

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, MAY 7, 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.

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair

Patrick Blees, Commissioner

Rick Gelbmann, Commissioner

Trisha Hamm, Commission Vice Chair

John Monge, Commissioner

Tom Sonnek, Commission City Council Liaison

Michael Stahlmann, Commissioner

Allan Worm, Commissioner ABSENT AND EXCUSED

STAFF

Erin Perdu, City Planner

Olivia Boerschinger, Planning Secretary

III. ADOPT AGENDA

Motion to adopt agenda by Commissioner Gelbmann, and seconded by Commissioner Hamm, with all present voting aye (6-0). Motion carried to adopt the May 7, 2020 Agenda.

IV. APPROVAL OF MINUTES

A. Approval of the April 2, 2020 regular meeting minutes.

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

V. MEETING OPEN TO THE PUBLIC

Caller Rob Aurelius stated the meeting was available for viewing on the cable network for a few minutes, but it is no longer available.

Chair Barton stated Planning Commission meetings are not broadcast live but rather recorded and added to the website.

VI. PUBLIC HEARING

A. Conditional Use Permit – Caring for Cats, 2550 7th Ave

City Planner Erin Perdu reviewed a request for Conditional Use Permit (CUP) to allow Caring for Cats cat rescue organization to move into an existing building at 2550 7th Avenue. She added the property is in the MU-1 mixed use downtown district. She noted City Staff recommends the CUP as the use category is unclear.

Ms. Perdu stated the Zoning ordinance defines group animal boarding, animal shelters and “other” animal operations. She added these are allowed as conditional uses in the MU-3 district. She noted the City Attorney has advised a text amendment to the Ordinance to allow animal shelters to be considered as a conditional use in the MU-1 district.

Ms. Perdu stated City Staff recommends that this item be tabled to give City Staff an opportunity to draft an Ordinance text amendment allowing animal shelters as a conditional use in the MU-1 district. She added both the Ordinance text amendment and the conditional use permit request would be brought back for Planning Commission consideration. She noted a public hearing was advertised and is required at tonight’s meeting.

The applicant, representing Caring for Cats, stated the organizations takes in surrendered cats and kittens with the express purpose of getting them healthy and adopted out. She added it is not an animal boarding facility, and veterinary procedures would be conducted at TLC Veterinary Clinic in North St. Paul. She noted Caring for Cats has a purchase agreement for the building which must be completed by June 3, 2020, contingent upon City approval,

Commissioner Gelbmann asked whether the shelter can accommodate a maximum number of cats, and whether there will be staff on site 24 hours a day.

The applicant stated the current facility can accommodate 20-22 cats, but it is a smaller building. She added it is hoped that they will be able to expand in the bigger space and take in more cats for adoption. She noted there will not be staff on site 24 hours a day, and the shelter will have specific hours of opening.

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.

Commissioner Blees stated the staff report and meeting packet show two different locations for the proposed facility, with different addresses. Ms. Perdu agreed to make that clarification before this request is reviewed again.

City Council Liaison Sonnek asked whether there is delineation between a pet shop use and an animal shelter like Caring for Cats, and whether the public hearing and CUP process applies for both uses.

Ms. Perdu stated pet shops are a permitted use. She added the CUP process is recommended for the animal shelter use as it would have different impacts.

Chair Barton stated the Planning Commission's next meeting should be changed to May 28, 2020 to accommodate Caring for Cat's June 3, 2020 purchase agreement deadline.

Motion by Commissioner Stahlmann, and seconded by Commissioner Hamm, with all present voting aye (6-0). Motion carried to table the request for a Conditional Use Permit for Caring for Cats, 2550 7th Avenue.

VII. OLD BUSINESS

A. 2020 Zoning Updates Discussion

City Planner Erin Perdu provided an update regarding potential amendments to language in the Zoning Code. She stated these include basic revisions to lot size and density to bring the Zoning Code into compliance with the Comprehensive Plan. She added minimum lot areas in the R-2 and mixed-use districts should be adjusted to allow for maximum density requirements in the Comprehensive Plan. She noted the minimum lot size in the R-2 district is proposed to be changed to 3630 square feet and 12 dwelling units per acre.

