

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, DECEMBER 6, 2018
6:15 P.M.**

North St. Paul City Hall – Council Chambers
2400 Margaret Street

I. CALL TO ORDER

Chair Barton called the meeting to order at 6:15 p.m.

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair

Trisha Hamm, Commission Vice-Chair

Tom Sonnek, Commission City Council Liaison ABSENT

Chris Bathurst, Commissioner ABSENT

Michael Stahlmann, Commissioner

Rick Gelbmann, Commissioner

John Wahl, Commissioner

Allan Worm, Commissioner

STAFF

Molly Just, City Planner

Karin Derauf, Commission Secretary

III. ADOPT AGENDA

Motion to adopt agenda by Commissioner Gelbmann, and seconded by Vice-Chair Hamm, with all present voting aye (5-0). Motion carried to adopt the December 6, 2018 Agenda.

IV. APPROVAL OF MINUTES

Motion to approve Minutes by Commissioner Gelbmann, and seconded by Commissioner Wahl, with all present voting aye (5-0). Motion carried to approve the November 1, 2018 regular meeting minutes as submitted.

V. MEETING OPEN TO THE PUBLIC

None

VI. PUBLIC HEARINGS

A. 2827 2nd Street Variance (Garage)

Planner Molly Just background information on the presented variance application regarding a garage addition with a 3-foot setback, which is a deviation from the Zoning Code for a corner lot that requires a 15-foot setback for a R1 - Single Family Residential District. The request is a 12-foot reduction from the required 15-foot setback. She cited specific concerns of the traffic flow on Beam Avenue as well as a potential compromise to the City right-of-way. If the existing right-of-way is used for the proposed garage addition, then it would be 3 feet from Beam Avenue. The utility and easement location is unknown as the applicant has not provided this information on the survey. There is no analysis for or plan for drainage for the garage addition, and finally, the applicant has not indicated how they meet the criteria that would justify granting a variance. Planner Just is recommending denial of this variance.

Applicant, Pat O'Brien, residing at 2777 Hazelwood Avenue in Maplewood, stated that his son lives in the house and they would like to add additional garage space, as the home only has a single car garage attached. He indicated he purchased the home located at 2872 2nd Street North in North St. Paul on September 13, 2018.

The applicant indicated that the house is on a hill and would not compromise viewing around the corners. He feels that the likelihood of widening Beam would not happen as they narrowed the road several years ago. He stated that he thinks the utilities are across the street rather than on his side of the road and he is willing to reduce the size of the garage for setback purposes.

Chair Barton provided clarification to the applicant that the lot needs to represent something unique as it pertains to the property that would make compliant changes impossible, thus the need for a variance. She asked the applicant to give the criteria or justification for the variance request. The applicant referenced other homes in the neighborhood and how they appeared and Chair Barton explained that the issue is in regards to mandatory codes rather than appearances. She indicated that there has to be unique characteristics of the lot as to why there should be a deviation from the Zoning Code, which would require a variance to be issued.

The applicant stated that it is unusual for a house to have a 1-car garage rather than a 2-car. He feels this would add value to the home. He stated that an addition to the garage, would encroach into the required setback space.

Chair Barton asked Planner Just if that was correct regarding encroachment into the 15-foot setback in terms of design and adding on to the garage. Planner Just indicated that it is not the City's burden of design for the applicant's garage to meet the Zoning Codes, however, indicated that a typical 22 to 24-foot garage should be able to fit in the required space without compromising the right-of-way or requiring a variance. The applicant indicated that the current garage is 13 feet with an additional 9-foot allowance remaining if he built the garage without a variance. He would like to install a 10-foot wide garage door as well as a service door.

Chair Barton asked the Commission if they had any questions prior to opening the Public Hearing. Vice Chair Hamm asked if a service door can be added to the side or back of the garage rather than the front. The applicant indicated that he could put it on the side, however, it would swing in the wrong direction. He stated that he would narrow the doors to bring the

variance request to only 5 feet rather than 12 feet. Commissioner Worm asked about the width of the right-of-way. Planner Just indicated that right-of-ways vary from street to street.

