

**City of Falcon Heights
Planning Commission Minutes
May 25, 2010**

PRESENT: Commissioners Black, Gustafson, Hasegawa, Minns, Noble, Rodich and Wartick, Council Liaison Harris, City Attorney Tom Scott, Staff Liaison Jones.

A quorum being present, the meeting was called to order by the Chair at 7:01 p.m.

The Planning Commission minutes for September 22, 2009, and January 26, 2010, were approved.

Public Hearing: Conditional Use Permit for a dental laboratory in the Spire Credit Union building at 2025 West Larpenteur

At the invitation of the Chair, Staff Liaison Deb Jones presented an introduction of the case, giving some history and background of the property. The property owner, Spire Federal Credit Union does not fill the entire building and has been looking for a tenant. The proposed tenant is GeoDigm Corporation, a company that uses state of the art technology to create dental appliances. This kind of use is conditional in the Falcon Heights B-2 Limited Business District and required a Conditional Use Permit. City Attorney Scott explained for the audience that a conditional use is an allowed use that requires some additional review and may require conditions in addition to the usual zoning for the district.

Jones outlined the interior changes planned for the building and said that existing parking and access will be used. GeoDigm will employ approximately 150 individuals at the site with approximately the same hours as the credit union (7 a.m. to 7 p.m.). The City Engineer has submitted a memo confirming that Prior Avenue is sufficient to accommodate the additional traffic anticipated. City Staff are confident that the infrastructure is more than sufficient to accommodate the added business in the building and that the new business will not impact the neighborhood in a negative way.

Cindy Owen of Spire Credit Union next addressed the Commission. Spire is very pleased to have GeoDigm join them in the building, as they do not need to use the entire facility due to their operational efficiencies. She and Joel Richardson, head of operations for GeoDigm in Minneapolis and St. Paul, were present to answer questions

Commissioner Wartick asked about the light manufacturing operation mentioned in the planning application. Mr. Richardson said the manufacture of dental items is comparable to the making of handmade custom fine jewelry or electronics, using cast metal and porcelain. There would be staggered start times starting at about 7 a.m. Most deliveries would be UPS, and GeoDigm has its own delivery drivers, making small deliveries around the metro areas with Toyota Corollas. There might be an occasional bulk delivery of supplies with a larger truck.

Commissioner Hasegawa asked what kind of materials might need to be disposed of off site, especially hazardous or biological waste. Richardson said no hazardous materials are generated or stored. Dental impressions are disinfected before disposal. Commissioner

Noble asked if any additional ventilation will be needed because of the casting operation. Richardson said additional ventilation and air conditioning will be added.

Commissioners had additional questions about hours of operation and other details. Richardson said there is basically one shift with staggered starting and ending times and the company does not foresee the need to add any full additional shifts. The full extent of hours would be 6 a.m. to 10 p.m. but the majority of employees would arrive after 7 a.m. and leave by 6 p.m. GeoDigm has no expectation of having a 24 hour operations at the site. Janitorial service would be in the building in the early evening. The company would not give up the site if there were restrictions on hours and might like to have the option of discussing that option in the future.

Richardson said the Falcon Heights site would allow them to consolidate their operations in the metropolitan area. The company owns labs elsewhere in the country but does not plan to bring all those operations here. The Spire site would serve the metro area. The employees are already in place but there might be new openings for part time employees after the company moves in. They would start with about 120 employees and expand later to about 150. There would be a “minimal” number of visitors coming and going.

Ms. Owen said that GeoDigm would have space on existing signs and would not need to put in any additional signage. The trees in the parking lot that were removed for the parking lot resurfacing were ash trees and were essentially dead.

Commissioners having finished their questions, Commissioner Gustafson opened the public hearing.

Liz Kelly, 1733 Tatum Street, said that she appreciated the questions asked by commissioners and answers provided because they had addressed most of her concerns. She asked if there would be night time deliveries. Richardson said deliveries would be in the day time. Ms. Kelly also expressed concern about the possibility of adding additional shifts overnight.

