

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, DECEMBER 3, 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

John Monge, Commission Vice Chair (Joined meeting at 6:55 p.m.)

Tom Sonnek, Commission City Council Liaison

Michael Stahlmann, Commissioner EXCUSED ABSENT

Allan Worm, Commissioner

STAFF

Erin Perdu, City Planner

Olivia Boerschinger, Planning Secretary

III. ADOPT AGENDA

Motion to adopt agenda by Commissioner Blees, and seconded by Commissioner Gelbmann, with all present voting aye (4-0). Motion carried to adopt the December 3, 2020 Agenda.

IV. APPROVAL OF MINUTES

Chair Barton requested the following amendment to the November 5, 2020 minutes:

-page 7, last paragraph should be amended to reflect that the discussion was regarding a waiver process for parking for residents who do not meet the front yard setback requirement.

Motion to approve Minutes by Commissioner Worm, and seconded by Commissioner Blees, with all present voting aye (4-0). Motion carried to approve the November 5, 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

-None.

VIII. OLD BUSINESS

A. 2020 Zoning Code Update Discussion

Parking Ordinance

Ms. Perdu stated the Planning Commission began a discussion of the parking Ordinance and requested continuation of that discussion. She added the Commission discussed the 10-foot setback rule for people who have short driveways. She added there are three driveways on McKnight Road that do not meet the 10-foot setback requirement. She noted a waiver process was discussed.

Commissioner Blees asked whether there are other cities who might have that same problem, and how they have addressed it. He added there are some properties on Margaret Street that are questionable.

Chair Barton stated variances were given to residents who had to build a garage because their driveway was too short. She added an administrative zoning process might be appropriate rather than a variance, because there are not that many properties. She stressed the importance of recognizing these types of situations and making it easier for Code enforcement by having an established mechanism. Commissioner Blees agreed.

Chair Barton stated there are situations where the front yard setback is not met. She added the variance process would be used under unique circumstances. Ms. Perdu stated there is a cost associated with that process.

Ms. Perdu stated City Attorney Soren Mattick was hesitant to add an administrative waiver process to the Ordinance. She added she will find some sample language that could be included that would describe the circumstances under which the setback would need to be met.

Commissioner Gelbmann agreed, adding there is a home in his neighborhood with a short driveway that was exacerbated by recent road construction.

Ms. Perdu stated she can review this issue and bring back some language related to front yard setbacks for consideration at the Planning Commission's next meeting.

Commissioner Gelbmann stated, on page 13 of 38, Item 3a, for purposes of consistency, "access drive" should be changed to "driveway"

Commissioner Gelbmann stated, Item 3f on the same page should be clarified to reflect that the general standards do not apply in the R1 district. He added the general standards apply to commercial, industrial, institutional and attached residential uses.

Ms. Perdu stated the Planning Commission agreed to allow duplexes in the R-1 district. Chair Barton agreed.

Ms. Perdu stated parking facilities for detached homes cannot be combined, but parking can be combined under certain circumstances for other uses.

Commissioner Gelbmann asked whether that would apply to a conditional use like a church and school that share parking in the R-1 district. Ms. Perdu agreed to take a look at that as it is a good question. She added the language is not new.

Chair Barton stated, under Item E, parking and loading space shall have the proper access from the public right of way. She added it seems that that requirement was moved from somewhere else.

Ms. Perdu stated she did not see an earlier reference to that requirement. She added that could be changed to public right of way or private road, like a townhome development, because that has been an issue in the past.

Chair Barton stated Item #9 refers to off-street parking for detached residential areas. She asked whether that should be “uses” instead of “areas, for purposes of consistency.

Chair Barton asked, regarding page 15, Item F, whether the City should enforce removal and landscaping of existing driveways that do not lead to an authorized parking area or garage. She added there are areas in the City where curb cuts were added that are used for parking in the right of way. She noted the original intent was to remove and landscape these areas by 2013.

Ms. Perdu stated it would be unusual to have language like that in the Ordinance. She added she does not recall an enforcement action on this issue since she has worked for the City.

City Council Liaison Sonnek stated he would be in favor of removing Item F2, as a paved driveway can be used as a parking space as long as it is not in the right of way.

