

MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISISON
September 2, 2020

MEETING CALLED TO ORDER BY CHAIR YENDELL AT 7:00 P.M.

Present: Angela DesMarais
 Tim Felton
 Ruth Krueger
 Matthew Thompson
 Stephanie Yendell
 Michael Healy, City Planner

Absent: Jason Frankot
 Justin Humenik

- 1) APPROVAL OF AGENDA – Felton/Krueger (5-0)
- 2) APPROVAL OF MINUTES – August 5, 2020 – Motion to approve the minutes as presented – Kruger/Thompson (5-0).
- 3) NEW BUSINESS

 None.
- 4) PUBLIC HEARINGS

A) Conditional Use Permit for a Proposed Second Garage at 401 9th Avenue South

Mr. Healy presented the staff report. Melissa Marchio, on behalf of the property owner John Jeffers, applied for a Conditional Use Permit for a second garage at 401 9th Avenue South. Per the City Code, properties with an existing attached garage can have a detached garage if a conditional use permit was obtained.

The property is a double lot and zoned R-2. The property has an existing attached garage. The proposed 22' x 26' garage would be located in the southeast corner of the property. The proposed garage meets the code requirements for an accessory structure and could have been built with just a building permit if the property did not already have an existing garage. Staff recommended approval of the proposed conditional use permit subject to the conditions of approval listed in the staff report.

Chair Yendell asked Mr. Healy to go over the written comments that were received and how the proposed garage would affect lot coverage at the subject property. Mr. Healy stated that he had received a written comment from an individual who is presumably a neighbor. The individual did not provide a name or address and requested to remain anonymous. Mr. Healy stated he was not able to verify the concerns the individual had. Mr. Healy stated that no lot coverage issues would result from the proposed garage.

The applicant, Melissa Marchio, explained that no structure had been constructed on the property and that she had been waiting to construct the garage until after the conditional use permit was approved.

Commissioner Krueger asked Ms. Marchio about the structure that she had seen at the property. Ms. Marchio explained that the box Commissioner Krueger and the neighbor had seen on site was used to visualize where the garage would sit.

Chair Yendell opened the public hearing.

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

Chair Yendell closed the public hearing.

Motion to recommend approval of a conditional use permit for a second garage at 401 9th Avenue South subject to the conditions of approval as stated in the staff report – Krueger/Thompson (5-0)

B) Conditional Use Permits and Variances for a Proposed Monument Sign for the Church of St. John Vianney at 840 19th Avenue North.

Mr. Healy presented the staff report. The applicant was seeking a Conditional Use Permit for a monument sign for an institutional use, a Conditional Use Permit to allow a changeable copy sign, a variance to allow a monument sign to be 32 square feet in a roughly 66 square foot sign structure, and a variance to allow a dynamic display electronic changeable copy sign.

St. John Vianney has an 8 acres church campus located in the R-2 district. The property has an existing freestanding sign; however, the applicant wanted to replace the existing sign and have the new sign at a location that would better serve the members of the congregation. The proposed location was the last feasible location on the south side of the parking lot before the grade of the site changes dramatically.

The applicant proposed a concrete masonry unit monument sign with a 32 square foot, double-sided sign inside a 66-square foot sign structure with a 16 ft. changeable copy area. The base of the monument sign was to include the address of the church. Per the zoning code, an institutional use in a residential district can have a monument sign up 12 square feet in size if a conditional use permit is obtained. Additionally, a changeable copy sign required a conditional use permit. A variance was required for a sign over 12 square feet in size. An additional variance was necessary for the applicant to have a dynamic display.

Staff was in favor of the conditional use permit for a monument sign and a conditional use permit for a changeable copy sign. Staff found the size variance to be supportable on the grounds that the new sign would be roughly the same size as the existing sign and the support structure, while larger, would be much more attractive than the existing sign's support structure. Staff did not find an obvious practical difficulty for the dynamic display. Staff posed the question of whether or not the Planning Commission and the City Council were ready to allow this type of sign citywide for all institutional uses in residential zoning districts. If both groups were in favor of this, the variance could be seen as a supportable interim measure until the Code is amended. If the Planning Commission and City Council were not in favor of amending the code, staff recommended denial of the proposed variance.

Chair Yendell brought up two points that appeared in the public comments that had been received. Chair Yendell asked staff to confirm whether or not the sign would violate any setbacks. Mr. Healy confirmed that the sign would not violate any setback requirements and would not interfere with any required clear view triangles.

The Applicant, Jerry Dezelar, was present to speak to the application.

Chair Yendell asked Mr. Dezelar if he was familiar with the conditions of approval that staff had recommended. Mr. Dezelar confirmed that he was.

Chair Yendell opened the public hearing.

Mr. Healy had received two public comments on the item.