Rick Elm, 1765 Tatum Street, said he and his family enjoy having the open space behind them and asked what happened to the Farmers Market. Ms. Owen said Spire did not want to commit to that use of the parking lot with a tenant coming in. The resident said he also was glad so many of the questions had already been answered and that he also is concerned that GeoDigm not expand to overnight, 3-shift operations. He would recommend to the Planning Commission that the Conditional Use Permit place limits on time of operation.

Florian Lauer, 1736 Tatum Street, wanted to know how many square feet the lab would occupy. The answer is 33,172 out of the 88,800 square foot building. Total occupancy would be about 225 people in that 88,800 square foot building. The resident asked if the conditional user permit could be changed later to allow expansion and more shifts. Commissioner Gustafson said that the owner would have to come back to the city to request changes if they wanted to do something outside of the permit. Jones reminded the audience that there are not yet any conditions, that those are to be added by the Commission for recommendation to the Council. The resident asked what kind of workers would be coming into the building. Richardson said there would be a variety of education

levels and that the majority of workers would be trained, skilled workers of middle salary ranges and above.

In response to a question from Commissioner Minns about comparing projected operations to the use of the building in the Hewlett Packard days. Ms. Owen said that there were 457 employees at Hewlett Packard using over 430 parking spaces in 3 shifts, so usage will still be lighter. The two businesses will be sharing the loading dock on the Prior Side of the building across from the fire station. Mr. Richardson thanked the Commission and the community for the opportunity and said GeoDigm had looked at a lot of sites and liked this site much the best of all the possibilities.

Mr. Lauer asked if there would be any additional taxes levied. Gustafson said he did not think any extra taxes would be collected from the property. Jones commented that the employees would be spending money in the community at local businesses and that would be something of an economic boost.

There being no further public comment, the Chair closed the public hearing.

Discussion and Recommendations on the Conditional Use Permit for the dental laboratory with light manufacturing at Spire Credit Union.

Jones reminded the Commissioners that the draft conditional use permit they have been given does not yet include any conditions and that staff hopes the Commission will add such conditions as they decide are appropriate to recommend to the Council after taking input from the public.

Commissioner Rodich said that he felt, after hearing neighbors' concerns, that it would be reasonable to add conditions that would limit hours of operations in some way, say, from 6 a.m. to 8:00 or 10:00 p.m. He sees the need for having a few employees outside for those hours. Commissioner Black agreed, saying that the building and parking lot were clearly large enough to accommodate the proposed operation and that the hours of activity were the most likely thing to impact the neighborhood. Mr. Richardson confirmed that the main work force works during the 7:00 a.m. to 5:00 or 6:00 p.m. (most fabrication would take place 7:00 a.m. to 3:30 p.m.) but there are a few people who begin as early as 5:00 a.m. and a few that might remain until a late hour of the evening. Limiting hours in the C.U.P. would not be an obstacle to GeoDigm moving onto the site. The only thing that might happen "in the middle of the night" would be someone coming in to restart a printer or something similar.

In response to questions about light, noise and screening, Jones said the City already requires screening for the Spire operation and has no knowledge of any plans to change exterior lighting or screening. There might be occasional use of the building on Saturdays for a special shipment out, Richardson said.

Black said he would not be in favor of putting unreasonable on the tenant's hours of operation but did also not want to be in the position of leaving an opening for something that would negatively impact the community later on. Richardson said that was reasonable.

The Commission spent some time discussing the condition that might be formulated to achieve reasonable conditions on hours and occupancy of the building. Black moved that staff draft a condition to attach to the permit to reflect the consensus achieved in that discussion, giving primary hours of operation and limiting the number of employees that can be on site outside of the primary hours. There was further discussion on this motion.

