

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
REGULAR MEETING AGENDA
THURSDAY, MAY 2, 2019
6:15 PM**

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

I. CALL TO ORDER

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair
Trisha Hamm, Commission Vice-Chair
Tom Sonnek, Commission City Council Liaison
Chris Bathurst, Commissioner
Rick Gelbmann, Commissioner
Michael Stahlmann, Commissioner
John Wahl, Commissioner
Allan Worm, Commissioner

STAFF

Molly Just, City Planner
Olivia Boerschinger, Commission Secretary

III. ADOPT AGENDA

IV. APPROVAL OF MINUTES

Approve the April 4, 2019 regular meeting minutes.

V. MEETING OPEN TO THE PUBLIC

Note: This is a courtesy extended to persons wishing to address the Commission concerning issues that are not on the agenda. This discussion will be limited to 15 minutes.

VI. PUBLIC HEARING

2557 12th Avenue – Variance (Corner Lot Side Setback, Lot Frontage, Lot Size)

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

VIII. REPORTS FROM STAFF

2557 12th Avenue – Variance (Corner Lot Side Setback, Lot Frontage, Lot Size)

IX. REPORTS FROM COMMISSIONERS

Update from City Council Liaison

X. ADJOURNMENT

The next regularly scheduled Planning Commission Meeting is Thursday, May 16, 2019 at 6:15 p.m.

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, APRIL 4, 2019
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 6:16 p.m.

City Planner Molly Just introduced Olivia Boerschinger, the new Planning Commission Secretary. She invited Ms. Boerschinger to address the Planning Commission.

Ms. Boerschinger stated she is currently finishing her master's degree in planning at the University of Minnesota. She added she has held planning internship positions at various organizations, including consulting firms and the Minnesota Department of Housing, as well as a housing agency that provided support to immigrant and refugee clients.

Ms. Just stated Ms. Boerschinger will be working at City Hall on Mondays, Wednesdays and Fridays.

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair

Trisha Hamm, Commission Vice-Chair

Tom Sonnek, Commission City Council Liaison

Chris Bathurst, Commissioner

ABSENT - EXCUSED

Rick Gelbmann, Commissioner

ABSENT EXCUSED

Michael Stahlmann, Commissioner

John Wahl, Commissioner

Allan Worm, Commissioner

STAFF

Molly Just, City Planner

Olivia Boerschinger, Commission Secretary

Chair Barton requested that the Planning Commission meeting documents should reflect that Trisha Hamm is the Vice Chair. Ms. Just agreed.

III. ADOPT AGENDA

Chair Barton requested the following addition to the Meeting Agenda:

-Item 7A. Review of Public Hearing Process with City Staff

Motion to adopt agenda by Commissioner Hamm, and seconded by Commissioner Wahl, with all present voting aye (6-0). Motion carried to adopt the April 4, 2019 Agenda as amended.

IV. APPROVAL OF MINUTES

Motion to approve Minutes by Commissioner Stahlmann, and seconded by Commissioner Worm, with all present voting aye (6-0). Motion carried to approve the March 7, 2019 regular meeting minutes as submitted.

V. MEETING OPEN TO THE PUBLIC

There were no comments.

VI. PUBLIC HEARINGS

A. Text Amendments to City Ordinance - Enable Pawn Shops and Eliminate Pay Day Loans

Ms. Just reviewed proposed text amendment to City Code related to pawn shops. She stated the City Council adopted a Pawn Shop Ordinance in 2009 that was included as part of the larger City Code. She added a pawn shop is interested in opening a business in North St. Paul, and a departmental team of City Staff have reviewed the Zoning Ordinance and recommended potential amendments.

Ms. Just stated City Staff have determined that one pawn shop at a time would be appropriate and the use is most compatible with the Mixed Use 3 zoning district. She added the Conditional Use Permit application would be required, and use would be permissible on a case by case basis through the Conditional Use Permit (CUP) process.

Ms. Just stated the City allows pay day loans in this same Zoning district by CUP. She added there is not a pay day loans currently operating in the City. She noted the interdepartmental team determined that this is not an appropriate use for North St. Paul and recommends its elimination from the Table of Uses.

Ms. Just stated a new section related to Pawn Shops is proposed for addition to Zoning Code General Regulations and addresses how and why they may be allowed. She added this section is linked to the revised City Code chapter related to pawn shops. She noted City Staff recommends Planning Commission approval of these items, after which the interested pawn shop may apply for a CUP.

Commissioner Stahlmann requested clarification regarding the requirement for only having one pawn shop at a time in the City. Ms. Just stated City Staff reviewed other jurisdictions and consulted with the City Attorney. She added this requirement is recommended due to the small size of North St. Paul, as well as the possibility of negative side effects. She stressed the importance of scaling commercial use to the size of the City.

Ms. Just stated pawn shop transactions are tracked and recorded by the Police Department. She added City Staff and the Police Department must be able to accommodate this type of business. She noted this requirement can be reviewed in the future, and CUPs are flexible in that regard as well.

Commissioner Hamm requested clarification regarding elimination of pay day loans. Ms. Just stated City Staff reviewed this use and agreed that this is not the type of business that the City wants to promote. She added many other local cities have also eliminated this use.

City Council Liaison Sonnek stated he attended the meeting at which the Police Chief Tom Lauth addressed this issue. He added Chief Lauth indicated that pawn shops have a clearly expected impact on the Police Department as well as the community. He noted Chief Lauth indicated that pay day loans are basically legal loan sharking, and not something the City of North St. Paul wants to promote.

Ms. Just agreed, adding local jurisdictions have access to a service that is administered by the City of Minneapolis for a fee, providing records and information received from local pawn shops, which can be very helpful to local police. She noted the Chief Lauth was very involved in the decision-making process.

Chair Barton opened the public hearing at 6:35 p.m.

There were no comments.

Chair Barton closed the public hearing at 6:36 p.m.

Chair Barton requested that City Staff review the definition of Pawn Shop, which states: “which goods are held by the pawn broker of the money occupying the facility.” She added this sentence should be clearer.

Motion to adopt agenda by Commissioner Wahl, and seconded by Commissioner Stahlmann, with all present voting aye (6-0). Motion carried to recommend City Council Adoption of a Text Amendment to Enable Pawn Shops and Eliminate Pay Day Loans.

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

A. Review of Public Hearing Process with City Staff

Chair Barton requested the Planning Commission’s review of the public hearing notice. She added the notice states, “such persons with desire to be heard with reference to this matter will be heard at the meeting” and “written and oral comments will be considered and should be submitted by the Thursday before the meeting.” She noted residents should have the opportunity to submit comments during the week before the meeting, and the notice should provide contact information for submitting comments.

