

MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISISON
May 4, 2022

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

Present: Tim Felton
 Geoff Fournier
 James Hart (Arrived at 7:04 PM)
 Ruth Krueger
 Matthew Thompson
 Michael Healy, City Planner
 Monika Mann, Associate Planner

Absent: Angela DesMarais
 Jason Frankot

- 1) APPROVAL OF AGENDA – Motion to approve as presented – Felton/Fournier (4-0).
 - 2) APPROVAL OF MINUTES – April 6, 2022 – Motion to approve the minutes as presented – Krueger/Hart (5-0).
 - 3) NEW BUSINESS
- None.
- 4) PUBLIC HEARINGS

A. Dakota County Library Development Application

Mr. Healy shared the staff report. The Applicants are Dakota County and the City of South St. Paul. The County is proposing to acquire and combine six City-owned parcels at the Northwest corner of Marie Avenue and 7th Avenue North. The Applicants are seeking site plan approval for a 1-story library, a rezoning of 4 of the parcels from R-3 to C-1, a rezoning the school district's parking lot parcel from R-3 to C-1 and a variance from the requirement that all buildings in the C-1 district be set back at least 40 feet from the center line of the adjacent road. The EDA owns the existing parcels. The proposed library generally meets the requirements for a new commercial building in the C-1 district, aside from the setback along 7th Avenue North. The proposed rezoning of the library site would bring the site into compliance with the Comprehensive Plan. The variance is necessary to allow the new library building to be located next to the sidewalk on 7th Avenue North. The existing setback requirement prevents new pedestrian-oriented buildings from being located along Southview Boulevard and Marie Avenue when the Comprehensive plan specifically calls for these types of buildings along the two streets. Staff recommend approval of the development subject to the conditions listed in the staff report.

Capital Projects Manager for Dakota County Jerome Beidny and Project Manager Mike Wiese were present to answer questions.

Chair Thompson opened the public hearing.

No one was present to speak on the application and no correspondence had been received prior to the meeting.

Chair Thompson closed the public hearing.

Commissioner Krueger shared her excitement for the new library.

Motion to recommend approval of the proposed development as presented- Krueger/ Fournier (5-0).

B. Conditional Use Permit for a Day Care at 1020 Marie Avenue

Ms. Mann presented the staff report. The Applicant is Maple Tree Day School. The Applicant has requested a Conditional Use Permit (CUP) for a day care at 1020 Marie Avenue. The Applicant currently operates a day care at 1001 Marie Avenue. The Applicant is proposing to move their toddler program to 1020 Marie Avenue. 1020 Marie Avenue is currently vacant. A day care would be allowed at the site with a Conditional Use Permit. Staff recommend approval of the conditional use permit subject to the conditions found in the staff report.

Commissioner Hart asked if drop off would be occurring at both day care sites at the same time. Ms. Mann stated she would defer to the Applicant on this question.

Commissioner Thompson asked about reasons why the City might want to require the site to have a trash enclosure. Ms. Mann explained that the reason would be for improved aesthetics. Ms. Mann explained that the site is currently grandfathered to not have a trash enclosure so the decision of whether or not to require the Applicant to construct a trash enclosure as a condition of the CUP was a call for the Planning Commission to make.

Commissioner Felton asked why 1001 Marie Avenue was required to construct a trash enclosure as one of the conditions of approval for their day care CUP. Ms. Mann explained that at the time, the City required many properties whose use required a CUP to install a trash enclosure at the site.

Commissioner Felton asked why staff was recommending the Applicant be required to install a bike rack at the site. Ms. Mann explained this was because the applicant would not be meeting the default off-street parking requirement and was requesting approval of a transportation plan, so staff felt that providing options for alternative transportation methods would be beneficial.

Julia Hagen, Maple Tree Day School, came forward to answer questions. Chair Thompson asked the Applicant to address Commissioner Hart's question about the drop off times for the two buildings. Ms. Hagen explained that the new facility is a smaller facility so there would be less traffic at the new site. The proposed facility and the existing facility are kitty corner to each other which would further reduce congestion. Ms. Hagen emphasized that drop offs are very quick, especially in the wake of COVID-19.

Commissioner Felton asked if there was any reason why the fencing at the site needed to be 4 feet in height instead of 3.5 feet as the code requires for residential properties. Ms. Hagen explained that a 4-foot fence was needed for the safety and security of the kids at the site.

Chair Thompson asked the Applicant if she was aware of the recommended conditions of approval and if she was ok with them. The Applicant confirmed that she was.

Chair Thomson opened the public hearing.

No one was present to speak on the item. Ms. Mann shared two pieces of correspondence staff had received. The first comment was from Hannah Wiberg who stated she was in favor of the application. Theresa Cosgrove, 159 11th Avenue North, shared that she thought the proposal for a day care at the site was a great idea and was in favor of it.