Mr. Scott advised the Commission that it might be less cumbersome to make a motion recommending approval of the conditional use permit subject to a condition to be drafted by staff limiting primary hours of operation and limiting the number of employees outside of those hours, also possibly stating that no additional shifts are to be added. Jones asked how the Commission wished to proceed with the motion already on the floor, not yet seconded.

Commissioner Black amended his motion to recommend approval of the C.U.P. with a condition to be added regarding work hours, specifics to be drafted by staff, defining a primary operational time from about 6:00 a.m. to about 6:00 p.m. during which there is only one shift for the primary manufacturing activity of the company and outside of that time a secondary period of operation with a limited number of employees. There was additional discussion, the sense of the Commission being that the company should be allowed flexibility but not allow a full shift of operations at night. Jones asked for clarification on the motion and reminded commissioners that there had not been a second to the motion.

Mr. Richardson said the bulk of manufacturing takes place between 7:00 a.m. and 3:30, with a small number of people outside those hours, a "skeleton crew". He would like the ability to have small crews outside the primary hours. He assured the Commission that it is not the company's plan to have full operations outside the 7:00 to 3:30 hours. Commissioner Black pointed out that the owner could come back to the City if there was a need to consider changes beyond what has been proposed. Council Member Harris said that the Council would prefer getting somewhat specific hours from the Commission.

Commissioners continued to discuss how to define the condition on hours. Commissioner Black asked what would be a reasonable number of people that would be expected to be in the building outside of primary hours. He and Commissioner Wartick pointed out that defining occupancy outside of primary hours by the number of employees rather than their function would be simpler and more flexible.

Black restated his motion. He moved to recommend approval of the C.U.P. with one condition limiting the number of workers to 30, outside of primary hours of operation of 6:00 a.m. to 10:00 p.m. Monday through Friday, specific language to be drafted for the Council by staff and the city attorney. The motion was seconded by Commissioner Minns. Jones asked for clarification that the intention was to apply this personnel limit only to the GeoDigm operation and not the building as a whole. This intention was confirmed by several commissioners.

Commissioner Noble said she felt 10:00 p.m. was too late. She moved to amend the hours in Black's motion to end the primary operations at 9:00 p.m.; Wartick seconded. The commission unanimously approved the motion for the amendment.

There was no further discussion on the amended motion. The Chair called for a vote, and approval was unanimous. The Commission recommends approval of the conditional use permit with the amended condition.

Commissioners Rodich and Minns excused themselves to go home and close windows against the sudden storm. Jones reminded the audience that the final decision will be made by the Council in June.

Public Hearing: Ordinance to amend the sign code (Section 113-415) to agree with State law regarding changes the movement of the State primary election to August.

Jones gave a brief introduction to the matter. The amendment allows any number and size of non-commercial signs in the City from 45 days before the primary to 10 days after the election. Commissioner Wartick asked for additional information. Attorney Scott said there has always been an allowance of noncommercial speech on signs around elections, only the dates were changed by the State legislature as the date of the primary was moved forward to August. It is necessary for the City code to agree with State law. Jones added that this amendment opens up the city limits on signs (non-commercial) during the election period. There were additional questions and answers. Scott said the language is directly from the statute; some restrictions, such as setback could still be applied. He confirmed this only applies in state election years and not in the municipal election years (still odd-numbered years). Jones said the only way the city code addresses election signs now is to specify that they must be taken down 10 days after the election.

The Chair opened the public hearing. As no one came forward to speak, the Chair closed the hearing and asked the Commission to act on this matter

Discussion and recommendation: Ordinance to amend Section 113-415

Wartick moved, Noble seconded, that the Commission recommend approval of the ordinance amending Section 113-415. There was no further discussion. The motion was approved unanimously.

INFORMATION AND ANNOUNCEMENTS:

Jones reported that the City still has not received any permit applications for redevelopment of 1871 Larpenteur.

ADJOURNMENT: The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Deborah Jones, Staff Liaison