

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, JUNE 3, 2021
6:30 P.M.**

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

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
Lisa Wong, Commission City Council Liaison
Andrew Wise, Commissioner **EXCUSED ABSENT**
Allan Worm, Commissioner

STAFF

Eric Zweber, Planning Consultant
Planning Secretary, Lisa Ritchie

III. ADOPT AGENDA

Motion to adopt agenda by Commissioner Gelbmann, and seconded by Commissioner Blees, with all present voting aye (6-0). Motion carried to adopt the June 3, 2021 Agenda.

IV. APPROVAL OF MINUTES

Motion to approve Minutes by Commissioner Brenna, and seconded by Commissioner Gelbmann, with all present voting aye (6-0). Motion carried to approve the May 20, 2021 special meeting minutes as submitted.

V. MEETING OPEN TO THE PUBLIC

There were no comments.

VI. PUBLIC HEARINGS

-None.

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

-None.

VIII. OLD BUSINESS

A. Outdoor Storage Conditional Use Permit to Allow T.A. Schifsky & Sons, Inc. to Install Three (3) New Silos and a Scale

City Planner Eric Zweber reviewed a request for Conditional Use Permit for outdoor storage to include the addition of three 55-foot silos, a scale, and associated equipment at an existing business, T.A. Schifsky & Sons, in the MU-3 district. He added the applicant is a legal non-conforming use.

Mr. Zweber stated the Planning Commission reviewed this request at their last meeting and discussed potential ways to mitigate the visual impacts of the silos by improvements on the site including additional screening. A condition of the CUP in City Code is that outdoor storage shall be completely screened from adjacent streets, sidewalks, public walkways or public parks, with a wall, solid fencing, evergreen hedge or equivalent material.

Mr. Zweber stated the request meets all standards of the MU-3 zoning district. The applicant previously proposed a 16-foot solid concrete wall, but City Code requires that fencing does not exceed 6 feet in height. He added the applicant is now proposing a 6-foot chain link fence with plastic slats along the south half of the site, running 175 feet along 3rd Street N.

Mr. Zweber stated City Staff has some questions regarding whether the proposed chain link fence meets Code requirements: provide good aesthetics and functionality; completely screened; and use of only decorative fencing material. He added the most restrictive Code requirement will apply when there is a conflict.

Mr. Zweber stated the applicant has provided additional landscaping to be planted outside the proposed fence, including 8 white pine; 6 Black Hills spruce; 4 scarlet letter columnar oak; and 2 common hackberry. He added the proposed plantings exceed requirements for landscaping of 1 tree per 50 linear feet.

Mr. Zweber stated no additional parking is proposed, and no modifications to access and circulation. The applicant is proposing to modify the south site entrance to align with Anchor Drive, with the addition of 16 shrubs and perennial grasses at the entrance. Improvements at the site entrance will be required to minimize the tracking of sediment. No changes are proposed to drainage or lighting plans.

Mr. Zweber stated City Staff recommend that the Planning Commission recommend City Council approval of the Conditional Use Permit with 4 conditions as listed in the Staff Report.

Commissioner Monge requested clarification regarding the size of the proposed trees. Mr. Zweber stated the tree sizes are listed on page 21 of the meeting packet, and exceed the minimum size required in the City Code.

Commissioner Blees asked whether there is an easement around the perimeter of the property.

Mr. Zweber stated City Staff have not been able to find an easement, as this is unplanned property. He added the Electric Department does not have any record of easements.

Commissioner Blees requested clarification regarding a dashed line on the site plan that runs along 3rd Avenue, centered on the existing trees. He added the legend says that it is an edging.

Mr. Zweber stated that may be a line on the document used to center the vegetation, which was not removed before printing.

Commissioner Brenna asked whether there is any guidance regarding how restrictive screening can be.

Mr. Zweber stated screening cannot exceed 6 feet in height. He added the previously proposed 16-foot wall would have provided adequate screening, but a variance would be required.

Commissioner Worm asked why the silos are called “storage units”. Mr. Zweber stated the definition of outdoor storage includes equipment that is located inside a building.

Commissioner Worm stated there are piles of stone on the site, but they are not considered equipment. Mr. Zweber that is an existing use, and legal non-conforming uses are not being addressed under this request. He added, however, Commissioner Worm is correct.

City Council Liaison Wong asked whether there are any environmental health concerns since there are residential areas nearby.

Mr. Zweber stated compliance with Minnesota Pollution Control Agency (PCA) regulations is a condition in the permit. He added the business operations are a legal non-conforming use and no local regulations can be imposed.