Commissioner Stahlmann asked Planner Just if she could cite the requirement for a variance. She referenced the first page of the application that Mr. O'Brien submitted. At the bottom of the form it indicates the following regarding practical difficulties of a property:

1. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning code.
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
3. The variance, if granted, will not alter the essential character of the locality.
4. Economic considerations alone do not constitute practical difficulties.
5. The variance is consistent with officially adopted City plans and overlays.

Planner Just also indicated that drainage may also pose a problem as the home is on a hill and the applicant did not provide accommodation for drainage. The applicant responded by saying that the drainage would flow towards 2nd Street rather than Beam Avenue. Chair Barton opened the Public Hearing for anyone who wanted to speak directly on the variance presented.

Public Hearing opened at 6:35 p.m.

Resident, Erik Kehle, of 2399 Beam Avenue, stated that he lives directly across Beam Avenue from the applicant's home and has no concerns regarding the garage expansion.

Public Hearing closed at 6:38 p.m.

Commissioner Stahlmann indicated that the Planning Commission is an advisory commission and ultimately any final decisions are made by City Council. He indicated that he drove past the applicant's home and site of the requested variance to get an idea of the space available. To the east of 2nd Street, it appears as though the home line on Beam Avenue starts at approximately 30 feet, however, when looking to the west it appears as though the homes are closer to the road. His stated that the recommendation to Council has to meet all the requirements as indicated on the front of the application. He asked the applicant if the City explained the application. Applicant stated that he received no instruction. Commissioner Stahlmann stated that the criteria does appear on the application itself. Chair Barton asked the applicant if he sat down with staff to discuss the criteria, as there is a high legal standard to grant a variance. The applicant indicated that he tried to have a meeting with Planner Erin Perdu but stated that he was unsuccessful. He claimed to have asked staff if he needed to provide additional information when he turned in his unsigned draft survey and that staff didn't respond to his questions. Chair Barton asked Planner Just if there was a way to sit down with the applicant to work through the criteria as this is a significant variance. Planner Just indicated that was a feasible request.

Planner Just also indicated that she had discussions with Planner Perdu regarding the application and confirmed with the Planning Commission Secretary that there were several conversations with the applicant regarding his application submittal. She stated that she would like to revisit her conversation with Planner Perdu as she was not present at the meeting tonight. Chair Barton

indicated that the application should be put on hold until such time that the City Planners have had more time to work with the applicant and arrive at a feasible solution.

Commissioner Stahlmann made a motion, and seconded by Commissioner Gelbmann, with all present voting aye (5-0). Motion carried to table the application for further review and discussion after the City Planners and applicant have had additional opportunity to meet regarding potential changes to the application.

Commissioner Gelbmann voiced to the applicant that it is not the City's responsibility to design plans for applicants' to meet the criteria of the Zoning Codes. He stated that the applicant must bear the responsibility. The role of the City is to help the applicant understand the existing Codes and requirements.

Commissioner Worm asked if the applicant could add on to the back of the garage rather than the side. The applicant indicated that he would have to remove trees and would prefer not to do that.

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATION

A. 2040 North St. Paul Comprehensive Plan – Metropolitan Council Review

Planner Just gave the background of the Comprehensive Plan and noted that it is ready to be sent to the Metropolitan Council for review and approval and will be returned to the City for final adoption. The planning process for the 2040 Comprehensive Plan started in early 2017, there was a Public Hearing in May of 2018 regarding the draft of the Plan, recommendations from various individuals, agencies and the public were taken into consideration. These recommendations were incorporated into the final draft of the document before submission to the Metropolitan Council for review and approval.

There was discussion on whether additional comments from adjacent communities and agencies has been incorporated into the final draft. Commissioner Wahl referenced the example of rare features such as information on the Blanding's Turtles. The Commission wanted to know if all the recommendations for additions to the Plan were added. Planner Just directed the Commission to the matrix of changes in the Planning Commission Packet and referenced the specific Plan edits as well as the chapter and page number where they appear. She also indicated that the comments from the DNR will be incorporated prior to submission to the Met Council; all other changes have been incorporated.