Ms. Just stated it would be appropriate to include Ms. Boerschinger’s contact information on the public hearing notice. She stated language can be added to indicate that information and comments

submitted after the Thursday deadline will be presented to the Planning Commission at the meeting at which the issue is being reviewed. Chair Barton agreed.

VIII. REPORTS FROM STAFF

A. Sale of Vacant Property for Residential Reuse – 2557 12th Avenue East

Ms. Just reviewed the City's 2011 purchase of property at 2557 12th Avenue East, authorized by the City Council. She stated it was anticipated that the property would be redeveloped for residential use. She added a non-profit organization wants to purchase the property and build a home in partnership with Lennar Homes that would be available for use by veterans and their families.

Ms. Just stated the lot is a legal non-conforming lot. She added the City will be acting as applicant for a variance, and the application will be reviewed by the Planning Commission at its next regular meeting. She noted the City has an interest in seeing this property re-used as a residential property. She requested feedback and comment from the Planning Commission.

Chair Barton asked whether the lot has access to the rear alley. City Council Liaison Sonnek stated there was alley access but the home took up most of the lot.

Commissioner Wahl stated he remembered there was some discussion about turning the lot into a parking lot for a nearby park.

Commissioner Worm asked how this application is different from the lot split on 17th Avenue, that the Planning Commission recommended for denial. Ms. Just stated this property was purchased by the City with the intent of creating a residential property to replace the existing residential use. She added the proposed application is consistent with City goals for partnerships with non-profits and re-use of residential lots.

Chair Barton stated the lot split on 17th Avenue was not a non-conforming use. She added there was an existing conforming lot that was being proposed to be split to create two non-conforming lots.

City Council Liaison Sonnek reviewed another variance request for a two-car garage that was recommended for denial. He added this raises the question of what qualifies for a variance, if this non-conforming lot qualifies but others do not. Ms. Just stated there has been some discussion about setting precedence, but that is not a consideration since variance requests are all reviewed on a case-by-case basis.

City Council Liaison Sonnek stated there is still practical difficulty in recommending denial of a variance request when there have been similar cases that were recommended for approval. He added granting a variance when a case does not meet criteria makes it difficult to recommend denial of another similar variance, even if the City is not legally bound by a precedent. He noted City Code should be reviewed for clarity on this topic.

Ms. Just stated the League of Minnesota Cities is an excellent resource on this topic and has published documents that cite case law related to the variance process. She added precedent should not be a sole consideration when considering a variance. She noted City Staff provides a recommendation based on the Ordinance, which is reviewed by the Planning Commission and a recommendation is made to the City Council. She stressed the importance of findings of fact and noted the Planning Commission and City Council might have different considerations regarding variance requests.

B. Planning Commission Proposed Summer Schedule

Ms. Just stated City Staff are requesting Planning Commission consideration of an amended Summer 2019 meeting schedule, to accommodate the additional development projects that are anticipated. She added a second monthly meeting is proposed from April – September 2019, as needed, to be held on the third Thursday of the month.

Ms. Just stated the Planning Commission's first July meeting is scheduled for July 4, 2019. She added that could be changed to July 3, 2019, or another date.

The Planning Commission agreed to change the first meeting in July from July 4, 2019 to July 11, 2019.

Chair Barton requested that Ms. Just review the meeting dates that are listed, as many of them are incorrect. Ms. Just agreed to check the dates.

Chair Barton stated the newly added Planning Commission meetings dates are as follows: May 16, June 20, July 18, August 15, September 19, October 17.

Ms. Just agreed to add these dates to the City calendar and website. She added she will give the Planning Commission at least 1 week notice if any of these meetings are to be cancelled

C. 2019 Goals

Chair Barton requested a review of the Planning Commission's goals for 2019, as well as 2018 accomplishments that would be of interest to the City Council. She added this will be presented to the City Council at an upcoming meeting.

City Council Liaison Sonnek stated he would recommend information be shared with the City Council and the community about the purpose and role of the Planning Commission. He added the Planning Commission is scheduling additional meetings to handle development, and the Comprehensive Plan is being finalized. He noted this could be a document or slide with purpose and objectives, and how the Planning Commission's role relates to City Ordinances and State Statutes.

Chair Barton agreed, stating a handout could be included in the meeting packet for the City Council's review. She added it could also be used as a training document for new Commissioners.

Ms. Just stated WSB partners with Governmental Training Services (GTS) to provide training events for new Planning Commissioners. She added information can be provided to the Planning Commission on these events, or something can be added to the Commission's meeting agendas.

Commissioner Wahl stated the Planning Commissioners did online training that was very helpful and informative.

Commissioner Worm stated it is also helpful to review old meeting minutes, that are available online.

Commissioner Hamm stated old minutes are helpful but it is difficult to understand when the terminology is not familiar.

Ms. Just agreed to include a hard copy of an informational document in the Planning Commission's meeting packets that are delivered and provide copies at the next meeting.

Chair Barton asked when this item will be on the City Council meeting agenda. Ms. Just stated it can be scheduled for the first meeting in May.

IX. REPORTS FROM COMMISSIONERS

Update from City Council Liaison

City Council Liaison Sonnek reviewed a March 28, 2019 *Star Tribune* article about the City of North St. Paul, in which Ms. Just was quoted. He added the article was very positive about development in North St. Paul and opened with: "The last time North St. Paul had a building boom, leaders say, Elvis Presley was crooning on the juke box." He noted the article features increased development in the City, which are due to the initiative and hard work of the Economic Development Authority (EDA) and City Council, agreeing to purchase parcels of land to create development opportunities.

City Council Liaison Sonnek stated the City Council's March 25, 2019, regular meeting included approval of an update to the small cell wireless ordinance, to accommodate 5-G capability. He added cities are required by State law to allow users to use the City right of way for installation of network devices. He noted the City Council acted on this issue in response to a nation-wide deadline.

Commissioner Hamm asked when the cellular providers will be installing their hardware, and whether each provider puts up their own devices. City Council Liaison Sonnek stated there is no time frame, and providers may decide to share locations.

City Council Liaison Sonnek stated, at the City Council's March 25, 2019 regular meeting, a 5-year contract with MNSPECT professional building inspection services was approved. He added MNSPECT has been providing services to the City since fall of 2018, and City Staff have been very satisfied.

Commissioner Wahl asked whether there is an update on the townhomes on McKnight Road. Ms. Just stated there are preliminary plans and the builder is moving forward.

