

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, OCTOBER 1, 2020
6:15 P.M.**

I. CALL TO ORDER

Chair Barton called the meeting to order at 6:20 p.m. The meeting was conducted via Zoom.

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair

Patrick Blees, Commissioner

Rick Gelbmann, Commissioner

John Monge, Commission Vice Chair

Tom Sonnek, Commission City Council Liaison

Michael Stahlmann, Commissioner

Allan Worm, Commissioner

STAFF

City Manager Scott Duddeck

Erin Perdu, City Planner

Ryan Krzos, WSB Consultant

Olivia Boerschinger, Planning Secretary

III. ADOPT AGENDA

Motion to adopt agenda by Commissioner Stahlmann, and seconded by Commissioner Gelbmann, with all present voting aye (6-0). Motion carried to adopt the October 1, 2020 Agenda.

IV. APPROVAL OF MINUTES

Commissioner Gelbmann requested the following minutes correction:

-Page 3, 8th paragraph, replace C1 and C2 with c(1) and c(2)

Chair Barton requested the following minutes correction:

-Page 4, 3rd line from bottom, replace “required” with “allowed”

Motion to approve Minutes by Commissioner Blees, and seconded by Commissioner Gelbmann, with all present voting aye (6-0). Motion carried to approve the September 3, 2020, regular meeting minutes as submitted.

V. MEETING OPEN TO THE PUBLIC

A resident, Jackie, 2481 – 19th Avenue, stated she received a letter about lot adjustments on the property adjacent to hers. She added she would like to get clarification and provide some input.

Chair Barton stated there will be an agenda item with public hearing for that property, and Jackie can provide her comments during the public hearing.

Rob Aurelius stated he was checking to make sure he could join the meeting.

VI. PUBLIC HEARINGS

A. Variance and Minor Subdivision, Lot Split for 2847 19th Avenue E

City Planner Erin Perdu reviewed a request for lot line adjustment or minor subdivision and a variance for a City-owned property that is proposed to be prepared for a student-built home. The proposal is for a lot line shift of 5 feet to the west, demolition of the existing home on the site, and construction of a new single-family home, which would require a variance from the lot coverage maximum of 40%.

Ms. Perdu stated the lot line adjustment is proposed to give the new home a wider side setback to the east where a deteriorating retaining wall is located that will be reconstructed as part of this project.

Ms. Perdu stated the proposal includes construction of a new garage new driveway on the west side of the home, and removal of the existing driveway. An existing patio and paved areas in the rear yard will be removed.

Ms. Perdu stated the proposal deviates from R-1 district requirements for minimum lot size, with 6,500 square feet proposed where 7,920 square feet are required, but City Ordinance allows for continuance of existing nonconforming lots. The parcel is located with the Shoreland Overlay District, and City Staff submitted the proposal to the Minnesota Department of Natural Resources for comment but have not received a reply.

Ms. Perdu stated the variance is related to the proposed lot coverage of 43.5% where 40% is allowed. She added the construction of a new garage accounts for the majority of impervious coverage. She noted all other requirements for lot size and building size are met.

Ms. Perdu stated the proposed new home would be a 1-story single-family home with 2-car garage that would match the character of the neighborhood. She added the footprint is proposed to be larger than the previous home to reflect current market standards. There is no change in use, and the proposed home would include desirable standards with building materials in keeping with the neighborhood. Other homes in the neighborhood with garages also exceed the 40% lot coverage requirement.

Ms. Perdu stated City Staff recommends that the Planning Commission recommend City Council approval of the variance to allow lot coverage of 43.5% and approve the minor subdivision for lot line adjustment.

City Council Liaison Sonnek asked whether there are similar lots on this street that are existing nonconforming lots because of lot coverage.

Ms. Perdu confirmed this, adding the City does not have surveys for all the lots on the street but they are similar in scale and appearance to what is proposed here, and the lots are all relatively the same width.

City Council Liaison Sonnek if the lot is an existing nonconforming lot right now in terms of lot coverage or square footage. Ms. Perdu stated the only nonconformity is in the lot square footage, which is approximately 40% right now. She added site plan reading technology was used to estimate the lot size, draw boundaries, and measure impervious coverage.