Chair Barton indicated that there are some other changes that need to be addressed and gave the example of Chapter 10 with the Urban Ecology Center and the Environmental Learning Center. It appears as though a change to the open space reference has not been made in Chapter 10, Page 5, Table 10-2, as the Urban Ecology Center is still listed as a special purpose park, while the Environmental Learning Center is listed as open space. When viewing the previous table, Chapter 10, Page 4, Table 10-1, the parks are both listed as open space. Planner Just indicated that she will correct the error on Table 10-2.

Chair Barton also indicated that identification of one park on the Chapter 10, Page 10 map is called Eldridge Tot Lot. It should be identified as Country Club Park. She also commented that

she took a closer look at the photos that start each chapter and indicated that there are only two photos with people and they are lacking in diversity which is in direct contrast of the promotion of diversity built into the Plan; particularly, Chapter 3 which discusses the community profile. She would like to see photos with more people and especially diversity of these photos. Chair Barton indicated that there should be changes to other Chapter photos as well. Planner Just stated she would correct the photos.

Resident, Sheri Munyon, of 2680 2nd St. N., commented that she participated in some the Community Cafes and was appreciative that the City provided that opportunity. She referenced Chapter 6, Page 22, and the Goals and Tasks pages. She wondered why goals and tasks were not incorporated into the other chapters. Planner Just directed her to the final chapter on Implementation strategies of goals and tasks for the Comprehensive Plan as a whole, along with a matrix breakdown for each chapter. She also indicated that goals and strategies appear at the end of some chapters as a summary and some of the chapters have the goals and strategies dispersed throughout the chapter. Commissioner Wahl indicated that this is a 21st Century electronic document so links can be embedded into the document to provide reference to another area within the Plan.

Ms. Munyon asked how the City stays accountable to what is in the Plan. Chair Barton indicated that part of the job of the Planning Commission is to review what the Zoning codes and processes to ensure they reflect what is in the Comprehensive Plan. Commissioner Gelbmann indicated that the Plan unifies all the goals but each chapter has different departments and Commissions who work on the stated goals and strategies. Ms. Munyon gave a last comment that sidewalks are critical to the community for the aging population as well as families with young children and the necessity of having sidewalks for safety issues; providing this type of facility for pedestrian transportation and physical activity choices is needed and necessary.

Commissioner Gelbmann made a motion, and seconded by Commissioner Wahl, with all present voting aye (5-0). Motion carried to recommend to Council, the approval of the Comprehensive Plan.

VIII. REPORTS FROM STAFF

None

IX. REPORTS FROM COMMISSIONERS

Commissioner Wahl would like to discuss lighting at a future meeting in regards to light pollution. He also asked Planner Just if the Comprehensive Plan is similar when compared to other Plans she has seen or reviewed. Planner Just indicated that the Plan must be reviewed every 10 years and that the Metropolitan Commission created a very robust and efficient process for communities to follow. It created a very extensive list of topics to cover which was not limited to just North St. Paul; it was directed to all communities. Because the process is not a one-size fits all process, community outreach and feedback become important. The outreach efforts and feedback from the community and other agencies has resulted in very inclusive final document.

Commissioner Gelbmann indicated that the lime reduction system on Joy Road has been completed. This is a system to reduce phosphorus from going into Silver Lake.

Commissioner Stahlmann asked Planner Just if the City of North St. Paul uses salt brine for road conditions during the winter months. She said she would look into the matter as she was not sure.

Commissioner Worm indicated that the Toy Shelf is full. Richardson Elementary and the Cub Scouts are conducting toy drives to donate to the Toy Shelf.

X. ADJOURNMENT

There being no further business, motion to adjourn by Vice Chair Hamm, and seconded by Commissioner Worm, with all present voting aye (5-0). Motion carried to adjourn the meeting at 7:28 p.m.

The next regularly scheduled Planning Commission Meeting is Thursday, January 3, 2019 at 6:15 p.m.

Members, please notify any planned absences to: Karin Derauf
Planning Commission Secretary
651-747-2400
karin.derauf@northstpaul.org