

**MINUTES OF MEETING  
SOUTH ST. PAUL PLANNING COMMISSION  
OCTOBER 3, 2018**

MEETING CALLED TO ORDER BY CHAIR YENDELL AT 7:30 P.M.

Present: Isaac Contreras  
Angela DesMarais  
Timothy Felton  
Justin Humenik  
Ruth Krueger  
Jason Pachl  
Stephanie Yendell  
Peter Hellegers, City Planner

- 1) APPROVAL OF AGENDA – approved as presented – Pachl/Krueger (7-0)
- 2) APPROVAL OF MINUTES - approved as presented  
July 11, 2018 – Krueger/Contreras (7-0)  
September 5, 2018 – DesMarais/Contreras (7-0)

3) NEW BUSINESS

None

4) PUBLIC HEARINGS

A) PC Case #2018-19: Jacob & Brittani Guzzetta, 2242 Jewell Lane – An application for a variance to allow the construction of a 6-foot fence along the side yard of the property that abuts the front yard of the adjacent property.

Mr. Hellegers reported the applicants are requesting a 2.5-foot fence height variance for their property. The property has a unique shape and abuts two different properties on Wentworth Avenue and Acorn Lane. The applicant is looking to install a 6' privacy fence; however, regulations state where a side yard or back yard abuts a front yard of an adjacent property the fence height can only be as tall as a fence could be in the adjacent front yard (3.5-feet tall).

Mr. Hellegers stated he received an email from an Acorn Lane property owner on expressing support of the application.

The applicant, Jacob Guzzetta stated the 6' privacy fence would provide containment and privacy for his family.

Chair Yendell opened the public hearing.

There was no one in attendance to comment on the application.

Chair Yendell closed the public hearing.

Commissioner Humenik stated the applicant's request meets all the requirements for a variance adding he's in favor of the application.

Motion to approve the 2.5-foot variance as presented – Humenik/DesMarais (7-0).

Chair Yendell asked about comments mentioned in the email and whether concerns with the adjacent property are being addressed. Mr. Hellegers stated Police and Code Enforcement would handle those items.

B) PC Case #2018-20: Ronald & Billie Jo Nelson, 2232 Caroline Lane – An application for a Conditional Use Permit for a 2<sup>nd</sup> garage.

Mr. Hellegers explained the applicants are seeking a CUP for a second garage on their property insofar as the attached single car garage is not sufficient for their needs. Mr. Hellegers stated the applicant looked at adding on to the width of the current garage; however, there isn't enough room to accommodate an additional stall. The best alternative is to extend the existing driveway around the side of the house to construct a 24' x 26' detached 2-car garage in the rear yard. Mr. Hellegers stated conditions of the CUP will require drainage away from the neighboring property and the structure meet the Fire Code.

Commissioner DesMarais asked whether the existing garage will continue to be used as a garage. Mr. Hellegers responded in the affirmative. Commissioner Pachl asked what the distance was between the neighboring fence and the garage. Mr. Hellegers responded it was approximately 11-feet.

Ronald Nelson stated his home was built in the 1950's when families had one vehicle and a single car garage. He stated additional garage space would provide protected parking of vehicles as well as storage.

Chair Yendell opened the public hearing.

There was no one in attendance nor was there any correspondence received.

Chair Yendell closed the public hearing.

Motion to approve the CUP for a 2<sup>nd</sup> garage as presented – Pachl/Krueger (7-0).

C) PC Case #2018-21: Lionheart LLC, dba Alibi Drinkery, 5625 Lower 182<sup>nd</sup> St. W., Farmington, MN 55024 – A CUP to allow on sale liquor for a restaurant/bar establishment at 211-229 13<sup>th</sup> Avenue South.

Mr. Hellegers explained the applicant advised they will be withdrawing their application; however, the formal withdrawal letter has not yet been received. Due to the fact the withdrawal letter hasn't been received, the Planning Commission is required to act on the application.

The application is for a Conditional Use Permit for on-sale liquor use at 211-229 13<sup>th</sup> Avenue South. The applicant intends to take over the former WishFULL space and adjacent Metro PCS space next door for a casual upscale sports bar venue. On-sale liquor sales as a commercial use are allowed through a CUP as the business is in the C-1: Retail Business zoning district. The property is part of the existing commercial building (Southview Shopping Center). In addition to the CUP the applicant would need to apply for a liquor license. If this application were to continue it would remove the WishFULL CUP.

Discussion ensued regarding the proper course of action due to the pending withdrawal.

Chair Yendell opened the public hearing.

No comments were received nor was there anyone in attendance to comment on the application.

Chair Yendell closed the public hearing.

Commissioner Felton stated he didn't see the point of continuing the matter since the intention is to formally withdraw the application and he would have difficulty approving an application when the applicant isn't present. Commissioner Felton opined he favored denial.

Commissioner Contreras stated he favors approval to let potential developers know the Planning Commission supports the concept.

Motion to approve the Conditional Use Permit – Contreras – motion failed due to lack of a second.

Commissioner Humenik also stated he had difficulty approving the request without the applicant being present to explain.

Motion to deny the Conditional Use Permit application pending withdrawal and the applicant wasn't present to answer questions - Felton/Humenik (7-0).

