

CITY OF NORTH ST. PAUL PLANNING COMMISSION
SPECIAL MEETING AGENDA
THURSDAY, FEBRUARY 25TH, 2021
6:30 PM

North St. Paul City Hall – Council Chambers
2400 Margaret Street

The City of North St. Paul has moved all of its public meetings online effective August 4, 2020. The move to online meeting access via Zoom ensures compliance with the Governor’s Emergency Executive Order and face covering mandate while providing our City Council members, staff and residents with safe and comfortable access to public meetings. Access information and links to meetings are available at northstpaul.org. This change to online meeting access will remain in effect until further notice. (Stat. 13D.02 subd. 4)

The February 25th Zoom meeting can be accessed [HERE](#) or via:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87556902183?pwd=d2VMK0dBUG5YV2J5SkILd0dJi9XZz09>

Passcode: 617033

Or Telephone:

Dial:

US: +1 301 715 8592 or +1 312 626 6799

Webinar ID: 875 5690 2183

Passcode: 617033

The Planning Commission Zoom meeting will be ‘open to the public’ to listen in, but will be muted from contributing at all times with the exception of a Public Hearing and open to the public forum.

Please join the meeting early to test your audio and video settings. If you join via a device and your audio is not working, you may need to use the dial-in phone number option in order to be heard.

I. CALL TO ORDER

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair

Patrick Blee, Commissioner

Erik Brenna, Commissioner

Rick Gelbmann, Commissioner

John Monge, Commission Vice-Chair

Lisa Wong, Commission City Council Liaison

Andrew Wise, Commissioner

Allan Worm, Commissioner

STAFF

Eric Zweber, Planning Consultant

Lisa Ritchie, Planning Secretary

III. ADOPT AGENDA

IV. APPROVAL OF MINUTES

- A. Approval of the February 4, 2021 regular meeting minutes.

V. MEETING OPEN TO THE PUBLIC

Note: This is a courtesy extended to persons wishing to address the Commission concerning issues that are not on the agenda. This discussion will be limited to 15 minutes.

VI. PUBLIC HEARING

- A. Planned Unit Development Ordinance Amendment

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

- A. None.

VIII. OLD BUSINESS

- A. Planning Commissioner Training

IX. REPORTS FROM STAFF

X. REPORTS FROM COMMISSIONERS

XI. ADJOURNMENT

The next regularly scheduled Planning Commission Meeting is Thursday, March 4, 2021 at 6:30 p.m.

There will be a special Planning Commission Meeting on Thursday, March 18, 2021 at 6:30 p.m. for a joint meeting with the EDA.

If Planning Commissioners have any questions or know that they will not be able to attend the meeting, please contact Lisa Ritchie at lisa.ritchie@northstpaul.org or 651-747-2440

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, FEBRUARY 4, 2021
6:30 P.M.**

I. CALL TO ORDER

Chair Barton called the meeting to order at 6:30 p.m. The meeting was conducted via Zoom.

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair
Patrick Blees, Commissioner
Erik Brenna, Commissioner
Rick Gelbmann, Commissioner
John Monge, Commission Vice Chair ABSENT
Lisa Wong, Commission City Council Liaison
Andrew Wise, Commissioner
Allan Worm, Commissioner

STAFF

Eric Zweber, Planning Consultant
TBD, Planning Secretary

III. ADOPT AGENDA

Motion to adopt agenda by Commissioner Gelbmann, and seconded by Commissioner Worm, with all present voting aye (6-0). Motion carried to adopt the February 4, 2021 Agenda.

IV. APPROVAL OF MINUTES

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

V. MEETING OPEN TO THE PUBLIC

-None.

VI. PUBLIC HEARING

-None.

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

-None.

