

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, AUGUST 6, 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 Blee, Commissioner

Rick Gelbmann, Commissioner

John Monge, Commission Vice-Chair

Tom Sonnek, Commission City Council Liaison ABSENT AND EXCUSED

Michael Stahlmann, Commissioner

Allan Worm, Commissioner

STAFF

Erin Perdu, City Planner

Olivia Boerschinger, Planning Secretary

III. ADOPT AGENDA

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

IV. APPROVAL OF MINUTES

Chair Barton requested the following correction to the July 2, 2020 meeting minutes:

-page 6, 3rd paragraph, last line should read: "City Staff offered to contact the applicant regarding joining the meeting".

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

V. MEETING OPEN TO THE PUBLIC

There were no comments.

VI. PUBLIC HEARING

-None.

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

Planning Secretary Olivia Boerschinger stated a Planning Commission special meeting is requested on August 13, 2020. She added the meeting must be held to accommodate a time-sensitive agenda item that has a 6-month deadline. She noted Planning Commission approval is required to schedule the meeting on August 13, 2020.

Chair Barton stated the issue was tabled. Ms. Perdu stated the public hearing will be re-opened and it has been noticed in the paper. She added the staff report will be sent to Commissioners no later than Tuesday, August 11, 2020. She noted comments should be submitted to Ms. Boerschinger.

Commissioner Gelbmann stated he is unable to join the meeting on August 13, 2020.

Chair Barton stated Commissioner Blees is not able to join the meeting.

Motion by Commissioner Worm, and seconded by Commissioner Monge, with all present voting aye (6-0). Motion carried to approve the Special Meeting on August 13, 2020 at 6:15 p.m.

VIII. OLD BUSINESS

A. 2020 Zoning Updates Discussion

Ms. Erin stated the Planning Commission reviewed Housing Policy items at their last meeting, including language related to townhomes, two-family dwellings, cottage developments and accessory dwellings, as well as revisions to the PUD.

Ms. Perdu stated minor changes were made to “townhomes” (page 18 of 54), including how to measure variation in exterior walls if units are attached; how close they have to be to apply the standard; and variation in front facades. She added the reference to screening of transformers was removed as it is in the Utilities section.

Chair Barton stated the item above transformers refers a requirement that air conditioners must be screened from view. She asked whether that refers to the view from the street, or from neighboring properties. She added it would typically refer to the view from the street, but that is not always the case.

Commissioner Blees stated air conditioning units should be screened from view from the street or public way, as opposed to adjacent private property. He added the term “public way” should be used instead of “street”, as that is a Code reference.

Ms. Perdu stated it would be difficult to screen an air conditioning unit from adjacent property.

Ms. Perdu reviewed the minimum livable floor space for two-family units and townhomes, in the districts where they are permitted.

Commissioner Gelbmann asked, under “General Regulations – Tree Requirements” on page 19, whether there should be a restriction on planting trees in the drainage easement. Ms. Perdu stated that would not apply to every development and would not be necessary to add it to the regulations.

Ms. Perdu stated minimum livable floor space was included because townhomes are now permitted in Mixed Use districts.

Commissioner Gelbmann asked whether “per unit” should be specified for 900 square feet for two-family units. Ms. Perdu agreed to add that to the table heading.

Ms. Perdu stated, under “two-family dwellings”, the requirement was removed that garages must face separate streets if the duplex is on a corner. She added it was decided that was a difficult requirement to meet. She noted two-family dwellings are permitted in the R-1 District.

Chair Barton requested the following correction: on Page 25 – Garage Frontage, replace “is” with “are”. She added it should be clearly stated that the garage door cannot make up 50% of the façade.

Ms. Perdu stated there were some minor changes under “Alternative Neighborhoods – Cottage Developments”. She added the floor area of each cottage shall not exceed 1,000 square feet, and the total floor area shall not exceed 1.5 times the area of the main level.

