

**MINUTES OF MEETING**  
**SOUTH ST. PAUL PLANNING COMMISSION**  
**April 5, 2023**

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

Present: Tim Felton, Chair  
Geoff Fournier  
Jason Frankot  
Ruth Krueger  
James Hart  
Brienne Miller  
Chad Schlemmer  
Michael Healy, City Planner

Absent: None

- 1) APPROVAL OF AGENDA – Motion to approve as presented –Frankot/Fournier (7-0)
- 2) APPROVAL OF MINUTES – March 1, 2023 – Commissioner Krueger noted an error on page 2 of the minutes in the 5<sup>th</sup> paragraph. Motion to approve with the correction noted by Commissioner Krueger-Krueger/Fournier (7-0).
- 3) NEW BUSINESS  
None
- 4) PUBLIC HEARINGS
  - A. Conditional Use Permit for On-Sale Liquor at 1515 5<sup>th</sup> Avenue South

Mr. Healy presented the staff report. The Applicant is Tony Lodge on behalf of Lodge Properties. The Applicant is proposing to turn the event center at the 5<sup>th</sup> Avenue Shopping Plaza into a 360-person restaurant called Escalon Inc and has requested a Conditional Use Permit (CUP) for on-sale liquor. The event space has a full, code-conforming kitchen and can legally be used as a restaurant which makes the site eligible for a liquor license. Restaurants are an approved use in the C-1 zoning district, but because the Applicant would like to serve liquor, a Conditional Use Permit for on-sale liquor is needed. Restaurants cannot receive a liquor license until they have received a Conditional Use Permit for on-sale liquor. Staff reviewed the application internally and received comments from the Police Department, namely that private security should be required for events with more than 100 people and it may be appropriate to require the Applicant to install a security/surveillance camera system to cover the banquet hall and the areas outside the venue. Staff recommends approval of the CUP subject to the conditions in the staff report. Staff left the option to impose the security camera condition up to the discretion of the Planning Commission.

Chair Felton asked what criteria makes the site a restaurant. Mr. Healy explained that both the state and the city consider a food and beverage establishment that operates for at least 21 days annually to be a restaurant. The City will only grant a liquor license to a business where 50% of the income comes from food sales.

Commissioner Hart asked if there had been any discussion or concern expressed by the Applicant about the condition limiting the hours for private events with alcohol or the conditions that were requested by the Police

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Department. Mr. Healy stated that the Applicant received the memo and deferred to the Applicant on the question.

The Applicant, Tony Lodge, came forward to speak to the application.

Chair Felton asked if applicants foresee most of his business coming from events as opposed to the restaurant. Mr. Lodge explained that the main revenue driver for the space would be the event business.

Commissioner Hart asked the Applicant if he had reviewed the timing condition and the conditions the Police Department recommended. Mr. Lodge explained that most of the timing issues were addressed at the time that the event center CUP was approved. Mr. Lodge explained that he would likely have a surveillance system but was less keen on having the Police dictate the terms of the system. Mr. Lodge stated that he felt it made sense to require security for a 100-person event. Mr. Lodge expressed confusion and concern about the applicability of the event center CUP condition requiring security for events with at least 50 people where liquor is being served. Mr. Healy explained that if the business was acting as a restaurant, the event center CUP and its related conditions would go dormant unless the business reverts back to being just an event center. Mr. Healy added that if Mr. Lodge wanted to renegotiate the conditions of his event center CUP, he would need to apply for a CUP amendment to address this condition.

Chair Felton opened the public hearing.

No correspondence was received prior to the meeting and no one was present to comment on the application.

Chair Felton closed the public hearing.

Commissioner Miller made a motion to recommend approval of the CUP subject to the conditions listed in the staff report. Commissioner Hart seconded the motion.

Commissioner Hart encouraged the commissioners to clarify if the camera condition was a part of the motion. Chair Felton asked staff if the camera condition was included as an official condition in the staff recommendation. Mr. Healy explained that he wrote the recommendation to lay out the options. Mr. Healy encouraged the commissioners to state if they wanted to include the camera condition as part of their motion.

Chair Felton asked Commissioner Miller if she wanted to include the camera condition as part of her motion. Commissioner Miller confirmed she did. Chair Felton asked Commissioner Hart if he still wanted to second the motion. Commissioner Hart declined to second the updated motion. Commissioner Fournier seconded Commissioner Miller's motion.

Commissioner Frankot commented that he agreed with Commissioner Hart's desire to motion for approval of the Conditional Use Permit without the camera condition and asked how to proceed with that option. Chair Felton explained that the commissioners would discuss the item further and then vote on the current motion. Commissioner Frankot asked if they could vote on a different motion if the current motion fails. Chair Felton asked Mr. Healy if they could amend the motion or would need to revote on the item if the original motion fails. Mr. Healy explained that a new motion could be made for the application if the initial motion fails.

