

**MINUTES OF THE REGULAR MEETING  
PLANNING COMMISSION  
LITTLE CANADA, MINNESOTA**

**MAY 9, 2019**

Pursuant to due call and notice thereof a regular meeting of the Planning Commission of Little Canada, Minnesota was held on the 9<sup>th</sup> day of May, 2019 in the Council Chambers of the City Center located at 515 Little Canada Road in said City.

Chair Bill Buesing called the meeting to order at 6:45 p.m. and the following members of the Planning Commission were present at roll call:

PLANNING COMMISSION:	Mr. Bill Buesing Mr. Chris Kwapick Mr. Nick Schwalbach Ms. Taelor Johnson Ms. Dawn Kulousek Ms. Nicole Westadt Mr. Eric Thorson
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ALSO PRESENT:	Ms. Jessica Jagoe, Assoc. Planner/Code Enf. Mr. Chris Heineman, City Administrator
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**MINUTES** The January 10, 2019 Planning Commission meeting minutes were approved as submitted.

**CONSIDERATION OF  
A VARIANCE, TEXT  
AMENDMENT &  
INTERIM USE  
PERMIT AT 32  
SOUTH OWASSO  
BOULEVARD;  
APPLICANT: ON SITE  
COMPANIES**

The Associate Planner explained that On Site Sanitation is applying for a variance and text amendment to consider an Interim Use Permit for redevelopment of the property at 32 South Owasso Boulevard. She noted that the property is currently owned by Erdmanis, LLP and is occupied by Buck Blacktop. She stated that Mr. Holm, owner of On-Site Sanitation, has indicated that he intends to purchase the property if he receives city approval. The Associate Planner explained that On-Site Sanitation owns two other properties in Little Canada along Woodlynn Avenue, and they would retain ownership of both and operations would continue in the same manner. This third property would be part of their business plan to consolidate to one central location in the metro area.

The Associate Planner explained that this site is 4.2 acres and is zoned I-P, Industrial Park. She stated that this property was rezoned from I-1, Light Industrial to I-P, Industrial Park in 1988. At that time, the Buck Blacktop operations that legally existed on the property became a grandfathered use, which allows the property the right to continue use of the site as it was, but

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this does not allow an expansion of the use. The Associate Planner stated that the purchase of this property by Mr. Holm would be considered a change in use.

The Associate Planner explained that when the rezoning of this area occurred in 1988, the intention was to create a corridor along South Owasso Boulevard where industrial uses were still allowed, however the distinction between I-1 and I-P were that the I-P District would require higher quality site improvements and building materials, and a lesser area for outdoor storage was allowed. In 2005, the I-P District was amended to reduce the allowed outdoor storage ration even further and limit the location to rear yard only. The Associate Planner stated that Mr. Holm is seeking a variance to allow the outdoor storage as allowed in the I-1 District up to 60% of the lot area and to be located in the side yard.

The Associate Planner explained that that text amendment portion of the request would be to create an Interim Use Permit in the I-P District that allows them to use outdoor storage before occupying the property. She stated that the applicant has indicated that construction would be within 36 months, but in the interim they would like to use the site for outdoor storage. She explained that Mr. Holm has provided two different site plans, and their future plans include construction of a 15,000 to 35,000 square foot office/warehouse building, plus an onsite waste water disposal component that would be within an accessory building. She stated that the amount of outdoor storage allowed will be dependent on the size of the building they construct. She noted that the applicant has indicated that the building materials would comply with the I-P building standards, but has not submitted any building elevations for review. She stated they have indicated that 84 parking spaces would be installed, but without specific plans, staff cannot determine whether that number is sufficient.

The Associate Planner explained that the applicant is seeking a variance for the outdoor storage piece. She reviewed the difference in the amounts of outdoor storage allowed in the I-P District versus the I-1 District. She reported that after staff reviewed the practical difficulty of the variance request, it has been determined that it would not negatively impact the area, and the irregular shape and narrowness of the lot at the south end does impact the efficiencies of the site, and there is a buffer of the railroad tracks. She explained that the shape of the property and the larger size does not affect the site layout or design in this case. She explained that staff did not feel that the practical difficulty threshold was met for determining a practical difficulty exists and there are no adverse impacts preventing the applicant from complying with the I-P code requirements.