Chair Yendell stated although this application was denied the Planning Commission is not opposed to a proposal of this type in the future.

D) PC Case #2018-22: City of South St. Paul, 125 Third Avenue North – Preliminary Plat of the property at 680 Verderosa Avenue.

Mr. Hellegers reported the Metropolitan Council Environmental Services (MCES) owns and operates a sewer lift station on the 23-acre site at 680 Verderosa. Due to the site being larger than MCES needs the City approached the agency regarding acquisition of a portion of the property. The proposed plat is the first step in subdividing the property into two platted lots and one outlot.

The MCES lift station building which is accessed from Verderosa is located on Lot 1. Lot 2 and Outlot A are excess property the City would acquire. Lot 2 would be the developable parcel and would need to be done in conjunction with an adjacent property (Danner property or the City park area) to provide access to the property as there is no direct street access. Outlot A would be preserved insofar as outlots are not developable. Mr. Hellegers explained in addition to the property being protected by a levee a flowage easement is present which would need to be resolved prior to development of Lot 2. Discussion ensued regarding the presence of the levee and Dakota County trail easements. The platted outlot would provide space around the trail and act as a buffer from development to the west.

Park dedication requirements would apply for development of Lot 2.

Discussion ensued regarding the flowage easement. Commissioner Pachl stated the importance of resolving the flowage easement on Lot 2 prior to a development opportunity arising.

Commissioner Felton queried as to the access points to Lot 2. Mr. Hellegers stated although the parcel could be accessed through City-owned property, the most desirable access would be through the Danner property to the south.

Chair Yendell opened the public hearing.

There was no one in attendance to comment nor was there any correspondence received.

Chair Yendell closed the public hearing.

Motion to approve the Wakota North Preliminary Plat – Pachl/Krueger (6-1) [Felton]

E) PC Case #2018-15: (continued from September 5, 2018) – Lodge Properties, LLC, Box 2188, Stillwater, MN 55082 – Consider an amendment to the text of the City Code Section 118-125 regarding the C-1 Retail Business District to allow the operation of pet daycare, pet boarding, pet grooming and veterinary uses in the district.

Mr. Hellegers briefly reviewed the applicant's request to amend City Code to allow doggie daycare and related uses in the C-1 Retail Business District. The particular use is not currently a permitted or conditional use in the district so it is not permitted. The public hearing was continued from the September 5, 2018 meeting to provide Codes from surrounding communities to ascertain how those communities are responding to the uses.

Discussion ensued regarding the Codes presented and the differences in the definitions. The commonality is the uses are mainly in commercial or industrial zones which have more separation between the proposed use and residential areas. Mr. Hellegers stated the use wouldn't work in the City's C-1 zone insofar as the district is generally surrounded by residential properties. The General Business (GB) or Industrial (I) zones east of Concord Street would provide adequate separation.

Applicant Tony Lodge discussed existing doggie daycare uses in Woodbury and Newport that are adjacent to residential areas. Mr. Lodge stated a buffer of 500' from residential properties in the City's

C-1 District would be a deal breaker insofar the buffer wouldn't allow for an outside area for pets to relieve themselves.

Chair Yendell opened the public hearing.

No correspondence was received nor was there anyone present to comment on the application.

Chair Yendell closed the public hearing.

After discussion it was noted there was a growing need; however, the consensus is the use is best suited in the GB and I zones. Staff was directed to prepare an amendment to the Code for doggie daycare uses in the GB and I districts for consideration at a future meeting.

Motion to deny the proposed code amendment to allow doggie daycare/veterinary/pet boarding & kenneling uses in the C-1 Zoning District due to the insufficient buffer and the use not being feasible in the C-1 district – Humenik/DesMarais (7-0).

F) 2018 Comp Plan Update – Review and discuss draft of the Parks, Trails and Open Space Chapter of the Comprehensive Plan.

Mr. Hellegers reported the City received an extension through the end of 2019 to submit the Comprehensive Plan Update to the Metropolitan Council. The draft of the Parks, Trails and Open Space Chapter incorporates language developed through the Parks Referendum which changed information on park projects for Kaposia Landing, Doug Woog Arena and McMorrow Field. A consultant has been retained to assist with redesigning the document to make it visually interesting and easily accessible.

Chair Yendell stated difficulty in differentiating between the Greenways on Figure 9.1: Parks, Trails and Recreation map adding the City boundary looks similar to some of the other identifiers. Mr. Hellegers stated the graphics can be adjusted. Chair Yendell stated she'd like to see visioning from the Bike and Pedestrian Plan incorporated. It was noted the Bike and Ped Plan would tie into the Transportation Chapter.

Discussion ensued regarding the layout, call boxes and images. The consensus was the document was nicely formatted with good readability.

Mr. Hellegers explained the Park Service Areas map noting the map calls out gaps in parks and amenities the City would like to address in the next 20 years.

Discussion ensued with regard to making the document interactive and finding ways to package the document to capture the thoughts of citizens.

Mr. Hellegers explained additional draft chapters will be brought forward in the next couple of months.

5) OTHER BUSINESS

There was none.

6) ADJOURNMENT

Motion to adjourn at 8:49 P.M. – DesMarais/Humenik (7-0)