Ms. Perdu stated there are a few points for discussion under “Accessory Dwelling Units (ADU)”. She added Item E was amended to allow for accessory dwelling units as free-standing structures and other options. She noted there is a potential conflict in that the setback requirement for an ADU is 10 feet from the property line, but the setback for garages is only 3 feet.

Chair Barton stated she does not have a problem with leaving the ADU setback. She asked whether this would have implications for the number of accessory structures that are allowed elsewhere in the Code.

Commissioner Blees stated the setback limits where someone might be able to build an accessory structure, but 10 feet is not all that much setback. He added he was surprised to learn that garages are only 3 feet. He noted he would support leaving it as written. The Commissioners agreed.

Commissioner Gelbmann stated there is no explicit statement that ADUs are allowed on properties that already have two family houses on them. He added, in essence, this could allow three living units on one property. He noted many cities only allow two units maximum on a lot in the R-1 District.

Commissioner Worm asked whether it would even be possible to do that in North St. Paul.

Ms. Perdu stated some lots could accommodate 3 units but not all lots. She added lot coverage will be the limiting factor.

Chair Barton agreed with Commissioner Gelbmann’s comment about allowing an accessory structure on a property with a two-family dwelling.

Ms. Perdu stated that could be included in a statement, that ADUs are not allowed on lots that already have a two-family structure.

Commissioner Gelbmann stated it will be a significant change to allow two family dwellings on lots in the R-1 District. He added he supports this, but it would be a challenge.

Commissioner Blees agreed, adding he supports the addition of ADUs on two-family lots but the language could be clearer.

Ms. Perdu stated the term “principal dwelling” could be used.

Chair Barton stated this section refers to a “separate entrance”. She asked whether this discussion relates to detached accessory dwellings.

Ms. Perdu stated the Code does not specify detached or attached ADUs. She added that is a requirement that could be added. She noted an ADU could be connected via paved walkway to driveway, as it must have street access.

Commissioner Blees stressed the importance of providing a definition for “accessory dwelling unit”. He added someone may have a bedroom and bathroom inside their house that someone is using, or there may be a separate dwelling unit. He noted the way it is written seems to refer to a separate living component with its own entrance.

Chair Barton stated there is a definition on page 32 that refers to ADU’s as “self-contained”.

Ms. Perdu stated dwelling units are defined in the Ordinance. She added it is possible to have an ADU within a single-family home, with access from inside the home. She added Item K is currently written to require an outside entrance. She noted City Staff will review that section.

Commissioner Monge asked whether City Staff have any concerns about emergency access for an ADU that may be a second dwelling on a property with no sidewalk access. Chair Barton stated that could depend upon where the second structure is located. She agreed access could be an issue.

Ms. Perdu stated she is inclined to make a distinction between detached and attached ADU’s, and have a requirement for each. Chair Barton agreed that might be helpful when drafting standards.

Chair Barton stated, with regard to “off-street parking” on page 33, she is unsure whether one parking space per dwelling unit should be required. She added residents who live in separate dwellings might not drive and would not need a parking space. Ms. Perdu stated it would be easy to remove that requirement depending upon the consensus of the Planning Commission.

Chair Barton requested that this section be amended to require “no more than one parking space” per property. The Planning Commissioners agreed.

Ms. Perdu stated the sample Ordinance from Bloomington includes language allowing home occupations in Level 1 homes, but not Level 2 homes. She added they could be allowed in all homes.

Commissioner Gelbmann stated there may be an issue with “home occupations” as some people might build an ADU to have their business on residential property. He added it might not be a problem, but rather something to be aware of.

Ms. Perdu stated she is not sure whether it is necessary to discuss “additional design standards”, including visibility of exterior stairs. She added she is unsure whether that is an issue for North St. Paul.

Chair Barton stated, regarding Item D related to primary exterior materials, the ADU should be required to match the primary structure.

Chair Barton stated exterior stairs are an interesting issue that should be considered. She added an ADU could be located above the residential unit, or above a garage, and visible stairs should be addressed. She noted visible stairs should not face the primary structure.