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The Associate Planner stated that city staff is recommending denial of the variance request for increased outdoor storage area and outdoor storage to be located in the side yard. She noted that staff has provided findings of fact to support the denial. She explained that staff has also provided findings of fact to support the variance if the Planning Commission chooses.

The Associate Planner explained that the second piece is for an interim use permit, but staff did not provide any text amendment language since she was not sure how the applicant would want to proceed with the application due to staff's recommendation of denial. She noted there was some vagueness in when the current user, Buck Blacktop, would vacate the property since they have indicated it could take 12 to 24 months to remove everything. She stated that On-Site Sanitation is seeking to have outdoor storage for 36 months, so staff wants to be clear on the terms of who would be using the site during the interim use and if there would be other users. She noted that outdoor storage as a principal use is not allowed in any of the zoning districts. She stated that she would be looking for further discussion with the Planning Commission if they are willing to consider the interim use and more specific information from the applicant.

Russ Holm, On-Site Sanitation, stated that they are looking for an opportunity to redevelop and improve the site. He explained that a property of this size would typically hold a 60,000 to 80,000 square foot building, but the shape of the site does allow a building that size, and finding a buyer for the I-P District will be very difficult. He stated that everything on the site would be screened and the appearance would be in compliance with the I-P District.

Schwalbach asked about the location of the outside storage. Mr. Holm stated that all of the outdoor storage could be behind the building. Schwalbach asked if they knew how they would use the building during the 36 month period. Mr. Holm stated that is all up for discussion. He noted that they could add screening during this time. Buesing asked what the parcels next door were. The Associate Planner explained that the parcel directly to the east is zoned industrial, but is a legal non-conforming single family use, and it is occupied and used as a single family home. Kwapick asked if there were two homes next door. The Associate Planner explained that there is a second single family home further east that is also owned by Mr. Erdmanis, but is currently vacant.

Michael Filler, 30 South Owasso Boulevard West, asked where the new building would be located. The Associate Planner stated that the building location would be reviewed when a building permit was submitted and all code requirements must be met, including the setback requirements. Mr.

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Filler stated that his property tax statement indicates that he has more land than is shown on the map. The Associate Planner explained that a survey would be required when a building permit is applied for.

Johnson clarified that everything the applicant has proposed is conforming to the I-P District except for the outdoor storage. She stated that she is enthusiastic about this project, and understands that outdoor storage is very important to the applicant. She agreed the Planning Commission should review the outdoor storage code to make sure they are meeting the needs.

Mr. Holm stated that the outdoor storage is essential to their needs and growth.

The Planning Associate explained that staff had met with the applicant a few times and based on the fact that they could meet all of the I-P requirements, it was determined that a variance would be what they are requesting rather than rezoning the property. She asked if there is a lower amount of outdoor storage that the applicant could work with versus the 60 percent. Schwalbach noted that he understands the outdoor storage needs and understands that it is an important piece of the applicant's business. He asked if this could be tabled so the Planning Commission could review the city code. The Planning Associate explained that the applicant has asked for 60 percent, but she stated that the Planning Commission could approve a lower amount. Mr. Holm stated that he cannot continue to grow without more space. Schwalbach asked if it could be rezoned in order to allow them more outdoor storage. The Planning Associate explained that it would be spot zoning to rezone the property only to allow the additional outdoor storage when the applicant can meet all of the existing zoning requirements except for one.

Buesing asked about the 36 month delay. The Planning Associate explained that the applicant stated that there are things to work out prior to being able to start construction. Buesing asked when On-Site would start construction. Mr. Holm explained that it would depend on how long it takes Buck Blacktop to vacate the property.

Uldis Erdmanis, owner of 32 South Owasso Boulevard West and Buck Blacktop, reviewed why he feels the site is challenged, and he has not been able to find a buyer for an I-P District property. He stated that as far as the interim use, there would no increase in the amount of outdoor storage and noted that there is screening along the front. He explained that he could vacate the site fairly quickly.

Schwalbach stated that he thinks this is a great use of the property due the unique shape. He stated he could go either way, but as long as they will

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give up the outdoor storage in the side yard, he could agree to approving the variance. He noted that he also agrees that the outdoor storage code should be looked at.

The Planning Associate explained that the variance would be specific to this parcel and it runs with the land, so if a new user came in, they would be able to continue the same amount of outdoor storage.