Chair Thompson closed the public hearing.

Commissioner Felton asked staff if allowing a 4-foot opaque fence in the front yard of the site would set a precedent for other properties in the neighborhood. Ms. Mann explained that the fence ordinance that the Planning Commission reviewed at their previous meeting had been amended slightly after the first reading at the City Council. The fence ordinance now includes an exception from the rule that residentially zoned properties cannot have 4-foot opaque fences in the front yard. The exception is to allow 4-foot opaque fences around an outdoor play area for a school, a church, or a day care when the play area is located in the front yard of the property. This exception would only apply to institutional uses in residential and commercial districts, so a precedent would not be set for residential properties.

Motion to recommend approval as presented- Felton/Hart (5-0).

C. South St. Paul Animal Hospital Development Application

Mr. Healy presented the staff report. The Applicant is David Abramowicz on behalf of Blue River Holdings. The Applicant is proposing to develop the vacant property north of Al's Corral Bar and Grill. The Applicant has requested a site plan review for a 12,000 square foot multitenant commercial building, a Conditional Use Permit for a medical use for animals, a Conditional Use Permit for pet grooming, a Conditional Use Permit for an exterior light source that is higher than 16 feet off the ground, and an ordinance amendment to update the architectural standards in the CGMU district. The Applicant currently operates a vet clinic at 501 Concord Street North. The Applicant is looking to expand to better serve the community.

Mr. Healy explained that the Applicant has requested an ordinance amendment to allow the proposed architecture for the building. The Applicant would like to construct a building with contemporary architecture. The CGMU code only allows buildings to be constructed that look like a traditional early 1900's building. The Applicant has petitioned for an ordinance amendment to remove the repeating bays requirement and to update the list of permitted exterior building materials to match what the City has actually been approving. Staff recommends approval of the draft ordinance, the site plan and the CUPs, subject to the conditions listed in the staff report.

Chair Thompson asked if the ordinance amendment was slowing down the Applicant's other zoning approvals. Mr. Healy stated that having the Applicant petition for an ordinance amendment is the fastest way to have the project be approved. Staff had planned to bring forward a similar ordinance amendment in the coming months so by having the Applicant's apply for the ordinance amendment, the code would be changing faster than if the ordinance amendment was initiated by Staff. Mr. Healy furthered that the Applicant would not be eligible for a variance for their architecture because their case did not present a practical difficulty.

David Abramowicz came forward and shared his excitement for the project.

Commissioner Krueger asked if the facility would be a general vet clinic or if they would specialize in certain animals. Mr. Abramowicz stated that they would treat traditional pets such as cats and dogs as well as 'pocket pets' like hamsters and lizards.

Commissioner Krueger asked if the new facility would have separate entrances for dogs and cats. Mr. Abramowicz stated that they were not intending to have separate entrances but that the site would have doors on two different sides of the building.

Commissioner Felton asked the Applicant if there were plans for their existing site. Mr. Abramowicz stated he had not made a decision on what would happen to the site.

Chair Thompson opened the public hearing.

No one was present to speak on the item and no correspondence had been received prior to the meeting.

Chair Thompson closed the public hearing.

Motion to recommend approval as presented- Fournier/ Krueger (5-0).

D. Commemorative Air Force Interim Use Permit Amendment

Mr. Healy presented the staff report. The Applicant is Amy Lauria on behalf of the Commemorative Air Force (CAF) Minnesota Wing. The City issued the CAF an Interim Use Permit (IUP) in 2012 for a 'temporary banquet hall' which allows them to have two (2) large fundraising events each year. Any time the Applicant would like to have additional events, they have to request an amendment to their Interim Use Permit. Staff has been working with the Applicant, the City Attorney, and the Airport Manager to try to create a better process for events at the airport; however, until the new process is put in place, the Applicant will need to use the existing process. The request from the Applicant is to have two additional fundraising events in 2022 to make up for the fundraising events that did not take place in the past two years due to COVID-19. Staff is recommending approval of the IUP subject to the conditions recommended by the City Attorney.

Commissioner Felton asked if the CAF had previously been granted City approval to have 4 events during a calendar year. Mr. Healy explained that in 2012 and 2021, the CAF requested to host 5 events during the calendar year.

Amy Lauria, Commemorative Air Force, came forward to speak to her application.

Chair Thompson opened the public hearing.

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

Chair Thompson closed the public hearing.

Commissioner Krueger shared how much she enjoys seeing the historic planes flying overhead in South St. Paul.

Motion to recommend approval as presented- Krueger/Fournier (5-0).

