

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, AUGUST 5, 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.

II. ROLL CALL

COMMISSION

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

STAFF

Eric Zweber, Planning Consultant
Planning Secretary, Lisa Ritchie

III. ADOPT AGENDA

Motion to adopt agenda by Commissioner Gelbmann, and seconded by Commissioner Monge, with all present voting aye (5-0). Motion carried to adopt the August 5, 2021 Agenda.

IV. APPROVAL OF MINUTES

A. Planning Commission Meeting Minutes from June 3, 2021

Motion to approve Minutes by Commissioner Monge, and seconded by Commissioner Brenna, with all present voting aye (5-0). Motion carried to approve the June 3, 2021 regular meeting minutes as submitted.

B. Approval of July 15, 2021 Joint EDA/Planning meeting

Motion to approve Minutes by Commissioner Monge, and seconded by Commissioner Gelbmann, with all present voting aye (5-0). Motion carried to approve the July 15, 2021 Joint EDA/Planning Commission meeting minutes as submitted.

V. MEETING OPEN TO THE PUBLIC

There were no comments.

VI. PUBLIC HEARINGS

-None.

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

A. Task Force for the Update of the 2013 Redevelopment Master Plan

City Planner Eric Zweber reviewed a proposal for a Task Force to provide recommendations for an update to the 2013 Redevelopment Master Plan. He added the Task Force would consist of two Planning Commissioners, two EDA Members, City Council Members and representatives from City Staff. He asked whether any Planning Commissioners would like to volunteer for the Master Plan Task Force.

Commissioner Gelbmann requested clarification regarding time commitment.

Mr. Zweber stated it is anticipated that there will be a minimum of 6 monthly meetings, with the potential of 9 monthly meetings. He added there might be a few months where there are 2 meetings.

Commissioner Monge stated he is interested as long as the meetings start after 6:30 p.m. on weeknights.

Mr. Zweber stated he is confident the meetings will be held in the evenings.

Chair Barton stated Commissioners could serve as alternates if there are more than 2 volunteers.

Mr. Zweber stated, when the Task Force is set up, the regular Planning Commission meetings will include a "Report from Task Force Liaison".

Commissioner Wise stated he is interested in volunteering.

Mr. Zweber stated two volunteers can be appointed, and any additional volunteers identified as primary and alternate volunteers. Chair Barton agreed.

Chair Barton stated there are not a lot of details yet about the amount of commitment that will be required.

Planning Secretary Lisa Ritchie requested clarification regarding Open Meeting Law requirements (12:18)

Chair Barton stated that will not be an issue as long as there is no quorum.

Mr. Zweber stated he will send out a request to the Planning Commission as a survey, or bcc, and interested Commissioners can respond.

Chair Barton stated Commissioners Gelbmann, Brenna and Wise have expressed an interest in volunteering for the Task Force.

Mr. Zweber agreed to send out the information to all interested volunteers to determine conflicts and availability.

B. Review the Need for Sign Code Amendments

Mr. Zweber reviewed issues related to a potential Sign Code amendment. He added no action from the Planning Commission is requested. He noted cities generally have three options: do nothing, which is not recommended; go very simple with the changes, specifically location, size, and zoning district; and spend more time creating a more nuanced Zoning Code.

Mr. Zweber stated a 2015 Supreme Court case allowed off-premise public message signs by different categories: religious institutions, non-profit organizations, and government. He added, before this court case, cities could not regulate non-commercial speech more than commercial speech. He noted the Supreme Court noted sign structures can be addressed, but content cannot be regulated.

Mr. Zweber stated a 2017 decision of the 9th District Court decided cities can regulate commercial speech but still be content neutral. He added an example of this would be political signs and real estate signs in people's yards, which look the same but have different content.

Mr. Zweber stated some communities are getting creative about regulating signs without regulating content. He added tonight's discussion is to introduce the issue, and to determine whether the Planning Commission would like to do a basic review of the Sign Code and be done or get into more specific concerns about different types of signs.

Mr. Zweber stated asked for feedback and comments from the Planning Commission regarding issues that they believe are not addressed well in the existing Sign Code. He added, for instance, there are no clear regulations for use of digital display boards, and clarification about what constitutes a sign, even if it does not have a message. He noted this would include flag banners, waving sales, and spotlights, which can all be easily regulated.

Mr. Zweber stated he would bring the Commission's feedback to the Acting City Manager for review and discussion regarding scope and cost, and potentially lay out a review schedule.

Commissioner Gelbmann stated this is a complicated issue, and he would like to spend time looking at what the purpose is, and what the City is trying to achieve by modifying the Sign Code. He added that will go a long way in terms of providing guidance with process and goals. He noted there may be some definitions, for instance a flag vs. a sign, that could be included, and the existing Sign Code does not address digital signs very well.

