

MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISISON
August 5, 2020

MEETING CALLED TO ORDER BY CHAIR KRUEGER AT 7:08 P.M.

Present: Jason Frankot
Justin Humenik
Ruth Krueger
Matthew Thompson
Michael Healy, City Planner
Monika Mann, Community Development Support Specialist

Absent: Angela DesMarais
Tim Felton
Stephanie Yendell

- 1) APPROVAL OF AGENDA – Huminek/Frankot (4-0)
- 2) APPROVAL OF MINUTES – July 8, 2020 – Motion to approve the minutes as presented – Thompson/Huminek (4-0).
- 3) NEW BUSINESS

None.
- 4) PUBLIC HEARINGS
 - A) Fence Height Variance at 138 9th Street South

Ms. Mann presented the staff report. Staff received an application from Kevin Bartol, on behalf of Ryan and Jennifer Saathoff, for a 2.5 foot fence height variance at 138 9th Street South. The applicant proposed a 6-foot privacy fence along the portion of the rear yard where the code only permits a 3.5-foot privacy fence or 4-foot fence that is no more than 50% opaque. The restrictions on height are in place because the rear lot line of the subject property abuts the side lot line of the property to the north. Per section 118-199(6)(e), in the case where the rear lot line of a property is common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard setback of the abutting lot shall not be fenced to a height of more than 42 inches. When fencing material is 50 percent opaque or less, the abutting lot shall not be fenced to a height of more than 48 inches. The property owners have a child with special needs and requested the variance for the safety of their child and to afford the family with privacy. Per the City Attorney, the need to provide care for a child with a disability can legally be considered a legitimate practical difficulty that can be used to justify a variance. Staff recommended approval of the proposed variance.

The homeowners, Ryan and Jennifer Saathoff, spoke on their request.

Acting Chair Krueger opened the public hearing.

No one was present to speak on the item nor had correspondence been received on the item.

Acting Chair Krueger closed the public hearing.

Motion to recommend approval a 2.5-foot fence height variance at 138 9th Street South – Frankot/Thompson (4-0)

B) Planning and Zoning Approval Related to the Redevelopment of the Bremer Bank Property at 633 Concord Street South.

Mr. Healy presented the staff report. The applicant, Kriss Novak on behalf of True North Investment, LLC, submitted an application for a number of zoning approvals for a proposed redevelopment of the Bremer Bank site at 633 Concord Street South. The requested approvals included site plan review, a Conditional Use Permit for a drive-through, preliminary plat, the vacation of two drainage and utility easements, and a Conditional Use Permit for a Planned Unit Development to allow flexibility from the City Code standards for parking, signage, and setbacks.

633 Concord Street South is a 4.71-acre property that spans across five (5) parcels that are a mix of old platted lots, unplatted land, and abandoned railroad right-of-way. The site has an existing 4-story office building that was built in the 1970s. Most of the property today is a large surface parking lot. The applicant intends to split off 1.32 acres of the north parking lot to create a 2-story bank/office building. The applicant may eventually attempt to redevelop the southern part of the property, however, the subject application is solely for a 2-story bank/office building at the north end of the property.

Mr. Healy walked the commissioners through the proposed development and whether or not the proposed development met to the performance standards found in the City Code. While the proposed development generally aligned with the City Code requirements, there were three areas where flexibility was required in order for the project to be completed as proposed. The proposed project offered a pedestrian- friendly “building forward” design which would complement the improvements to Concord Street. However, the City Code was not written to allow this kind of design without receiving a number of variances. The request for a Planned Unit Development provides the flexibility needed to allow a good project that does not conform to the City Code to still be approved.

The applicant requested flexibility in three areas: parking, setbacks, and signage. If the proposed project were completed, both the new Bremer Bank facility and the existing Bremer Bank facility would not meet the required number of parking stalls. The current parking requirements are dated and reflect a time where banks had more consistent foot traffic. Staff intend to bring forward an amendment to the parking standards in the near future to modernize the number of off-street spaces required for many types of businesses. The applicant asked for setback flexibility to allow the proposed building to be closer to the sidewalk and Concord Street to create a pedestrian-friendly building design. Finally, the proposed design includes more signage than is allowed in the zoning district and a type of sign that is not in the code. Signage variances are common in the district given the limited amount of signage allowed. The proposed signage matches the urban industrial look that the City Council stated they are looking to encourage as the aesthetic for the Concord Street corridor. Staff recommended approval of the requested zoning approvals with a number of conditions.

