – Dairy Queen, Location: 5111 East Viking Boulevard
Applicant: Fourteen Foods, LLC
Owner: D7 Wyoming, LLC
Property ID Number: 21-00020.00**

Kim Lindquist, WSB, explained the request for a CUP and Site Plan Review. She noted that the plans are to remove the existing structures and construct a new 3,100 square foot Dairy Queen with 68 seats inside and 26 patio seats as well as a drive-thru. She reviewed the parking requirements and noted that the area to the west is paved but not striped and could potentially be used as an overflow area or a place for a large vehicle or someone hauling a trailer could park.

She stated that one of the conditions of approval is that if the City witnesses congestion on the site that they will ask the applicant to stripe that overflow area. She stated that there is hard surface over and above the Shoreland District requirement of 25% but noted that the new construction slightly reduces the hard surface on the site. She noted that there are a few issues with the project including the architecture because a significant amount of the building is the EIFS material which is considered a Class 3 material and the requirement is for 65% of Class 1 materials and no more than 35% to be Class 2 or Class 3 materials. She stated that there will need to be some modification of those materials in order to bring it into compliance. She noted that there is a cross access easement with the property to the south which is currently a large, open, paved area so there may also be some parking of Dairy Queen customers on that property as well. She stated that the other issue that was raised in the staff report deals with the eastern entrance, curb cut, and drainage. She stated that following a conversation with the applicant they have indicated that they will just remove that curbing which will remove one of the primary engineering concerns. She stated that they are planning to keep those engineering concerns in the recommendation because there are other minor fine points that will be needed. She noted that they are planning to bring the landscaping and utilities into compliance and will see significantly more plantings and screening of the trash enclosures. She explained that the proposal is just a general upgrading of the site to be more consistent with existing regulations and more complementary to new construction in the area. Staff recommends approval with the conditions as noted in the staff report.

Chair Lobermeier asked about the status of the underground tanks.

Building Official Weck stated that he believes that had been completed last week.

Chair Lobermeier stated that he would assume then that this should include continued compliance in terms of tank removal of remediation that may be necessary.

Ms. Lindquist explained that staff did not specifically have that laid out in the plans so they could be something that is added.

Justin Kraus, Fourteen Foods, stated that they have had this store since 2008 and noted that they had originally been leasing the property and then went through the bankruptcy with the former gas station. He stated that at that time they were able to purchase it and have come up with plans for this project. He explained that since the pandemic, they have seen drive-thru business increase to become more than 75% of their business, so for this store, they are planning a double drive-thru, which will be the first of its kind in Minnesota. He stated that their concept for the building is what they are calling 'Next Gen' and noted that it will be about 30 feet narrower than the existing building. He gave an overview of their kitchen practices and the cold wells for ice cream to help speed up the service and stop the ice cream from melting.

Chair Lobermeier asked about the EIFS building materials that are planned.

Mr. Kraus displayed the different material and explained the proposed color scheme. He stated that he believes they will be able to address the concerns raised in the staff report by incorporating things like wainscoting and stone.

Chair Lobermeier asked about the western portion of the site where they are leaving the pavement because it seemed odd to have a nice new store and then leave the older asphalt in place.

Mr. Kraus stated that they will most likely add an overlay on top of the existing asphalt.

Chair Lobermeier asked about the timber retaining wall along the west side of the property.

Mr. Kraus stated that he and Nick Johnson came to the City earlier today in order to take a look at the wall. He stated that it is currently constructed with railroad ties and they are taking a look at ways to try and clean that up a bit. He noted that at the very least they plan to do something

to reinforce the wall.

Chair Lobermeier noted that due to its age, he believes it would be worth the time and effort to take a closer look at the wall.

MOTION BY COMMISSIONER NAUMANN, SECONDED BY COMMISSIONER CARR, TO OPEN THE PUBLIC HEARING AT 7:25 P.M.

Voting Aye: Carr, Naumann, and Lobermeier
Voting Nay: None
Abstain: None
Absent: West

There was no public comment.

MOTION BY COMMISSIONER CARR, SECONDED BY COMMISSIONER NAUMANN, TO CLOSE THE PUBLIC HEARING AT 7:26 PM.

Voting Aye: Carr, Naumann, and Lobermeier
Voting Nay: None
Abstain: None
Absent: West

Chair Lobermeier asked how long the turn-around time would be between demolition and reconstruction.

Mr. Kraus stated that it typically takes about 100-110 days to rebuild, but noted that it could take longer due to weather. He noted that they also own the stores in Lino Lakes and Centerville, so the employees can transfer to those locations during the construction process.

MOTION BY COMMISSIONER CARR, SECONDED BY COMMISSIONER NAUMANN, TO RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT C-22-002 AND SITE PLAN REVIEW SP-21-001 FOR DAIRY QUEEN LOCATED AT 5111 EAST VIKING BOULEVARD, FOR FOURTEEN FOODS, LLC, OWNER D7 WYOMING, LLC FOR PROPERTY ID: 21-00020.00, WITH THE CONDITIONS AS LISTED IN THE STAFF REPORT.