Commissioner Krueger shared that she was more comfortable with the project with the added camera condition. Commissioner Frankot shared that from his own experience as a business owner, he anticipates that the Applicant will install a camera at the site to protect himself from liability and disagreed with requiring the police to check the camera system.

Commissioner Fournier shared that he did not view the condition as requiring the police to view the footage from the camera but to review the placement initially and then becoming uninvolved after that. Commissioner Hart shared that he was concerned the camera condition was overreaching. Commissioner Hart questioned the reasoning to proactively mandate a camera system.

Commissioner Krueger shared that she viewed that condition as requiring the property owner to have a camera and the times when the camera needs to be on, not that the footage needs to be reported to the police. Commissioner Frankot clarified that the condition requires the police to approve the camera system. Mr. Healy clarified that the intent of the condition is to require large events to be recorded so in the event of an altercation, the police could review the footage.

Commissioner Miller asked staff if the condition had been imposed on any other event space. Mr. Healy stated he was not aware of any other event spaces where this condition has been imposed.

Motion to recommend approval of the Conditional Use Permit subject to the conditions listed in the staff report, including the camera condition- Miller/Fournier (3-4) (Frankot, Hart, Schlemmer, Felton). Motion failed.

Motion to recommend approval of the Conditional Use Permit subject to the conditions listed in the staff report, excluding the camera condition- Frankot/Schlemmer (7-0).

## 5) OTHER BUSINESS

### A. Final Plat for Danner Family 2<sup>nd</sup> Addition

Mr. Healy presented the staff report. The Applicant, Danner Family Limited Partnership, is requesting final plat approval for their vacant property on Verderosa Avenue. In February, the City approved a preliminary plat, a Planned Unit Development, and several Conditional Use Permits to allow Danner Inc. to relocate from 843 Hardman Avenue to their vacant property on Verderosa Avenue. The plat would create one buildable lot, an outlot, and road right-of-way for Verderosa Avenue. The final plat is consistent with the preliminary plat and so staff recommend approval of the final plat, subject to conditions.

Chair Felton asked staff to clarify that the final plat is identical to the preliminary plat leaving little reason for discussion. Mr. Healy confirmed that the final plat is identical to the preliminary plat.

Commissioner Frankot asked staff to confirm that the item being reviewed was just the plat. Mr. Healy confirmed the only thing the Commissioners were reviewing was the plat.

Marly Danner, Danner Inc., came forward to speak. Mr. Danner aired his grievances with the conditions of approval that had been placed on the development approvals he received in February.

Motion to recommend approval of the final plat- Krueger/Hart (7-0).

### B. Discussion on Proposed Ordinance Amendment Updating Setback and Height Requirements and Establishing Design Criteria.

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Mr. Healy shared the staff report. Mr. Healy explained that there was a laundry list of items that have been identified by staff and the Planning Commission as needing review. Mr. Healy highlighted 5 topics that were identified as needing review: driveway setbacks for residential properties; street side property fence setbacks; setbacks and design standards for parking lots in the C-1 and GB zoning districts; site design standards for the C-1 district, and garage CUP regulations in the R-1 district. Mr. Healy shared the proposed code changes to address the 5 identified areas for updates.

Chair Felton commented that the varying architecture on Southview Boulevard and Marie Avenue is understandable due to the age of the city and the changes that the city has undergone. Chair Felton shared that he felt the clean up was appropriate.

Commissioner Frankot asked if the current city code had different height standards for apartments (non-owner-occupied units) versus condominiums (owner-occupied units). Mr. Healy explained that the example he used to demonstrate what a 3-story building looks like is a property that is zoned R-4. Mr. Healy explained that the idea behind the language change is to protect the existing character of Southview and Marie but not allowing buildings that are taller than 3 stories. Commissioner Frankot asked again for clarification on whether the building height standards differed between condominiums and apartments. Mr. Healy clarified that the code had one height standard for multi-family buildings, regardless of whether the units are owner-occupied or not. The proposed ordinance would align the maximum building height for mixed use buildings on Southview and Marie Avenue with the maximum allowable height for multi-family buildings.

Chair Felton asked Mr. Healy if any motion or action was required for the item. Mr. Healy clarified that no motion or action was required because the item was there purely for discussion purposes.

Commissioner Krueger shared her liking for mixed use buildings along Southview and Marie and stated that she wants to see this type of building continue. Mr. Healy shared that he wrote the ordinance based on his observations of the existing buildings on Southview and Marie Avenue and codifying language to allow the existing development.

Commissioner Frankot asked if any of the existing commercial buildings in the C-1 district would benefit from the site design ordinance changes. Mr. Healy stated that any existing building that wants to build an addition would benefit from the proposed ordinance. Mr. Healy cited the new library and Wakota Federal Credit Union as examples of projects that needed a variance from the rules on books but would not under the proposed ordinance.

### 6) ADJOURNMENT

Motion to adjourn- Hart/Fournier (7-0).