Commissioner Huminek asked how the proposed parking numbers for the project compared to the number of off-street parking spaces that would have been required under the off-street parking ordinance amendment that was introduced in 2019. Staff did not know the answer off-hand.

Commissioner Huminek asked for clarification from staff about what kind of structure would meet the MnDOT recommendation for a raised crosswalk. Mr. Healy explained that a raised crosswalk is a slightly elevated crosswalk that acts like a speed bump.

The applicant spoke about the request. Mr. Novak introduced the team behind the project and shared they were excited to create a new bank branch that was “right-sized.” Mr. Novak stated that there was still uncertainty about the future of the existing 4-story Bremer Bank facility, but a number of options for the building were being vetted.

Acting Chair Kruger shared her support for the proposal.

Commissioner Huminek asked the applicant and his team if there were any issues with the proposed condition requiring the applicant to construct a sidewalk along 6th Street. Mr. Novak stated that while he did not see a need for a sidewalk along 6th Street as the property is today, he was open to creating a sidewalk along 6th Street in the future. Commissioner Huminek asked Mr. Novak if the requirement to add a sidewalk along 6th Street interfered with any of site plans. Todd Zwiefelhofer, Studio EA, explained that the sidewalk would not affect the plans with respect to the building location. The concern about adding a sidewalk along 6th Street stemmed from the prospect of needing to maintain a virtually unused sidewalk.

Commissioner Frankot asked what would happen to the other businesses within the existing Bremer Bank building. Mr. Novak explained that the applicant was working with John Fanning of Bremer Bank to keep the existing businesses on-site. The applicant is hoping to build a new facility in place of the existing Bremer Bank building that would better serve the current businesses.

Acting Chair Krueger asked what year the existing Bremer Bank building was constructed. Mr. Novak stated he believed the building was built in 1971.

Acting Chair Krueger opened the public hearing.

No one was present to speak on the item nor had correspondence been received on the item.

Acting Chair Krueger closed the public hearing.

Commissioner Huminek shared his support for the project.

Acting Chair Kruger again shared her support for the project.

Motion to recommend approval of the Site Plan, Conditional Use Permit for a Drive-Through, Preliminary Plat, and Conditional Use Permit for a Planned Unit Development for 633 Concord Street – Thompson/Frankot (4-0)

C) Conditional Use Permit to Use the Serbian Home at 404 3rd Avenue South as a Reception Hall

Mr. Healy presented the staff report. The applicant, Alex Stojmenovic on behalf of Serbian Hall, LLC, had requested a Conditional Use Permit to allow a building that is listed on the National Register of Historic Places to be used as a reception hall in the R-2 zoning districts for events up to 250 people.

The Serbian Home is a historic community event center and reception hall located at the intersection of 4th Street South and 3rd Avenue South. The building was built in 1924 to function as a reception hall and community spaces for the Serbian residents in the city. The building was built before the City adopted a zoning code or assigned zoning districts. The property is one of three ethnic halls within the neighborhood.

The Serbian Home lost its liquor license in the 1960s when the liquor license lapsed and was not renewed. At this point, the property lost its grandfathered status to operate a liquor establishment. In 1976, the Serbian Home tried to get the property rezoned to commercial so they could again operate a liquor establishment/ restaurant. The rezoning was denied due to concerns about parking and the uses that could be allowed at the site if the property was rezoned. The Serbian Home stopped being used for receptions in the late 1970's or early 1980's at which point it lost its ability to be used a reception hall. The Serbian Home again attempted to get the property rezoned for commercial use in 1981. At the time, there was a plan to buy up several vacant lots and a number of nearby houses to build a parking lot for the property. While the majority of the City Councilmembers were in favor of the rezoning, the rezoning failed because there was not a super majority. The Serbian Hall attempted again in 1990 to secure a rezoning. This failed because there was no plan for on-site parking.

