

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, FEBRUARY 25, 2021
6:30 P.M.**

I. CALL TO ORDER

Chair Barton called the meeting to order at 6:40 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 EXCUSED ABSENT
John Monge, Commission Vice Chair
Lisa Wong, Commission City Council Liaison
Andrew Wise, Commissioner
Allan Worm, Commissioner

STAFF

Eric Zweber, Planning Consultant
Soren Mattick, City Attorney
Lisa Ritchie, Planning Secretary

Chair Barton welcomed new Planning Secretary, Lisa Ritchie, and invited her to introduce herself.

Lisa Ritchie stated her husband, Ron Ritchie, is the Public Works Supervisor for the City of North St. Paul. She added her family has a lot of history in North St. Paul, and she is happy to be a part of the team at City Hall. She noted her background is in design and business administration.

III. ADOPT AGENDA

Motion to adopt agenda by Commissioner Worm, and seconded by Commissioner Brenna, with all present voting aye (6-0). Motion carried to adopt the February 25, 2021 Agenda.

IV. APPROVAL OF MINUTES

Commissioner Worm requested the following correction:

-Page 2, 3rd paragraph under “Land Use Map”, 1st line should read “Commissioner Worm stated a 40-foot lot width was discussed by the Planning Commission last year.”

Chair Barton requested the following correction:

-Page 3, 3rd paragraph under “Lot Size and Area”, 2nd line - replace “lot width” with “lot area”

Motion to approve Minutes by Commissioner Blee, and seconded by Commissioner Worm, with all present voting aye (6-0). Motion carried to approve the February 4, 2021 regular meeting minutes as amended.

V. MEETING OPEN TO THE PUBLIC

There were no comments.

VI. PUBLIC HEARING

A. Planned Unit Development Ordinance Amendment

City Planner Eric Zweber stated City Staff is requesting an amendment to the Planned Unit Development (PUD) Ordinance to reflect that the City can grant deviations to lot width and setbacks in the PUD Overlay District. These deviations would include density, minimum lot size, parking restrictions and street width. City Staff recommends that setbacks and lot sizes should be moved to its own hierarchy. Lot size would be included under its own subsection, “Flexibility from Lot Requirements”.

Mr. Zweber stated this request has been reviewed by the City Attorney, and City Staff recommends holding a public hearing to take public comment.

Chair Barton opened the public hearing at 6:55 p.m.

John Schmahl, 2750 Chisholm Avenue, stated he was not muted 10 minutes ago, and his microphone was showing, so he could have spoken without raising his hand. He added this is not supposed to happen for outside attendees. He noted these webinars are very problematic for people joining the meetings online.

Mr. Schmahl stated, with regard to amendments to the PUD, the resident at 2872 2nd Avenue N requested a variance to build an attached garage about 4 years ago. He added the resident originally requested a variance to increase the size of a single car garage to a double garage, and the variance was denied. He noted the resident then came back to the next meeting with a request for a PUD to increase his garage size, and the PUD was approved.

Mr. Schmahl asked whether that action 4 years ago should not have been allowed, based on the PUD amendments proposed tonight. He asked whether applicants are informed about alternative solutions like the PUD, and if they are given the opportunity to choose.

Chair Barton closed the public hearing at 7:01 p.m.

Chair Barton stated the proposed PUD Ordinance amendment will clarify the specific purpose of the PUD, including which regulations can be waived and what benefits to the City are required. She added the PUD serves a very specific purpose.

Mr. Zweber stated, with regard to Mr. Schmahl's question, City Staff discusses all potential options with applicants, who then decide which course of action they want to pursue.

City Attorney Soren Mattick stated he is familiar with the application four years ago, and it was not irregular or inappropriate. He added the proposed amendment would clarify the Ordinance, but not add anything new or create substantive change.

Motion by Commissioner Monge, and seconded by Commissioner Worm, with all present voting aye (6-0). Motion carried to recommend City Council approval of the proposed Amendment to Chapter 154, Section C, Planned Unit Development Ordinance.

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

-None.

VIII. OLD BUSINESS

A. Planning Commissioner Training

City Attorney Soren Mattick reviewed training information that he provided for the Planning Commissioners via email earlier that day. He stressed the importance of understanding land use rules, and how to apply facts of a planning case to City Code. He stated a planning pyramid on page 14 demonstrates the levels of discretion and decision-making, with the Comprehensive Plan as the base of the pyramid with the most amount of discretion in planning and envisioning the community.

Mr. Mattick reviewed the roles of the Planning Commission and City Staff in reviewing planning and land use issues, including applications for Conditional Use Permits and Code amendments. The Planning Commission holds public hearings to take community input on these issues, and serves as advisory body to the City Council, with input and guidance from City Staff.

Mr. Mattick stated State statute gives the City authority over planning issues through the Comprehensive Plan, which must be consistent with the City's Zoning Ordinance. The City's zoning districts may not allow certain uses, and a public hearing would be required for a Conditional Use Permit (CUP). The Interim Use Permit (IUP) is not used very often.

Chair Barton stated there were requests for IUPs several years ago.

Mr. Mattick stated CUPs tend to be intense uses, so public notice and a public hearing are required to give people a chance to comment. Conditions can be added to the CUP that could mitigate problems that may be caused by the proposed use.

Commissioner Brenna asked for an example of an interim use. Mr. Mattick the IUP gives the City the ability to put an end date on the use, unlike the CUP, which runs with the land. He added an interim use could be imposed on gravel mines, or other uses in areas that might be earmarked for redevelopment, that the City would want to deem as temporary uses.