Ms. Perdu stated the mixed-use districts did not previously have a maximum density.

City Council Liaison Sonnek asked whether these changes will address issues related to townhomes that the City has had in recent years. Ms. Perdu confirmed that the changes will address lot size, but there are still some issues related to lot width to be discussed.

Ms. Perdu stated variance request records from the past 20 years are available for review, and there have been more variance requests for smaller lots related to setbacks, and in particular for porch additions. She added she would recommend flexibility in lot coverage related to porches. She noted that approvals for certain kinds of variances should be addressed in the Ordinance if they occur frequently.

Chair Barton stated the setback has been reduced to 25 feet from 30 feet, so that should address the porch setback issue. She added there have been many side yard setbacks requests for garages.

Commissioner Gelbmann asked whether the number of variances is high in comparison to other cities over a 20-year period.

Ms. Perdu stated there have been 48 variance requests over the past 20 years, and that it is not an excessive number. She added variance requests are common in cities like North St. Paul that have historically platted small lot sizes.

Ms. Perdu stated the Planning Commission had discussed reducing the minimum lot width to 40 feet. She reviewed a map highlighting lots between 50-60 feet, and lots that are 80 feet that could be split under a 40-foot minimum lot width. She stated all of these lots would be conforming if the minimum lot width were to be changed to 50 feet.

Ms. Perdu stated Commissioner Worm is not present at the meeting, and he has been an advocate of minimum lot width of 40 feet. She added her recommendation would be to consider 50-foot minimum lot width. She noted this would have an impact on the special infill housing provision, which allows building on lots that are within 10% of the minimum, or 54 feet wide.

Chair Barton requested a count of all the properties that are 50-59 feet wide, and less than 50 feet wide. Ms. Perdu agreed to provide that information.

Chair Barton stated, with regard to lot splits in the shoreland overlay districts around Casey Lake and Silver Lake, requirements for lot area and width are the same as the underlying zoning classification. She added a shoreland overlay regulation applies to shorelines, which she believes is a 75-foot minimum, but that may need to be clarified.

Commissioner Stahlmann asked about cul-de-sac lots that are pie-shaped, and whether there is accommodation related to where the lot width is measured from.

Ms. Perdu stated pie-shaped lots might not be non-conforming, even though they show up on the map.

Ms. Perdu stated there are many lots in the R-1 district that could be split if the minimum lot width were reduced to 40 feet. She added this could have significant impacts on certain neighborhoods. She requested guidance or consensus on changing the minimum lot width.

Commissioner Gelbmann stated a minimum 50-foot lot width would eliminate disruption that occurs when lots are split into 40-foot widths, creating density issues in neighborhoods.

Chair Barton stated the map does not show lots that are 100 feet wide that could be split into two 50-foot wide lots. Ms. Perdu agreed to provide that information.

There was consensus from the Planning Commission that minimum lot width of 50 feet lot is appropriate.

Ms. Perdu requested the Commission's consideration of whether the uses listed in the tables should be defined or added if there is no definition. She added the current definition of townhouse dwelling does not allow stacking of townhomes above or below, and this is outdated and could be changed.

Ms. Perdu asked whether the Commission would consider adding 2-family dwellings in the R-1 district.

Commissioner Blees asked why a 2-family dwelling is different from a townhouse dwelling.

Ms. Perdu stated duplexes are a common form of 2-family dwelling in North St Paul, but townhomes are usually thought of as rowhouses, or several dwellings in one structure, and higher in density.

Chair Barton stated the distinction between townhomes and duplexes as a type of dwelling often has to do with ownership.

Commissioner Gelbmann stated the City of Minneapolis allowed duplexes as a way to increase density in residential zones. He added combining them into one category would reduce flexibility in terms of being able to make a distinction between them. He noted duplexes are often considered more acceptable in a single-family neighborhood.

Commissioner Gelbmann asked whether there should be a distinction for coffee shops that do not qualify as a restaurant but are currently defined as a restaurant. He added this would relate to establishments that sell food or beverages for consumption off-site, immediately or in the future. Ms. Perdu agreed it is a good point to keep restaurants separate from grocery stores.