Commissioner Wahl requested an update on the proposed frontage road on the Anchor Block north property development. Ms. Just stated City Staff are working with Ramsey County on plans for a road that would run through the property.

Commissioner Wahl asked about a sign at 7th Avenue and County Road B that says, “future development”. He stated he thought that was the site of a proposed traffic circle. City Council Liaison Sonnek stated that is a sign for the McKnight Gateway townhomes. He added the City Council is very conscious of that intersection and how it will be affected by future development.

X. ADJOURNMENT

There being no further business, motion to adjourn by Commissioner Worm, and seconded by Commissioner Hamm, with all present voting aye (6-0). Motion carried to adjourn the meeting at 7:25 p.m.

The next regularly scheduled Planning Commission Meeting will be held April 18, 2019 OR May 2, 2019, at 6:15 p.m.

Members, please notify any planned absences to: Olivia Boerschinger
Planning Commission Secretary
651-747-2400
olivia.boerschinger@northstpaul.org

MEMORANDUM

Date: 4/26/2019
To: Planning Commission Members
From: Molly Just, AICP, City Planner
CC: Scott Duddeck, City Manager
Debra Gustafson, Administrative and Community Services Director
Re: 2557 12th Ave E. - Variance to the Lot Size, Width, and Corner Side Setback for
Redevelopment of a Legal Non-Conforming Lot

BACKGROUND

In 2011 the City Council purchased the subject property to ensure safe and productive use of a blighted property. The City contemplated redevelopment with a single-family residence and is now selling the property to BATC-Housing First Minnesota Foundation for construction of a single-family residence to be occupied by military families. When being considered for reuse, the parcel is legal non-conforming. The neighborhood was platted prior to zoning in North St. Paul. While no change is proposed to the lot, variances are needed from the lot size and certain dimensional standards of the Zoning Ordinance.

OVERVIEW

The property is a corner lot at 12th Avenue and Margaret Street, kitty-corner to Veterans Park, in the R-1 Single Family Residential District. Attached is a site plan of the proposed development depicting the location of the home, garage, lot coverage, and requested corner lot side setback from the home and the garage. Included below is a summary of the size and dimensional criteria associated with the proposed development. The front and rear setbacks are met, as is the lot coverage maximum. The Planning Commission is asked to hold a public hearing and make a recommendation to the City Council to approve or deny the subject variances for redevelopment of 2557 12th Avenue East. Possible motions are included at the end of this report.

Standards in the R-1 Zoning District			
	<u>Required</u>	<u>Existing</u>	<u>Proposed Variance</u>
Lot Size	7,920 sqf	5,127 sqf	5,127 sqf
Lot Frontage (Width)	60 ft	41 ft	41 ft
Front Setback	25 ft	N/A	No variance needed
Rear Setback	25 ft	N/A	No variance needed
Corner Lot Side Setback	15 ft	N/A	11 ft
Corner Lot Side Setback Freestanding Garage	10 feet	N/A	9 ft
Interior Side Setback	6 ft	N/A	No variance needed
Lot Coverage Max	40%	N/A	No variance needed
Limit of Surfacing in Front Yard	40%	N/A	No variance needed

FINDINGS

Standards for the review and approval of Variances are found in Chapter 154.004 Section E of the City Code and are listed in below in italics. Staff comments on the review criteria follow.

The City may grant a variance if the proposed request is compliant with the following findings:

- i.) *The variance is in harmony and consistent with the general purposes and intent of the Comprehensive Plan and this Chapter;*

Criterion Met. The property would be developed with a use and density consistent with the neighborhood and Comprehensive Plan guidance. The lot is a legal non-conforming lot and the non-conformity would not be increased with approval of this application.

- ii.) *The variance will not adversely affect the health, safety, or general welfare of the City;*

Criterion Met. In 2011, the City of North St. Paul purchased the blighted property and funded demolition and site restoration. Redevelopment and reuse as a single-family residence, consistent with the neighborhood, would not adversely affect the health, safety, or general welfare of the City.

- iii.) *The variance is necessary due to special conditions applying to the structures or land in question that are particular to the property and do not apply generally to other land or structures in the district or vicinity in which the land is located;*

Criterion Met. The variance is necessary to redevelop the existing legal non-conforming lot. Many of the developed parcels in the neighborhood are also legal non-conforming lots as to size, frontage, and corner lot side setbacks. The placement of the proposed structures and lot coverage are consistent with other structures (homes and garages) in the neighborhood. This is the appropriate zoning relief.

- iv.) *The variance requested is the minimum variance necessary to alleviate the practical difficulty;*

Criterion Met. The variance requested is the minimum necessary to redevelop a corner lot that was platted before zoning in North St. Paul. The proposed new development would be placed in a manner complimentary to single-family development on other corner lots in the vicinity.

- v.) *Practical Difficulties are caused from the strict application of the Zoning Code as outlined below:*

- a. *The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Code;*

Criterion Met. Development of the property in conformance with the side yard setback on a corner lot would only allow an 18-foot wide home but would still require a variance to the lot size and frontage requirements. The proposed use of the property is reasonable.

- b. *The plight of the landowner is due to circumstances unique to the property and not created by the landowner;*

Criterion Met. The plight of the landowner is unique to the property and not created by the landowner. The property could not be reasonably redeveloped according to the recommended land use, single-family residential, without the variance.

- c. *The variance, if granted, will not alter the essential character of the locality;*
Criterion Met. The variance, if granted, will not alter the essential character of the vicinity or locality. Building placement is an essential characteristic of a neighborhood. The proposed residence would be placed on the lot similarly to other residences in the neighborhood.
- d. *Economic considerations alone do not constitute practical difficulties; and*
Criterion Met. The City of North St. Paul proposes to sell the property to a non-profit entity for redevelopment of the property according to its intended use, single-family residential.
- e. *The variance is consistent with officially adopted City plans and overlays.*
Criterion Met. The proposed variance is consistent with the city code and granting the variance would further the goals established therein.