Johnson moved approval of the Variance as requested based on these findings of fact:

- The narrowness and irregular shape of the site are contributing factors not created by the land owner which lead to inefficiencies in maximization of lot as described in the I-P District.
- The redeveloped intended use of the site is designed to meet the intent of the I-P District and by granting the variance for additional outdoor storage up to 60% of lot area. This is considered a reasonable use of the parcel given the first finding with lot irregularities.
- The natural buffer of the railroad tracks along the west edge of the parcel creates a buffer of screening beyond the code requirements and provides further assurance that there will be no negative impacts on the properties to the west by the proposed use.

Buesing asked if they could put a building construction timing condition on the approval. The Planning Associate stated that those types of conditions would go in the Interim Use Permit.

Motion seconded by Schwalbach.  
Motion carried 6 – 1. Westadt.

The Planning Associate noted that she will work on specifics for the Interim Use Permit and bring back language for review. Johnson stated she would recommend in the time frame when Buck Blacktop is moving off the site and On-Site is moving on, that the amount of outdoor storage does not exceed the grandfathered outdoor storage amount.

**CONSIDERATION OF  
A SUBDIVISION INTO  
3 LOTS, 2 VARIANCES  
& EASEMENT  
VACATION AT 675  
KELLER PARKWAY;  
APPLICANT:  
ZEKERIYA YARGICI**

The Associate Planner reported that the City has received a request from Mr. Zekeriya Yargici, who is the property owner of 675 Keller Parkway, for a simple subdivision to create two new single-family residential lots. She explained that a simple subdivision is a division of property that creates three lots or less. She stated that this parcel can accommodate a simple subdivision, however the applicant is proposing to configure it in a way that will need two variances. She explained that the applicant is seeking a reduced minimum lot frontage on Parcel 1 and 2; and a second

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variance for a reduced off-street parking setback on Parcel 3. She stated that the applicant is also requesting a vacation of an easement that is recorded on the lot. She explained that this current easement is located in the middle of the 675 Keller Parkway parcel (running north to south) and was established prior to a lot combination in 2006. Prior to 2006, 675 Keller Parkway was two separate parcels.

The Associate Planner explained that the subject parcel is 2.62 acres in size and meets the Little Canada zoning ordinance by definition of a double frontage lot with access to both Keller Parkway and Labore Road. She stated that the subject parcel is zoned R-1, Single-Family Residential and is within the Shoreland District overlay. She reported that the applicant has indicated that he plans to construct two new single-family residential homes on both parcels. The applicant has indicated that any future plans for these lots would be in compliance with R-1 standards for setback requirements at the time of construction. The Associate Planner reviewed the City Code definition of lot frontage and stated the newly created lots would have double frontage with the front yard being Labore Road by definition and the rear yard for both is Keller Parkway.

The Associate Planner explained to the Commission that city staff has reviewed with Mr. Yargici a multitude of concept plans over the past year, and the former City Engineer has walked the property on a number of occasions with Mr. Yargici to discuss feasibility. The concept plans that have been considered ranged from a subdivision to create six or seven lots to then several revisions of a simple subdivision where they would be seeking three lots or less. She reported that in staff's review of the site, it is our determination that the site is conducive to subdividing. The overall lot width and lot area have the potential to create an additional lot or lots. The Associate Planner explained that the consideration that needs to be given in review of this application is will this variance request alter the essential character of the area and is the proposal within the intent of the ordinance. That consideration should create the highest and best use of the site within a reasonable manner being cognizant of the existing grades and proximity to Lake Gervais.

The Associate Planner explained that the lot at 675 Keller Parkway as it exists today was the result of a lot combination that occurred in 2006. She stated that this property was formerly two lots: 640 Labore Road and 675 Keller Parkway. She explained that the owner at the time owned both parcels, and combined the lots, demolished the house and garage and built a new home. She noted that in 2006, the property at 640 Labore Road was considered a legal non-conforming lot of record due to the fact it only had 34.80 feet of street frontage. The city code at that time also required 75 feet. The Associate Planner reported that as part of the City Council

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resolution for the lot combination included a condition that stated “any future request for the re-subdivision of this property will require that access for the new lot come from Keller Parkway and that the Labore Road access cannot be reestablished”. She noted that Mr. Yargici is forthcoming in his awareness of this condition when he purchased the property, but is asking that this be reconsidered.