City Council Liaison Sonnek stated the aerial view of the neighborhood shows other houses on the street with garages that appear to be over 40%, as they are comparable to this lot size. Ms. Perdu confirmed this, adding the lot to the west of this property is nonconforming, with 3.8 feet from the side lot line.

City Council Liaison Sonnek stated no variance in lot size is required because the lot is already nonconforming, but a variance is required to go over 40%. Ms. Perdu confirmed this.

City Council Liaison Sonnek asked why the City would be concerned about taking care of the retaining wall on private property, so the neighbor to the east does not have to do that.

City Manager Scott Duddeck stated the front of the existing house has a 5.4-foot setback from the existing property line, which is in conformance with setback requirements. He added the retaining wall to the east was not being maintained by either property, as there was some confusion about where the property line is. He noted the property owners to the east are supportive of adding 5 feet to give the City the opportunity to clean up the side yard property line, build a new retaining wall and increase the side yard setback for rear yard access.

City Council Liaison Sonnek asked why the City needs access to the rear yard. Mr. Duddeck stated there are 3 utility poles located in the rear yard's northeast corner. He added they have been replaced now, and the additional 5 feet will allow for access.

City Council Liaison Sonnek asked whether the City is required to pay the neighbor to the east for the 5 feet of property. Mr. Duddeck stated the City is paying \$3,800 for the property, which was calculated based on the property value of the land only.

Commissioner Gelbmann asked whether the entire retaining wall will be rebuilt, including where it extends north by another 10-15 feet beyond the property boundary. Mr. Duddeck stated the retaining wall is eroding and in disrepair and would be replaced where it curves around the northeast corner of the property.

Commissioner Blees asked how high the retaining wall will be. Mr. Duddeck stated a 3-foot wall is planned, sloping up at the terrace to the existing grade.

Chair Barton asked whether impervious surface coverage has been calculated based on the existing home and paved areas. Ms. Perdu confirmed this.

Chair Barton asked whether the building footprint can be expanded on a nonconforming lot. She added the lot is nonconforming, regardless of impervious space. Ms. Perdu stated the building footprint cannot be expanded if the structure is nonconforming. She added, in this case, the structure is conforming but the lot size is not. She noted the existing home on the site encroaches on the setback to the west but the house will be demolished, and the proposed home will meet all setback requirements.

Chair Barton asked whether the amount of impervious surface will increase. Ms. Perdu stated the impervious surface is 2,200 square feet, and that will increase to 2,835 square feet.

Commissioner Worm asked whether the window wells are proposed on the west side, where there is a setback of 6 feet. He asked whether that is legal. He asked whether the owner would be able to get a vehicle through that location.

Ms. Perdu stated, according to the plans, they are access windows but not part of the structure, so they are allowed in the setback. She added there would not be room for a vehicle. Mr. Duddeck stated vehicle access would be on the east side of the property.

Chair Barton opened the public hearing at 6:50 p.m.

Chair Barton stated City Staff received emails from Rob Aurelius that will be reviewed after the public hearing.

Jackie Rothstein, 2481 19th Avenue, stated she owns the property to the west. She added the driveway that will be moved to the east side of the proposed home will be right along her home's bedroom windows. She noted she also shares a driveway with the house on her other side, so her house will be sandwiched between two driveways, which is not consistent with other homes in the neighborhood.

Ms. Rothstein stated she would like to talk about changing the driveway. She added she is fully supportive of other aspects of the plan.

Rob Aurelius, 2271 7th Street N, stated he looked at the house plans that have been posted online for bidding purposes, and has some comments. He added there are problems with the plans related to livability and construction techniques. He noted, for example, there is only 3 feet shown between kitchen countertops; doors are 2 inches narrower than normal; the only room with southern exposure is the laundry room.

Mr. Aurelius stated the previous caller was worried about the proposed driveway running alongside her house. He added it will actually be the garage that will be next to her house.