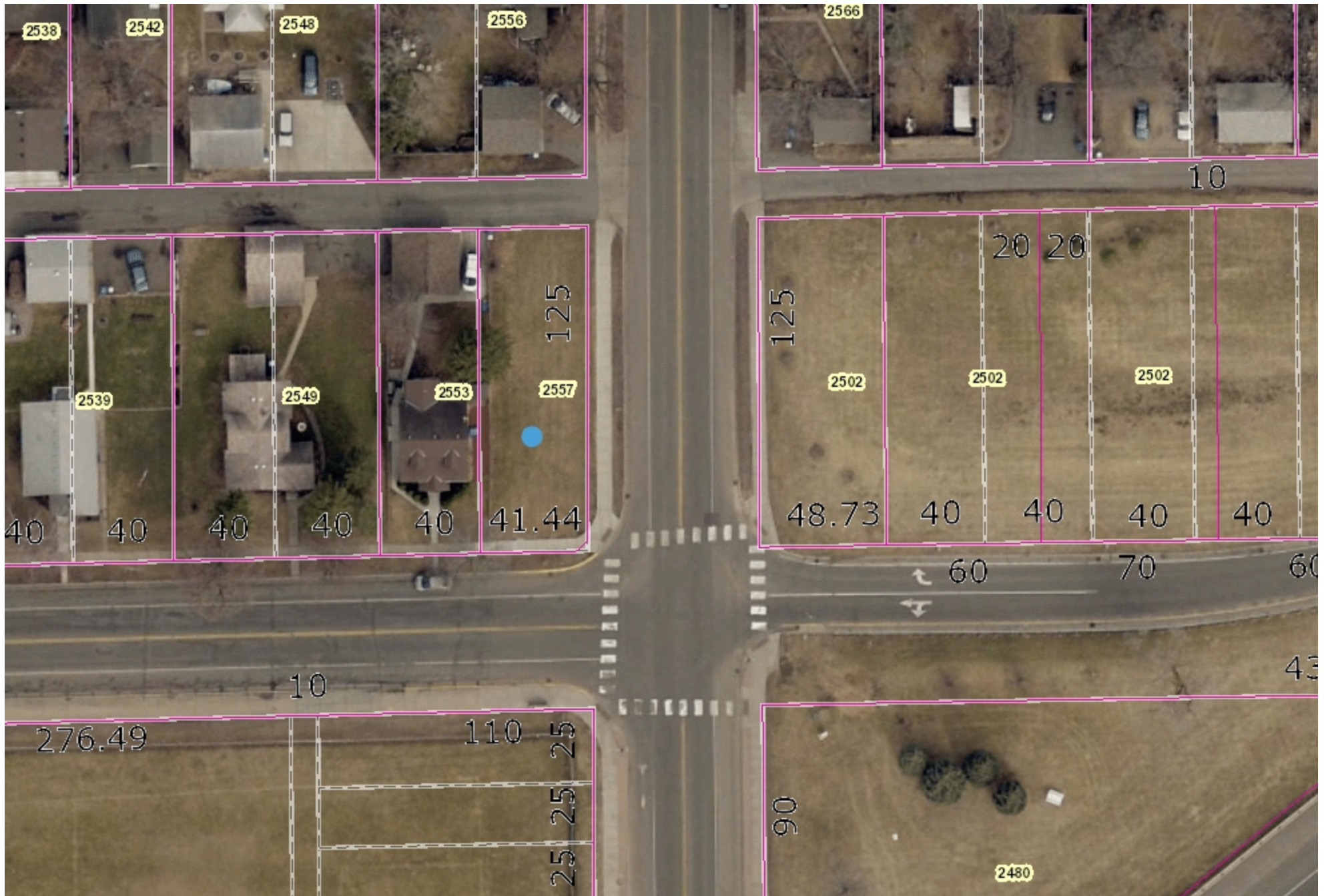
RECOMMENDED ACTION

Based on the findings described in this report, staff recommends **approval** of the variance to reduce the lot size requirement at 2557 12th Avenue East from 7,920 feet to 5,127 feet.

Based on the findings described in this report, staff recommends **approval** of the variance to reduce the lot width requirement at 2557 12th Avenue East from 60 feet to 40 feet.

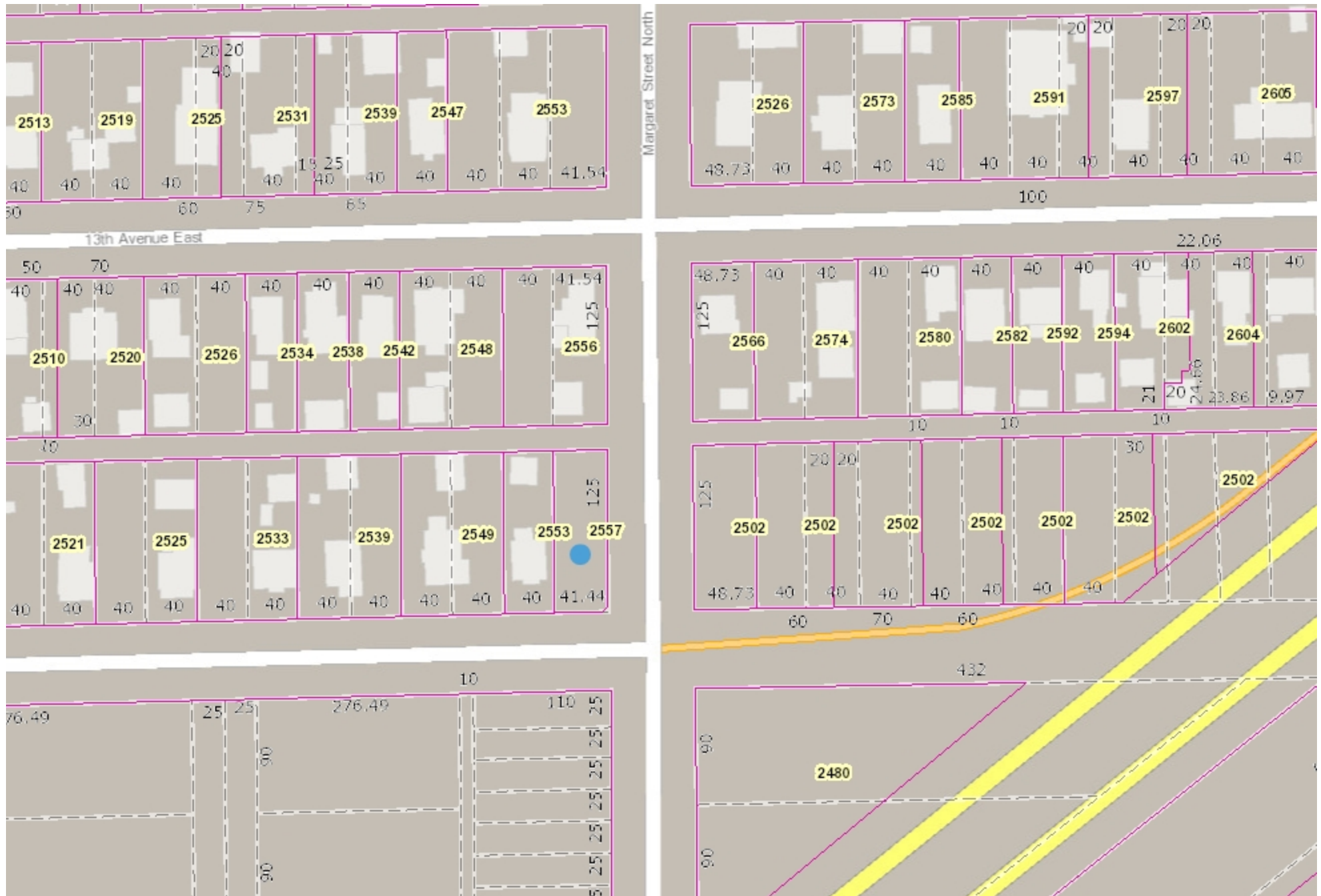
Based on the findings described in this report, staff recommends **approval** of the variance to reduce the side setback for the primary structure on a corner lot at 2557 12th Avenue East from 15 feet to 11 feet.