The Associate Planner indicated that the site plan submitted by Mr. Yargici is a concept plan rather than the final survey that will be required by Ramsey County. She noted that these lots will have lake access equal to the lot frontage along Keller Parkway which is not reflect on the site plans submitted. However, the applicant wanted to proceed with the review as submitted.

The Associate Planner reported that in his narrative Mr. Yargici has identified an understanding of the code provisions in the Shoreland Ordinance, but does not provide the actual plan. She stated that given the complexity of the grades along Keller Parkway, if the Planning Commission is amenable to the current plan, city staff would recommend as a condition of the subdivision approval that this be approved in concept plan stage only.

The Associate Planner reported that the City Engineer has indicated that the information submitted does not provide the needed information to determine feasibility for two lots to be subdivided along Keller Parkway either. City staff believes that due diligence needs to be completed by the property owner to provide that documentation before any final approval is granted.

The Associate Planner explained that Mr. Yargici is seeking a variance to the minimum lot width requirements for Lots 1 and 2 and a variance to the paving side yard setback on Lot 3. She reported that the applicant has indicated in his narrative that the primary basis for granting the variances is due to the steep driveway grades that would be needed if the properties were accessed from Keller Parkway. In addition from an environmental standpoint, the erosion and disturbance impacts to the shoreland can be minimized with the proposed layout.

The Associate Planner reviewed the first variance request and explained that all three lots comply with the lot area requirements for both zoning districts, and the lot width requirement complies for all three properties along Keller Parkway. She noted that Lots 1 and 2 would be considered double frontage lots by definition of city code. She explained that Lots 1 and 2 as proposed do not comply with the 75-foot lot-width requirement on the Labore Road frontage as required by both districts. She reported that

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the City Attorney has reviewed the proposed site plan and confirmed that the Labore Road frontage is considered the front yard, and with a double frontage lot then both street frontages are required to meet the minimum lot width. She stated the applicant is seeking a reduced lot width requirement for Lots 1 and 2 to allow a 17.4 foot lot width on the Labore Road frontage.

The Associate Planner stated that the directive of the past City Council will understandably be a factor in your consideration. She noted that city staff asked for input from the City Attorney on this matter and he has indicated that the present Planning Commission and City Council are not bound by past Council decisions. The Associate Planner stated that the 2006 restriction to Labore Road access was agreed to by the Owner, and per the City Attorney was contractual in nature. She stated that as a contract whose terms run with the land, the current Owner is bound to recognize it. Mr. Yargici again is not disputing his understanding of this condition, but is seeking to have that decision reversed.

The Associate Planner reported that Mr. Yargici has had discussions with Ramsey County since Keller Parkway is a county road and they have regulatory authority over access approval, and they have indicated that two additional access points could be established along this stretch. She stated that this speaks to the feasibility of access off Keller Parkway.

The Associate Planner stated that another piece of the variance review are the two Labore Road side access points. She reported that when staff reviewed the 10 foot-wide driveway proposal with only three feet on either side of the driveway, there is concern for snow storage and it falling onto the neighboring properties. She stated the applicant is seeking two access points off of Labore Road that are each 17.4 feet wide, but an alternative could be one access point with a shared driveway, although noted that there can be issues with shared driveways. She noted that the City Code does not allow for shared driveways but it is not unheard of in other cities. Shared driveways can become problematic for ongoing maintenance and use of space between neighbors, but this is slightly different in that it would be roughly 20% of the driveway that is shared between the two properties. The Associate Planner indicated that Planning Staff has not researched shared driveways, but rather is only suggesting that there may be alternate layouts if the Labore Road access is to be considered.

The Associate Planner reported that the City Attorney in their review has reiterated that economic factors such as one access over another may be more expensive to construct or that a tuck under garage is harder to market should not be a basis for granting a variance. She stated the City Attorney has also advised that if the City is to vary from the Keller Parkway access then the landowner is required to present a strong position on damaged to

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the shoreline and impacts of that disturbance. With the information submitted, the City Attorney has indicated that it would be hard to justify one lot and the justification does not appear to have been met for two lots. The Associate Planner stated the City engineer's comments were included in the staff report, and she has not heard back yet from the Ramsey Washington Watershed District or the DNR. She stated that based on the information provided by the applicant, staff recommends denial. She reviewed the findings of fact that support the recommendation of denial for reduced lots widths on Lots 1 and 2 along Labore Road.

