

MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISISON
June 3, 2020

MEETING CALLED TO ORDER BY CHAIR YENDELL AT 7:00 P.M.

Present: Angela DesMarais
 Tim Felton
 Jason Frankot
 Justin Humenik
 Ruth Krueger
 Matthew Thompson
 Stephanie Yendell
 Michael Healy, City Planner

Absent: None

1) APPROVAL OF AGENDA –

2) APPROVAL OF MINUTES – May 6, 2020 – Motion to approve the minutes as presented – Felton/
DesMarais (7-0).

3) NEW BUSINESS

None.

4) PUBLIC HEARINGS

A) Proposed Rezoning of 1003 15th Avenue North from R-1: Single-Family District to R-2: Single-and-Two Family Residence District.

Mr. Healy presented the proposed rezoning at 1003 15th Avenue from R-1: Single Family Residential District to R-2: Single-and-Two Family Residence District. The applicant is proposing to rezone the property because he wishes to convert his single-family home into a duplex in the near or distant future if the rezoning is approved. This application is solely for the rezoning of the property, not for the conversion of the property into a duplex.

The subject property is a border property between the R-1 district and R-2 district. The properties to the north and west of the subject property are zoned R-1. The properties to the west and south of the subject property are zoned R-2. The subject property meets the lot size and width requirements of an R-2 property.

There is language in the 2030 and 2040 comprehensive plans which would support the approval or the denial of the proposed rezoning. In support of the rezoning is the fact that the subject property would still be considered low density residential, that both the 2030 and 2040 comprehensive plans promote the need for diverse housing types, and the 2040 Comprehensive Plan encourages the City to revise the City’s zoning code to allow for the construction of diverse housing types. In support of the denial of the rezoning is the emphasis on encouraging different forms of housing including “move-up” single family housing. The City has long tried to encourage “move-up” single family housing to keep residents from leaving for other suburbs to find this kind of housing. If the subject property were to be rezoned to allow the property to be converted into a duplex, the property would no longer be considered a “move-up” single family property.

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Mr. Healy stated that the approval or denial of this case was a judgement call for the Planning Commission. The language in the comprehensive plan supports both the approval and denial of the rezoning. Mr. Healy stated the commissioners should consider the following in their decision making:

- Does the rezoning comply with the comprehensive plan? Yes or No? Why?
- Will the rezoning be detrimental to surrounding properties? Yes or No? Why?
- Does the rezoning endanger public health, safety, or welfare? Yes or No? Why?

Commissioner Felton asked what would prevent border properties from continually changing their zoning. Mr. Healy explained that cities have two kinds of actions they can take when it comes to land use applications: a legislative action or a quasi-judicial action. In the case of Quasi-judicial actions, the roles of the Planning Commission and the City Council are clearly stated in the code. These bodies must narrowly interpret the existing code and deny a land use application if it does not meet the code. Variances and conditional use permits are common land use applications where a quasi-judicial action is taken. A rezoning is a legislative action. As law makers, the City Council gets to decide where the border is.

Commissioner Felton stated he believes that the biggest factor to consider is how the individuals in the neighborhood see the neighborhood developing.

Commissioner Thompson asked how long the properties to the west of the subject property had been zoned R-2. Mr. Healy stated that the zoning for the neighborhood had been the same since the 1980s.

The applicant, John-Paul Pineiro, spoke on his rezoning request. Mr. Pineiro stated that he met all of the requirement for the rezoning but that he unshod that this item is judgement call by the Planning Commission and the City Council. Mr. Pineiro stated that he was willing to answer any questions from him neighbors.

Chair Yendell opened the public hearing.

Chair Yendell asked for a summary of the correspondence Mr. Healy had received related to the item.

Mr. Healy shared that he had received a number of emails on the item. Four of the residents that had reached out to him had requested their comments be on record.

Mr. Healy stated he had received an email from David Gerson who lives at 1035 Summit Avenue on May 24th. Mr. Gerson is opposed to the rezoning request. Mr. Gerson purchased his home because of the fabric of the neighborhood which he stated is maintained by the existing zoning requirements. Mr. Gerson stated that he feels the rezoning will negatively impact his enjoyment of the property and that the rezoning will change the fabric of the neighborhood. He felt that the rezoning may decrease his property value and that of his neighbors. Allowing the rezoning might increase the property value of the requester but it will be at the cost of lowering the property value of neighboring properties. Mr. Gerson stated he was very opposed to the rezoning and would request that the application is denied.