The first comment was from Jason Thompson of 835 19th Avenue North. Mr. Thompson stated that he was pleased the church was getting a new sign and that the proposed sign would be facing north/south so it would not face his house. Mr. Thompson requested that the sign be turned off at night if the Planning Commission and City Council approved the dynamic display sign. Mr. Thompson noted that the sign would be fairly large and that he hoped the sign would not change the view of the wooded area beyond the sign. Mr. Thompson suggested the church explore placing the new sign closer to the existing sign.

The second comment was from Rick and Juanita Voigt of 817 19th Avenue North. Mr. and Mrs. Voigt wanted clarification about what the rules were for electronic signage, why this signage was not allowed in residential areas, whether or not this type of sign had been studied, and whether there were site lines/safety concerns.

Chair Yendell closed the public hearing.

Commissioner Krueger shared she could empathize with the individuals that wished the proposed sign was further north but stated that the sign is essentially useless in its current location. Commissioner Krueger shared her reservations with changing the ordinance to allow electronic signs in residential neighborhoods but shared her support for the proposed sign.

Mr. Healy reiterated the suggested change that the group would need to be comfortable with would be allowing all institutional uses in residential districts to have electronic signs.

Commissioner Thompson asked why electronic signs are not allowed for institutional uses in residential districts. Mr. Healy speculated that the reason why electronic dynamic display signs were regulated was that there were safety concerns about the type of sign when they were first introduced in the 1990s. Mr. Healy stated that it is fairly common for cities not to want attention-grabbing signage in residential areas and most cities prefer subtle signage in residential districts.

Commissioner Thompson asked if staff had looked into whether or not other communities allowed electronic changeable signs in residential districts. Mr. Healy stated that he did not research how surrounding communities regulated this type of sign because the Applicant is requesting a variance from the existing rule and not an ordinance amendment.

Chair Yendell noted that the sign code was recently updated.

Mr. Healy noted that the rules for signage in South St. Paul's residential districts have become much stricter over the last 10 years.

Chair Yendell shared her concerns about the size of the sign.

Commissioner Thompson asked if the size of the sign referred to the area where information could be written. Chair Yendell stated that was how she interpreted the language. Mr. Healy clarified that variance was written to limit the sign face to 32 square feet per side.

Motion to recommend approval of a Conditional Use Permit for the monument sign, a Conditional Use Permit for the changeable copy sign, and a variance for the sign size subject to the conditions of approval as stated in the staff report. – Thompson/Krueger (4-1).

Motion to recommend denial for the variance for an electronic changeable copy sign on the grounds that such signs are not allowed in the district. - Krueger/Thompson (4-1-0).

C) Conditional Use Permit for a Planned Unit Development for a Proposed Twin Home at 1020 5th Avenue South

Mr. Healy presented the staff report. The applicant was seeking a Conditional Use Permit for a Planned Unit Development that would grant flexibility on building height, building setback, and lot size. The applicant also requested a lot split which would allow each unit of the twinhome to be sold separately.

The applicant's company focused on modular construction, meaning that homes are built in pieces off-site and then assembled on-site. The subject property is immediately south of I-494 and the 7th Avenue ramp on 5th Avenue South. The property is 80 feet wide and 9,505 square feet in size. The property was previously owned by the Minnesota Department of Transportation until recently when the property was sold for development. The property is zoned R-2, which allows twin homes on lots that are at least 75 feet wide and 9,000 square feet in size. The applicant was unable to obtain a building permit without additional City approval because the proposed twin home would exceed the allowable building height, and the applicant wished to split the subject property into two lots. If the lot were split, the twin homes would not meet the setback requirements and lot sizes would be too small to allow a twin home.

Mr. Healy explained that in addition to PUD approval, the project would require architectural approval from the City Council because the proposed twin home would not match the architectural character of the neighborhood. The proposed twin home would have a more modern look than the surrounding properties. The twin home would, however, include more traditional building materials for the siding to try to blend in better with the area.

Mr. Healy framed that the heart of the matter of the issue was the architecture. He suggested that if the Planning Commission liked the architecture, then the requested PUD flexibility was reasonable. On the other hand, if the Planning Commission was uncomfortable with the architecture, then they should not grant PUD flexibility.

Chair Yendell asked for clarification that the setback flexibility was for the lot split and was not for a setback variance from the right-of-way or any neighboring properties. Mr. Healy explained that the only variance was for the common wall where the twin homes would abut.

Chair Yendell asked if there were other properties in the area that had similar height variances. Mr. Healy stated he was not aware of other properties in the area with a height variance.

Commissioner Felton asked about the difference between the flexibility allowed by a Planned Unit Development versus the flexibility allowed by a variance. Mr. Healy explained that a variance would request flexibility from the City Code due to a practical difficulty. Mr. Healy further explained that a Planned Unit Development (PUD)

act essentially be a “master plan” approval for projects that do not meet the code criteria but would benefit the community. Projects that required a number of variances often were processed as a Planned Unit Development. In the case of this project, the City Attorney recommended the project be viewed as a planned unit development.