The Associate Planner stated that a copy of a letter from the neighboring owners who are asking to not allow the Labore Road access to be reestablished was provided to each Planning Commissioner tonight.

Johnson stated that she will be abstaining from voting because she lives four houses away from this property.

Buesing stated that he feels the driveway widths on Labore are a big concern with the snow storage issues.

Zekeriya Yargici, owner of 675 Keller Parkway, stated that coming in to the property off of Keller Parkway is difficult due to the grade going uphill. He stated this is an opportunity to improve the land usage. He noted that he compared the access off of Labore Road and Keller Parkway, and stated that coming in off of Labore Road is almost flat so it would eliminate any disturbance to the slope on the Keller side. He stated that during construction of the homes, it would negatively affect traffic on Keller Parkway. He stated that if the homes accessed Keller Parkway the owners would have to enter the home with steps, but would not be required if accessing from Labore Road, and driveway access in the winter would be more difficult off Keller Parkway. He noted that most people would not prefer a tuck-under garage style home, but would like a walk-out basement style that could be built if accessing off of Labore Road. He stated that he is open to having a shared driveway off of Labore Road.

Kwapick asked why Mr. Yargici is not subdividing in to two lots instead of three. Mr. Yargici stated that three lots is the best usage of the lot.

Mike Fahey, 651 Labore Road, stated that the Council has not approved a shared driveway for 40 years. He stated that there is no reason to approve any variances for this property because there is plenty of area on Keller Parkway for driveway access. He reported that applicant has created the need for variances. He stated that there was a contractual agreement that was put in effect in 2006 to not allow access from Labore Road that should be enforced. He indicated that he has submitted a letter from the neighbors

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that do not support allowing the access to be reestablished on Labore Road. He stated that anything that happens on this property should meet all code requirements. Mr. Fahey submitted a letter from his neighbor, Daniel Kabes, who could not attend tonight that restated that he did not want access reestablished from Labore Road.

Julie Wrase, 636 Labore Road, stated that the former owner asked for a variance to have a shared driveway from Labore Road and the Council denied that request. She feels there is no need for the City to make a change to their previous decision. Eric Netteberg, 636 Labore Road, stated that he is concerned with all of the construction equipment entering and existing onto a very narrow road and the damage they could do. He stated that the Watershed District is concerned about drainage into the lake, and the long driveway that would come onto Labore Road could create a lot of extra drainage into the lake.

Mary Lou Kostecki, 656 Labore Road, feels she is the most affected and would lose property value. She stated that she would be surrounded by asphalt if long driveway came off of Labore Road and that Mr. Yargici has a lot of land to work with.

A resident stated that a soccer field worth of asphalt would be added to create the long driveway to Labore Road and this would require removing about 300 trees.

The Associate Planner noted that the impervious surface code requirement is met on the submitted plan. Mr. Yargici stated that there are really no trees to remove in order to put in a driveway since there was a driveway there previously. Mr. Fahey reminded the Commission that the Planning staff is recommending denial of the variance for access to Labore Road.

Paul Kostecki, 656 Labore Road, pointed out on the photo of the front of the property on the Labore side, that he is the adjacent neighbor and counted 35 to 40 trees in just the first 150 feet off of the road that would need to be removed for a driveway. He stated that there is enough traffic on Labore Road already and the road is deteriorating from trucks. He reported there would be five or six cars every day coming out of this driveway.

The Associate Planner clarified that variance #1 is for the Labore Road side reduced lot widths from 75 feet to 17.4 feet.

Westadt moved denial of the Variance for reduced lot widths based on the following findings of fact:

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- Ramsey County has indicated approval in concept for creation of two access points along Keller Parkway. This preliminary feedback suggests that access could be created that would meet code requirements. The current configuration seeks a variance that is necessitated by the landowner.
- City staff finds that the proposed plan does not demonstrate sufficient space for snow storage that could be maintained entirely on the lots created specifically in the front yard areas without discharging onto the neighboring properties.
- The threshold for providing supporting justification on the environmental impacts to the shoreline has not been satisfied. The preference to leave the area undisturbed by the homeowner is not just cause for granting approval.
- A preferred home design or features of the home are economic factors that alone shall not constitute practical difficulties.