VIII. OLD BUSINESS

A. 2020-2021 Zoning Code Update Discussion

Mr. Zweber gave a review of proposed Zoning Code amendments for purposes of discussion and education. He added no action is required at tonight's meeting. He noted the amendments can be discussed at the March 2021 meeting with a public hearing potentially to be scheduled at the April 2021 meeting. He noted the Sign Ordinance is not an element of the Comprehensive Plan, which will be reviewed and adopted separately.

Mr. Zweber stated all items have been discussed previously by the Planning Commission, but this is an opportunity for everyone to review and understand these requirements. He gave a presentation regarding the importance of Zoning Ordinance amendments and multiple definitions within the Code. He added amending one section of the Ordinance may have unintended consequences for other Code requirements. He reviewed aspects and definitions of Front Yard Setback as an example.

Chair Barton stated an unintended consequence of a prior update was that the definition of front yard extends from the right of way or lot line to the depth required in the setback regulation. She added the setback was 30 feet at one time, in the R-1 Single Family Residential District, and that was reduced to 25 feet.

Commissioner Worm asked how you determine where front lot line is, especially in an old home.

Mr. Zweber stated the front lot line would be the right of way line to the depth of the front setback. He added if an older home is closer than the Code setback, that would create a nonconforming situation.

Mr. Zweber stated the Comprehensive Plan was adopted in January 2020. The Planning Commission began discussions about amending the Zoning Ordinance to bring it in line with the Comprehensive Plan.

Land Use Map

Mr. Zweber stated a Land Use Map including zoning of properties was included in the Comprehensive Plan adoption. The City is in the process of reviewing parcels that are nonconforming with the land use map, and changes to the Zoning Ordinance are being proposed.

Commissioner Brenna asked why some scattered non-conforming parcels are highlighted but also whole nonconforming blocks. Mr. Zweber stated in many cases, these properties are close to the downtown area, and property transitions require more flexibility than that for a residential neighborhood.

Commissioner Worm stated the lot width should be 40 feet wide, as decided by the Planning Commission last year.

Mr. Zweber stated that is a possibility and he agreed to look into it.

Chair Barton stated the Planning Commission discussed potentially reducing the minimum lot width to 40 feet or 50 feet. She added the consensus was 50 feet because there are many 100-foot-wide properties that could be split. Commissioner Gelbmann stated that was also his recollection.

Chair Barton stated many of these properties are near Silver Lake within the Shoreland Overlay District. She added the concern that came up was that there would be an excess amount of impervious surface in the Overlay District. She noted the City's minimum lot length of 60 feet is already below that which is recommended by the Minnesota Department of Natural Resources for Shoreland Overlay Districts.

Commissioner Blees stated there could be a unique lot width in the Shoreland Overlay. Chair Barton confirmed that has been discussed.

Commissioner Gelbmann stated the Shoreland Overlay District is part of the Comprehensive Plan, but not on the Land Use Map. Mr. Zweber stated it could be in a different chapter of the Comprehensive Plan.

Commissioner Wise asked it is more restrictive to require larger lot sizes, specifically related to subdivision requirements. Mr. Zweber stated the smaller the minimum lot area, the smaller the width, but they are independent. He added it is not necessary to increase the minimum lot area to increase the width.

Lot Size and Area

Mr. Zweber stated adjustments were made in the Comprehensive Plan with regard to medium and high density in the downtown area, and other districts should be reviewed. The R-2 district area was reduced to comply with density, and the minimum lot area per unit was reduced in the mixed-use districts. There is no set lot size, but rather requirements for how many units are allowed on a parcel.

Commissioner Gelbmann stated the minimum lot size in the MU-1 district is zero, and that does not sit well with him. He added there should be some minimum lot size if there is a 20-foot width requirement.

Mr. Zweber stated he assumes this is due to very small lots in the downtown area that are less than 20 feet wide. He added these lots would become nonconforming if a lot width requirement is added.

Table of Uses

Mr. Zweber stated not every use should be allowed in every zoning district. He added, for instance, commercial businesses would not be appropriate in a residential neighborhood, but institutional or civic uses would be appropriate. He noted it is acceptable for some businesses to be occurring inside a residential home, such as an in-home day care.

