MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISSION
August 3, 2016

MEETING CALLED TO ORDER BY COMMISSIONER JOHN ROSS AT 7:00 P.M.

Present:	John Ross	Absent:	Ryan Briese
	Jason Pachl		
	Ruth Krueger		
	Tim Felton		
	Justin Humenik		
	Stephanie Yendell		
	Peter Hellegers, City Planner		

1) APPROVAL OF AGENDA – Chair Ross noted item 4B. was withdrawn by the applicant – approved as presented – Pachl/Yendell (6-0)

2) APPROVAL OF MINUTES for July 6, 2016 – It was noted the motion to adjourn required correction – approved as amended – Krueger/Felton (6-0)

3) PUBLIC HEARINGS

A. Olson Garage Variance (1035 15th Avenue North): Consider an application by Jeremiah Olson requesting a variance to allow construction of a new garage that is 1.5 feet higher than allowed by City code.

Mr. Hellegers reported the applicant demolished a previous detached garage which was subject to flooding due to its low elevation. The homeowner is proposing a 24′x24′ detached garage that includes a storage loft area totaling a height of 17.5′; however, the City code allows for a maximum garage height of 16′ from the garage floor to the peak of the roof. The concrete slab already in place, the garage kit was ordered and trusses were delivered prior to the applicant applying for a building permit. Staff reviewed State Statute and City Code findings regarding practical difficulties used in connection with granting variances stating other remedies within the Code (i.e. building a 16′ tall garage with a larger footprint or building an additional accessory structure to accommodate storage) were not considered by the applicant.

The applicant stated a considerable amount of money was expended for materials and was under impression approval had been granted. Additionally, the applicant stated the height variance is needed to provide for adequate storage and preserves much needed lot space for flowers and garden. He opined that constructing a larger garage was cost prohibitive and stated a taller garage is visually better than a storage shed.

A neighboring property owner submitted a letter in opposition and was in attendance to

state a nonconforming garage was removed and should not be replaced with another nonconforming structure. The applicant had the opportunity to build a garage that conforms to Code. The homeowner requested the Planning Commission follow City code and deny the request. The Commissioners were provided an additional letter in opposition to the variance.

Commissioner Krueger asked why the variance wasn't sought prior to purchasing materials stating the proper procedure wasn't followed with regard to applying for a building permit.

Commissioner Felton queried as to why the applicant thought approval was granted. Mr. Hellegers stated he couldn't speak to why that was the case as the garage building permit application didn't come in until after the concrete permit in May.

Commissioner Pachl stated an application must be submitted before approval is granted it appears the contractor dropped the ball and ordered materials before submitting the application. He opined granting a variance for additional loft space opens the door for future requests.

Chair Ross stated the variance request does not meet the threshold of practical difficulties adding that economic considerations do not constitute a practical difficulty. Other properties with large garages are not a factor, more space for storage is not a factor and fears a dangerous precedent on granting a variance simply to garner more lot space.

Motion to deny the garage height variance based on not meeting the practical difficulties threshold – Humenik/Yendell (6-0).

B. Twin City Hide Building Addition and Site Plan Amendment – withdrawn by applicant.

C. Concord Lanes, Inc. Variances (365 North Concord St.): An application for variances that would increase the gross allowable signage area from 150 s.f. to 520 s.f. for signage and allowed weathered wood exterior material for a portion of the east and south elevations of the building.

Mr. Hellegers stated with the transition from Wells Lanes to Mattie's Lanes the exterior wood siding materials and wall signage was removed which significantly reduced signage and visibility for the site. Due to the fact the business is setback at least 100′ from the street the applicants are looking for signage variances to advertise the business. The zoning district is located on the cusp of the NCMU district just north of CGMU where sign standards are based on pedestrian level signage.

The proposed signage variance would only allow wall signage that is 10% of the visible wall area with the majority of signage facing Concord Street. The 10% threshold has been a standard the City has used for signage variance requests on large buildings. The NCMU district includes standards that signage is within a 10-15′ tall band of the wall of the building; however, allowing a variance from the sign band allows for breaking up the longer blank wall spans of the building. The proposed exterior material of weathered wood plank

aids in breaking up the mass and providing more character for the building.