Commissioner Monge stated a home on Henry Street has an exterior stair at the back of the home that is not visible from the street. Commissioner Stahlmann stated that stairway is visible on the back of the home from 17th Avenue.

Commissioner Monge stated exterior stairs can be allowed on the side and back of homes and hidden from public view.

Commissioner Blees stated it is important to minimize visibility from the public way.

Barton stated she appreciated the sample language from other cities.

Ms. Perdu stated the main purpose of making modifications to the PUD is to clarify whether there are public benefits that would be desirable for the City. She added, after reviewing a few recent PUD requests, City Staff recognized the need for clarity in the Ordinance language in terms of flexibility, and also some procedural clarifications.

Ms. Perdu reviewed the PUD section, including a table with zoning districts and their purposes; PUD statement of public benefit in exchange for flexibility; and purpose and objectives. She added the purpose of the PUD is to encourage innovation and project design. She noted a new statement is proposed that would reflect that development must be harmonious with its surroundings, and consistent with the Comprehensive Plan.

Ms. Perdu stated she added a sentence to the Purpose Statement regarding mix of uses, as the PUD is one of the only ways to achieve mixed use development. She added it was important to include mixed use as an appropriate use of PUD. She noted a statement was added clarifying that a mixture of residential unit types and densities is an appropriate use of PUD, to create a variety of housing types that is consistent with the housing goals in the Comprehensive Plan

Commissioner Gelbmann stated he appreciates that City Staff are attempting to strengthen the intent and purpose, to be more clear about what is being achieved. Chair Barton agreed, adding it seems less wordy, which makes it stronger.

Ms. Perdu stated the section about types of permitted PUD's was removed as it is unnecessary.

Ms. Perdu stated a statement regarding general requirements was added, indicating which Ordinance requirements allow flexibility and achieve the objectives of the PUD. She added the only existing standard that is listed that allows flexibility is lot size. She added the general requirements include setbacks, density and lot size.

Chair Barton stated it is a good idea to be clear on these requirements, because setbacks were implicit but it was not clear how they would occur or what the City should expect to get from it.

Commissioner Gelbmann stated it is a good idea to state that single family homes do not constitute a PUD. He added multiple uses or units is something that is worthwhile to include. He noted perhaps there should be a minimum size property requirement, but there may be a reason not to do that, due to difficulties that we have had in the past.

Commissioner Worm asked whether the development on 7th Street falls under these requirements. Ms. Perdu stated that application has already been approved and it meets all the PUD requirements. Commissioner Worm stated that is good, because there is a need for it.

Chair Barton stated it should be stated in the PUD definition that it is not a variance. She added the PUD is not just adding an amenity to an existing location, but rather developing a property into something new. She noted applicants with a single-family property may want to add an ADU, and try to get a PUD to do that, because it will be two residential units instead of one.

Commissioner Gelbmann stated there should be a statement that this is a creative way of using the land, and it can be multi-purpose or multi-unit, but something more than a single-use piece of property.

Ms. Perdu stated Item E states that increased density can be approved if public benefit is achieved. She added the term "beyond what is required" has been added. She added maximum density can be guided by the Comprehensive Plan, and the Shoreland District's underlying density must be adhered to.

Ms. Perdu stated flexibility for parking has been added. She added, if the developer can demonstrate that there is complimentary peak parking demands, parking requirements can be reduced. She added a restrictive covenant limiting uses could be required if less parking is allowed, to ensure the complimentary demand remains and they do not switch uses.

Chair Barton stated this assumes multiple different uses. She added residential use would indicate that a lesser amount would be sufficient. She noted she would not want to limit "mixed use". Ms. Perdu agreed. The Planning Commissioners agreed.

Ms. Perdu stated a formalized process for a concept plan requirement was included in the PUD. She added it is not required, but a formalized process might be helpful for some PUD's.