Mr. Zweber stated proposed changes include the addition of 2-family dwellings to R-1 and R-3 districts. Interim uses could come and go over time or could be something the community does not have a long history of but should not be non-conforming.

Chair Barton asked why funeral homes are permitted in the R-3 district, but they are conditional in all Mixed-Use districts. Mr. Zweber stated there may be an existing funeral home in an R-3 district. He added, however, that would be a conditional use. He agreed to look up the funeral homes in North St. Paul to ensure there are none in the R-3 district. He noted a conditional use would make more sense.

Mr. Zweber stated the home occupation use requires more information. Chair Barton stated day care facilities have two categories – 12 or fewer people and 13-16 people – although they are permitted across the board. Mr. Zweber stated that is more on the licensing side and probably should not be on the uses table.

Chair Barton stated surface parking is not defined anywhere. Mr. Zweber stated surface parking should be reviewed and possibly have a definition. He added surface parking may be permitted as an accessory use.

Chair Barton stated there is surface parking in both the MU-2 and MU-3 districts.

Mr. Zweber stated the Zoning Code is divided into uses and bulk standards for setbacks, lot sizes, and impervious surfaces.

Chair Barton stated an Ordinance amendment can be done if there is someone who wants to use a property for a particular use that is not listed. She added that happened not too long ago with the tattoo shop, which was not permitted in the MU-1.

Mr. Zweber stated State statute looks at bulk standards differently. He added, in the State of Minnesota, you cannot apply for a variance for a use that is not in the Code except for a Planned Unit Development (PUD), which is not a variance.

Variances

Mr. Zweber stated consideration should be given to whether the City is granting a lot of a particular type of variance, and then consider changing the Code. He added it is important to look at where variances are located, which could indicate an area that needs to be re-zoned.

Chair Barton stated the Planning Commission can review more recent variances after the Comprehensive Plan update. She added she would agree that most of them have to do with setbacks.

Definitions

Mr. Zweber stated the Planning Commission can review other definitions to determine whether they make sense or not. He added it will be necessary to consult with the City Attorney before

changing or removing any definitions. He noted an example of this is “adult use” which is a conditional use in the MU-3 district and cannot be banned.

City Council Liaison Wong requested clarification regarding “short-term rentals”.

Chair Barton stated that is highlighted because it is something that remains to be addressed. Mr. Zweber agreed that short-term rental regulations need to be addressed.

Chair Barton stated there is a red-lined item for “short-term rental” in the Definitions. Commissioner Gelbmann stated that is on page 59 of 120.

Chair Barton stated there is no clear definition for some of the uses in the table, and the Planning Secretary was working on that.

Mr. Zweber stated “bank or financial institution” is not defined. He added “pay day loan” businesses are not included in the definition. He agreed to look into it.

Commissioner Gelbmann stated he would like to see something about “drive-through” added to “Coffee Shop and Tea House”. Mr. Zweber agreed.

Mr. Zweber reviewed additional definitions, including Contractor’s Business with Showroom and Workshop; Cultural Center; Dependency Living Arrangement in Single Family Dwelling Units. He added he is unsure whether the definition of “townhomes” needs to be added.

Commissioner Gelbmann stated “dry cleaning” is different than other personal services, as there can be hazardous materials involved. He added it could be defined separately so it can be restricted if necessary. Mr. Zweber agreed.

Commissioner Wise stated, under “Modular Buildings”, this may be a bigger discussion, or perhaps has been previously discussed. He added this is a common definition, although he noticed from the chart that it is not allowed in multi-use zones. He noted these types of developments are becoming more and more popular and should be considered in other zones.

Mr. Zweber agreed that is a good point. He added the City Code focuses on design standards and building appearance, as they are not directly related to goals. He noted this issue should be addressed as this is where the market is heading.