Motion seconded by Kwapick.

Motion carried 6 – 0. Johnson abstained.

The Associate Planner stated that variance #2 that the applicant is seeking is in regards to Lot 3. She explained that since there is the potential for a lot or lots created off of Keller Parkway, variance #2 includes a request for a reduced side yard setback to allow the existing driveway for 675 Keller Parkway to remain as is because they would not meet the side yard paving or curb cut setbacks. She noted that this design would then necessitate the use of a driveway easement over Lot 2 which would not be code compliant. The Associate Planner explained that city staff has reviewed several variations of how a lot split may occur on 675 Keller Parkway. She stated that in almost all of those concept plans in which three lots would be proposed with access via Keller Parkway, Mr. Yargici has shown the driveway easement over Lot 2. She stated that City Staff recommends denial of variance request #2 for reduced side yard setback for paving or a curb cut.

Kwapick clarified that this variance is only dealing with the existing driveway location that encroaches into Lot 2. Schwalbach clarified that if the Planning Commission denied this request based on this proposal, the applicant could come back with a new site plan and new information to support the variance request.

Schwalbach moved denial of the Variance for reduced side yard paving and curb cut setbacks based on the following findings of fact:

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- The applicant has not submitted sufficient information that shows evidence of there being no alternate design in which the driveway for lot 3 could be established in a manner compliant with code requirements.
- City staff finds that the practical difficulty threshold has not been met for granting the variance as proposed based on the comments of the City Engineer and that alternative lot layouts may be considered in which the proposal complies with city codes.

Motion seconded by Westadt.

Motion carried 5 – 1. Nay Kwapick. Johnson abstained.

The Associate Planner explained that there are two existing drainage and utility easements that run north to south in the center of 675 Keller Parkway that were not vacated with the approved lot combination in 2006. She reported that there is a five foot easement from the former 640 Labore Road that would have been the eastern side yard property line and a six foot easement that would have been the western side yard property line for 675 Keller Parkway. She noted that regardless of the above actions, these old lot line easements are no longer necessary for 675 Keller Parkway as one parcel. If approvals are granted for a lot split, any future subdivision would require dedication of perimeter drainage and utility easements for the newly created lots. The Associate Planner stated that City Staff recommends approval of the vacation of drainage and utility easements as proposed by Mr. Yargici.

Westadt moved approval of the Vacation of the Drainage and Utility Easements at 675 Keller Parkway.

Motion seconded by Schwalbach.

Motion carried 6 – 0.

**URBAN LAND  
INSTITUTE  
DISCUSSION RECAP  
& PLANNING  
UPDATES**

The Associate Planner stated that this is some information that she put together for the Commission to review. She reported that there are upcoming trainings available for Commissioners that the City will pay for. She noted that Planning Commission Chair Bill Buesing is participating in the City's strategic planning sessions, and reviewed the report provided after the Urban Land Institute workshop.

The City Administrator stated that the Commissioners are welcome to give him comments after the ULI workshop, and reported that some comments from the workshop are being incorporated into the strategic planning.

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Thorson stated that what he got out of the ULI workshop was that the City was interested in manufacturing a downtown Little Canada, but the developers said that had been tried in other cities and was not successful.

Buesing reported that it has become more of a gathering space idea rather than a downtown. He stated maybe something like a small town square.

Johnson stated that she heard from a different developer that said movable lawn furniture was a great asset for a community because if you put it out, people will sit there. She explained that it wasn't about building structures, but rather creating spaces for people to meet and it could include mobile restaurants. She felt the ULI workshop was beneficial.

Westadt stated that she thought the ULI workshop was good, but was frustrated with the Comprehensive Plan discussion and is glad to hear that the downtown idea is going away. She feels that Little Canada does not have to do what everyone else does.

The City Administrator stated that the Comprehensive Plan is still not done, but the Associate Planner has been working with the Metropolitan Council and trying to get a final version. He noted that it has not gone to the surrounding communities yet and there is still a Planning Commission discussion piece before it goes to Council for adoption.

**ADJOURN**  
9:07 p.m.

There being no further business, Buesing adjourned the meeting at

Respectfully submitted,

Heidi Heller  
City Clerk