Chair Ross opined that the proposed exterior wood materials are an improvement to what is currently in place.

Commissioner Pachl queried as to whether the sign goes above the height of the structure. Mr. Hellegers reported the sign exceeds the building wall by 2 feet.

There was no one present to comment; however, staff received an email communication from a neighboring property owner concerned about illumination from signs that exceed the building height and Commissioner Pachl raised a concern about the lighting impacting the property owners on the bluff.

Staff responded that the wall signs with the exception of a south facing sign would be located on the east side of the building and would be backlit with one sign having halo lighting not casting light toward the bluff. It was staff's opinion that the styles of illumination (halo and internal) would not affect properties on the bluff.

Applicant Matt Anderson, Cecelia Dillion (project architect) and Jenny Zanatta (designer) of Shea, Inc. discussed exterior improvements go along with interior improvements being undertaken. Exterior improvements are needed to announce the vibrant atmosphere of the business. Additional signage provides increased visibility from the road, wayfinding to parking areas, entrances, etc. The outdoor seating area will remain; however, will be freshened with new furniture and fencing.

Commissioner Yendell stated it was a great design and would vote toward granting the variance.

Motion to approve the following variances:

- 367 square feet for the total amount of signage on the property
- signage to be located outside of the 10-15′ tall sign band for the building
- allowing a weathered wood secondary exterior material

for 365 Concord Street North subject to conditions listed in the City Planner's report - Yendell/Felton (6-0).

D. <u>Accessory Building Ordinance Amendments</u> - Amending Section 118-121 of the Zoning Code to allow up to two accessory structures to include one garage and one accessory structure.

Chair Ross reported this item was continued from the July Planning Commission meeting.
Mr. Hellegers reported the current Zoning Code states a property is limited to one garage
(attached or detached) plus one other accessory building. The item was brought to the Planning Commission after the City Council directed staff amend the zoning code due to the difficulty encountered by a homeowner who wished to build a garage; however, they already had an existing garage and accessory structure on the property. The current

Code would require removal of the accessory building (shed) prior to building the second garage.

Staff is proposing the following two alternatives:

Alternative A would amend the language to allow 2 accessory structures (detached garage and shed) when the property already has an attached garage. The 1,200 s.f. of allowable space would count against just the accessory (detached) buildings;

Alternative B would allow 2 accessory buildings (detached garage and shed) when there is an attached garage but the space for all accessory uses would be capped1,200 square feet of space would be capped for all accessory uses (attached garage, detached garage, shed);

Discussion ensued regarding timing of the matter. Mr. Hellegers noted it is not necessary to make a decision by a specific date as nothing is pushing the 60-day rule. Commissioner Yendell commented there was also the option to change nothing as the previous variance request was a unique circumstance and didn't warrant changing the code.

Commissioner Felton stated Yendell's comment made sense and stated he didn't have an issue with holding the matter over until the next meeting.

Motion for continuance to the September Planning Commission meeting – Yendell/Pachl (6-0).

E. Comprehensive Plan Amendment: Changing the Future Land Use designation of a property in the community from Open Space to Industrial.

F. Zoning Amendment: Amendment to the North Riverfront Development District that would allow exterior storage as an Interim Use.

Items 3.E and 3.F were discussed together. Mr. Hellegers reported the City has received inquiries from two potential users interested in exterior storage on the City-owned property at the northeast corner of the city.

The Union Pacific Railroad is proposing to lease a 5-acre parcel on City-owned property for exterior storage of track materials for their railyard improvements and storage space for materials and rail cars. Mr. Hellegers explained the use would require an Interim Use Permit to allow the exterior storage. Additionally, the space is currently designated as Open Space which does not allow for exterior storage and would necessitate changing the Future Land Use (Comp. Plan) designation to Industrial. If the land use designation is changed to Industrial the zoning would require an amendment to allow exterior storage as a conditional use.