Chair Barton stated that is more of a design or construction standard than a use. Commissioner Wise stated it falls under “Residential Uses”.

Mr. Zweber stated “dry cleaning services” should be called out separately.

Chair Barton stated retail sales is defined as “commercial enterprise that provides goods and/or services directly to the consumer where such goods are available . . .” She asked for an example. Mr. Zweber stated a retail business may provide a service within their store but also sell goods. He added he would recommend leaving “and/or services”.

Commissioner Blees stated it has more to do with the primary use of the retail business. Mr. Zweber agreed that it could be clarified as either an accessory or ancillary use to the sale of products.

Commissioner Blees stated “retail” could be incorporated as a secondary Accessory Use for Service Business definition.

Schools Definition

Mr. Zweber stated he would like to propose that “school” be changed to “pre-school” or “pre-K”, as the way it is written refers to elementary and secondary schools only. Chair Barton agreed.

Commissioner Brenna asked whether this includes early childhood family education. Mr. Zweber stated that would depend upon whether the classes take place in a school facility.

Commissioner Gelbmann some School Districts have early childhood programs in other buildings of their own. Mr. Zweber stated he believes this needs its own definition, which might fall under supplemental regulations for schools associated with the School District.

City Council Liaison Wong stated many early childhood family education programs fall under Community Education programs and are inclusive of children under the age of 5 and their families. She added that would include the “pre-K” designation. Mr. Zweber agreed.

Mr. Zweber recommended removal of “Short Term Rental”, as the intent is to regulate this use, and that may affect how it is defined.

Mr. Zweber recommended striking through “on the same lot as the principal building.”

Chair Barton asked whether that requirement is used in any other yard definitions. She added the front yard definition should be written the same way as the rear yard definition, instead of referencing the setback amount. She noted the front yard definition created a Code Enforcement issue for the City.

Mr. Zweber stated Accessory Dwelling Unit (ADU) provides a distinction between a two-family dwelling and an accessory dwelling. He added they are being allowed as residential options in more locations than they were previously allowed.

Commissioner Gelbmann stated there is a minor typo under A-1, halfway through the first line. Mr. Zweber agreed to take a look at it.

Commissioner Barton stated this was pertaining to a “little village” development, with a common space and defined minimum square footage for a common shared area.

Chair Barton asked whether the Planning Commission had reached a consensus on allowing townhomes in the MU-1 Zoning District. Commissioner Blees stated he does not remember.

Mr. Zweber stated townhomes would make a lot of sense in the downtown area, due to infrastructure and alleys. He added, however, if the goal for downtown is retail and larger density population to support business, then maybe townhomes is not the best use.

Mr. Zweber stated, to Commissioner Wise's point, modular construction can be used for many other applications besides housing, including commercial and industrial developments. He added this is another reason that this should be revisited in more depth. He noted a PUD is a way for developers to get something that other developers do not have, and having extra public engagement and involvement is a good idea.

Commissioner Wise asked whether "change in design of 10% or less of any building elevation" relates to square footage. Mr. Zweber stated this relates to different building materials that are requested, and a variance may be required.

Commissioner Gelbmann stated there is no definition for motorcycles, motor scooters and busses under "Passenger Vehicles". He added it seems like something is missing there.

Chair Barton stated it might be possible to reference State language, rather than add definitions. Mr. Zweber agreed, adding the Code will not need to be changed if the State changes their requirements.

Commissioner Gelbmann stated he would like to change "screening vegetation" from "6 feet" to "a minimum of 6 feet".

Commissioner Blees stated there has been discussion regarding residential lots that are not long enough for residents to park a car in the driveway without parking in the setback. Chair Barton stated that section had a note that read, "Discuss with City Attorney". She added a variance might be appropriate for that purpose.

Mr. Zweber agreed to review this issue with City Attorney Soren Mattick.