Chair Barton asked whether there is other new proposed equipment besides the silo and associated equipment. Mr. Zweber stated page 20 of the Staff Report, under “Key Note Legend”, provides a list of proposed equipment shows their location on the site. He added existing equipment will be replaced and updated.

Chair Barton requested clarification regarding existing equipment. Mr. Zweber stated most of the equipment already exists on the site. He added the new storage tanks and three new silos are additional pieces that do not exist on the site today.

Chair Barton requested clarification regarding the term “associated equipment” which is generic and could mean almost anything, from a conditional use standpoint.

Mr. Zweber stated, regarding the type of proposed fence, decorative wrought iron would not provide the necessary screening. He added other types of fences or walls would provide a better aesthetic and screening.

Commissioner Gelbmann stated a reasonable and practical compromise for the fence moving forward is a requirement of 6 feet in height of solid fencing. He added a chain link fence would deteriorate quickly and wrought iron does not provide enough screening. He noted he was surprised that the 16-foot fence proposal was removed.

Commissioner Monge stated he agrees that he was disappointed when they took 16 feet in height is no longer being considered. He added a 6-foot fence could be a combination of fence and wall, with some variation, but a 6-foot-high wall might not be any different than a fence.

Commissioner Gelbmann stated the site plan shows the fence 10 feet from the property line, with room for trees. He added the proposal states that the fence is 5 feet from the property line.

Mr. Zweber stated, under Item H, Key Note Legend, the proposal is that the existing fence will be replaced or salvaged and a 6-foot chain link fence with plastic slats installed 5 feet from the property line. He added 10 feet is more than enough room for landscaping. He noted a condition could be added that the fence shall be 10 feet from the property line. Commissioner Blees agreed.

Mr. Zweber stated, with regard to the variance, the Commission could request that a fence taller than 6 feet is desired, or should be considered, to meet the objectives of the City Code. He added the submittal must meet the requirements of the expansion of a non-conforming use within the MU-3 District.

Mr. Zweber stated a condition could be added to the CUP related to any impacts caused by the request, and screening is the best way to mitigate that impact. He added the Commission can impose a condition that provides better aesthetics.

Commissioner Brenna stated he supports something a little more robust and visual in terms of a fence with slats.

Commissioner Blees stated scrub trees and bushes along the perimeter makes the site look less well-kept. He added he supports the addition of more trees, but part of the landscaping equation would be for them to remove some of the scrub trees to make the landscaping more intentional.

Commissioner Blees stated there are many trees currently on site that are 16-20 feet tall, that could be part of a landscaped area along the perimeter if they were to be managed.

Mr. Zweber stated a condition could be added that a professional arborist or forester shall evaluate existing vegetation and modify as recommended for healthy and full plants.

Commissioner Blees requested the addition of a condition that “existing overstory trees shall be retained to provide suitable screening”.

Commissioner Worm stated he likes the 16-foot fence at the City’s Public Works property.

Chair Barton expressed concern that big walls are a magnet for graffiti. She added the wall could eventually be used for an art mural. She noted she supports the proposed 6-foot fence, but it needs to be as solid as possible.

Commissioner Blees showed a depiction of a chain link fence with vertical slats that are varying degrees of opacity. He added that type of fence looks less institutional and could be a suitable solution.

Mr. Zweber stated, if the Commission agrees, a requirement could be added that the applicant shall periodically inspect the fence and repair as needed on an annual basis. He added he would discourage a recommendation that requires a variance, as that would exceed Code requirements, but it would be appropriate to provide direction.

City Council Liaison Wong submitted a message via chat function suggesting a decorative rock fence.

Commissioner Gelbmann asked whether the existing trees would survive a fence replacement or upgrade. Mr. Zweber stated the applicant has proposed “saving existing trees”. He added it should be possible to install a fence inside the property. He noted the applicant will remove or salvage the existing fence.

Commissioner Monge stated the fence requirement should state “remove and replace”.

Mr. Zweber reviewed the following modifications that are not required in the existing Code: the new fence shall be 10 feet from the property line; the existing fence shall be replaced; a certified arborist shall evaluate existing vegetation and provide recommendations; and a black chain link fence with black vinyl slatting shall be inspected at least every 5 years and repaired as necessary.

Commissioner Monge asked whether the fence could be inspected annually. Mr. Zweber agreed.

Commissioner Worm asked what makes the Commissioners experts on fencing.

Mr. Zweber stated the applicant has told the City what type of fencing they would like to install. He added the Commission can determine whether to recommend it or not.

