

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, FEBRUARY 6, 2020
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

Patrick Blees, Commissioner

Rick Gelbmann, Commissioner ABSENT AND EXCUSED

Trisha Hamm, Commission Vice Chair

John Monge, Commissioner

Tom Sonnek, Commission City Council Liaison

Michael Stahlmann, Commissioner

Allan Worm, Commissioner

STAFF

Erin Perdu, City Planner

Olivia Boerschinger, Planning Secretary

III. ADOPT AGENDA

Motion to adopt agenda by Commissioner Hamm, and seconded by Commissioner Stahlmann, with all present voting aye (6-0). Motion carried to adopt the February 6, 2020 Agenda.

IV. APPROVAL OF MINUTES

Chair Barton requested the following corrections to the January 2, 2020 meeting minutes:

- Page 3, last paragraph, 3rd sentence from the bottom: replace “City Council” with “Planning Commission”

- Page 5, 1st paragraph, first line should reflect that development should fit in a neighborhood

Motion to approve Minutes by Commissioner Worm, and seconded by Commissioner Hamm, with all present voting aye (6-0). Motion carried to approve the January 2, 2020 regular meeting minutes as amended.

V. MEETING OPEN TO THE PUBLIC

There were no comments.

VI. PUBLIC HEARING

A. Rezoning, Major Subdivision (preliminary plat), and Preliminary Planned Unit Development – 2242 7th Street N. and 2231 6th Street N.

City Planner Erin Perdu reviewed a proposal for a major subdivision on four existing parcels with frontage on 6th Street and 7th Street. She added 3 lots for single family homes and 18 owner-occupied townhomes are proposed for the property, a heavily wooded area totaling approximately 4.23 acres across from the Ecology Center.

Ms. Perdu stated the roadway proposal has changed to a 24-foot wide cul-de-sac with shared driveways. She added minimum lot sizes do not apply in the Planned Unit Development (PUD) overlay. Lots 1 and 18 are considered corner lots, as they front on two streets, as defined in City Code. Lot 18 is proposed to be setback 28.5 feet from the road. The comprehensive plan identifies a density of 6-12 units per acre, with single-family density between 3-5.5 units per acre, and variety of density within districts is allowed. Proposed building footprints are similar to that which would be allowed in a development of large single-family homes.

Ms. Perdu stated, with regard to the draft landscaping plan, a tree protection fence is proposed, although the Ordinance does not have a requirement for tree protection. She added tree preservation would be a logical trade-off for smaller lots with reduced setbacks. She noted 500 square feet of open space is required per townhome, or 18,000 square feet on the site, and preliminary calculations show that the development will exceed this amount.

Ms. Perdu stated no sidewalks are proposed in the development. She added the Planning Commission may wish to consider a sidewalk requirement along 7th Street, as sidewalk connections are a goal of the 2040 Comprehensive Plan. She noted an architectural review is not required until the final PUD.

City Engineer Sue Polka stated City Staff received the developer's revised stormwater plans. She added the revised plans have been reviewed and City Staff's previous comments stand, with the exception of the first three comments which were relatively insignificant and have been addressed. She noted City Staff are comfortable with conditional approval with comments referred to the City Council.

Ms. Perdu stated conditional approval of the preliminary plat and PUD is recommended, with the final plat to be presented to the Planning Commission at a future review. She added the remaining details can be addressed at the final PUD.

City Council Liaison Sonnek asked for clarification regarding why the townhomes were shifted to the north. The developer stated they wanted to save as many trees as possible along the southern lot line.

Chair Barton stated page 3 of the staff report states that there are no overlays guiding the subject site. She requested that the staff report be revised to reflect that the townhome portion would be guided by a PUD, which is an overlay district. Ms. Perdu agreed.

Chair Barton stated limitations should be placed on creation of impervious surface on a site. She asked whether that could be built into a development agreement. Ms. Perdu stated more detail on impervious surface can be provided at the final PUD.

City Council Liaison Sonnek stated, with regard to a sidewalk on 7th Street, it would make more sense to address that as part of a street reconstruction project, than to create a stretch of sidewalk that may or may not connect to another sidewalk.

Chair Barton stated Page 11 of the staff report refers to the proposed street design, which meets requirements to accommodate emergency vehicle access and trash haulers. City Engineer Morgan Dawley stated the proposed road is a private road and as such can be more narrow than the typical City street. He added there are many other private streets within the City of North St. Paul that are narrower than what is being proposed here. He noted, from an engineering standpoint, the proposals are acceptable.