Based on the findings described in this report, staff recommends **approval** of the variance to reduce the side setback for the accessory structure on a corner lot at 2557 12th Avenue East from 10 feet to 9 feet.





Redevelopment of City-Owned Lot - 2557 12th Ave E

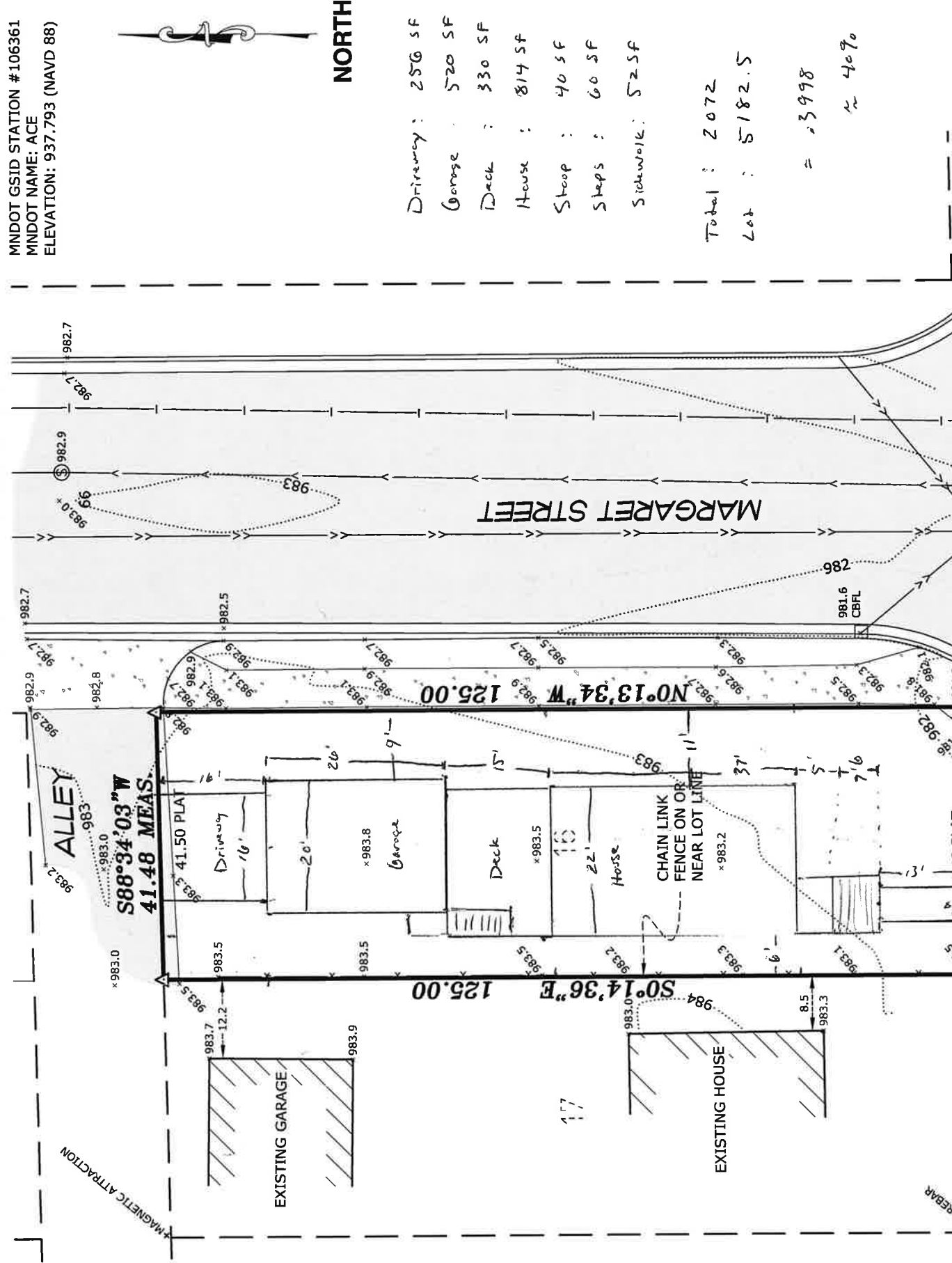


CERTIFICATE OF SURVEY

~for~ THE CITY OF NORTH ST. PAUL
~of~ 2557 12TH AVENUE EAST

BENCHMARK:

MNDOT GSID STATION #106361
MNDOT NAME: ACE
ELEVATION: 937.793 (NAVD 88)



LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES SET PKNAIL
- DENOTES CATCH BASIN
- DENOTES EXISTING SPOT ELEVATION
- DENOTES HYDRANT
- DENOTES MISCELLANEOUS MANHOLE
- DENOTES SANITARY SEWER MANHOLE
- DENOTES SANITARY SEWER
- DENOTES STORM SEWER
- DENOTES WATERMAIN
- DENOTES WOVEN WIRE FENCE
- DENOTES EXISTING CONTOURS
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 3/14/19.
- Bearings shown are on Ramsey County datum.
- Parcel ID Number: 12-29-22-13-0090.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.

Lot 16, Block 37, FOURTH ADDITION TO NORTH ST. PAUL, Ramsey County, Minnesota.