Mr. Aurelius stated the proposed home would have a taller garage door than usual; the foundation will require 10-foot concrete walls to support top-loaded 18-inch floor trusses; and expensive

compound roof trusses will require support girders. He added the land costs are low, but this seems to be an expensive, over-adorned house that is too big for the existing neighborhood.

Mr. Aurelius stated he noted the impervious surface amounts in his email, but he did not include the driveway, which was a mistake on his part.

Mr. Aurelius stated the proposed 24x24 foot garage is large and could be reduced to decrease square footage. He added a 10-foot west side yard is not possible because of the existing retaining wall. He noted the Code stresses maintaining the character of older neighborhoods, and it would be nice to preserve that vision, with a modest, ADA-compliant home that the high school students could draw up over the winter.

Chair Barton closed the public hearing at 6:58 p.m.

Chair Barton requested clarification regarding the proposed location of the new driveway. Ms. Perdu stated the driveway will run from the street to the new garage, which will be on the west side of the house. She added there will be green space, and not a driveway next to Ms. Rothstein's house.

Commissioner Worm asked whether the house design could be flipped, so the driveway would be on the east side. He added that would give more room on the west property line. Ms. Perdu stated that would be a decision for the designer. She added the request as it is being presented meets zoning requirements.

Commissioner Gelbmann stated placing the garage on the west side will actually give Ms. Rothstein more privacy. Mr. Duddeck agreed, adding the proposed layout is designed to provide the maximum amount of privacy for both homes. He added the home to the west only has a setback of 3.8 feet.

Chair Barton stated Mr. Aurelius' email to City Staff mentioned average vs. minimal setback requirements. She added the standard requirement is the average setback or 25 feet, whichever is less, which only applies to homes that sit closer to the street than 25 feet. She noted, in this case, the average setback is a little more than 25 feet, but 25 feet is the lower amount so that is the standard that applies.

Chair Barton stated the rear setback is a minimum, and not a requirement. Chair Barton stated all of the setbacks are the minimum required amount.

Ms. Perdu stated Ms. Rothstein submitted a message in the meeting chat asking about snow blowing. Ms. Rothstein expressed concern that her house will be the only house on the block with a driveway on both sides.

Commissioner Blees stated there is a house down the street, 2465 19th Avenue, that is a very similar condition, with driveways on both sides of the house. He added, in fact, that situation is worse than this one, because the driveways go all the way to the back yard, and the house is almost completely enclosed by driveways. He noted it is not his intention to challenge Ms. Rothstein, but he was taking a look at other houses on the street and noticed that situation was similar.

Chair Barton stated Mr. Aurelius raises the point of granting the variance, and the issue of practical difficulty, and how much square footage would need to be reduced to remove the variance. She added it is possible to have a nice single-story reasonably priced home and stay under the 40% requirement. She noted that is a critical factor in granting a variance.

Mr. Duddeck stated the garage would need to be eliminated to get below 40%. He added the garage is considered to be a necessary feature, as there was no garage before, and other homes with garages exceed 40% lot coverage. He noted this property has been a problem for the community, and the City's goal is to build a new home that meets today's standards of what homeowners want. He stressed the importance of building a home that fits in the neighborhood, of which the community can be proud.

Chair Barton stated she struggles with the reason for the variance. She added there is only one option being presented. She asked whether City Staff have considered other home designs and plans.

Mr. Duddeck stated several designs have been reviewed but were not acceptable, as they had a decreased house size with a large garage that was the prominent feature of the façade. He noted other designs can be reviewed but it is not clear whether that will sufficiently reduce the square footage.

Commissioner Gelbmann stated the proposed home design fits the character of the neighborhood better than the other examples shown by Mr. Duddeck. He asked whether the driveway is included in impervious surface calculations. Ms. Perdu confirmed this.

Commissioner Gelbmann asked whether a permeable surface could be used for the driveway, and whether that would reduce the impervious surface calculation. Ms. Perdu stated she would need to confirm that with the City Engineer and the Watershed District.

Commissioner Monge stated the existing home has always had problems. He added other homes on the same street all have garages, and they probably exceed lot coverage requirements. He noted homes have to have garages, and the size of the home is important too. He noted he would like this request to be moved forward, and he is excited about the new home that will be built in this neighborhood.