E. Dish Wireless Conditional Use Permit for 1755 4th Street South

Ms. Mann shared the staff report. The Applicant was Ward Development Services on behalf of Dish Wireless Network. The Applicant is requesting a Conditional Use Permit to place three PWS (personal wireless services)

antennas and a small, screened accessory structure at the Alice Court water tower site. The subject property has two active CUPs for other PWS antennas. The Applicant is proposing to place three additional antennas on the Alice Court water tower and a screened accessory structure to the east of the water tower. The accessory structure is proposed to be screened with a 6-foot wood privacy fence surrounded by Techny arborvitae on three of the four sides of the fence. The proposed antennas and accessory structures appear to largely meet the code requirements. Staff is recommending two upgrades to the Applicant's screening plan which would benefit all parties. First, staff recommend that the Applicant screen the accessory equipment using vinyl, PVC or trex-type fencing. Second, staff recommend that the Applicant be required to plant arborvitae on all sides of the screening fence to ensure consistent vegetative screening year-round. Staff recommends approval of the CUP, subject to the conditions listed in the staff report which include the upgrades to the screening at the site.

Commissioner Felton asked staff if the neighboring property owners were required to be informed of the application. Ms. Mann explained that by law, a notice of public hearing is required to be sent to all of the properties within 350 feet of the property applying for a conditional use permit. This procedure was followed for this application. Commissioner Felton asked if staff had received any correspondence. Ms. Mann stated that staff had not received any correspondence on the item.

Steve Ward, Ward Development Services, was present to comment on the Application. Mr. Ward stated that he has no issues with the proposed conditions. Mr. Ward explained that a wood fence was proposed for screening at the site because the Applicant was unsure about the character of the neighborhood. Mr. Ward commented that the reason the Applicant proposed to install arborvitae on only three sides of the fence was due to maintenance concerns on the side of the fence nearest the existing vegetation. Mr. Ward reiterated that they were willing to meet the conditions.

Chair Thompson opened the public hearing.

Brianne Miller, 402 18th Avenue South, stated she was not in favor of the Conditional Use Permit because she did not want to have to look at it. Ms. Miller commented that over the last two summers, there had been ongoing work at the water tower site. During this time, there had been trucks parked in front of her house which was noisy and disruptive. Ms. Miller noted that the site used to have a beautiful lawn which was now sand and dirt after two consecutive summers of construction. Ms. Miller stated she would like to see the site maintained and beautified.

Chair Thompson asked Ms. Miller if the trees that were shown in staff's presentation had been cleared. Ms. Miller stated that the trees at the site had been cleared. Ms. Mann clarified the location of the trees that had been removed from the site and where there was still existing vegetation at the site.

Ms. Miller asked about the timeline for the project. Mr. Ward explained that the project was slated for the first quarter of 2023.

Commissioner Felton asked Ms. Miller to clarify her comment about not wanting to see 'it' and whether she was referred to the screened accessory structure or the antennas themselves. Ms. Miller explained that she did not notice the antennas but was concerned about the ground accessory structure.

Staff had not received any correspondence prior to the public hearing.

Chair Thompson closed the public hearing.

Chair Thompson asked Staff why the accessory structure was needed for the PWS antennas and the approximate size of the accessory structure area. Ms. Mann stated that that proposed size of the screened area was 5 feet by 7 feet. Mr. Ward explained that the accessory equipment included a cabinet and power box that would sit in a 5-foot by 7-foot area at the site.

Commissioner Hart asked if there were plans to restore vegetation at the site after the construction work was completed. Ms. Mann stated that the Engineering or Public Works Department would likely know the details of restoration at the site. Chair Thompson noted that there was a concerned resident in attendance so staff should address the question. Mr. Healy stated that staff would take down Ms. Miller's contact information and have the appropriate staff member follow up with her.

Ms. Miller asked why accessory equipment could not be placed inside the water tower. Ms. Mann explained that pre-9/11, accessory structures could be placed inside water towers; however, after 9/11, placing accessory equipment inside water towers became a security risk, so now all accessory equipment must be placed outside the water tower.

Chair Thompson shared that the application was for an infrastructure change and was likely inevitable. Chair Thompson noted that it would be worthwhile to follow up on the beautification of the site.

Commissioner Felton commented that the recommended staff conditions about upgraded fencing and additional screening vegetation at the site should be included in the motion.

Commissioner Thompson asked what would happen in the event that the screening vegetation on the east side of the fence dies. Ms. Mann explained that the City would be taking a landscaping escrow which will only be returned once the Applicant has kept the vegetation at the site alive for a year. Mr. Healy added that the expectation is that the Applicant will maintain the landscaping shown in their CUP application. If they are not able to maintain this landscaping, the Applicant will need to seek a formal amendment to their CUP and ask that this condition be removed.

Motion to recommend approval as presented- Felton/Fournier (5-0).