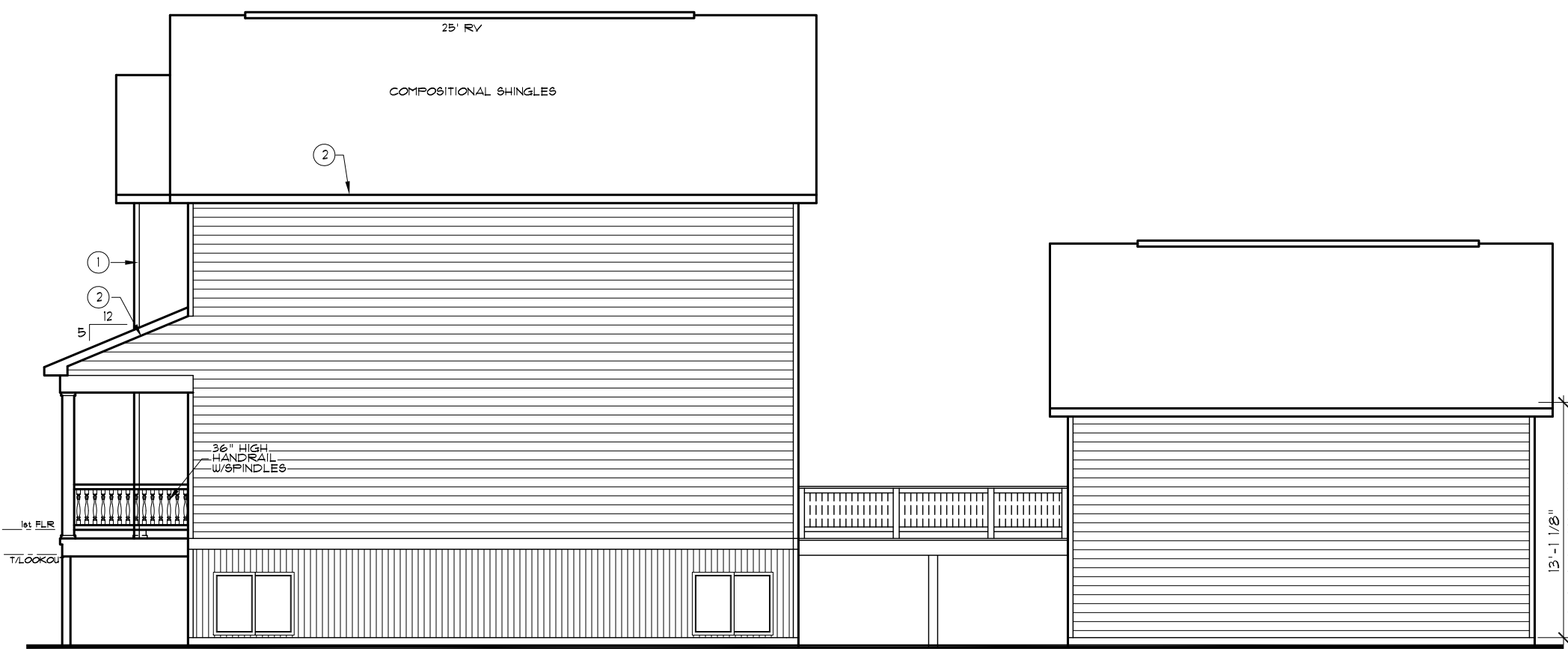
I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated 20th day of March 2019.
By: [Signature] Minnesota License No. 41578

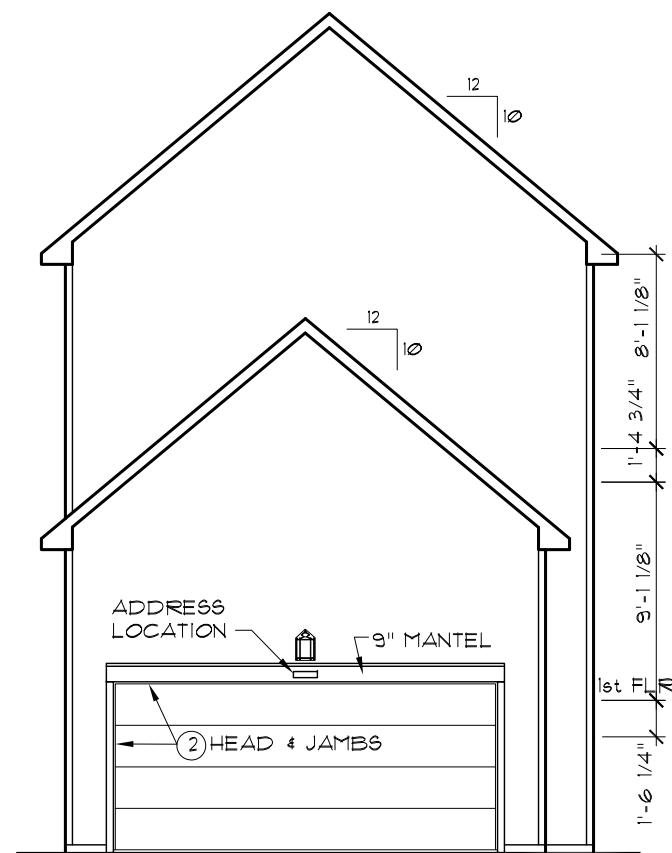
REVISIONS		JOB NO. 19100LS
1		DRAWN BY: BPN
2		DATE: 3/20/19
3		BY
NO.	DATE	DESCRIPTION

BEARING DATUM: Ramsey County SCALE: 1" = 20'