Chair Barton stated the garage is not the issue, nor the other homes on the block. She added the Planning Commission should consider the City Code as is currently written.

Ms. Boerschinger stated Ms. Rothstein asked whether a tuck-under garage could be constructed on the home's east side as an alternative. Chair Barton stated that type of garage would be difficult to construct with a single-level home.

Council Member Sonnek stated it would be helpful to have an understanding of what impervious surface requirements. He added the four houses to the west have garages and probably exceed the 40% requirement. He noted, on this block, a home that exceeds the 40% requirement would not be that big of an issue.

Chair Barton stated the other homes on the block have smaller garages than what is proposed here. She added the impervious surface amounts of the other homes is not known.

City Council Liaison Sonnek stated the other homes have driveways extending to the rear of the property. Commissioner Blees agreed, adding the impervious surface amount will be high on the other homes because of the length of the driveways.

City Council Liaison Sonnek stated lot coverage of 43, 44% would not be unusual on that street, based on satellite views of the neighborhood.

Chair Barton stated the design of the home is the reason that is given for the variance request. She added the house could be designed another way, to meet the 40% requirement, especially in the Shoreland District, which is now included in City Code. She noted this is only the second variance request the City has had in the Shoreland District since 2015, when it was added to City Code.

Ms. Perdu stated Mr. Dawley has indicated that credits have been given in the past for pervious pavers with an approved design that meet certain requirements. She added a condition would have to be added to the approval that the impervious paver design is approved by the City Engineer.

Commissioner Worm asked about impervious asphalt. Ms. Perdu stated she only asked Mr. Dawley about pervious surfaces and was not specific.

Chair Barton stated they used pervious asphalt at the new Watershed District facility. Commissioner Monge stated pervious asphalt was installed on a trial basis at the City Hall site. Mr. Duddeck agreed, adding pervious concrete was used at the Public Works building but did not last 1 year before it had to be removed, due to deterioration. He expressed concern that there would be issues related to long-term maintenance for the homeowner at this proposed home.

Mr. Blees stated he has a background in design, and Mr. Duddeck is accurate in his representation of pervious concrete. He added this will be a marketable house, a little larger in size, which can be seen as a step toward improving the community, with a positive effect on the neighborhood. He noted the reach for the variance is very small in his opinion, and if the lot size were conforming, there would not be an issue.

Chair Barton stated pervious pavers could be used on the little sidewalk. Mr. Duddeck agreed that something small could be considered, as it will probably be a walkway from the front door to the garage, and not the existing carriage walk to the street.

Chair Barton stated even that little change would bring impervious surface down to 41.2%. She added little things make the difference. She added the proposed single-family home will not be unique, and a variance is unnecessary, and overstating, in her opinion. She noted it is possible to build a nice home and still meet the 40% coverage requirement.

Commissioner Stahlmann stated he likes the new home plan, which fits well with the neighborhood. He added he does not believe it is necessary to change the layout, and move the

garage, and he supports having the bedrooms on the west side. He noted he is in favor of the variance, but he understands Chair Barton's concerns.

Chair Barton asked for clarification regarding the garage square footage. Mr. Duddeck stated the proposed garage would be 576 square feet. He added the proposed 10-foot basement walls will be decreased due to sanitary sewer, and the top load floor trusses will allow for level floors, to increase accessibility.

Chair Barton stated reducing the size of the garage to 22' x 22' would bring the additional impervious surface down to 40 square feet, for an additional savings of 92 feet.

Commissioner Worm stated he is not in favor of shrinking the garage. He added the City requires that residents keep their garbage and recycling containers in the garage.

Chair Barton stated other homes in the neighborhood have the smaller sized garage. She added it is possible to do this. She added it is the role of the Planning Commission to review the variance and criteria and determine whether the criteria is met. She noted she does not believe the variance is necessary, and a nice house can be built without it, that would match the character of other homes in the neighborhood.

Motion by Commissioner Blees, and seconded by Commissioner Monge, with all present voting aye (6-0). Motion carried to recommend City Council approval of Variance and Minor Subdivision, Lot Split for 2847 19th Avenue E.

