

MAPLE GROVE
PLANNING COMMISSION
July 31, 2023

CALL TO ORDER

A meeting of the Maple Grove Planning Commission was held at 7:00 p.m. on July 31, 2023 at the Maple Grove City Hall, Hennepin County, Minnesota. Chair Lamothe called the meeting to order at 7:00 p.m.

PLEDGE OF
ALLEGIANCE

ROLL CALL

Planning Commission members present were Chair Craig Lamothe, Chris Ayika, Lorie Klein, Michael Ostaffe, and Stephanie Tomlinson. Members absent were Joe Pickett and Chuck Lenthe (excused absences). Present also were Joe Hogeboom, Jesse Corrow, City Planner; Jupe Hale, Assistant City Engineer; and Scott Landsman, City Attorney.

ITEMS TO BE
REMOVED FROM
THE AGENDA

None.

CONSENT ITEMS

The following Consent Items were presented for the Commission's approval:

A. Regular Meeting – June 12, 2023

B. Popeyes at Dunkirk Square **TABLED** to August 14, 2023, Planning Commission meeting.

Maple Grove Chicken, LLC

16501 County Road 30, Outlot A

PUD concept stage plan amendment, development stage plan, and final plat for the purpose to construct a 2,500 square foot drive thru restaurant in Dunkirk Square Fifth Addition

Motion by Commissioner Klein, seconded by Commissioner Ayika, to approve the Consent Items as presented. Upon call of the motion by Chair Lamothe, there were five ayes and no nays. Motion carried.

CONSIDERATION
OF ITEMS PULLED
FROM CONSENT
AGENDA

None.

UPDATE ON CITY
COUNCIL
MEETING

Mr. Corrow reviewed with the Commission what items the City Council approved that was given direction at the Planning Commission level.

OLD BUSINESS

No items to present.

NEW BUSINESS

PUBLIC HEARING

VARIANCE

6419 HEMLOCK
LANE NORTH

MARK
SEIDENSTRICKER

VARIANCE FOR
THE PURPOSE OF
BUILDING A SIX-
FOOT HIGH
FENCE IN THE
FRONT YARD

Mr. Corrow stated the applicant is requesting a variance to allow for a 6-foot privacy fence to be constructed within the front yard setback at their home located at 6419 Hemlock Lane. The property owner is seeking additional privacy from vehicle and pedestrian traffic along Hemlock Lane, an arterial roadway. The home sits on a large 1.5-acre lot and is accessed directly from Hemlock Lane, with 248 feet of street frontage adjacent to their front yard. The R-1 zoning designation on this property requires an increased front yard setback of 35 feet. City Code allows only decorative fencing within the front yard setback area with a maximum height of 3½ feet. In order to satisfy visibility and snow storage concerns noted by Hennepin County and city staff, the applicant is requesting a 10-foot front yard setback for the fence placement. A 15-foot sight visibility triangle will also be added at the intersection of the driveway, providing increased visibility of pedestrians and vehicles. There is a retaining wall and chain link fence maintained by Hennepin County at the south end of the front property line in order to support the adjacent pedestrian trail. The applicant would like to terminate the privacy fence at the location of this retaining wall/fence as shown on the attached fence plan. Staff discussed the plans in further detail and made the following recommendation.

STAFF RECOMMENDATION:

Motion to recommend that the City Council direct the City Attorney to draft a resolution and a Planned Unit Development agreement approving the Variance subject to:

1. The property owner having the front property line located and marked by a licensed surveyor prior to installing the fence.
2. The applicant addressing to the satisfaction of the city any remaining applicable comments contained in the memorandums from:

- a. The Engineering Department dated June 30, 2023
- b. Hennepin County dated June 30, 2023

The applicant shall acknowledge that Park Dedication requirements are based on staff review and recommendation to the Park and Recreation Board and their subsequent board action. Board meetings are held on the third Thursday of each month.

Discussion

Commissioner Ostaffe asked why the City would force the existing fence, which was on the property line, to be moved. Mr. Corrow explained stepping it back 10 feet would provide greater visibility for traffic entering and exiting the property. In addition, the 10 foot setback would allow for better snow storage.