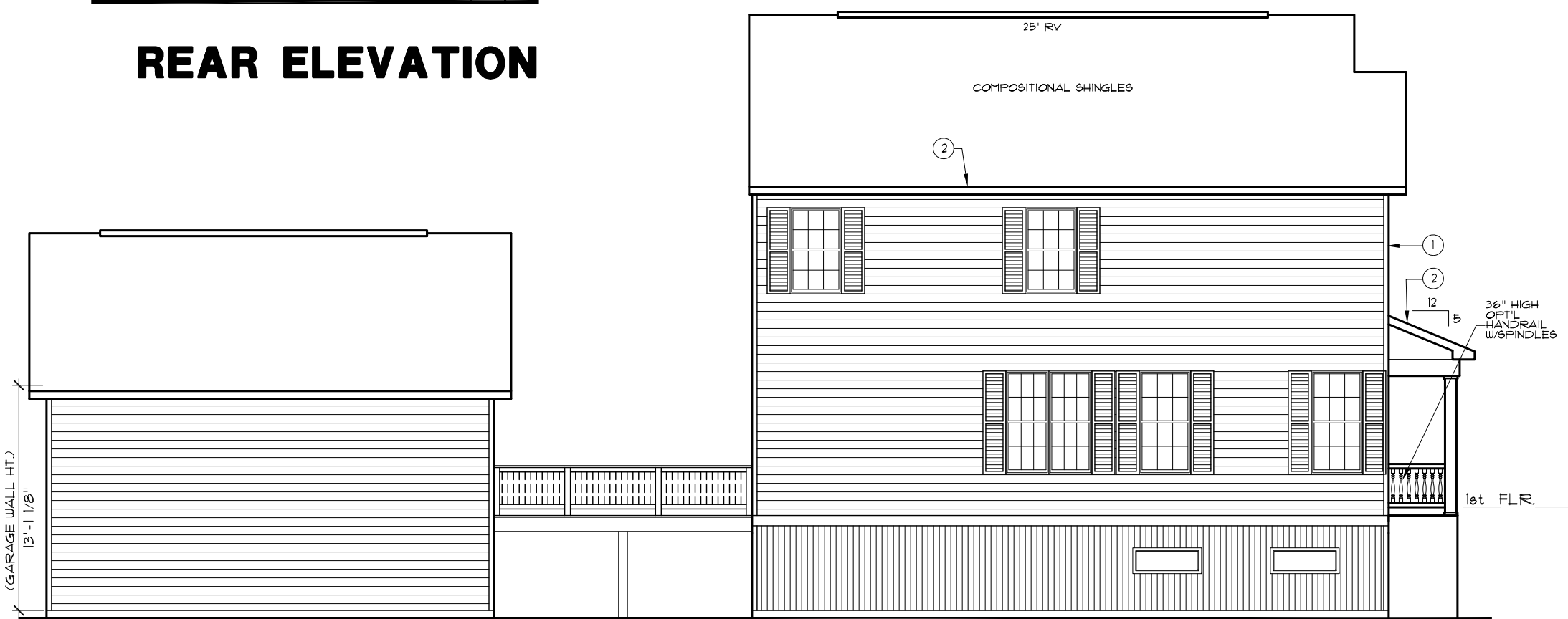
E.G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com