Motion by Commissioner Monge, and seconded by Commissioner Worm, with Commissioners Blees, Gelbmann, Monge, Stahlmann, and Worm voting aye and Chair Barton voting nay (5-1). Motion carried to recommend City Council approval of a Variance for the Maximum Allowable Lot Coverage to Allow 43.5% Where 40% is Required.

Chair Barton requested that information be added to the staff report regarding the Zoning District in which the property is located, including Shoreland Overlay. Ms. Perdu agreed.

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

-None.

VIII. OLD BUSINESS

A. 2020 Zoning Updates Discussion

Feedback on the zoning code updates

Ms. Perdu reviewed Zoning Code updates, including definitions of the types of vehicles that are to be regulated. She added, from her perspective, the focus should be on visibility of vehicles from the front yard, and also safety.

Ms. Perdu stated a few new definitions have been added, including large motor vehicle; weighted trailer, as defined in State regulations; commercial vehicle; recreational vehicle, with added

language based on State licensing standards; and yard and front yard. A matrix has been added, indicating where vehicles can be parked and for how long, as well as a diagram showing “safe vision triangle” for driveways.

Ms. Perdu stated language was added related to truck parking and time limits, with exceptions for loading and unloading.

Chair Barton stated a definition of passenger vehicles should be included on the grid. She added the State definition can be used

Chair Barton stated, on Page 26, the definition of yard and front yard are essentially the same. She added the front yard is defined as the distance from the lot line or right of way to the amount of the minimum setback. She noted the setback was reduced, and there have been issues with Code enforcement.

Chair Barton asked how front yard is defined. Ms. Perdu stated the definition is usually written as the distance between the front lot line and the point on the structure that is closest to the lot line. She added the definition of required front yard is different, and the two should be separated.

Chair Barton stated, with regard to differentiation between parking area and driveway, they are two separate areas, and that should be repeated. She added the driveway provides access to the parking area. She noted these terms have been used interchangeably.

Ms. Perdu stated those definitions can be reviewed more closely. She added the driveway definition is focused on vehicular access from the street to the garage or parking area. She added the parking area is any area that is used for parking vehicles. She noted parking space is separate from driveway. She noted, for purposes of this discussion, the intent of the definition for driveways in residential districts is to refer to what most people think of as a driveway. She proposed that City Staff review these definitions and provide clarification.

Chair Barton stated the distinction between driveway and parking area is important, so residents can get used to the concept that they are not the same. She added it is a good idea to reinforce that difference to avoid confusion in the Ordinance.

Ms. Perdu stated City Staff can go back and review the definitions if the Planning Commission can reach consensus on where vehicles would be allowed to be parked.

Chair Barton referred to Item C, on Page 29, which states that parking should be at least 15 feet from the roadway.

Commissioner Gelbmann stated that is inconsistent with the visibility triangle distance requirements.

Commissioner Blees stated the visibility triangle should not be part of this requirement as it is typically used for street intersections to improve visibility and safety. He added this issue is how close a vehicle can be parked to the street curb in the driveway, and if the vehicle is parked 15 feet from the curb it will not impact visibility for adjacent residences.

Commissioner Gelbmann stated he was thinking of two vehicles parked next to each other in a driveway. He added the visibility triangle requirement is 20 feet.

Commissioner Blees stated the triangle is not necessary to achieve visibility, as the setback can be used as the appropriate distance.

WSB Consultant Ryan Krzos stated the setback is defined as from the street edge, as opposed to the property line. He added, from a Code enforcement perspective, there will not be a discrepancy if the requirement is set at 10 feet, and the boulevard is 12 feet.

Commissioner Blees stated it is a safety issue, and 15 feet is more than enough to have visibility. He added 10 feet should be the minimum. Commissioner Gelbmann agreed.

Commissioner Blees requested clarification regarding the definition of commercial vehicles. He asked whether someone would be allowed to park their commercial van in the street overnight.

Ms. Perdu stated the definition of commercial vehicles is weight of more than 10,000 pounds and 18 feet in length.