In the early 1990s, the Serbian Home owned back taxes and was mostly unused. At this point, a non-profit group called the Ethnic Cultural Center of Minnesota assumed control of the property. They obtained non-profit status and got the building listed on the National Registry of Historic Places. The non-profit obtained a Conditional Use Permit to operate a museum with a number of fundraising events. The building was used as an ethnic and cultural museum from 1996 until more recently. The current owner wishes to restore the property to its original reception hall use.

The 1996 Conditional Use Permit for the ethnic/cultural museum had not expired and so the site technically has a conditional use permit. The conditional use permit allows up to 12 fundraising events a year. Per this Conditional Use Permit, events can run until 10PM on Fridays and Saturdays. Events can have up to 80 participants with more being allowed if off-site parking is provided for a specific event. The Conditional Use Permit had strict conditions against allowing liquor in the building to prevent the property from being turned into a bar similar to the Croatian Hall. One of the conditions of approval for the Conditional Use Permit was that the owners were to build additional parking for the site within three years of approval, by 1999. This condition was never met but the City did not revoke the Conditional Use Permit.

In June of 2020, the City approved a new ordinance that allows buildings that are listed on the National Registry of Historic Places but located in a residential neighborhood to be used as private reception halls with a Conditional Use Permit. The goal of this policy was to make it financially viable to preserve the community's significant buildings, otherwise there are no other obvious historic preservation options without turning the buildings into housing, which is not always feasible.

The applicant is requesting a Conditional Use Permit for a for-profit reception hall for events up to 250 people. The average event size would be between 10 and 70 people. The applicant has stated independently that for large events, the organizers of the event must agree to hire security as part of their rental contract. The applicant will also secure a long-term lease for an off-site parking lot. For events with more than 70 attendees, a shuttle would be provided between the off-site parking lot and the Serbian Home. Alcohol would not be sold to the public but a caterer with a caterer's license could serve alcohol at events. Mr. Healy walked the commissioners through the parking situation in the neighborhood and the parking considerations related to the application. Staff recommended approval of the Conditional Use Permit with a number of conditions.

Commissioner Thompson asked if the Croatian Hall had any special rules for parking. Mr. Healy stated he was not familiar with any special parking restrictions for that business.

Commissioner Frankot asked if the Polish National Alliance (PNA) had any off-street parking. Mr. Healy stated that the PNA was grandfathered and did not need to provide off-street parking. Mr. Healy stated that this would have been the case for the Serbian Home had they not lost their grandfathered status in the 1970s and 1980s.

Commissioner Frankot asked about whether or not the applicant intended to demolish the house he owned adjacent to the Serbian Home to create parking for the Serbian home. Mr. Healy stated that the applicant was better suited to answer the question.

Mr. Stojmenovic spoke to the request and the intention for the Serbian Home.

Acting Chair Kruger asked what would trigger the need for security at events. Mr. Stojmenovic stated the presence of alcohol would trigger the need for security. Chair Krueger debated whether the event size and/or the presence of alcohol should trigger the need for security. Mr. Healy clarified that liquor would only be allowed in the case that a licensed caterer with their own liquor license came to the venue. Mr. Healy recommended tying the need for security to the presence of liquor.

Staff and the Planning Commission discussed the different types of liquor licenses and their applicability.

Commissioner Thompson asked if the organizers of the event would be responsible for an event security company or if the applicant would provide security. Mr. Stojmenovic stated he would recommend security for event organizers.

Acting Chair Kruger asked about adding a condition of approval to require a security guard for events with alcohol. Mr. Healy explained how the condition could be added.

Acting Chair Krueger proposed amending the hours of operation to be from 9 AM to 9 PM Sunday through Thursday and 9AM to 10 PM on Fridays and Saturdays.

Commissioner Frankot spoke in support of the amended Sunday hours of operation and proposed extending the hours of operation on Fridays and Saturdays until 11 PM. The commissioners echoed support of extending the hours of operation on Fridays and Saturdays.

Acting Chair Krueger opened the public hearing.

Mr. Healy shared the public comments he had received.

Krista Medina, 432 3rd Avenue South, shared her concerns about parking. Ms. Medina stated she has a difficult time parking in the neighborhood as is and expressed concerns that visitors to the Serbian Home would not use the shuttle.