Chair Barton stated the online PDF version of the City Code does not contain all the tables. Mr. Zweber stated he noticed that too. He added the Sign Code table is not included either.

Sign Ordinance

Mr. Zweber stated it is important to update the sign ordinance, but it will take some work, and it does not implement the Comprehensive Plan. He proposed that the Sign Ordinance should be re-written separately. He added the Sign Ordinance is not laid out well and does not comply with federal and State regulations. He noted he does not believe the Planning Commission should review the existing Sign Ordinance as it should be re-written.

Chair Barton and the Commissioners agreed on the approach recommended by Mr. Zweber.

Chair Barton stated standards for electronic digital messaging signs should be reviewed. Mr. Zweber agreed.

Commissioner Worm asked whether other cities' Sign Ordinances can be reviewed and copied. Mr. Zweber stated sign ordinances adopted by other cities within the past 3-5 years can be reviewed.

Commissioner Wise thanked Mr. Zweber for the helpful information, which provides a good sense of where we are now, and where we came from.

Commissioner Brenna thanked Mr. Zweber for the walk through. He added he did a great job explaining the context, and he appreciated the feedback from other Commissioners.

City Council Liaison Wong thanked Mr. Zweber for his presentation which was full of useful information.

Chair Barton stated this is timely and important work.

IX. REPORTS FROM STAFF

Mr. Zweber stated planning applications will be reviewed for two school renovation projects at North High School and Cowern Elementary School. He added the applications will be reviewed by the Planning Commission in March 2021 and recommended to the City Council for consideration in April 2021.

X. REPORTS FROM COMMISSIONERS

Commissioner Gelbmann stated the Silver Lake Improvement Association's annual meeting is scheduled for February 15, 2021 via Zoom. Additional information is available on the Association website.

Commissioner Blees asked whether a special meeting is still planned for February 25, 2021. Chair Barton confirmed this.

Mr. Zweber stated a joint meeting with the EDA in March 2021 has not been finalized.

Commissioner Gelbmann stated he is unable to attend additional meetings on the 2nd and 4th Thursdays of the month. Mr. Zweber agreed to convey this information to Mr. Duddeck.

Chair Barton requested that Commissioners contact City Staff if they are unable to attend a meeting to ensure a quorum. She requested that City Staff add contact information to the bottom of the Agenda, including Mr. Zweber's email.

Mr. Zweber stated his email address is ezweber@wsbeng.com.

XI. ADJOURNMENT

There being no further business, motion to adjourn by Commissioner Gelbmann, and seconded by Commissioner Worm, with all present voting aye (6-0). Motion carried to adjourn the meeting at 9:21 p.m.

The next regularly scheduled Planning Commission Meeting is Thursday, March 4, 2021 at 6:30 p.m.

There will be a special Planning Commission Meeting on Thursday, February 25, 2021 at 6:30 p.m. for training from the City Attorney and Planning Consultant.

Members, please notify any planned absences to: Erik Zweber, Planning Consultant
ezweber@wsbeng.com

CITY OF NORTH ST. PAUL

ORDINANCE NO. ____

**AN ORDINANCE AMENDING THE
NORTH SAINT PAUL CITY CODE OF ORDINANCES
TITLE XV, LAND USAGE, CHAPTER 154, ZONING REGULATIONS, SECTION
154.008 OVERLAY DISTRICTS, SUBSECTION (C) PLANNED UNIT DEVELOPMENT
DISTRICT**

**THE CITY COUNCIL OF THE CITY OF NORTH ST. PAUL, MINNESOTA
ORDAINS:**

SECTION 1. Section 154.008, Subsection (C)4.iv.) of the North St. Paul City Code is hereby repealed and replaced as follows:

Density. ~~In a PUD, the City may permit increased density beyond the maximums provided in Table 4, if certain public benefits are achieved. shall be permitted to encourage the preservation of natural topography and geological features. The City may, but shall not be required to, provide concessions in setbacks, density, or lot size to protect waterways or water bodies, steep slopes or other areas which would normally not be developable.~~ The City will consider allowing an increase in the allowable density upon proof by the applicant that some of the following features are being provided as part of the proposed development:

SECTION 2. Section 154.008 Subdivision (C)4. is hereby amended by the addition of a new subsection XV.) as follows:

Flexibility from Lot Requirements. The city may, but shall not be required to, provide deviations from lot width or setbacks to achieve the purpose and objectives of the PUD in (C) (1 and 2) herein.