Mr. Healy stated that on May 25th, he received an email from Michael & Nancy Leitch who reside at 1015 16th Avenue North. Mr. and Mrs. Leitch stated that they would not be able to attend the public hearing but wished to express their concern. Mr. and Mrs. Leitch shared that they have lived at their residence for over 50 years. There are currently two duplexes across the street that were built before they moved to the neighborhood. Mr. and Mrs. Leitch stated that when the owners lived in the duplexes and rented out the other apartment, "all was good." When the duplexes were owned by absentee landlords, they experienced difficulties. There were a number of police calls because of parties, problems with tenants, parking, burning in the yards, renting the property as

triplex when the property was zoned for a duplex, and other issues. Mr. and Mrs. Leitch stated that because of their experiences over the last 50 years, they would not support changing the zoning, even if the request is for an owner-occupied duplex.

Mr. Healy stated that on May 27th, he received an email from Christine and Mark Tufte who live at 957 16th Avenue North. Mr. and Mrs. Tufte stated that as the long-term owners of their property, they disagree with the request to turn the subject property into a duplex. The applicant is not a long-term homeowner and has lived at the house for less than a year. Mr. and Mrs. Tufte stated that that the duplex at 1000 16th Avenue North has always been an eyesore with too many cars, vans, trucks, and boats. Mr. and Mrs. Tufte stated they believe that long term homeowners improve and maintain the neighborhood and the proposed rezoning would make the neighborhood slip.

Mr. Healy received another email from a resident that was present at the meeting. Mr. Healy shared that he received comments on May 28th from Jeremiah and Kathy Olson who reside at 1035 15th Avenue North. Mr. and Mrs. Olson shared that the former owner of 1003 15th Avenue North took care to return the property to its original style. The property had great historical value and should be retained as is. Mr. and Mrs. Olson have lived at their home for 30 year and have put great effort into restoring their home. They wish to preserve and improve the historic neighborhood. They feel that most people in the neighborhood are doing the same, however there are a couple cases where things had gone in the opposite direction. They state that there have been problems with the existing duplex in terms of vehicles, parties, and police calls. They requested in the interest of stabilizing the neighborhood that the zoning of the subject property not be changed. Mr. and Mrs. Olson sent a second email stating they believe the subject property would require massive and expensive modifications to alter the structure to accommodate a duplex. This would destroy the look of the historic home and neighbors are opposed to having more rental properties on the block.

Chair Yendell set a maximum time limit of three minutes for individuals that wished to speak on the item. Chair Yendell designated Mr. Healy as the time keeper.

Jeremiah Olson, 1035 15th Avenue North, stated that he agreed with all of the other public comments received. Mr. Olson stated that as he walked around the neighborhood, he had found more people that would like to see the property stay as a single-family home. Mr. Olson shared his concerns with the activities at the duplexes at 1000 16th Avenue North and 1507 Hawley Avenue. Mr. Olson stated the character of the neighborhood is important and that he is opposed to any change.

Susan Hansen, 1007 15th Avenue North, stated that she has lived at her property for 16 years. Mrs. Hansen stated she is not in support of the rezoning. 15th Avenue North does not have any rental properties so this would be a significant change for this street. Mrs. Hansen stated that having a duplex next to her property would reduce her property value. Mrs. Hansen stated that she worries about the precedent that would be set if this rezoning were approved because it would be easier for other historic buildings to be converted into duplexes. Mrs. Hansen requested that the property not be rezoned.

Lisa and Anthony Wrobel, 1017 15th Avenue North, stated that they have lived at their property for 17 years. Mrs. Wrobel shared that her and her husband purchased their property specifically for its location and lot size. Mrs. Wrobel stated that she wishes the subject property to not be rezoned because it would reduce the value of the neighboring properties when many of the neighbors had put a lot of time and money into their property.

Mr. Pineiro stated that he appreciated the comments and concerns that had been shared. He stated that he had added a bedroom in the basement but that no additional changes would need to be made to the property. Mr. Pinero stated that he intends to be in the neighborhood for a long time and would be very selective on who he

rents to. Mr. Pineiro reiterated that even though he had been at the property for less than a year, he was in it for the long haul.

Chair Yendell closed the public hearing.