Chair Barton stated the City has a lot of regulations that are not organized very well. She added finding the regulations section is difficult, and there is a lot of repetition, and it will be helpful to get it in a better format. She noted there has been confusion about how many signs are allowed, particularly in residential districts where the total amount of allowable signage is 2 square feet, which conflicts with the body of the Ordinance. She expressed support for keeping it simple, and not trying to define every type of sign.

Mr. Zweber stated he read through the Sign Code and noticed inconsistencies with setback requirements, which should be kept simple. He added some issues would be the consequences of having a simple Code, and whether nonconforming signs are grandfathered in.

Chair Barton stated enforcement will also be important with potential Ordinance amendments. She added the more complicated it is, the harder it will be to enforce. She noted she drove around that day and looked at signs in the community.

Mr. Zweber agreed it is difficult to enforce a complicated Sign ordinance, especially when it is enforced on a complaint basis.

Commissioner Wise stated existing signs may not be in conformance with the new Ordinance, if the changes are significant. He added that makes him lean more toward a less intensive scope.

Mr. Zweber stated signs are not viewed differently than any other nonconforming structure, and they are grandfathered in when the rules change. He added the nonconformity, if anything, is to the benefit of the sign owner as adding a new message does not expand the nonconformity.

Chair Barton asked, with regard to permits, whether people should have to go through the permit process for certain signs, and whether a review would be required. She added signs are legal at the time they were installed, and she does not support making changes that what has been allowed in the past would not be allowed going forward.

Chair Barton asked about signage in the downtown area. Mr. Zweber stated signage is regulated based on Zoning district and not use. Commissioner Monge stated it would be nice to have a clear Sign Ordinance for new businesses.

Mr. Zweber stated he discussed this issue with the City Attorney, to ensure that any changes are legal and enforceable. He added, under the current Ordinance, the square footage requirement stays the same, but the number of signs is changeable. He noted that can be a very complicated review for businesses with multiple signs.

Chair Barton stated signs are allowed downtown, but it is just a question of whether it makes sense and what is the purpose.

Mr. Zweber agreed, stating sign purpose leads to issues of impact. He added, for example, some signs are illuminated, or they face a certain direction; they may be digital and constantly changing. He noted types of signs are difficult to regulate as they may be appropriate only in certain zones.

Commissioner Monge stated most signs in the downtown area are flat on buildings. Commissioner Gelbmann stated the current Code has requirements for how far out a sign can project from the building.

Mr. Zweber stated he will provide ideas for a purpose statement at the next meeting, as well as a few potential processes for consideration. He added engagement with the business community should be considered.

Commissioner Gelbmann asked whether inflatable signs will be included. Mr. Zweber confirmed that they will be included. Chair Barton stated those types of signs are all over, and City Code prohibits anything that moves in the wind, including flags. She added she likes the grid for Mixed Use Districts that identifies types of signs, where they are allowed, and allowable sign area.

Commissioner Gelbmann stressed the importance of understandability, with so many different categories. He added that gets back to the issue of purpose and impact.

Chair Barton stated she is talking about the format but not the content. She added it needs to be updated because it is not enforceable, and not enforced.

Commissioner Gelbmann stated people will be less likely to violate the sign Ordinance if they understand its purpose. (microphone off, 42:27)

C. Review of the Comprehensive Plan Residential Densities

Mr. Zweber reviewed standards for residential densities, which are set by the Met Council to determine acreage and must be met by the Comprehensive Plan. He requested the Planning Commission's comments and feedback on this issue.

Chair Barton stated, in the last iteration of the zoning text changes, the R-1 minimum lot size was reduced from 7,920 square feet to 6,250 square feet. She added this number was higher than that which was listed in the Comprehensive Plan for the R-1 District. She asked whether it should be left where it is because of the maximum in the Comprehensive Plan.

Mr. Zweber stated the R-1 district has a minimum density of 6,250 square feet, and lots that size create a density greater than 5.5 dwelling units per acre, so it would have to be changed, based on net density. He added the Met Council identifies this as "net residential density", and they determine what can and cannot be netted out of the gross area. He noted wetlands, streams and other bodies of water can be netted out, but stormwater infrastructure and storm pond that require a setback, as well as parks and open space, cannot be removed.

Mr. Zweber stated the Metropolitan Council is requesting median density in multi-family residential areas. He added Commissioner Worm had asked whether it is possible to have 50-foot-wide lots with the City's existing lots which are typically 125 feet long. He noted a lot that is 50 feet wide and 125 feet deep is 6,250 square feet, and he thought that was the direction the Commission wanted to go. He noted lot widths of 63 feet would be required for a total of 7,920 square feet, with 125-foot-long lots.