Chair Barton stated, on page 39, theater, assembly hall and concert hall were going to be combined with cultural center. She added museums are mentioned here, but also mentioned on page 38 under “indoor recreation”.

Commissioner Blees stated language related to funeral home vs. mortuary was going to be eliminated.

Ms. Perdu requested, in the interests of time, that the Commission could look through the table and provide feedback and comment before the next meeting.

Chair Barton requested that language be cleaned up so items are not listed twice. She added “medical laboratories” is listed twice.

Ms. Perdu stated City Staff felt that combining the “Use” tables made it easier to administer, by listing types of uses as well as general categories. Chair Barton stated she likes having two tables combined into one.

Ms. Perdu stated she would review the Commissioner’s comments and bring more information for further review at the next meeting.

Commissioner Stahlmann asked whether it is possible to search for something within the table. Ms. Perdu confirmed this and demonstrated the “search” option. She agreed to make sure the document will be searchable.

B. Ordinance Text Amendment: Keeping of Chickens and Bees

Planning Secretary Olivia Boerschinger reviewed text amendments to the proposed Ordinance for the keeping of chickens and bees. She added the amendments are the result of feedback and discussions with City Staff to ensure consistency with other City Ordinances. She noted some of

the changes are related to no requirement for notification for neighbors, and a registration process rather than a permit.

Commissioner Blees stated the current language indicates that the sale of eggs would be prohibited. He asked whether it will be possible to have meaningful enforcement of such a regulation.

Ms. Boerschinger stated that language relates the sale of eggs or honey to regulation by the Department of Health. She added, in terms of enforcement, that would be on a complaint basis.

Commissioner Gelbmann stated the keeping of bees is listed specifically as a hobby. He added the language prohibits the sale of eggs or honey on site, but someone could sell them somewhere else, like a farmer's market. He noted that would be beyond the scope of this Ordinance and would constitute an income-generating activity.

Ms. Boerschinger stated language could be added that a vendor license would be required for sale of eggs or honey off -site. She added the sale would not be addressed, but the "hobby" reference could be removed.

Commissioner Blees stated language should be specific to clarify that sale of honey or eggs is prohibited on-site.

Chair Barton stated "on site" could be added to the sale of eggs and honey.

Commissioner Gelbmann requested the following correction: on page 51, 2nd line from the end of Item 10, replace "of" with "or". He added, on page 50, there should be some specification regarding action that must be taken if a beehive gets infected with bugs or disease. He noted Item 7 could read, "if bees become infected with mites or other disease." Ms. Boerschinger agreed.

Chair Barton requested clarification regarding the definition of chickens on page 48 that states "or other similar or related birds".

Ms. Boerschinger agreed to get additional clarification regarding types of chickens that would be allowed. She added other cities provide that type of information in their registration materials, specifying allowable breeds or types. She noted that can be clarified in the definition, and chickens can be changed to "hens".

Commissioner Gelbmann stated some chickens are raised as pets, or for showing purposes.

Chair Barton stated, on page 49, item C2 should be amended to read "coops and runs".

Chair Barton asked whether the overall size of the chicken coop will be limited and regulated. Ms. Boerschinger stated she is unsure but agreed to check with City Staff. She added the intent is to keep the Ordinance requirements in alignment with accessory structure requirements. She added the Ordinance could include a maximum allowable size.

Commissioner Gelbmann stated there should be a specific number of allowable coops in one yard.

Chair Barton stated she made notes and re-numbered the items to put them in logical order. She added she will forward her notes to Ms. Boerschinger.

Chair Barton stated, regarding Item 9, she is unsure whether the word “nuisance” is necessary. She added she would support a reference to Section 95.26 regarding the human care of animals.

Chair Barton asked whether a permit will be required if someone wants to put electricity in their coop. Ms. Boerschinger confirmed this, adding that can be clarified in the Ordinance as well as the registration process.

Chair Barton stated Item 1 refers to “coops”, which should be changed to the singular “coop”.