Chair Ross asked if anyone present wished to comment on the proposed Comprehensive Plan amendment for the NRDD area changing it from Open Space to Industrial or allowing exterior storage in the NRDD.

The following residents spoke in opposition to amending the Comprehensive Plan for the NRDD area changing it from Open Space to Industrial:

Dennis Walter (1581 N. Concord) stated the NRDD was put in as a buffer from Barge Channel Road in St. Paul and believes the Union Pacific Railroad would seek additional railroad tracks if the amendment was approved. The City made an investment in ballparks and going from Open Space to Industrial is a drastic change and doesn't go with the trail. He also had concern that industrial is not the right image for the area. The area is the gateway to the City and doesn't believe it's a right fit.

Sara and Ben Reno (1654 Willis) expressed concern over their river view, the effect on the wildlife and what the DNR has to say regarding the matter.

Staff reported the DNR and MRCCA would be contacted for their comments. In addition, adjacent communities will be notified in advance of the September meeting.

Mike Doggs (1503 Willis) indicated there is already noise from the airport, railroad including diesel fumes from trains. He is in favor of leaving the area as green space for a legacy for children and grandchildren. Has an environmental impact study been considered?

Stan Krueger (1315 Kassan Ct.) stated the area is subject to flooding and the storage would need to be moved easily in the event of flooding. In his opinion an industrial use should not be adjacent to the new ballfields. Railroad tracks are not temporary.

Richard Steffels (1514 Willis) – 30-year resident stated the value of his property will decrease if the view of the river goes away and opined that if the property is developed the deer will go away.

Joe Moen (1504 Willis) stated he purchased the property four months ago; however, had he known this would take place he wouldn't have made the purchase.

Chair Ross thanked the residents in attendance for their patience in waiting for the discussion of the agenda item and requested staff to place the items at the top of the September meeting agenda.

Commissioner Felton thanked the residents for their opinions and expressed reservations stating the matter will be an uphill battle.

Motion to continue the matters to the September 7, 2016 Planning Commission meeting including holding the public hearing portion open – Ross/Humenik (6-0)

4) NEW BUSINESS

A. <u>Proposed Ordinance on Temporary Family Health Care Dwelling Units</u>: Consider an ordinance opting out of State Statute, Section 462.3593 Requiring Cities to Permit Temporary Family Health Care Dwelling Units.

Mr. Hellegers reported the State of Minnesota recently approved legislation regarding Temporary Family Health Care Dwelling Units that requires cities to either allow the structures relative to the terms of the legislation or to adopt an ordinance opting out of the legislation by September 1, 2016. The approved legislation would allow temporary dwelling units (less than 300 square feet) to be brought onto a property that has an existing home.

Mr. Hellegers explained the units are limited to six months on the site with a one 6-month renewal period. Staff stated the following concerns: permitting the temporary health care dwelling units takes away the zoning authority of the city, required permit information causing HIPPA concerns, the $100 permit fee and $50 renewal doesn't cover the city's cost of administration/inspection. Group homes and assisted living facilities are already in place for those needing assistance. Staff recommends approving PC Resolution No. 2016-6 opting out of the requirements of Minnesota Statutes, Section 462.3593.

Discussion ensued.

Commission Krueger and Felton raised concerns that the health issue may not be resolved after the six month or one-year term and didn't feel the temporary dwelling unit was the appropriate way to deal with the issue.

Commissioner Yendell commented that South St. Paul prides itself on being family friendly, that there would be limited risk to the City, the number of people that would qualify would be limited to families in crisis and doesn't believe allowing the structures would cause additional onus on the city.

Commissioner Pachl stated financially it doesn't make sense and he isn't in favor of the legislation due to the fact there are other viable options.

Motion to deny Planning Commission Resolution No. 2016-06 recommending approval of the ordinance to opt out of the State requirements for Temporary Family Health Care Dwellings - Yendell/Humenik (2-4) - Motion failed.

Motion to approve Resolution No. 2016-06 recommending approval of the ordinance to opt out of the State requirements for Temporary Family Health Care Dwelling – Felton/Krueger (4-2) – Motion passed.

Motion to adjourn – Yendell/Felton (6-0).