Chair Barton opened the public hearing at 6:44 p.m.

Joann Kelly, 2243 6th Street, asked where water from the development will go. She added currently it drains into her home, and she has 2 sump pumps running, and a water barrier.

Ms. Kelly stated neighbors have discussed the possibility that there is an eagle's nest in the woods. She asked whether any consideration has been given to waiting for a review from the Minnesota Department of Natural Resources, who have been notified.

Ms. Kelly asked where the mailboxes for this development would be located. She asked where the stormwater retaining ponds will go, and whether there are still 2 ponds being recommended. She asked whether the barrier of trees on the eastern border is still being considered.

The developer stated every effort will be made to save trees, including all the trees along the southern edge and as many as possible next to the pond. He added the ponding areas will be split to save more trees.

Karen Hyers, 2202 Pondview Court stated the developer should ensure that underlying zoning requirements are met, including the front yard surface area and lot coverage percentages. She requested that the Planning Commission consider whether this property is appropriate for R-2 zoning.

Tom Wilson, 2279 6th Street, expressed concern about damage to the existing streets in the neighborhood from construction traffic. He asked who will be responsible for repair of the

streets. He asked whether vibrations from construction equipment will cause damage to the foundations of existing homes in the area.

Rob Aurelius 2271 7th Street North, stated there should be a complete list of all the trees that will be removed. He asked why there is a retaining wall shown next to the foundation of Unit 4. He added the southeast radius of the cul-de-sac appears to be too small for a trash hauler to turn. He noted the engineering plan does not meet the 2-year flood plan, as Sauer's Pond does not have an outlet, and the easement on 6th Street for 2 units is inadequate.

Mr. Aurelius stated 15-foot setbacks should be voted down at this meeting as they are irresponsible and unsightly and will have an undesirable impact on the surrounding area. He added front-facing public right-of-way minimum setback is 25 feet in the R-2 PUD. He noted the facades on 7th Street would change if everything were to be shifted 15 feet to the east. He requested that a condition be added supporting a 25-30-foot setback from the front lot line, in keeping with goals and standards of the City and to be respectful to the neighborhood.

Christopher Bay, 2180 7th Street N, stated he believes drainage will be inadequate. He added his home is on the south side of Sauer's Pond, and his basement has been flooding all year. He noted he is concerned about the effect that impervious surface will have on nearby property.

Jody Wittner, 2224 Pondview Court, asked where snow will be put when it is removed.

Mr. Aurelius stated drainage is being moved due to the results of soil borings that were done on the southern end of the property. He added boring and percolation testing should be done on the new drainage location as well.

Shannon Kusz, 2241 7th Street, expressed concern about large amounts of traffic coming in and out of the new development.

Chair Barton closed the public hearing at 7:05 p.m.

Mr. Dawley stated, with regard to construction traffic, damage to public roads will be addressed as part of construction activity by the developer, who would be responsible for any damage to public infrastructure. He added soil compaction can occur, and vibrations may be felt but they very rarely cause any damage. He noted the developer would address any damage due to construction.

Mr. Dawley stated the staff report referred to concerns regarding the rate requirement for a 2-year event that would not be met. He added the stormwater management plan has been revised, and the developer's engineer has been working with the Ramsey Washington Metro Watershed District. He noted the developer will be required to obtain a watershed permit, so there will be additional coverage.

Chair Barton stated many residents have expressed concerns about stormwater issues on the site. Mr. Dawley stated stormwater issues, and specifically sump pumps running, are related to groundwater, which is different than run-off. He added groundwater is not managed or governed by the City or the Watershed District, and if there are high water levels, they would be maintained whether or not there is development in this area. He noted the addition of impervious surface changes the speed of run-off but, as part of a stormwater management plan, stormwater rates can be maintained.

Chair Barton asked how snow removal will be handled. The developer stated there will be places to put snow.

Ms. Perdu stated a resident has asked about the location of mailboxes. The developer stated there will be a cluster of mailboxes on either side of the entrance to the private roadway.

Ms. Perdu asked whether the developer had any information about an eagle's nest on the site. The developer stated the MnDNR does not have a record of an eagle's nest on the site, and they will not be coming out to look for one. He added he and his partner went to the site and looked for an eagle's nest but did not see one. He noted there is an Ecology center across the street.

Ms. Perdu stated there is a process for reviewing issues of concern, which would not put a total stop on the project. She added she will have additional information before the final PUD is reviewed. She noted, if a nest is identified, there could be rules that apply.