Commissioner Frankot asked the property owner how many people he intended to have in the house. Mr. Pineiro stated that he would want one additional tenant. Commissioner Frankot asked about access to the lower level of the house. Mr. Pineiro stated that the property had a common entry way with two lockable doors: one that goes to the basement and another that leads to the kitchen and the rest of the house.

Commissioner Krueger stated these types of homes are integral to the character of South St. Paul. She stated the argument that the current owner is making substantiates the concerns of neighbors. Commissioner Krueger reminded the commissioners that if the zoning of the property was changed, the changes would stay with the property beyond the current owner. Commissioner Krueger stated that to preserving the neighborhood as it is would require more than assurance from the current owner.

Commissioner Felton stated he agrees with Commissioner Kruger and that he was opposed to the request.

Mr. Healy shared that there is no prohibition from renting out a single-family home. The City allows each dwelling unit to be rented to up to three unrelated adults.

Commissioner Krueger commented that the rezoning of the property would comply with the comprehensive plan but that the denial is also supportable because the property is a move-up home. Commissioner Kruger stated that the surrounding property owners had made the case that the rezoning would be detrimental. Commissioner Krueger stated the rezoning may endanger the public safety of those in the neighborhood.

Mr. Healy provided clarification that in order to recommend denial, the commissioners would only need to state that one of the three review criteria was not met.

Commissioner Thompson asked if the 2040 Comprehensive Plan emphasized move-up housing in the manner that the 2030 Comprehensive Plan did. Mr. Healy stated that the 2040 Comprehensive Plan talks about promoting a diverse housing stock. Mr. Healy reminded the commissioners that the policy guidance found in the Comprehensive Plan is not set in stone the same way that the Future Land Use map is.

Chair Yendell summarized that while the Comprehensive Plan does not come out strong one way or another, there was a lot of concern amongst the neighbors that the rezoning would be detrimental to the surrounding properties and that the concerns are about a future owner, not the current owner.

Commissioner Huminek stated that the wording found in that the Comprehensive Plan was strongly in favor of having move-up housing.

Motion to deny the proposed rezoning of 1003 15th Avenue North from R-1 to R-2 because the rezoning would be detrimental to the surrounding properties and would be inconsistent with the Comprehensive Plan which specifically calls out a need for move up housing - Kruger/ Thompson (6-1).

B) Zoning Application submitted by AVM Group LLC related to a proposed industrial development at 121 Hardman Court.

Mr. Healy presented the staff report regarding the proposed zoning application by the AVM Group for the property at 121 Hardman Court. 121 Hardman Court is currently owned by the City's Economic Development Authority. AVM group is seeking to develop the property and has requested 4 zoning approvals: a site plan review for a 21,200 square foot office/warehouse building, a conditional use permit for exterior storage, a variance to allow for more than 30% lot coverage by impervious surface in the Shorelands Overlay district and a variance to waive the requirement that parking lots over 3,000 square feet must include landscaped parking islands.

The subject property is located in the BridgePoint Industrial Park, off of Hardman Avenue South. The property is zoned Light Industrial. Offices and warehousing are permitted uses in the light industrial district. Exterior storage is a conditional use in the district. The property is also located within the Shorelands Overlay district and the Mississippi River Corridor overlay district. The Comprehensive Plan includes information about the Critical Area Plan which encompasses the Mississippi River Corridor overlay district. The subject property is designated to be preserved as urban mixed used. The goal for properties with this designation is to continue to allow institutional commercial and industrial uses to exist without negatively impacting the public river corridor views or harming the bluffs and floodplains.

The applicant has proposed a 21,200 square foot office warehouse with 4 suites. The applicant would occupy one of the suites and rent out the other three. The applicant has also proposed 11,610 square feet of exterior storage at the southern end of the lot. The exterior storage is proposed to be screened with berms and trees. This area would store construction equipment that is up to 15 feet in height.

The proposed site plan met the architecture, floor area ratio, lot coverage, minimum height, parking, and setback requirements. The only requirement the property does not meet is the impervious surface coverage requirement. The property has proposed 75% impervious coverage whereas the maximum allowed impervious surface coverage in the shorelands overlay district is 30%. This would require a variance. The proposed site plan met most of the landscaping standards. The plan would need to be revised to conform to the requirements of the Mississippi River Corridor. Staff would also need a revised lighting plan and a signage plan before any signage could be added.

The applicant requested two independent variances: an impervious surface coverage variance and a parking lot island variance. Staff recommended tying the impervious surface coverage variance to the preservation of the trees on the property.