SECTION 3. This ordinance shall be effective immediately upon its passage and publication.

ADOPTED this _____ day of _____, 2021, by the City Council of the City of North St. Paul, Minnesota.

On motion by _____
Second by _____

Voting: Ayes:
Absent:
Abstain:

CITY OF NORTH ST. PAUL

BY: _____
Terry Furlong, Mayor

ATTEST:

Scott Duddeck, City Manager

Summary published in Review: _____

MEMORANDUM

Date: 2/19/2021
To: Planning Commissioners
From: Eric Zweber, AICP, City Planner
CC: Scott Duddeck, City Manager
Re: Zoning Ordinance Text Amendment to Clarify Lot Width and Setback Deviations with Planned Unit Developments

BACKGROUND

The Zoning Ordinance has a Planned Unit Development (PUD) Ordinance that allows flexibility to grant deviations from the underlying zoning districts bulk standards such as lot size, density, parking standards, and street widths. Within the standards for PUD densities, it states that setbacks and lot sizes can be granted deviations to achieve the densities. This has caused confusion since the setback deviation standards are within the density regulation and not separately in the same organization of the lot sizes, parking standards, street width. The City has prepared the draft ordinance attached to this staff report to move the setbacks deviation standards in the same hierarchical order as the lot size, density, parking standards, and street widths standards. Additionally, it clarifies that lot widths can be deviated as well as the setbacks.

GENERAL STAFF REVIEW

Consistency with the City Plans

- 154.004.D.2.i.) *The proposed amendment is consistent with the general purposes and intent of the Comprehensive Plan;*
- 154.004.D.2.ii.) *The proposed amendment will not adversely affect the health, safety, or general welfare of the City;*
- 154.004.D.2.iii.) *The proposed amendment is compatible with present and future land uses in the surrounding area and reasonably related to the overall needs of the City;*
- 154.004.D.2.iv.) *The proposed amendment is compatible with adjacent properties;*
- 154.004.D.2.v.) *The proposed amendment can be adequately supported by public urban services including the water supply, transportation system and capacity, police and fire protection, utilities, and sanitary waste disposal and stormwater disposal systems; and*
- 154.004.D.2.vi.) *If applicable, the proposed amendment is consistent with officially adopted City plans and overlays.*

The Comprehensive Plan identifies that flexibility is needed to approve development that provide a benefit to the public, particularly redevelopment of previously developed sites that may be non-conforming in some manner. The standards reviewed during the rezoning to PUD includes evaluation that the health, safety, general welfare, compatibility with adjacent properties, and impacts on utility and transportation systems to ensure that the proposed development does not have an adverse impact. Those review standards are not proposed to change. Since the PUD is

an overlay district, the consistency and deviations requested from the underlying zoning districts will be also evaluated at the time of rezoning review.

RECOMMENDED ACTION

Based on the findings described in this report, staff recommends the following actions:

Approval of the requested draft Ordinance Amending the Title XV Chapter 154 Subsection 154.008.C. Planned Unit Development District.

Conditional Approval None.

**Agenda Information Memorandum
North St. Paul Planning Commission
February 25, 2021**

VIII. REPORTS FROM STAFF

A. Planning Commission Training

ACTION TO BE CONSIDERED

Soren Mattick, City Attorney, will be attending the Planning Commission to provide training regarding the planning and zoning process and the relevant laws covering the conduct of Planning Commissioner and their meetings.