Mr. Mattick stressed that neighborhood opposition at a public hearing is not a reason to deny an application.

Mr. Mattick stated the variance process provides some flexibility from strict adherence to the City Code for allowed uses. He added a variance cannot be issued for a use that is not allowed.

Mr. Mattick stated State statute provides 5 criteria for “practical difficulties”, or the process by which variances are reviewed. He added the statutory criteria must be satisfied for a variance to be granted. Variances must meet the general intent of the Zoning Ordinance, and the burden is on the applicant to show by the variance should be granted.

Mr. Zweber stated the Planning Commission has the authority to add conditions and determine a different variance or variances from that which are requested on the application. Mr. Mattick agreed, adding any new conditions would have to be connected to the purpose of the original variance request. He added the Planning Commission can add conditions that give the applicant less than they ask for, but not more than they ask for. He noted it is advisable to have public hearings for variance requests, but State statute does not require it.

Commissioner Wise stated the Planning Commission had discussed variances at its last meeting, and the fact that there may be an issue with the City Code if there are a lot of similar variances being requested for a specific area.

Mr. Zweber stated former City Planner Erin Perdu prepared a map that shows the last 20 years of variances in North St. Paul. He added the Planning Commission discussed whether there could be places where Code changes should be considered, based on the number and frequency of variances.

Mr. Mattick agreed, stating he would encourage the Planning Commission to consider changing the Code if there are similar variances and they are being granted. He added variances tend to come up due to topographical issues, and redevelopment of single-family homes.

Mr. Mattick stated the City must adhere to a 60-day rule for addressing planning applications. Extensions up to 60 days can be granted in writing. He added it is a very strict penalty, and City Staff takes care of making sure the deadlines are met.

Mr. Zweber stated Commissioners can contact City Staff if they have any questions about an application. He added it is important for Commissioners to notify City Staff if they are unable to attend a meeting to ensure a quorum.

Mr. Mattick stated public hearings are required for variances. He added variances and CUPs are quasi-judicial, and Commissioners should be impartial and not form an opinion until after the public hearing occurs.

Mr. Mattick stated the Planning Commission is governed by the Open Meeting Law, and may not have a quorum discussing Planning Commission applications or issues outside of the meeting forum. He added Commissioners can share information but not express an opinion about a particular case. He noted the Planning Commission is subject to the Data Practices Act, and any

data they create regarding Planning Commission items is public information. He strongly encouraged Commissioners to use their City email address for all Commission-related communication.

Mr. Zweber stated Commissioners should direct all communication outside of the meetings through City Staff. He added Mr. Duddeck is working on getting City email addresses for the new and existing Commissioners.

Mr. Mattick stated the Commissioners are subject to the gift law, and conflict of interest. He added Commissioners may not vote if an application comes before the Commission in which they have a financial stake. He noted he counsels conservatively on conflict of interest, as the integrity of the decision matters a great deal.

Mr. Zweber asked whether there are any other reasons why a Commissioner would abstain due to conflict of interest. Mr. Mattick stated some people abstain if the issue is contentious, but he advises against abstaining if the decision is hard or difficult.

Mr. Zweber stated another issue is what items are within the scope of the Planning Commission. He added, for example, park dedication fees are often imposed on developers. Mr. Mattick stated park dedication fees are non-negotiable as they are determined by City Code. He stressed the importance of applying the same requirements to all applications.

Commissioner Worm stated City Staff filters out a lot of those types of issues before an application is reviewed by the Planning Commission.

Commissioner Brenna stated he works for the State Highway Department, and his department would not be a party to municipal consent. He added, however, if there is a conflict for him, he will reach out to the City Attorney or City Planner for advice. Mr. Zweber agreed.

Mr. Zweber stated the issues of right of way or easements is often tied to subdivisions.

Mr. Mattick agreed, stating the subdivision Ordinance is very clear on park dedications. He added there are no statutory requirements for easement with CUPs and variances. He noted an argument can be made for an easement for a CUP, but it must be tied to the use.

Chair Barton thanked Mr. Mattick for his presentation.

IX. REPORTS FROM STAFF

Mr. Zweber stated the Planning Commission's next meeting is scheduled for March 4, 2021, and one Commissioner is unable to attend. He added the Planning Commission's special meeting with the Economic Development Authority (EDA) is scheduled for March 18, 2021.

Chair Barton asked whether the School District plans to begin renovations at North High School and Cowern Elementary School. Mr. Zweber stated City Staff are in communication with School District staff and will provide updates.

Mr. Zweber stated, for purposes of clarification, City Staff discusses meeting agendas with Chair Barton prior to meetings, and Commissioners can request future agenda items or discussions during the “Commissioners Reports” portion of the Agenda.

X. REPORTS FROM COMMISSIONERS

Council Member Wong stated she did not have anything to report.

Ms. Ritchie requested that Chair Barton provide feedback for her regarding use of titles and proper meeting procedures, since she is new to her role. Chair Barton agreed.

Chair Barton stated she usually addresses Commissioners by their first names during the meeting. She added the meeting minutes refer to Commissioners by their title and last name.

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 8:26 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 March 18, 2021 at 6:30 p.m.

Members, please notify any planned absences to: Lisa Ritchie
Planning Secretary
lisa.ritchie@northst.paul.org
651-747-2400