Chair Barton stated a resident had comments regarding R-2 lot width, and lot coverage calculations. Ms. Perdu stated is an error in the staff report, which should state that the lot width requirement is 60 feet in the R-2 district. She added City Staff are reviewing whether private roadways are included in lot coverage and impervious surface for stormwater review.

Ms. Perdu stated, with regard to rezoning from R-1 to R-2, the City Council would take action on that item, as well as preliminary overlay and preliminary plat, after recommendation from the Planning Commission.

Chair Barton requested clarification on the issue of Code language pertaining to setbacks and corner lots. Ms. Perdu stated a corner lot is defined as a lot situated at two or more intersecting streets. She added the Code definition does not distinguish between public or private street. She noted a corner lot front lot line is the shortest frontage on a public street, or the shortest dimension of the lot.

City Council Liaison Sonnek stated Ms. Perdu mentioned a house to the south of the proposed development that has a setback that is only 1.5 feet different from these setbacks. He added he does not believe this would be a dramatic shift in the street scape. Ms. Perdu agreed, adding there is some basis for comparison.

Mr. Dawley stated City Staff can verify the property lines and setbacks. He added, from an engineering standpoint, corner lot setback requirements are more of a Zoning Ordinance and street scape issue, and less about whether the streets are public or private.

City Council Liaison Sonnek stated the issue of the eagle's nest reported on the site could be included as part of conditional approval. He asked whether a tree survey is required. Ms. Perdu stated there is a requirement for inventory of trees to be removed, and a drainage plan can be requested for conditional approval.

City Council Liaison Sonnek stated Mr. Aurelius mentioned restrictive conditions. He asked whether the PUD overlay would change that. Ms. Perdu confirmed that the PUD overlay supersedes if there the underlying zoning conflicts with regulations.

City Council Liaison Sonnek stated a resident had indicated that they felt a larger turning radius would be required for garbage trucks. He asked whether that is a concern. The developer stated the cul-de-sac radius will accommodate emergency vehicles and trash haulers.

Chair Barton requested feedback and comment on the issue of a potential sidewalk installation on 7th Street. Mr. Dawley stated the sidewalk issue, which is related to stormwater mitigation, can be discussed further as there is additional time for greater refinement.

Mr. Dawley stated, after reviewing existing survey contours, most of the surface run-off on the site currently works its way south to Sauer's Pond, as part of the overall watershed area. He added no more water would potentially leave the site than it does today.

Commissioner Stahlmann stated there are 18 townhome units in the current proposal. He asked how water runoff would be affected if two units, 13 and 14, were to be eliminated. Mr. Dawley stated that would not affect what is necessary to meet runoff rate control. He added elimination of units is a design issue.

Commissioner Blees stated a sidewalk on 7th Street could be part of a street reconstruction project. Commissioner Barton stated the developer would pay the cost if the sidewalk were installed as part of this development. He added a sidewalk could be added as a condition of approval if 7th Street is on the City's sidewalk connectivity plan.

City Council Liaison Sonnek stated a sidewalk would increase the overall cost of a project, and it seems like a trivial issue to be reviewing at this point in the process. Mr. Dawley agreed, stating the right time to install a sidewalk is when connections are being made as part of an overall project. He added the result could be an unnecessary random length of sidewalk. He noted City Staff can review and make recommendations.

Commissioner Worm asked where the cul-de-sac width is measured from. Ms. Perdu stated the width is measured at the required set-back, which is marked on the developer's plans. She added most of the cul-de-sac lots are substandard width, which is common for a cul-de-sac.

Commissioner Worm stated City Code requires a 30-foot setback. Ms. Perdu confirmed this, adding the narrowest lot is 27 feet, and they range up to 38 feet.

Chair Barton asked why placement of houses on the 3 single-family lots is not shown. Ms. Perdu stated the lot dimensions and drainage and utility easements are shown, but not the setbacks. She added that would be required of the developer, and the depth and width would need to comply with Ordinance.

Chair Barton requested that placement of the houses on the 3 single-family lots should be added as a condition.

Chair Barton requested a review of potential future limits on impervious surface creation, based on total lot coverage.

City Council Liaison Sonnek stated minimum lot width should be 60 feet for R-1, with potentially 15 structures in the development. He added considering this development under R-2 zoning, the density level would be below suggested minimum density for R-2, and above maximum density if it were to remain R-1.

Commissioner Stahlmann stated he feels the new cul-de-sac design would fit into the neighborhood better than the previous roadway plan.

Motion by Commissioner Hamm, and seconded by Commissioner Worm, with all present voting aye (6-0). Motion carried to recommend City Council approval of Rezoning, Major Subdivision (preliminary plat), and Preliminary Planned Unit Development – 2242 7th Street N. and 2231 6th Street N., with conditions listed in the Staff Report, and the following additional conditions:

- Architectural Standards Review
- Confirmation that open space outside of drainage areas meets minimum open space standards
- Required completion of an inventory of major trees that will be removed
- Adding building envelope to single family portion of preliminary plat
- Conformance with review process for eagle's nest

Commissioner Worm stated this project is limited to single-story units. He requested future consideration of a Code amendment to allow 2-story units in the R-2 zone.

VII. OLD BUSINESS

-None.

VIII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

-None.

VIII. REPORTS FROM STAFF

A. 2020 Zoning Ordinance Updates

Ms. Perdu stated Ordinance updates required by the Metropolitan Council are being reviewed by City Staff for nonconformities. She added City Staff recommends that the Planning Commission also review permitted and conditional uses that might be out of date.

Ms. Perdu stated the Met Council has advised that the City's zoning map changes may not be necessary, as all the proposed areas may not require rezoning. She added the Met Council will be providing written guidance on this issue.

Chair Barton requested that PUDs that have already been approved be added to the zoning map.

Ms. Perdu stated the Comprehensive Plan Housing chapter may require some clarifications regarding what is allowable in the R-1 district, in terms of house sizes and locations, and small parcels.

Commissioner Worm expressed the importance of not creating limitations based on the size of a front yard.

City Council Liaison Sonnek stated the Planning Commission had discussed a potential bee and chicken Ordinance. He asked whether a public hearing will be required. Ms. Boerschinger stated this item will be addressed at a Planning Commission meeting in March 2020, to be included under the City's General Ordinances and not the Zoning Code.

Ms. Perdu stated there will be a public comment period.

Commissioner Worm asked whether City Staff can provide information about other local communities that have enacted similar Ordinances. Ms. Perdu agreed, adding City Staff have been working on that.

Commissioner Hamm stated the issue of a tree inventory Ordinance was discussed during tonight's public hearing. She asked whether the Planning Commission could review this issue at an upcoming meeting.

Ms. Perdu stated a tree inventory is included in the City's development application, which can be helpful in making development decisions. She added, however, it is not regulated by Ordinance, and it would be beneficial to discuss it as a potential policy.

Ms. Boerschinger stated the Planning Commission's next meeting will include consideration of a proposed bee and chicken ordinance, as well as two development applications for the Anchor Block site. She added City Staff are requesting Planning Commission consideration of a second meeting in February, to be held on February 27, 2020.

Motion by Commissioner Blee, and seconded by Commissioner Monge, with all present voting aye (6-0). Motion carried to set the date for the Planning Commission's next meeting to February 27, 2020 at 6:15 p.m.

IX. REPORTS FROM COMMISSIONERS

A. Update from City Council Liaison

City Council Liaison Sonnek stated new construction projects in the City of North St. Paul have totaled \$53 million in value in 2019. He added more growth is expected in 2020, with the downtown street and utility project, the Anchor North site, and Uptown Commons apartments and Suite Living Senior Housing, as well as a new home for veterans and their families near Veteran's Park. He noted all of these developments will enhance the downtown streetscape.

Mr. Duddeck stated the Tuesday, February 11, 2020 Business Association meeting will feature a presentation of all development that has been going on in the community. He invited all residents and business owners interested in local development projects.

Chair Barton requested an update on the intersection signal on McKnight Road. Mr. Duddeck stated signals will be synchronized to prevent back-up. He added the intersection will become a right out only, with one new entrance that will align with the signal.

Commissioner Stahlmann requested an update on the purchase of the BP site. Mr. Duddeck stated the City is moving forward with the purchase. He added right of way will be needed from the property for the potential highway interchange at that location.

X. ADJOURNMENT

There being no further business, motion to adjourn by Commissioner Worm, and seconded by Commissioner Monge, with all present voting aye (6-0). Motion carried to adjourn the meeting at 8:45 p.m.

The next Planning Commission Meeting is scheduled for February 27, 2020 at 6:15 p.m.

Members, please notify any planned absences to: Olivia Boerschinger
Planning Commission Secretary
651-747-2400
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