Chair Barton asked whether neighborhood meetings could be encouraged as part of the concept plan and early stages of development. She added neighbors may feel like they have not learned what is going on ahead of time.

Commissioner Blees stated neighborhood meetings could be added as a requirement.

Commissioner Monge stated some cities put out a sign at a development site so residents know what is planned.

Chair Barton stated it will be difficult to require a neighborhood meeting if there is no concept plan. She added a concept plan should be reviewed by the Planning Commission prior to the preliminary development plan.

Ms. Perdu stated City Staff tries to encourage that as much as possible, but often developers are willing to take their chances with the Commission and move their application forward. She added the concept section can be amended to strongly encourage a concept plan.

Commissioner Gelbmann stated there should be a statement that “In the spirit of the PUD, in terms of innovation, all parties that are impacted should be included.” He added innovation should be strongly tied to the PUD and its impact on existing neighbors.

Commissioner Blees stated a comma should be added to the 2nd line, so that it reads: “may, at their option, ...” Ms. Perdu agreed to review the paragraph for excessive wordiness.

Ms. Perdu stated, under Item #3 on page 48, the requirement for 30-day public notice was removed, as it is not consistent with State statute. She added language was added to Item #4 regarding the 60-day rule.

Ms. Perdu stated the only significant change to the section on Final PUD is on page 49, which clarifies that a developer can submit a final PUD, or it can be submitted in phases.

Commissioner Blees asked whether applicants have more than 6 months if they go with a multi-phased development. Ms. Perdu stated it is her assumption that they would have more than 6 months to do all the phases.

Ms. Perdu stated, at the top of page 50, the 30-day requirement to record final plat and PUD has been extended to 180 days. She added developers have indicated that 30 days is unreasonable. She noted delay is often caused by the County.

Chair Barton stated Item E, Review and Evaluation Criteria, should include the specific requirement that achieves the objectives, how it meets Code, and an assessment of benefits.

Chair Barton stated, on page 53, under Amendments and Administration, item B refers to “minor changes”. She asked what is the definition of a “minor change”. Ms. Perdu stated she agrees that is a subjective term and should be clarified.

Chair Barton stated the last sentence on page 54 refers to revocation of the PUD overlay district “in any event”. She asked whether that is up to City Staff’s discretion. Ms. Perdu stated that can term can be removed, and it would not change the sentence.

Commissioner Blees stated “revokation” should be replaced with “revocation”.

Ms. Perdu stated she appreciates the Planning Commissioner’s feedback and comments. Chair Barton stated some good, necessary changes have been discussed that will facilitate the process.

Ms. Perdu stated she would bring the recommended changes back to the Planning Commission for review at their next meeting. She added the next Ordinance review will be related to parking and could be discussed at the September 2020 meeting.

Commissioner Stahlmann stated, at the bottom of page 53, the statement “open space must be authorized by the Planning Commission” should be changed. Commissioner Gelbmann stated that section could read “reviewed by the Planning Commission and authorized by the City Council.

Ms. Perdu stated meeting packets will be sent out to the Commissioners for the August 13, 2020 meeting.

Ms. Boerschinger stated she would send Commissioner Worm a test email immediately after this meeting is concluded.

IX. REPORTS FROM STAFF

-None.

X. REPORTS FROM COMMISSIONERS

Commissioner Worm asked whether the Senior Day Care Center on 7th Street was approved by the City Council. Chair Barton confirmed this.

Chair Barton stated there was a discussion at a recent City Council meeting about ensuring that draft meeting minutes are available on the City website. She added draft minutes are not available for viewing until the next meeting’s packet is posted online a month later. She noted people may be interested in an Agenda item and might want to review it before the next meeting.

Chair Barton stated the next Planning Commission meeting will be held August 13, 2020 at 6:15 p.m. She added this will be a special meeting.

Chair Barton reminded everyone that August 11, 2020 is Primary Election Day.

XI. 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 7:40 p.m.

The next regularly scheduled Planning Commission Meeting is Thursday, August 13, 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