Commissioner Ostaffe indicated he would support a five foot setback.

Chair Lamothe questioned who removes snow from the trail. Mr. Corrow indicated the City removes the snow from the trail.

Commissioner Tomlinson asked who would maintain the lawn on the other side of the fence, on the trail side. Mr. Corrow reported this would be the responsibility of the property owner and the City would maintain grass between the roadway and the trail.

The applicant was at the meeting to answer questions.

Mark Seidenstricker, 6419 Hemlock Lane North, stated he has lived in his home since 2012 and was asking for a fence due to the increased traffic levels on the adjacent roadway. In addition, he has a small child that he would like to keep safe.

Commissioner Ostaffe asked if the applicant would like to have a five foot setback. Mr. Seidenstricker explained he would support this change. He indicated a 10 foot setback would be closer to a mature tree on the south property line.

Chair Lamothe inquired if the applicant had communicated with his neighbors regarding the proposed fence. Mr. Seidenstricker noted he had spoken with his neighbors and they were excited about it.

Chair Lamothe opened the public hearing at 7:17 p.m.

The public was asked by Chair Lamothe if they had any comments to make regarding this application.

No one wished to address the Commission.

Motion by Commissioner Ostaffe, seconded by Commissioner Ayika, to close the public hearing at 7:17 p.m. Upon call of the motion by Chair Lamothe, there were five ayes and no nays. Motion carried.

Commissioner Ayika thanked staff for their presentation on this planning case. He supported the fence being placed as recommended by staff.

Motion by Commissioner Ostaffe, seconded by Chair Lamothe, to recommend that the City Council direct the City Attorney to draft a resolution and a Planned Unit Development agreement approving the Variance with a five foot setback maintaining the sight triangle subject to:

- 1. The property owner having the front property line located and marked by a licensed surveyor prior to installing the fence.**
- 2. The applicant addressing to the satisfaction of the city any remaining applicable comments contained in the memorandums from:**
 - a. The Engineering Department dated June 30, 2023**
 - b. Hennepin County dated June 30, 2023**

The applicant shall acknowledge that Park Dedication requirements are based on staff review and recommendation to the Park and Recreation Board and their subsequent board action. Board meetings are held on the third Thursday of each month.

Chair Lamothe explained he typically has a high threshold for variances, but he believed this one hit all the marks as presented by staff. He indicated he appreciated the 15 foot sight triangles. He was of the opinion a five foot setback was reasonable for this property.

Commissioner Ayika stated he preferred the 10 foot variance as recommended by staff.

AMC THEATER –
NORTH OUTLOT
12575 ELM CREEK
LLC
PUD
DEVELOPMENT
STAGE PLAN AND
FINAL PLAT FOR
THE PURPOSE OF
CONSTRUCTING
TWO
RESTAURANTS
TOTALING 5,700
SQUARE FEET

Upon call of the motion by Chair Lamothe, there were four ayes and one nay (Commissioner Ayika opposed). Motion carried.

Mr. Corrow stated the applicant is seeking a development stage plan approval for the construction of a new 5,700 square foot commercial multi-tenant building on the north outlot of the former AMC property. The proposed development is consistent with what was identified in the concept plan from 2021 for the north lot and is consistent with the zoning and guidance of the property. The proposed development is anticipated to include two dine in/take out restaurants, whom have been identified within the plans as Dave’s Hot Chicken and Hope Breakfast Bar. Dave’s Hot Chicken is a rapidly expanding franchise which focuses on chicken tenders and chicken sandwiches. The Maple Grove location would be one of the first locations for this franchise in Minnesota. Hope Breakfast Bar offers all day breakfast food, cocktails and wine, as well as walk-up coffee bar. There are two other Hope Breakfast Bar locations in the metro area, one in St. Louis Park and another in St. Paul. Staff discussed the plans in further detail and made the following recommendation.

STAFF RECOMMENDATION:

Motion to recommend that the City Council direct the City Attorney to draft a resolution and a Planned Unit Development agreement approving the PUD Development Stage Plan and Final Plat subject to:

1. The applicant addressing to the satisfaction of the city any remaining applicable comments contained in the memorandums from:
 - a. The Engineering Department dated June 30, 2023
 - b. The Fire Department dated June 29, 2023
 - c. The Parks & Recreation Department, dated July 20, 2023

The applicant shall acknowledge that Park Dedication requirements are based on staff review and recommendation to the Park and Recreation Board and their subsequent board action. Board meetings are held on the third Thursday of each month.