City Council Liaison Sonnek stated that will be hard to enforce. He asked whether vehicles would be ticketed based on someone's word that the vehicle has been parked in one place for a long time. He asked whether a citation would be issued.

Chair Barton stated this issue is addressed in the traffic Code and would be enforced by the police. She added is not proposed to be included under Zoning Regulations.

Ms. Perdu stated the two-hour prohibition applies to trucks, tractors or semi-trailers greater than 6 tons. She confirmed that this requirement is not included in the Zoning Code, but City Staff wants to ensure that the language is consistent.

Chair Barton asked whether the two-hour parking limit for recreational vehicles is proposed to be added to traffic regulations. Ms. Perdu confirmed this.

Chair Barton requested that the vehicle grid on Page 28 be amended to include a requirement that recreational vehicles must be in compliance with off-street parking regulations including setbacks.

Commissioner Blees stated the vehicle grid refers to "adequate screening", which is a vague and subjective term. Ms. Perdu agreed to look at that again.

Commissioner Gelbmann stated this would be nice if it were meant as a reminder of intent, to be considerate to neighbors and screen vehicles, rather than something that needs to be enforced.

Ms. Perdu stated there may be something in the language related to landscaping and screening that can be linked to this section. She added City Staff will review this item and consider changes for further review.

Chair Barton stated she likes the simplicity of the vehicle grid. Commissioner Blees agreed.

Commissioner Blees stated he agrees with Commissioner Gelbmann that reasonable expectations would be preferable to significant restrictions. He added it is difficult to find appropriate language when something is not an enforceable requirement.

Commissioner Gelbmann stated it could be sufficient to have that language as a guidance for addressing resident disputes, which are hopefully rare.

Commissioner Blees stated, in that case, subjective language is acceptable, and “adequately screened” should be left in to give it flexibility. Commissioner Gelbmann agreed.

Chair Barton asked, with regard to Type 1 and Type 2 recreational vehicles on Page 27, whether the definition should be amended to include how height and length are measured. Mr. Krzos stated height is measured to the top of the vehicle, and length is measured to the top of the ladder. Chair Barton stated that should be included.

Commissioner Gelbmann stated the recreational vehicle definition should be revised to clarify height and length measurements.

Chair Barton stated some residents may need to park on the street overnight because they do not have onsite parking. She added Commissioner Worm brought this point up during the last discussion, and an administrative waiver process was mentioned as a potential solution.

Chair Barton thanked City Staff for doing a great job on the Definitions section.

Chair Barton stated the Planning Commission’s consensus is to use a flat number for driveway parking, rather than the triangle concept.

Commissioner Worm asked whether vehicles can be parked in the rear yard. Commissioner Blees stated they must be on a paved surface. Chair Barton stated screening for vehicles parked in the rear yard should be considered.

Ms. Perdu stated the type of vehicle they are parking in the back yard is a factor, as not all vehicles require screening.

IX. REPORTS FROM STAFF

-None.

X. REPORTS FROM COMMISSIONERS

a. Update from City Council Liaison

City Council Liaison Sonnek stated many construction projects are ongoing in the downtown area. He added residents can register online on the City’s newly designed website to receive the North St. Paul News and Events email newsletter.

City Council Liaison Sonnek stated the City Council Candidates Forum was held September 30, 2020. He added the video should be available on the City website soon. He added John Wahl filed for candidacy but has withdrawn from the City Council race.

Commissioner Gelbmann stated it is difficult to find information on the candidates, and it seems onerous to have to search online to find out their positions.

City Council Liaison Sonnek stated candidate websites can be found by searching online. Ms. Boerschinger stated the Candidate Forum is currently being edited and will be posted online as soon as it is available.

Commissioner Worm thanked Ms. Boerschinger for getting the meeting packet to him last week.

Chair Barton stated North St. Paul city Hall is now an official absentee ballot drop off location.

XI. ADJOURNMENT

There being no further business, motion to adjourn by Commissioner Worm, and seconded by Commissioner Gelbmann, with all present voting aye (6-0). Motion carried to adjourn the meeting at 8:31 p.m.

The next regularly scheduled Planning Commission Meeting is November 5, 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