Christine Joa, 428 3rd Avenue South, expressed her concerns about parking issues that would arise from the approval of the Conditional Use Permit. Ms. Joa stated there were existing parking issues in the neighborhood. Ms. Joa stated she did not believe guests would use the off-site parking and shuttle service. Ms. Joa stated her concerns about the proposed hours and how the hours would affect the quality of life for the individuals within the neighborhood. Ms. Joa stated she was 100% against the proposed conditional use permit and would be furious if it were approved. Ms. Joa again stated her frustrations about the lack of parking in the neighborhood.

Bryan and Jessica Wencel, 413 4th Avenue South, stated they did not agree with the intended use of the property. They stated that they do not believe that event goers would use the shuttle services and that they would take over parking within the immediate area. Mr. and Mrs. Wencel stated concerns about the hours of operation. Mr. and Mrs. Wencel questioned whether or not the owner would hire security or if the neighbors would be responsible for contacting the police if things got out of hand. Mr. and Mrs. Wencel questioned if the neighbors would be responsible for contacting the police when parking got out of hand or is someone from the Serbian Home would monitor this. Mr. and Mrs. Wencel stated while they were excited to see the space be well maintained and refurbished, they would prefer the site be turned into a condo rather than an event space.

Judy Myers, 353 3rd Avenue South, stated that parking had been an issue for many years on the 300 block of 3rd Avenue South due to parking only being permitted on the east side of the street. Ms. Myers stated that there is often no room to park on 3rd Avenue and so homeowners have had to park elsewhere. Ms. Myers stated she had several concerns with the Serbian Home proposition including parking and monitoring individuals attending an event. Ms. Myers stated that the PNA and Serbian Home have parking while the Serbian Home does not. Ms. Myers shared additional concerns about parking.

Acting Chair Krueger closed the public hearing.

Commissioner Thompson stated that there looked to be space to park at least 20 cars along two blocks of 4th Street and that he did not believe that the event center would be packed every night. Commissioner Thompson shared that he lived nearby and would like to see the property used.

Commissioner Frankot brought up that many individuals use ride sharing apps such as Uber and Lyft to get to weddings. Commissioner Frankot stated that he believed if alcohol were being served, most people would use a ride sharing service. Commissioner Frankot acknowledged that parking in the area may be tight and not ideal but that it seemed feasible.

Mr. Stojmenovic pointed out that when a building such as the Serbian Hall is not used, there is an opportunity for vandalism and other illegal activity. Mr. Stojmenovic pointed out that the unused state of the building does not benefit the surrounding properties. Mr. Stojmenovic shared his hopes that the site would be used by the community.

Acting Chair Kruger spoke in support of the Conditional Use Permit.

Motion to recommend approval of the Conditional Use Permit to allow the Serbian Home to be used as a reception hall subject to the conditions laid out in the staff report as well as the added/amended conditions regarding the hours of operation and the requirement to hire security for events where alcohol is served – Thompson/Frankot (4-0)

5) OTHER BUSINESS

A) Alternative Energy Ordinance

Ms. Mann presented the staff report. The ordinance had originally been presented at the July 8th Planning Commission meeting. At the meeting, the commissioners shared their concerns about ground-mounted solar energy systems and voted to table the item. The commissioners requested that staff conduct a case study of ground-mounted solar energy systems in the surrounding communities and report back at the August 5th Planning Commission meeting. Staff conducted additional research about the safety, practicality, and

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commonness of ground-mounted solar energy system. Additionally, staff reached out to the cities of West St. Paul, Inver Grove Height, Eagan, Burnsville, and Mendota Heights for case study information. Ms. Mann reported the additional information that was collected and the case study information.

Commissioner Thompson asked if the City Council was still looking for the Planning Commission to provide input on ground-mounted solar energy systems or if the role of the commission at this point was make a recommendation on the item. Mr. Healy provided clarification that the City Council had provided initial recommendations on the performance standards for ground-mounted solar energy systems but that the City Council expected the Planning Commission to fully vet the ordinance.

Acting Chair Kruger stated she felt more comfortable knowing that there are very few sites in South St. Paul well suited for a ground-mounted solar energy system and that based on their size, they would likely need to be approved by a conditional use permit.

Commissioner Huminek stated he agreed with Acting Chair Kruger's statement.

Motion to recommend approval of the proposed solar ordinance as presented – Huminek/Frankot (4-0)

6) ADJOURNMENT

Motion to adjourn- Huminek/Thompson (4-0).