RIGHT ELEVATION



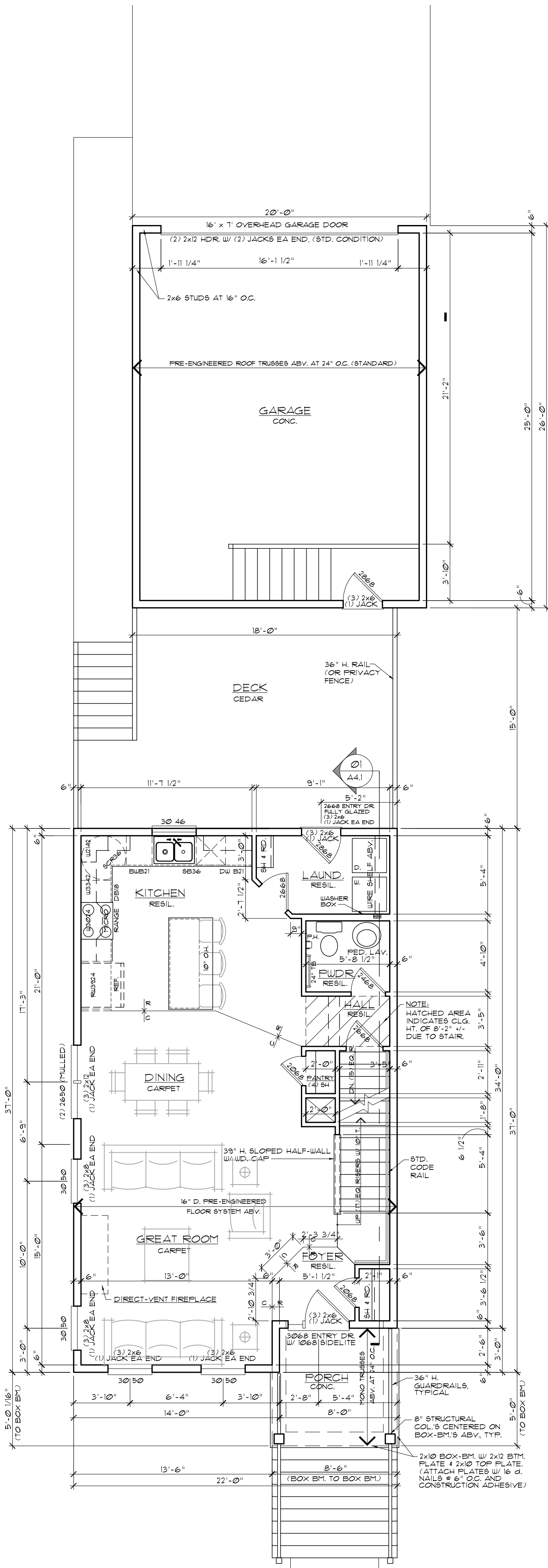
REAR ELEVATION



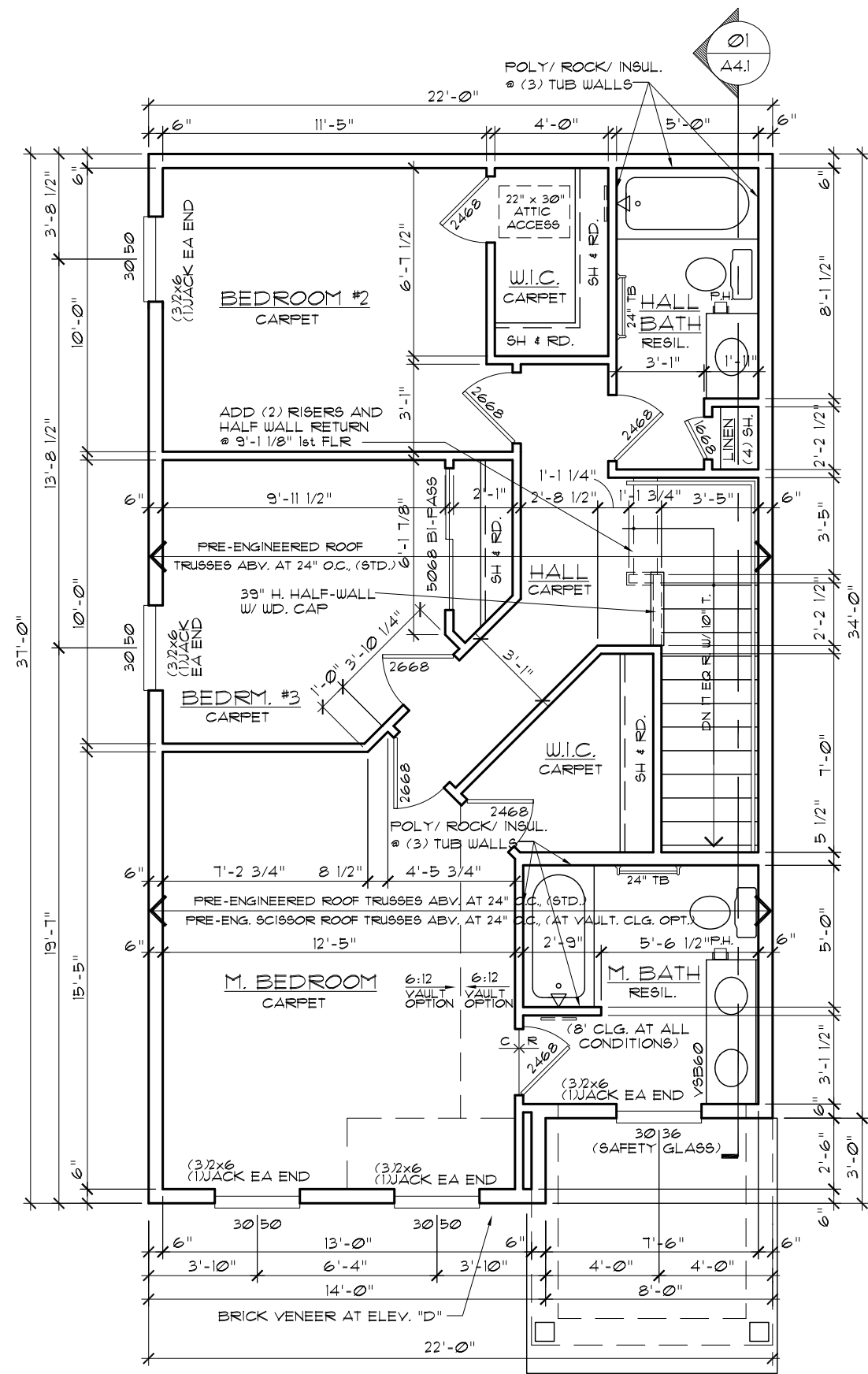
LEFT ELEVATION



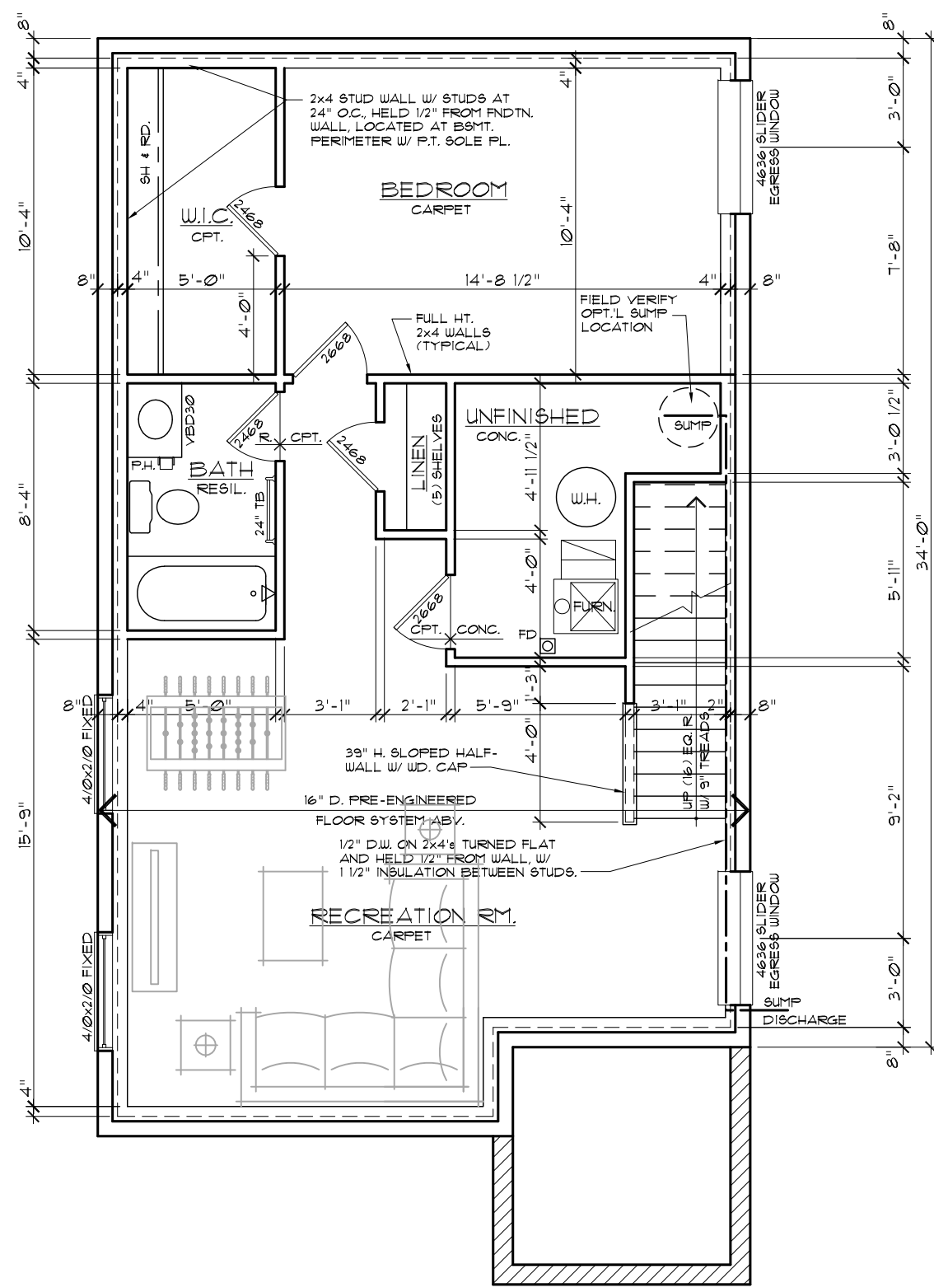
FRONT ELEVATION



1ST FLOOR PLAN



2ND FLOOR PLAN



FINISHED BASEMENT PLAN
(LOOKOUT FOUNDATION)

REVISIONS

REV. #	DATE	REMARKS
1	4-22-19	SCHEMATIC FOR REVIEW
2		
3		
4		
5		
6		
7		
8		
9		
10		

LENNAR CORP. EXPRESSLY
RESERVES ITS COPYRIGHT
AND OTHER PROPERTY
RIGHTS IN THESE PLANS
AND DRAWINGS. THESE
PLANS ARE NOT TO BE
REPRODUCED OR COPIED
IN ANY FORM OR MATTER.

LENNAR

MACV HOME - 2019

North St. Paul, MN

PAGE DESCRIPTION:

MACV - 2019

MACV

PAGE NO.: