

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, APRIL 2, 2020
6:15 P.M.**

I. CALL TO ORDER

Chair Barton called the meeting to order at 6:15 p.m. The meeting was conducted via Zoom video conference.

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair
Patrick Bles, Commissioner
Rick Gelbmann, Commissioner
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
City Engineer Morgan Dawley
City Manager Scott Duddeck
Olivia Boerschinger, Planning Secretary

III. ADOPT AGENDA

Motion to adopt agenda by Commissioner Gelbmann, and seconded by Commissioner Worm, with all present voting aye (7-0). Motion carried to adopt the April 2, 2020 Agenda.

IV. APPROVAL OF MINUTES

A. February 27, 2020 and March 5, 2020 regular meeting minutes.

Chair Barton requested the following correction to the February 27, 2020 meeting minutes:

-Page 4 of 7, 2nd to the last paragraph, 1st sentence - replace “Mr. Barton” with “Mr. French”

Motion to approve Minutes by Commissioner Stahlmann, and seconded by Commissioner Hamm, with all present voting aye (7-0). Motion carried to approve the February 27, 2020 regular meeting minutes as amended.

Commissioner Gelbmann requested the following corrections to the March 5, 2020 meeting minutes:

- Page 3, 5th paragraph - replace “Gelbmann” with “Stahlmann”
- Page 10 of 14, 2nd to last paragraph, 3rd sentence, 4th word in City Council Liaison Sonnek’s comment - “this” refers to the keeping of chickens and bees

Ms. Boerschinger agreed to clarify the section containing City Council Liaison’s comment.

Motion to approve Minutes by Commissioner Gelbmann, and seconded by Commissioner Worm, with all present voting aye (7-0). Motion carried to approve the March 5, 2020 regular meeting minutes as amended.

V. MEETING OPEN TO THE PUBLIC

John Schmahl, 2750 Chisholm Avenue, stated he joined the video meeting to see how it works, in preparation for the City Council meeting.

City Planner Erin Perdu stated the web address for accessing the meeting will be published with the meeting agenda.

VI. PUBLIC HEARING

A. Final Planned Unit Development (Tveten 7th Street Townhomes) – 2242 7th Street N

Ms. Perdu reviewed the final Planned Unit Development (PUD) plan for the 7th Street townhomes project, on 3.4 acres of heavily wooded property across from the Urban Ecology Center.

Commissioner Worm stated the record should reflect that the property to be developed into townhomes is not across the street from the Urban Ecology Center. Ms. Perdu agreed.

Ms. Perdu stated the 18 proposed townhomes would be accessed off of a private road from 7th Street. Three additional single-family homes are proposed on 6th Street but are not included in the PUD. The PUD includes requirements for drainage utility easements around the parcel and larger easements for storm ponds as well as tree preservation. Exterior lighting is not proposed as a condition of the PUD. The landscaping plan satisfies PUD requirements, although some new trees are shown within the drainage and utility easement, and tree removal information has been requested from the applicant.

Ms. Perdu stated other items included in the PUD are screening for HVAC, and confirmation of open space area, including 2.98 acres of usable open space excluding the roadway and stormwater areas. Several of the Engineer’s comments have been addressed with this new submittal.

Ms. Perdu stated the plans show that 88 trees are proposed to be removed from the site, including 40 oak trees that are 8-inch diameter at breast height. She added North St. Paul does not have requirements for tree preservation or definition of “significant tree”, but breast height is a dimension used by other local governments. She noted the landscape plan meets minimum requirements; however, given the heavily wooded nature of the site and the number of large trees that will be removed, the Planning Commission could consider a condition that more trees be added for public benefit.

Ms. Perdu stated additional architectural detail has been provided to ensure that the plans meet architectural design standards. The proposed buildings would have multiple exterior finishes including stone accents, unit modulation, recessed porches and bump-outs. The cul-de-sac also creates variation.

Commissioner Gelbmann requested clarification regarding exterior lighting plans, as he did not see evidence of lighting on the exterior rear of the buildings. Ms. Perdu stated there are no lights proposed for common areas, on the street or open spaces. She added each unit will have exterior front façade lighting. She added she would ask the developer to address rear lighting.

City Engineer Morgan Dawley stated, with regard to stormwater issues, the developers have addressed all of the Engineer’s comments and stormwater management verification has been provided, including additional retention. A developer’s agreement will be required to define ownership and maintenance of improvements on the site; stormwater management maintenance agreements; and requirements pertaining to construction and City standards for utilities. Submitted calculations have been reviewed and approved by Ramsey Washington Metro Watershed District and City Staff.

Ms. Perdu stated City Staff recommends Planning Commission recommendation of City Council approval of the final PUD with conditions and final plat with conditions, with revised drawings showing building envelopes with required setbacks.

Commissioner Blees stated drawings submitted by the applicant shows existing trees within drainage and utility easements. He asked whether the intent is to limit trees within those areas.

Mr. Dawley stated the intent is to ensure that significant landscaping or plantings or trees will not impede drainage. He added trees should not be located within utility easements. He noted this will be reviewed at final pre-construction phase to ensure that these areas are cleared for drainage.

City Council Liaison Sonnek stated the PUD gives the City the opportunity to request that additional trees are saved, or other trees can be added. The applicant has gone above and beyond meeting the tree planting requirement. He added removal of a majority of trees from the site, including mature oak trees, will have a big impact on the neighborhood. He noted the site should be reviewed to determine if any other trees can be saved, and if not, whether there are areas where new trees could be planted.

Commissioner Blees asked whether the tree count includes only healthy trees. Ms. Perdu stated she is unsure.

Chair Barton asked whether the total amount of open space takes into account building envelopes. Ms. Perdu stated the building footprints were not subtracted from the total open space requirement, which is 500 square feet per townhome unit. She added the proposal is far in excess of that requirement. She added she could ask the developer to subtract the building footprints.

Doug Andrus, the applicant, stated the only trees that were counted were 8" diameter or bigger. Any trees that were leaning or appeared to be dead were not counted.

Chair Barton asked whether it will be possible to save additional trees or add more new trees to what is being proposed. Mr. Andrus stated they plan to save as many trees as possible. He added the trees that are proposed to be removed are near the building footprints, and any new trees would have to be added around the outside of the property, which is a drainage and utility easement. He noted he would be willing to work with the City Engineer to determine whether there are areas where new trees could be planted.

Chair Barton opened the public hearing at 7:01 p.m.

Rob Aurelius, 2271 7th Street N, stated he sent an email to City Staff. He added the plans show that the townhomes are 10 feet shallower than what was previously shown. He added everything could be shifted back. He noted he sent a plan that showed the setbacks can be 23 feet from the street.

Mr. Aurelius stated he did not see a tree plan in the online meeting materials, showing all the trees that would be removed.

Mr. Aurelius stated the plat approval document does not show that 15.5 feet of property on 6th Street has been deeded to the City, and should not be called an easement.

Mr. Aurelius stated he discovered that there are issues with the applicant having a clear title to the properties. He added an online search shows that the outlots are still owned by the original owner's family members. He noted he sent that information in an email to the City Council.

Mr. Aurelius stated, if the townhomes are shallower, they can have a respectable setback from the street that would be similar to other properties on 7th Street.

Mr. Andrus stated the building footprints have been reduced as much as possible while still ensuring that they will be saleable. He added the garages have been pushed back, and the townhomes will be 1,300 square feet on the main level.

City Council Liaison Sonnek requested clarification regarding whether the proposed townhomes will be 55 feet deep or 65 feet deep, and whether there is a discrepancy with what was approved in the plat.

Mr. Andrus stated the buildings themselves are 55 feet, but adding a deck or porch adds another 10 feet. He added there is no change from the preliminary plat to the final plat.

Mr. Andrus stated he has clear title to the properties, but online records are slow to be updated. He added he can guarantee that everything is in his name. Ms. Perdu stated this will be verified by the City Attorney when the property is recorded.

Chair Barton requested clarification regarding the deed of 15.5 feet of easement along 7th Street to the City. Mr. Dawley stated that strip of land will become part of the right of way with rights conveyed to the City at the time of plat. He added it will be considered a permanent right of way to the City in perpetuity.

Tom Wittner, 2224 Pondview Court, stated there are many mature trees on his property along the edge of the proposed development. He asked what will happen if those trees die because of damage due to construction, and who will bear the cost of removing the dead trees. He noted the trees are on his property, but their roots could be disturbed by construction, and take a few years to die.

Chair Barton closed the public hearing at 7:17 p.m.

Ms. Perdu stated proximity to neighboring trees will be considered when new trees are planted. She added she is unsure whether there is a procedure for taking into account trees on adjacent properties.

Mr. Dawley stated any damage on the development itself that is a result of construction would be the responsibility of the developer.

City Council Liaison Sonnek stated, in response to Mr. Wittner's question, he has researched this issue in the past. He added any damage to trees that occurs on a person's property is the responsibility of that homeowner, regardless of how or when the damage occurred. City Manager Scott Duddeck confirmed this.

Commissioner Blees stated, from a design standpoint, he would support a requirement that more stone be added to the building façades. City Council Liaison Sonnek agreed.

Chair Barton stated a condition could be added that would require the applicant to coordinate with the City Engineer to identify locations for additional new trees to be planted. Commissioner Blees agreed.

Commissioner Gelbmann stated additional trees would help the development fit in better with the neighborhood. He added maintaining as many trees as possible, as well as planting more trees to resume neighborhood character, will have a positive affect that outweighs the financial value of adding new trees.

Commissioner Hamm stated the applicant has agreed to meet the requirements for replacement of trees. She added, in her opinion, she does not believe it is fair to ask them to go above and beyond what is required of them, and what would be required of other applicants.

City Council Liaison Sonnek stated the PUD is designed to provide public benefit, which includes planting a required number of trees per unit. He noted, as part of a PUD plan, the developer could be required to work with City Staff on issues beyond the technical requirements.

City Council Liaison Sonnek stated, to Commissioner Blee's point, the PUD will give the City the ability to comment on exterior design aspects of the buildings of themselves and request certain changes.

City Council Liaison Sonnek stated the developers are willing to work with the City to ensure that the development fits into the neighborhood as much as possible. He added the PUD is unique as it allows for flexibility. Chair Barton agreed.

Commissioner Hamm stated additional costs will be passed down to the buyers of these homes. She added affordable housing is a significant issue in North St. Paul, which Planning Commission should be cognizant of as decisions are made.

Chair Barton stated utilities and services were not identified on the preliminary plan. Ms. Perdu stated the location of electric and utilities is not always noted on the preliminary plans. She added the City requires that all utilities must be installed underground, so locations would be required to be submitted prior to construction.

Mr. Dawley stated coordination of utilities is the responsibility of the developer, and related requirements would be included in the developer's agreement.

Chair Barton stated this issue could be addressed when the Planning Commission reviews changes in the City Code. She asked whether there is a draft development agreement document. Mr. Dawley stated the development agreement is drafted by the City Attorney at the time of final plat approval, which could be after the City Council reviews the PUD. He added City Council's conditions for approval are used to draft the developer's agreement.

Chair Barton asked whether there is information regarding the homeowner's association (HOA), and when that will be included in the preliminary and final PUD process. Mr. Dawley stated the City Attorney will work on the HOA documents when the developer's agreement is drafted and ensure that it is certified and recorded with Ramsey County.

Chair Barton asked whether the HOA will require City Council approval prior to final PUD approval.

Mr. Duddeck stated City Council approval of these documents would be requested at the same time. He added the association will begin with the developer and then rolled over to the homeowners after the homes are sold. He noted the documents will likely be reviewed at an upcoming City Council meeting.

Chair Barton asked whether the City Engineer expects to have additional comments on stormwater calculations. Mr. Dawley stated the City Engineer reserves the right to make any necessary changes, but he does not anticipate any changes. He added minor administrative changes can be made when the final documents are received by the City. He noted there is standard language in the agreements that allows City Staff to make non-substantive changes.

Chair Barton stated maybe that bullet point should be changed.

Chair Barton asked whether the Planning Commission would like to add a condition regarding saving or adding trees, requiring the developer to work with the City Engineer. Commissioner Gelbmann stated he would support that condition.

Commissioner Hamm stated she would like the condition to indicate that the developer would try to find trees that can be saved, rather than requiring them to plant new trees.

Chair Barton state the applicant can work with the City Engineer to determine if additional trees can be saved, or new trees should be added.

Commissioner Gelbmann stated he would support leaving it open for the discretion of the developer. He added it may turn out that adding trees is more cost effective. He stressed the importance of finding ways to maintain the character of the neighborhood.

City Council Liaison Sonnek suggested a condition that the developer will work with City Staff, which provides some flexibility. Commissioner Gelbmann agreed.

Motion by Commissioner Blees, and seconded by Commissioner Gelbmann, with all present voting aye (7-0). Motion carried to recommend City Council approval of final Planned Unit Development plan for 7th Street townhomes with 6 conditions, including an additional condition: -The applicant shall work with the City Engineer to determine if additional trees can be saved or more trees can be added.

Motion by Commissioner Worm, and seconded by Commissioner Monge, with all present voting aye (7-0). Motion carried to recommend City Council approval of final plat for 7th Street townhomes with two conditions: the building envelope shall be shown, and payment of park dedication fees.

Mr. Duddeck stated the final PUD plan for the 7th Street townhomes is scheduled to be reviewed by the City Council at their April 21, 2020 regular meeting.

VII. OLD BUSINESS

A. 2020 Zoning Updates Discussion

Ms. Perdu reviewed proposed zoning changes related to the future land use plan, to change existing zoning districts so densities prescribed in the Comprehensive Plan would be allowed in potential development. She added the Planning Commission reviewed a memo a few months ago that presented an overview of this and other changes to the Zoning Code. She noted the memo addressed current minimum lot sizes in all zoning districts; Comprehensive Plan future land use categories; and density ranges prescribed in the Comprehensive Plan.

Ms. Perdu stated the maximum density in the R2 district is 7.3 units per acre to reach minimum lot size, which would need to be decreased to comply with the Comprehensive Plan. She added the R3 District does not need to be changed. She noted mixed use districts do not have a minimum lot size or density requirements for residential components, so that would have to be added to meet Comprehensive Plan density requirements.

Ms. Perdu stated the meeting packet contains a map showing potential zoning changes that could be made to bring the zoning map into compliance with the Comprehensive Plan. The Metropolitan Council has confirmed that the City does not need to proactively rezone the areas adjacent to the downtown area. She added these areas could be left R1 and rezoned as they are developed. She noted there is no reason to proactively rezone them all.

City Council Liaison Sonnek asked whether a developer would have to petition to rezone property, and whether the areas should be proactively rezoned if it will be done eventually anyway.

Ms. Perdu confirmed a developer would need to file for a rezoning application.

Mr. Duddeck stated it would be possible to proactively rezone the properties, to ensure that the zoning fits the Comprehensive Plan, and remove the requirement that developers must get the property rezoned.

Ms. Perdu stated it would not be a problem to rezone the R1 areas to R2. Single family uses that are already in those areas would be nonconforming. She added there are some parcels that are shown as Transitional Mixed Use, which would require further review. She noted, however, it could be done.

City Council Liaison Sonnek stated the impact might be different for different neighborhoods. He added it would make sense to do a little more impact analysis.

Commissioner Gelbmann expressed concern that what the Planning Commission would end up doing a mini Comprehensive Plan, when one has already been completed. He added the Comprehensive Plan would not need to be changed if the areas are not rezoned.

Ms. Perdu agreed to provide more information for the Planning Commission's review.

Ms. Perdu stated a reviewed of the minimum lot width issue has been requested by the Commission and initiated by Commissioner Worm. The minimum lot width in the R1 and R2 zoning districts is 60 feet. She showed a map with properties that do not meet minimum lot width, using County GIS data. She added she believes this is an under-estimate, as there are non-conforming lots that do not show up on the map.

Ms. Perdu stated Commissioner Worm has suggested changing to a 40-foot lot width minimum, as that is the lot width platted in many of the City's older neighborhoods. She requested the Planning Commission's consideration of modifying the minimum lot width to capture nonconformities, or to divide residential zoning into R1A and R1B, to accommodate neighborhoods with larger lot widths.

Commissioner Blees stated changing the lot width and area minimum requirements would be easier than changing the zoning Code. Ms. Perdu agreed. She added the benefit of creating a new district is that it would be beneficial for maintaining character of different neighborhoods. She noted, if that is not a concern, it would be easier to modify the R-1 standards.

Chair Barton asked how many lots are 50 feet wide or less. Ms. Perdu stated she does not have that data, but she can find that out.

Chair Barton stated it would make sense to have separate standards in the City's older neighborhoods that have 40-foot lot widths. She added the map does not include the majority of lots that are 60 feet wide.

Ms. Perdu stated another issue that should be considered is whether a new minimum lot size, which would result in a small total lot square footage, could have an impact on neighborhoods that have larger lot sizes, which could potentially be split into two lots.

Commissioner Worm stressed the importance of keeping it simple throughout the City and making a 40-foot lot width the standard. He added there are no lots smaller than that in the City. Ms. Perdu agreed. She added she can provide data regarding prevailing lot depth in neighborhoods with a majority of 40-foot wide lots.

Chair Barton stated there have been single family lot splits in recent years. She added it may be worth considering two R1 districts, since more detail is available with GIS mapping.

City Council Liaison Sonnek asked whether there are any problems with having non-conforming properties. Ms. Perdu stated there are some restrictions on non-conforming lots when a structure is destroyed and rebuilt. She added she has heard that sometimes there are issues with mortgage lenders when modifications are being requested.

City Council Liaison Sonnek asked why the minimum lot width was changed to 60 feet.

Mr. Duddeck stated the 60-foot lot width was introduced when property owners with 3 adjacent lots wanted to do a lot split. It was determined that 60 feet was acceptable for splitting larger lots into two lots.

Commissioner Worm thanked Ms. Perdu for bringing this issue to the Planning Commission.

Mr. Duddeck stated, with regard to lot square footage, that the majority of 120-foot long lots are 130 feet deep, including the rear alley.

VIII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

-None.

IX. REPORTS FROM STAFF

-None.

X. REPORTS FROM COMMISSIONERS

a. Update from City Council Liaison

City Council Liaison Sonnek thanked the Planning Commission and residents who were able to figure out technology and attend this video meeting.

City Council Liaison Sonnek stated he is proud of how the City has responded to the challenges presented by coronavirus, and Mr. Duddeck's management of City Staff and efforts to keep people as safe as possible. He added the Fire and Police Departments have taken precautions in approaching emergency situations.

Mr. Duddeck thanked City Council Liaison Sonnek for his positive comments. He added the goal is to keep day-to-day operations and services running smoothly while making adjustments to protect City Staff. He noted the Police and Fire Departments have daily video conference calls, and he has weekly video calls with the County Manager as well as other City Managers, to keep each other updated and share information and resources.

Mr. Duddeck stated efforts are underway to set up some local resources for vulnerable people in the community who may need additional services. He added local churches are coordinating efforts to bring resources together to be distributed as needed.

Mr. Duddeck stated development projects and street reconstruction projects will move forward, including pre-construction meetings for Anchor Drive, McKnight Road reconstruction, 7th avenue reconstruction from 1st to 3rd Street. He added other development projects include the storage facility and apartment development on the Anchor Block property, and finalization of agreements for the downtown area development.

City Council Liaison Sonnek asked when there will be a groundbreaking for the new apartment building. Mr. Duddeck stated that will happen within the next 30 days.

Commissioner Monge asked when the Lake Avenue project will be completed. Mr. Duddeck stated road restrictions will be lifted after May 1, 2020, after which construction will continue.

Commissioner Worm stated he did not receive the meeting packet via email. Ms. Boerschinger stated she would send some test emails to Commissioner Worm to get it figured out.

Chair Barton thanked City Staff for putting the meeting together, adding the video format worked very well.

XI. ADJOURNMENT

There being no further business, motion to adjourn by Commissioner Worm, and seconded by Commissioner Hamm, with all present voting aye (7-0). Motion carried to adjourn the meeting at 8:33 p.m.

The next regularly scheduled Planning Commission Meeting is Thursday, May 7, 2020 at 6:15 p.m.

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