Chair Barton asked, with these proposals, if density is calculated the same way for all districts. She added it is a simpler way of doing it. She noted she wanted to clarify that this is not something that will stand out, and whether the Met Council is okay with it. She noted this has the potential of reducing the number of non-conforming lots in older areas of the community, that used to be zoned R-1B.

Commissioner Gelbmann asked whether this meets Comprehensive Plan standards based on the total area of R-1 zoning in North St. Paul, in terms of how it is viewed by the Metropolitan Council. He asked whether the City has flexibility within the range of what has been set, that it could be higher or lower depending upon what the City is trying to accomplish.

Mr. Zweber stated the Metropolitan Council is concerned about whether the Zoning Ordinance influences density, and whether the Code allows a developer to create more density than North St. Paul's lot configuration will allow. He added the City Code must allow the density range between 3-5.5 units per acre in North St. Paul. He noted this can be problematic because it could require a variance.

Commissioner Brenna stated he recognizes why the Metropolitan Council wants to see higher density. He asked why a community might want to see lower density, closer to 3 units per acre.

Mr. Zweber stated the Met Council understands that density is good as long as it is above 3 units per acre and the City can support the regional infrastructure system. He added the creation of affordable housing is an important component of the Comprehensive Plan. He noted the Metropolitan Council stipulates requirements for medium and high density must be met before focusing on low density development.

Commissioner Brenna stated many communities to the east have properties that have 5-acre lots in residential areas.

Mr. Zweber stated lots of that size would need to have their own septic system, and the Met Council will not provide sewer within the period up until 2040. He added they cannot be less than 5 acres, because otherwise they would not be suitable for urban development.

Mr. Zweber stated there are still a lot of 40-foot-wide nonconforming lots, but there are lots that are less than 60-feet-wide, or less than 7,920 square feet. He added many properties are increasing to 40% impervious surface.

Chair Barton stated impervious surface is a very important issue and requirements should not be lowered in some areas.

Mr. Zweber stated there are large lots in some areas of the community and 50% impervious surface would be a lot.

Commissioner Gelbmann asked a question regarding homeowner's associations. (1:18:22)

Mr. Zweber stated many communities have homeowner's associations, and open space requirements are added into the whole development.

Chair Barton stated she does not believe it will create any issues other than the potential for additional impervious surface. She added there are certain areas, particularly streets with alleys, where the lots are smaller.

VIII. OLD BUSINESS

-None.

IX. REPORTS FROM STAFF

Mr. Zweber stated there are no upcoming applications with public hearings. He added the North High School addition has not been addressed as they have an extension through the end of September to provide time for a traffic and parking study at the high school. He noted the high school is paying for half of the costs of the traffic study, which will be completed by the end of the month, and the study results will determine whether the plan could be re-designed.

Mr. Zweber stated the Planning Commission can continue the Sign ordinance discussion at its September meeting.

X. REPORTS FROM COUNCIL LIAISON

City Council Liaison stated Mr. Zweber referred to Minnesota Safe Routes to School in his email. She added that is a State program for funding of pedestrian and bicycle infrastructure in the public right of way.

Mr. Zweber stated City Engineer Morgan Dawley has additional information on the program, and additional information will be available for Planning Commission review.

Councilmember Wong stated she attended National Night Out events and spoke with residents who had a lot of comments about Richardson School. She added there is confusion about who is enforcing parking regulations, and concerns about children crossing the street there.

Commissioner Gelbmann asked what is being constructed in the Target parking lot. Council Member Wong stated she believes it is a rain garden. Mr. Zweber confirmed this.

Commissioner Gelbmann asked about the restaurant situation.

Council Member Wong interest has been expressed by two restaurants that want to move into North St. Paul, but nothing has been finalized.

Chair Barton asked about the old Subway store on 7th Avenue. Mr. Zweber stated no one has submitted a request for sign permit.

XI. REPORTS FROM COMMISSIONERS

Commissioner Monge asked whether the Bruggeman Homes development is still in the works. Commissioner Wong stated that did not go through. Chair Barton stated the developer did not meet requirements.

Ms. Ritchie stated City Staff is working with CivicClerk software portal to post meeting information. She added Commissioners should have received an email last Friday.

Chair Barton stated she received an email, but she had already signed up for City alerts.

Commissioner Wise stated he received the email with links but could not open it.

Ms. Ritchie stated these issues are still being addressed with CivicClerk and should be resolved before the next meeting.

XII. ADJOURNMENT

There being no further business, motion to adjourn by Commissioner Monge, and seconded by Commissioner Brenna, with all present voting aye (5-0). Motion carried to adjourn the meeting at 8:02 p.m.

The next regularly scheduled Planning Commission Meeting is Thursday, September 2, 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