Mr. Healy reviewed the standards for exterior storage related to the proposed development. Mr. Healy brought up that most cities required that an escrow to be collected for 125% of the landscaping costs and that he recommended that be done here. Mr. Healy pointed out that based on the current screening plan, many of the items that would be stored outside would be visible above the top of the trees for the first couple years. Staff recommended that the Conditional Use Permit be approved with the condition that the site plan and screening plan must be revised with the final plans subject to approval by Staff.

Mr. Healy reviewed the comments from the City Engineer.

Staff recommended approval of the site plan, the variance for impervious surface coverage and the conditional use permit with conditions.

Chair Yendell asked for clarification if discussion was needed for the conditional use permit and the variances. Mr. Healy stated that this was the case and further explained the discussion that was needed.

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Chair Yendell asked if the City was in receipt of any correspondence on the item. Mr. Healy stated he was not. Chair Yendell asked if corresponded had been received from Mr. Rogosheske of Rogosheske, Rogoshske & Atkins, whose property sits adjacent to the subject property.

Mr. Garcia, Economic and Community Development Director, shared that the Economic Development Authority (EDA) had a discussion with Mr. Rogosheske about the site plans for the subject property. Mr. Garcia stated that Mr. Rogosheske did not have any additional comments.

Commissioner Krueger shared her concerns about the discrepancy between the proposed impervious surface coverage amount and the allowable impervious surface coverage amount. Commissioner Krueger asked if the dry pond on the property would be able to handle the water that would be displaced by the impervious surface.

Mr. Garcia explained that the stormwater pond at the subject property would need to be designed to meet the City's stormwater standards for the subject property and the parcel adjacent to the subject property. Mr. Garcia shared with the commissioners that S&S Tree, located directly south of the subject property, sits with 79% impervious surface coverage. Mr. Garcia also stated that Rogosheske, Rogoshske & Atkins, located north of the subject property, has about 35% impervious surface coverage. Cobra Transportation, 235 Hardman Avenue South, is not in the shorelands district but does have 75% impervious surface coverage. Mr. Garcia stated that this request was not inconsistent with other developments in the Bridgepoint Business Park.

Mr. Healy shared that going forward staff planned to add the Shorelands Overlay District to city's zoning map and to work with the Department of Natural Resources to update the shorelands district ordinance.

The applicant, Andy Briggs, shared with the Planning Commission that the trees located on the east side of the property would not be removed.

Chair Yendell opened the public hearing.

No correspondence had been received on the item nor was anyone present to speak on the item.

Chair Yendell closed the public hearing.

Commissioner Huminek stated that he found the impervious surface variance to be necessary for the project.

Chair Yendell stated that she did not find a strong justification for the parking island variance.

Commissioner Felton stated that he could not determine the intent of the parking island requirement and would defer to the Council for them to decide what the intention of the ordinance was.

Commissioner Thompson asked if the parking island requirement had been waived for other developments in the area. Mr. Healy responded that this requirement may have been waived for other industrial developments if the development had been done as a Planned Unit Development.

Commissioner Huminek stated that he did not find it necessary to have parking islands when there were only two rows of parking proposed for the property.

The commissioners discussed screening and the intention of the parking island requirement.

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Mr. Healy recommended the commissioner vote on the parking island variance separately to keep the item moving.

The commissioners discussed the screening requirements for the property. Commissioner Huminek stated he was in favor of coniferous trees being placed no more than 15 feet apart “on center”.

Commissioner Krueger requested assurance that the trees on the east side of the property would be preserved. Mr. Healy confirmed that preserving the trees on the east side of the property was a condition of approval for the item.

Commissioner Thompson asked for confirmation that staff had the trees preservation requirement in writing. Mr. Healy confirmed that it was a condition of approval for the project.

Motion to approve the site plan, conditional use permit, lot coverage variance and parking island variance with the conditions as stated – Felton/ Krueger – (7-0)

5) OTHER BUSINESS

A) Annual Planning Commission Report

Mr. Healy introduced the Annual Planning Commission Report.

B) Other

Mr. Healy shared that staff had been extremely busy with permitting activities and COVID-19 related zoning updates. In the week prior to that evening’s meeting, the City Council approved an interim policy to allow restaurants to set up outside until November. This policy would allow businesses to use their parking lots for outdoor seating. Two business had already applied for this program.

6) ADJOURNMENT

Motion to adjourn- Thompson/ DesMarais (7-0).