Mr. Hale commented on the trip generations proposed for this use and discussed how the trip volumes would impact the property. He

explained a right in off of Elm Creek Boulevard has been pursued from the County without success.

Discussion

Chair Lamothe thanked staff for their presentation. He commented on the sketch plan that was created for this property. He noted he was skeptical of the concept plan and if there would be adequate parking. He questioned if a traffic study was completed for this property, versus just using the ITE manual to set the parking requirements. Mr. Hale explained a full traffic study was not completed.

Chair Lamothe asked if anyone has reviewed the parking needs for each use based on their peak demands, with the new uses. Mr. Corrow stated he has not taken a close look at the current uses and their parking demands. He explained this was a large unused parking field that was proposed for redevelopment. He noted the Floor & Décor location does not bring in a whole lot of traffic and have the hours of 7:00 a.m. to 7:00 p.m. He indicated the Hope Breakfast Bar would close at 3:00 p.m. and Dave's Hot Chicken would close at 9:00 p.m. He explained parking would be spread out and patrons may have to walk a little bit further away from the front door, but staff was confident there would be enough parking.

Commissioner Tomlinson questioned if staff had taken into consideration the traffic that was generated by the transit center. She feared a bottleneck would be created at this intersection. Mr. Hale reported this was considered by staff.

Commissioner Ostaffe stated he understood there were 602 parking spaces in the parking lot. He questioned if this included the spaces around the Red Lobster and Malone's. Mr. Corrow reported these were included in the 602 counts.

Commissioner Ostaffe expressed concern with how this parking count would be impacted during the winter months for snow storage. Mr. Corrow explained he asked the applicant to be prepared to speak on this matter.

The applicant was at the meeting to answer questions.

Dan Regan, Launch Properties representative, introduced himself to the Commission and stated he was aware of the fact this was a sensitive area in Maple Grove. He understood the change in use

would change traffic and parking patterns. He believed he has been diligent in evaluating what could come up know that this was a busy area. He explained he was approved for 7,500 square feet of building space and this has been reduced by 25%, which would eliminate one tenant from the building. He reported he has been sensitive to the utilization of the existing parking stalls. He commented on how well the Hope Breakfast Bar would fit in with the existing tenants, noting they would close at 3:00 p.m. He believed this business would do very well in Maple Grove. He indicated the proposed drive thru for Dave's Hot Chicken has been removed which allowed the space to keep 13 prime parking stalls. He believed the volume of parking stalls would be more than adequate. He stated he would be working with Floor & Décor on a snow removal plan. He anticipated the parking patterns would change once the new building was constructed, but noted patrons would be able to adjust to the change.

Commissioner Ostaffe commented on how busy the Dave's Hot Chicken was at Ridgedale. He noted this business had 80 to 100 cars moving through the site per hour during peak times. He stated there would be a significant increase in traffic from this development for this area of Maple Grove. He explained he would have liked to have had a traffic study completed for this project.

Mr. Regan stated he did not believe this project was an apples comparison to the Ridgedale development. He indicated he would be happy to study the traffic projections further.

Commissioner Ayika questioned if the neighboring properties were notified of this application.

Mr. Regan explained he has spoken with AJ at Malone's along with the general manager at Red Lobster. He stated Red Lobster has been supportive of this project and asked that they be notified when construction would start. He commented he has received negative feedback from AJ but stated he has done all that he can by shrinking the building size and eliminating the proposed pick up window, while also seeking a tenant that closes at 3:00 p.m. He indicated the next step would be to kill the project altogether, but he was not willing to do that.

Commissioner Ostaffe questioned what potential clients had been turned away from this project.

Mr. Regan stated the potential clients that had been turned away were fast casual restaurants that would have generated even more traffic than the two proposed users. He indicated he has done what he could to eliminate conflicts as much as possible.

Commissioner Ostaffe inquired if retail users had been considered.