Chair Barton stated there might be an additional curb cut, or an unimproved driveway. She added she is not opposed to removing the requirement, but she would not want to have something in the Code that is unclear.

City Council Liaison Sonnek stated there are few properties with two separate curb cuts, unless it is a corner lot. Chair Barton stated they are also likely to occur in areas that have alleys. She added it does not make sense to have the requirement if it not clearly enforced.

Chair Barton stated Item B should be changed to reflect that vehicles parked in a driveway must not extend or encroach upon the “alley or public sidewalk”.

Sign Ordinance

Ms. Perdu stated the Planning Commission requested a review of the Sign Code as there were some issues that were unclear related to campaign signs during election season. She added she

provided a copy of the Sign Code for the Planning Commission, as well as a version with her comments and edits.

Ms. Perdu stated sign setbacks should be clarified, as sign setbacks are 10 feet but can be greater or lesser for public safety reasons. She added that can be edited with the clear vision triangle in mind. She noted Tables 10 and 11 have sign standards.

Ms. Perdu stated there is a section regarding the downtown overlay on page 30, with specific requirements for signs in the downtown area. She added some types of signs that are prohibited in the downtown area are prohibited everywhere, so she removed them from the requirements. She noted internally illuminated signs are prohibited, but she has noticed that they are everywhere, so that should be discussed.

Ms. Perdu stated “Exceptions to the Sign Ordinance” on Page 33 mentions window signage. She added window signs should be subject to the permit requirement like any other sign.

Commissioner Blees stated, with regard to “lit signs”, there should be definitions for LED and not just neon.

Ms. Perdu asked whether LED and neon should be prohibited. Commissioner Blees stated LED is getting to be more commonly used. He added LED should be considered for inclusion in the Ordinance if neon is allowed. Ms. Perdu agreed.

Ms. Perdu stated directional signs are exempt. She asked whether off-premises directional signs should be allowed.

Chair Barton stated the way the existing Ordinance is formatted does not make sense to her. She added every district is not addressed, but there is a section on the downtown district which is not necessary. She noted standards are not significantly different because they are based on lot size. She noted the type of signs allowed in residential districts is not clear, and there are too many types of signs, and too many exceptions.

Chair Barton stated exempting certain entities but not others can lead to free speech issues. She added signs should not be identified by type or message, other than an exception for election years. She noted the same regulations should be applicable to all districts. She noted it is not clear if window signs are allowed in the R-1 district.

Commissioner Gelbmann stated larger signs could be restricted to the Mixed-Use districts and prohibited in residential areas, for aesthetic reasons.

Commissioner Blees stated, as suggested by Chair Barton, general provisions should be added that are not specific to particular zoning areas, followed by specific exemptions. Chair Barton agreed, adding the format is important so people can follow along. She reiterated there should be as few exemptions as possible.

Commissioner Blees stated he supports illumination provisions under “General Requirements”. Ms. Perdu agreed, adding any requirement that applies to all signs should be in that section.

Commissioner Monge joined the meeting at 6:55 p.m.

City Council Liaison Sonnek agreed that good formatting is important. He added there may be an opportunity to generalize some of the language as this is a long Ordinance. He noted, in his opinion, the main reason for having a Sign Ordinance is for business signage, and political signs are fairly minor in comparison.

Chair Barton stressed the importance of being careful about signs in residential areas. City Council Liaison Sonnek agreed and stressed the importance of generalizing the language in the Ordinance.

Chair Barton stated the format of the Ordinance makes it difficult to understand. She added the sign type is what should be regulated, and not what goes on the sign if traffic safety and aesthetics are the main considerations.

Chair Barton asked whether murals are exempt, along with sculptures, fountains, mosaics, and other works of art. City Council Liaison Sonnek stated he hopes there will be more murals in the City. He added Love Ice Cream is hoping to do a mural on the side of their building.

Chair Barton stated businesses that want to add a mural or other form of artwork could be exempt from the permit process, but they would still need to meet construction standards and safety requirements. She added this includes setback requirements.

Chair Barton stated there are free-standing banners or flags at Polar Plaza, that blow around, which is prohibited. She added the same type of banner has been at the corner of 5th Street and South Avenue for a long time, and they are so faded they are not readable.