Voting Aye: Carr, Naumann, and Lobermeier
Voting Nay: None
Abstain: None
Absent: West

Building Official Weck explained that this item would come before the City Council on Wednesday, August 3, 2022, due to National Night Out festivities on Tuesday.

NEW BUSINESS - NONE

OLD BUSINESS:

3. Comprehensive Plan Update Draft Review

Building Official Weck explained that one of Planning Consultant Zweber's major comments was regarding the official maps and he recommended that the City not do an official map. He gave an overview that explained Planning Consultant Zweber's concerns with relation to 'taking'.

Chair Lobermeier stated that he did not think it would be a 'taking' issue and would just be the City trying to reserve areas for future plans such as a street or a water treatment plant. He stated that there is language in the Comprehensive Plan that talks about an official map as a tool which he would like to see remain because it, to him, is just talking about an implementation tool.

Building Official Weck stated that from reading the Statute, if they were to build a building without a permit in that area then they would be out of luck. He stated that if they applied for a permit in the area that the City is reserving, that building permit would be denied. He stated that they could then appeal it and the City could decide whether or not to issue the permit. He stated that the 'taking' was his own thinking because if he denies the permit and the City denies the appeal they cannot build on the property which to his mind seemed like a 'taking'.

Chair Lobermeier noted that he was not a fan of kicking the can down the road, but if the Comprehensive Plan is approved with that language included, he feels it just represents one way for the City to identify what they think is going to happen and preserve the ability to actually do it. He reiterated that he would like to keep language unless it was deemed to be problematic. He suggested that during the final review of the Comprehensive Plan the Commission determine if they are advocating for an official map and if its inclusion makes the Plan stronger or weaker.

Building Official Weck stated that the figures are pretty small and believes in the final version they will be incorporated into the body of the document.

Chair Lobermeier asked about the numbers referenced Figure 13 and noted that nothing had been included in the legend and suggested that information be added. He stated that he did not feel Figure 9 helped much at all because it was too small.

Building Official Weck noted that once the Commission has approved a rough draft of the Comprehensive Plan, the City would then get the final 'pretty' document from WSB and schedule a public hearing. He noted that there had also been discussion about holding an all boards meeting prior to the public hearing to make sure everyone was on the same page.

Chair Lobermeier stated that he would like to schedule approval of the rough draft at the next Commission meeting and set a date for an all boards meeting.

Commissioner Naumann asked about the difference between an official map and a usage map.

Chair Lobermeier explained that a usage map would be what Building Official Weck had referred to as 'land use' and an official map would be the procedural process that the State Statute goes through. He stated that the official map did not have to cover the whole City and could just be something for road right-of-way or showing where a freeway will go through a community so it becomes sort of an appendage.

Building Official Weck gave a brief explanation of what maps he uses when he gets a call from someone interested in development of various properties to explain to them what the possible uses are for the parcels. He stated that once the Comprehensive Plan is adopted, the City will then have to start the process of rezoning everything on the map that isn't currently included in the map.

COMMUNICATIONS:

4. Planning Commission Member Recommendation – Dan Iverson – 25675 Goodwin Road

Chair Lobermeier stated that Mr. Iverson appears to have great qualifications to serve on the Commission.

Dan Iverson addressed the Commission and noted that he has been in the corporate world for a number of years and is attempting to downshift into a reduced schedule before he officially retires. He stated that he would like to use that extra time in order to use his talents and skills working with the Planning Commission.

MOTION BY COMMISSIONER LOBERMEIER SECONDED BY COMMISSIONER CARR, TO RECOMMEND APPROVAL OF APPOINTING DAN IVERSON TO SERVE ON THE PLANNING COMMISSION.

<i>Voting Aye:</i>	<i>Carr, Naumann, and Lobermeier</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>West</i>

UPDATES:

Zoning Administrator Weck stated that at the next meeting, in addition to the Comprehensive Plan rough draft, there will also be an agenda item for Site Plan Review for Gregory Contracting.

City Administrator Linwood stated that a draft Master Park Plan will be shared with the Park Advisory Commission and the Council next week.

Chair Lobermeier asked if there needed to be a quick review of the parks section of the Comprehensive Plan to ensure there are not inconsistencies.

Zoning Administrator Weck explained that he did not think there should not be conflicts because they have been reviewing it.

City Administrator Linwood stated that he agreed, but noted that there would be time to take a look and make sure they are consistent.

A MOTION WAS MADE BY COMMISSIONER CARR, SECONDED BY COMMISSIONER NAUMANN, TO ADJOURN THE JULY 26, 2022 "REGULAR MEETING" OF THE WYOMING, MINNESOTA PLANNING COMMISSION AT 7:53 PM.

<i>Voting Aye:</i>	<i>Carr, Naumann, and Lobermeier</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>West</i>