Mr. Regan commented this was considered, but this was not who he had leases with.

Chair Lamothe opened the meeting for public comment.

AJ Stevens, 2172 Homestead Trail in Long Lake, explained he was the general manager of Malone's. He indicated he was scared by the proposed development. He noted the intersection adjacent to his restaurant was already a problem. He did not believe this intersection could handle anymore traffic. He reported he spoke to the Police Chief regarding this intersection and they were aware of the concerns. He understood the developer had the right to develop this property but he feared these uses would be detrimental to Malone's, Red Lobster, Floor & Décor, Rojo and the Shoppes at Arbor Lakes. He reported the Dave's Hot Chicken in Minnetonka was incredibly busy. He stated Malone's was something special in the community. He indicated his business would never be the same if a Dave's Hot Chicken were in his parking lot. He asked that the Commission care about the existing businesses and requested that the Planning Commission not support this project.

Claire Lamothe, 8512 Oakview Way North, stated she believed these two restaurants would be great for Maple Grove, but not at this location. She explained the traffic was already too congested in this area. She recommended this project not move forward on this property.

Chair Lamothe closed the meeting for public comment.

Chair Lamothe commented he was very skeptical of the original sketch plan for these outlots. He reported he was opposed to the layout of Shake Shack and noted all of his concerns for the project have come to fruition. He understood these two tenants would be a welcomed addition to Maple Grove. However, he needed to see that they worked at this location. He believed the proposed plans were not proving this to be true. Because of this, he would not be able to support the project as proposed.

Commissioner Ostaffe stated he had the same concerns as Chair Lamothe. He anticipated there would be a very high level of traffic drawn to these restaurants which would adversely impact the existing businesses.

Commissioner Klein indicated she was concerned about the traffic levels as well. She recommended the City not walk blind into this project, especially knowing the type of traffic this business would draw.

Commissioner Tomlinson concurred. She feared this project would create a lot of traffic concerns and anticipated this would negatively impact the existing businesses.

Commissioner Ayika agreed this intersection a major concern. He asked to hear from the applicant and how they would feel if this item were tabled.

Chair Lamothe commented on how the Shoppes at Arbor Lakes was changing and evolving from the original uses. He discussed how the puzzle pieces were changing and he wanted to make sure the pieces still fit. He reported he wanted a real parking study completed for this project, taking into consideration peak operating times for each of the surrounding businesses, to ensure that the proposed project would work. He stated he wanted to see these two new businesses in Maple Grove, but he wanted to be assured that they fit property on the site. He asked the applicant to come forward at this time to in order to respond to the comments from the Planning Commission.

Mr. Regan thanked the Commission for their feedback and stated he could support the project being tabled. He indicated he would have to work with staff to better understand what infrastructure improvements were being planned for the adjacent intersection. He stated he would study the existing parking utilization and trip generation in order to create a baseline for the parking usage. He commented he would add to this information his best estimates the number of visits for the two proposed restaurants. He explained he may not have all of this information prepare by August 14, but would be back on the agenda when he had the proper data for the Planning Commission. He encouraged the Commission to keep in mind that the initial traffic would be heavier when these uses first opened and this would be level off over time.

Commissioner Ayika encouraged the applicant to include information that proves the site had adequate parking.

Commissioner Klein asked that a snow storage plan also be considered by the applicant prior to coming back to the Planning Commission.

Commissioner Tomlinson recommended a pedestrian plan also be created for the site.

Chair Lamothe stated he did not want to see a repeat of the Shake Shack on this property.

Motion by Chair Lamothe, seconded by Commissioner Ostaffe, to table action on the item to allow the applicant and staff more time to prove this project will work on the property. Upon call of the motion by Chair Lamothe, there were five ayes and no nays. Motion carried.

DISCUSSION ITEMS

There were no discussion items.

ADJOURNMENT

Motion by Chair Ostaffe, seconded by Commissioner Tomlinson, to adjourn the Planning Commission meeting. Upon call of the motion by Chair Lamothe, there were five ayes and no nays. Motion carried.

Chair Lamothe adjourned the meeting at 8:34 p.m. to the next regularly scheduled meeting of the Planning Commission scheduled for August 14, 2023.