Commissioner Worm stated this is an opportunity to start from scratch with a new Ordinance. Ms. Perdu agreed.

Chair Barton stated the Sign Ordinance was originally reviewed by the Design Review Commission, but the Planning Commission did not review it. She added many cities have reviewed their Sign Ordinances due to Supreme Court rulings regarding freedom of speech. She noted many Sign Ordinances were thrown out because they were too specific with regard to the speaker or the message.

Commissioner Gelbmann stated the table contains too many variables. He added it would be helpful if the table could be generalized to make it less conditional. Chair Barton agreed, adding the table should specify types of signs and whether they are permitted, as well as related requirements, but the overall number of sign types should be minimized.

Commissioner Worm asked City Council Liaison Sonnek whether the City of North St. Paul has had a problem with signs. City Council Liaison Sonnek stated there has not been a problem that he is aware of, but City Manager Scott Duddeck may have additional information.

Chair Barton stated there are times when there could be complaints, like during elections. She added it is best to get the Ordinance up to speed. She noted another consideration is that home occupations are allowed in every District, so there could be yard signs even in the R-1 District.

Ms. Perdu stated the current Ordinance prohibits internal illumination signs, which she does not believe is an intended restriction. She added there are some repetitions in the temporary sign section and computations which should be updated. She noted the illumination section should be updated to include more recent technology, as there is a reference to wattage.

Commissioner Gelbmann Stated LED lights are more energy efficient and cost effective, but lumens are easier for general enforcement.

Chair Barton stated standards should be added for changeable electronic signs.

Ms. Perdu agreed to provide additional information on best practices for the Planning Commission's review at an upcoming meeting.

Chair Barton stated the permit process should be addressed, as there is no time limit or language related to an appeals process.

Ms. Perdu stated some Sign Ordinances have specific standards for variances. She added standard variance criteria do not always fit with sign requests.

Commissioner Worm stated the setback limitation of 10 feet is a requirement that is not met in downtown North St. Paul. Ms. Perdu stated free standing or monument signs are prohibited in the downtown area. Chair Barton stated Commissioner Worm makes an important point about 10-foot setback requirements in the downtown area.

Commissioner Gelbmann requested additional information on murals and how they are handled, as the Sign Ordinance does not mention murals. Ms. Perdu agreed.

Commissioner Monge apologized for being late to join the meeting due to a work conflict.

IX. REPORTS FROM STAFF

A. Recognition of Service for Commissioner Stahlmann and Councilmember Sonnek

Ms. Boerschinger stated a certificate of appreciation was mailed to Commissioner Mike Stahlmann in appreciation for his 14 years on the Planning Commission. She expressed appreciation to City Council Liaison Sonnek for his service to the Planning Commission.

Chair Barton stated City Council Liaison Sonnek has been an outstanding liaison. She added his input will be missed.

City Council Liaison Sonnek stated this has been a great learning experience for him, and he thoroughly enjoyed his time working with the Planning Commission.

Commissioner Gelbmann stated he appreciated City Council Liaison Sonnek's championing of the Comprehensive Plan, and all his hard work and efforts.

X. REPORTS FROM COMMISSIONERS

Commissioner Worm stated the Planning Commission had discussed tree removal at the 7th and 6th Street development. He added the developer was asked to save as many trees as possible. He noted many trees have been removed.

Ms. Perdu stated City Staff and a representative of WSB met with the developer to ensure that tree removal requirements were met, based on what was already approved. She added the developer will be required to replace trees if more trees were removed than what was approved.

City Council Liaison Sonnek to Ms. Perdu asked whether the developer could remove trees in the City right of way. Ms. Perdu stated the City does not usually require permission to remove trees from the right of way. She added she can confirm this with City Engineer Morgan Dawley. She agreed to follow up on the 7th street development tree removal.

Commissioner Worm stated the local toy shelf provided toys for many local children. He added the organizer thanked the City for its support for the program.

Chair Barton wished everyone a Merry Christmas. She added the Planning Commission's next meeting is scheduled for January 7, 2021.

XI. ADJOURNMENT

There being no further business, motion to adjourn by Commissioner Worm, and seconded by Commissioner Gelbmann, with all present voting aye (5-0). Motion carried to adjourn the meeting at 7:27 p.m.

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