City Council Liaison Wong asked whether increasing tree coverage could have an effect on visibility. Chair Barton stated the applicant is already exceeding the standard, and she would be hesitant to require more than that.

Commissioner Blees stated many existing trees that are of value can be saved, which would provide a taller screening than the initial planting of new trees.

Commissioner Gelbmann stated a condition could be added that the applicant will work with the City to develop a plan for murals or artwork on the silos. Chair Barton agreed.

Chair Barton stated the conditions should clarify that the fence must be 6 feet in height. Mr. Zweber stated the applicant is proposing 6 feet in height, but that can be added to the conditions.

Chair Barton requested that a recommendation of approval should stipulate that the Conditional Use Permit runs with the property, regardless of who owns it.

Mr. Zweber reviewed the following changes: remove “amendment” and add “for outdoor storage” and add “vehicle” before “scale”. Chair Barton confirmed these amendments.

Motion by Commissioner Gelbmann, and seconded by Commissioner Monge, with all present voting aye (6-0). Motion carried to recommend conditional City Council approval of a Conditional Use Permit for three (3) silos and related equipment at T.A. Schifky & Sons, with conditions as listed in the staff report and 5 additional conditions.

IX. REPORTS FROM STAFF

A. July 1, 2021 Planning Commission Meeting

Mr. Zweber stated there are no new issues for the July 1, 2021 agenda, with the possible exception of the Schifsky’s proposal. He added City Staff recommends cancellation of the July 1, 2021 meeting, and holding a special meeting if necessary. He noted there will be some direction soon about moving the Commission meetings back into Council Chambers, and Commissioners should notify City Staff with any concerns they may have related to this development.

Commissioner Gelbmann stated the Planning Commission/Economic Development Authority joint meeting is scheduled for July 15, 2021.

Mr. Zweber stated he spoke with the City Manager about the potential cost of completing Zoning Code amendments. He added this would include the sign Ordinance, short-term rentals and community gardens or urban agriculture.

Mr. Zweber stated, at its June 1, 2021 meeting, the City Council approved the shoreland variance for a screened-in porch, but they tabled the Bradley Plumbing Interim Use Permit to an upcoming workshop.

Chair Barton requested an agenda for the joint meeting on July 15, 2021, to include a review of Code parking requirements.

Mr. Zweber stated he will discuss this issue with the City Manager, and Chair Barton can review potential agenda items with the EDA Chair.

X. REPORTS FROM COUNCIL LIAISON

City Council Liaison Wong thanked the Commission for their recent hard work and recommendations on a variance, Zoning text amendments and a proposed Interim Use Permit. She added there have been no changes or updates to the Highway 36/Highway 120 project.

XI. REPORTS FROM COMMISSIONERS

Commissioner Brenna stated he serves on the Minnesota Water Resources Conference organizing committee. He added the virtual conference is scheduled to be held October 19-20, 2021. He

noted the conference sponsored by the University of Minnesota, will address issues related to water quality, research and implementation.

Commissioner Worm made a soft-spoken comment that was later translated by his wife, Norma (via email on 6/10/21). She indicated he was announcing the toy shelf is open again after a year of being closed due to COVID19. They are open every Tuesday and Thursday from 10:30 a.m. – 12:30 p.m. for anyone in need. The Toy Shelf will be 16 years old on July 5th but no celebration is planned.

Chair Barton stated she saw the City Council's discussion regarding Zoning text amendments at their recent meeting. She added a Council Member commented on driveway parking within 10 feet of the curb. She noted that the discussion reflects common misunderstandings about City Code and how they are written.

Chair Barton stated the lowering of the lot area in the R-1 District was related to the addition of townhomes and duplexes but was not related to single family homes. She added that might be an error in the table.

Mr. Zweber stated he would look into it. He added the width was reduced from 60 feet to 50 feet to reduce the lot area. He noted he understands her comment and agreed to look into whether it was an error or not.

Chair Barton stated 7,920 square feet reflects the maximum in the R-1 district. She added R-2 density increased in the 2040 Comprehensive Plan, but not in the R-1 District. She stressed the importance of being consistent with the Comprehensive Plan in the R-1 District.

Ms. Ritchie stated City Staff anticipates that CivicClerk will be rolled out for Commissioners in early July. She noted Commissioners will log into CivicClerk portal, and she will be trained to provide assistance and support.

XII. 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 8:06 p.m.

The next regularly scheduled Planning Commission Meeting is Thursday, August 5, 2021 at 6:30 p.m.

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