F. Conditional Use Permit Amendment for Adult Day Care at 835 Southview Boulevard

Mr. Healy shared the staff report. The Applicant is Barr Construction, LLC. The Applicant began to construct a 6-foot fence with a permit in the area of 835 Southview Boulevard that is not allowed to have a 6-foot fence. The Applicant would ideally like to keep the fence "as-is" but understands that Staff will only recommend approval of a substantially modified fence plan. The fence that the Applicant constructed goes up to the sidewalk on 9th Street and has sections that are 8 feet tall, which is not allowed. Concerns have been raised by multiple departments about the location of the fence and access to the alley easement on 835 Southview Boulevard. Staff is recommending that the Applicant be allowed to have a fence that projects off the building 5 or 6 feet. The Applicant would be required to have the lot surveyed, shrink the fence to be 6 feet in height, move the fencing out of the visibility triangle area of the alley, remove the old curb cut used for the bank drive-thru and replace it with grass. The other alternative would be to have the applicant withdraw their application and have them pull the fence back to the building. In this situation, the Applicant would not be required to take out the curb or add additional landscaping to the site.

Chair Thompson opened the public hearing.

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Steve Mankowski, 725 Southview Boulevard, shared that he was concerned about alley access at the site and work being done at the site without the proper approvals.

George Barr, Barr Construction LLC, stated that the project was initiated because the Department of Human Services (DHS) required a fenced in outdoor area for vulnerable adults. Mr. Barr stated that they had mistakenly not pulled a permit for the project initially. Mr. Barr also stated that they would soon be having the property surveyed to determine the location of the alley easement and to ensure the fence is not encroaching into this area.

Mr. Healy noted that he reached out to DHS about whether they had required the outdoor space. The DHS stated that they like to see adult day cares have outdoor areas, but they are not a requirement.

Commissioner Thompson asked about the feasibility of the City Engineer's comment about reconstructing the original alley at the site. Mr. Healy explained that reconstructing the original alley would be a process and would require the County's approval. Mr. Healy stated that the City could not require the Applicant to reconstruct the original alley as a condition of approval.

Commissioner Felton asked who the driving force for the reconstruction process would be and who would pay for the alley reconstruction. Mr. Healy stated that the alley reconstruction would be completely at the expense of the property owner if this option was pursued. Mr. Healy stated that the City would need to provide technical assistance to the Applicant.

Chair Thompson stated that the fence was too close to the sidewalk and that he had safety concerns about the site.

Commissioner Krueger commented that the city has spent a lot of time sorting out the fence. Commissioner Krueger stated she was in favor of the City's proposal to fix the fence. Commissioner Krueger cautioned that the alley issue was separate from the matter being considered and the commissioner should focus on the issue in front of them.

Mr. Healy shared a letter that was received from Daryl Coyer, 236 8th Avenue South. A copy of the letter was included in the packet.

Chair Thompson closed the public hearing.

Commissioner Felton stated that he felt all of the conditions that staff have recommended are a must. Commissioner Thompson shared that he agreed the conditions were necessary.

Commissioner Hart asked staff to confirm what a motion to recommend approval would allow. Mr. Healy explained that a motion to recommend approval would be an approval for a conditional use permit for a fence to enter the second front yard of a commercial property. A motion to recommend approval would allow the fence to come 6 feet off the side of the building. As a condition of the approval, the Applicant would need to reduce the height of the fence so that it is consistently 6 feet in height, move the fencing out of the alley clear view triangle, and remove the existing curb cut and replace it with grass. If the Planning Commission were to recommend denial, the Applicant would simply be required to move the fence to be flush with the building.

Commissioner Felton asked staff to clarify that approving the conditional use permit would only give the applicant a small additional area of fencing. Mr. Healy stated that this was correct but that this conditional use permit allows the City the ability to add conditions to an approval. Mr. Healy stated that the trade was the City

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allows a fence to be 6 feet closer to the sidewalk than is allowed, and in exchange the Applicant fixes the curb cut at the property and adds additional landscaping, which is a win-win situation.

Commissioner Krueger noted that staff's recommendation would address a number of the concerns raised by Mr. Coyer. Mr. Healy stated that it would address Mr. Coyer's concerns about visibility. The approval did not address Mr. Coyer's concerns about parking violations which were separate from what was being reviewed.

Commissioner Hart asked for confirmation that the Applicant was willing to move the fence back as staff recommended. Mr. Healy confirmed this was the case.

Motion to recommend approval of the conditional use permit- Krueger/ Hart (5-0).

G. Development Application for Danner, Inc's Proposed Relocation to Verderosa Avenue- **Postponed to June 1, 2022.**

5) OTHER BUSINESS

None

6) ADJOURNMENT

Motion to adjourn- Felton/Hart (5-0).