Chair Barton stated Item 3, regarding the initial inspection, should read “fenced in property is required”.

Chair Barton stated the City should provide educational materials in the application, related to the feeding and care of chickens.

Chair Barton stated she supports the 15-foot setback on page 51.

Commissioner Gelbmann requested clarification on the term “flyway”, and whether it is the same as “fly away”. Ms. Boerschinger agreed to check on it.

Chair Barton whether, with regard to enforcement, whether there will be a time frame during which people will need to make corrections if a valid complaint is made. She has received many comments from residents who are concerned that the Ordinance will not be enforced.

Ms. Perdu stated it is a good idea to have a section in the Ordinance that refers back to the City’s Code enforcement procedures.

Chair Barton asked whether a site plan will be required to ensure that chicken coops are placed in the correct location.

Commissioner Blees stated he looked up “flyway” and “flyaway” in the American Bee Journal, and they are interchangeable.

Commissioner Stahlmann requested a red-lined version of the proposed Ordinance for the Commission’s reference. Ms. Boerschinger agreed.

Motion by Commissioner Stahlmann, and seconded by Commissioner Gelbmann, with all present voting aye (6-0). Motion carried to approve the recommended changes, and direct City Staff to make recommendations to the City Council.

City Council Liaison Sonnek thanked the Planning Commission for their consideration of this issue. He added the City has been talking about having a chicken and bee ordinance for many years. He added other communities that have similar Ordinances have indicated that they have not had any complaints.

City Council Liaison Sonnek stated there is evidence and research from many other cities who have already enacted this type of ordinance and have not had any complaints from residents. He added the evidence suggests that the City of North St. Paul should try it and if things go wrong, the Ordinance can be changed. He noted he appreciates the Planning Commission's thoughtful approach.

Chair Barton stated the first sentence on page 49 states that hens shall not be a "nuisance". She added the proposed conditions should prevent them from being a nuisance, and that sentence could be misinterpreted.

VIII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

Motion by Commissioner Monge, and seconded by Commissioner Blees, with all present voting aye (6-0). Motion carried to move the Planning Commission's June 4, 2020 meeting to May 28, 2020.

Chair Barton wished Commissioner Hamm all the best and thanked her for her service on the Planning Commission.

IX. REPORTS FROM STAFF

-None.

X. REPORTS FROM COMMISSIONERS

a. Update from City Council Liaison

City Council Liaison Sonnek stated construction projects continue to move forward. He added a special meeting of the City Council is planned for next week to finalize paperwork for the Uptown Commons apartment complex. He noted road construction at 7th and Margaret will be completed as part of that project, and the former dentist's office site will be used as a staging area for the project.

City Council Liaison stated the City Council continues to work remotely as much as possible, following State and Federal safety guidelines. He added playground equipment is still restricted from use to minimize risk for families and children.

Chair Barton stated people can still use the parks and trails. She added she is concerned that there has been no discussion at the City Council level regarding efforts to help local businesses with transitioning back to reopening for business.

City Council Liaison Sonnek stated there has been communication regarding supporting local restaurants that are offering take-out and delivery. He added the City Council voted to prorate liquor licenses so restaurants and bars will not pay for their liquor license during the months they have not been in business, and they will be able to pay for their license on a monthly bases after the prorated amount is deducted.

Commissioner Monge stated he and his neighbors found out that day that parking will be restricted on both sides of the Swan/Poplar ring for safety and emergency services access. City Council Liaison Sonnek stated that was not part of the original reconstruction plan. He agreed to contact City Manager Scott Duddeck.

Commissioner Hamm thanked the Planning Commission for the opportunity to get involved. She added she is moving to Red Wing.

Chair Barton stated the Planning Commission's next meeting is scheduled for May 28, 2020. Commissioner Gelbmann stated he is not able to attend.

XI. ADJOURNMENT

There being no further business, motion to adjourn by Commissioner Hamm, and seconded by Commissioner Gelbmann, with all present voting aye (6-0). Motion carried to adjourn the meeting at 8:36 p.m.

The next regularly scheduled Planning Commission Meeting is Thursday, May 28, 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