Commissioner Felton asked if this flexibility was standard for a PUD. Mr. Healy explained that it is standard. Mr. Healy explained that South St. Paul processed PUDs as a conditional use permit, and so the PUD would be recorded against a property. The property would keep its underlying zoning and would need to follow all of the zoning performance for the property based on its district, except for the performance standards that were specifically called out as exempt in the PUD. Commissioner Felton asked if an individual could apply for PUD flexibility when building a single-family home. Mr. Healy explained that in South St. Paul’s code, a PUD generally must have multiple units and/or multiple lots involved.

The applicant, TJ Hammerstrom, was present to speak to the application.

Chair Yendell asked Mr. Hammerstrom if he was familiar with the conditions of approval for the items. Mr. Hammerstrom confirmed that he was.

Chair Yendell opened the public hearing.

Mr. Healy received two public comments.

The first comment was from James Bittner of 1038 5th Avenue South. Mr. Bittner believed that there was previously a governmental agreement that prevented the subject lot from being buildable. Mr. Bittner shared his concerns with the style of construction and stated that he was not impressed with the project or its aesthetics. Mr. Bittners likened the building style to that of stacked, double-wide trailers and stated that this did not belong in the neighborhood. Mr. Bitterns stated that the project was not a great fit for the neighborhood.

The second comment was from Andrea Wallin of 239 Warburton Street West. Mrs. Wallin shared her concerns about sight visibility at the intersection. Mrs. Wallin shared that she did not think anything should be built at the property as it would make the intersection less safe and would impair visibility.

One member of the public was present to speak on the item.

Nathan Warren, 1027 5th Avenue, echoed the sentiments of other the comments that had been submitted, particularly the concerns about traffic visibility. Mr. Warren shared his disapproval of the aesthetic of the building. Mr. Warren shared his concerns about the proposed townhome having balconies that would enable the townhome resident to view his yard. Mr. Warren stated he was also under the impression that the subject lot could not be built upon.

Chair Yendell closed the public hearing.

Commissioner Krueger asked if Staff had considered making the 5th Avenue and 7th Avenue intersection a 4-way stop. Mr. Healy stated that he reviewed the project with the City Engineer who did not have concerns about sightline visibility. Mr. Healy explained that the developer did not have the authority to put in a 4-way stop at the intersection so the decision would have to be up to the City.

Commissioner Krueger stated that she liked the aesthetic of the proposed townhome.

Commissioner Thompson asked about the proposed valuation of the project. Mr. Hammerstrom stated that the units would not be low income. The two-bedroom, three-bath unit would be sold in the \$290,000. The three-bedroom, three-bath unit would be sold in the \$320,000. Commissioner Thompson asked how the home value of the twin home compared with those in the surrounding area. Mr. Healy stated the value of the twin home was likely higher than the value of the surrounding homes. Commissioner Thompson shared that he was fine with the architectural style.

Commissioner Felton stated that he felt the project looked like a good project though he did not personally like the architecture. Commissioner Felton shared that based on input from the neighbor's comments, he was not in favor of the height variance or the architecture of the project.

Chair Yendell stated she agreed with Commissioner on the building height. Chair Yendell noted that a number of the concerns voiced were not actionable and that she was wrestling with the imposing nature of the proposed structure.

Mr. Healy explained that the concerns about the sightlines and visibility would be addressed during the building permit process but conditions related to these concerns could be added to the approval.

Motion to recommend approval of the Conditional Use Permit for a Planned Unit Development for a twin home at 1020 5th Avenue South subject to the conditions of approval as stated in the staff report and with the added condition about sightlines and clear view triangles – Krueger/Thompson (4-1).

D) Interim Use Permit Amendment for Additional Fundraising Events at the Commemorative Air Force Hangar

Mr. Healy presented the staff report. The applicant, Amy Lauria, on behalf of the Commemorative Air Force (CAF) has applied for an interim use permit amendment to allow the CAF to host five (5) events in 2021 instead of two (2). The CAF had an interim use permit which allowed up to two (2) events a year. Earlier in 2020, the CAF had received permission via an Interim Use Permit amendment to allow a 3rd fundraising event. However, all three events were cancelled for the year due to COVID-19. The applicant requested five (5) fundraising events in 2021 to help make up for the fundraising events that did not occur in 2020.

The CAF is a World War II museum that has been located at Fleming Field for a number of decades. The hanger had hosted informal "hanger dance" fundraising events that eventually grew in size to the point where they required City regulations to address noise, safety, and traffic generated from the events. In 2010, the CAF received a CUP to operate a banquet hall in 2010 if they upgraded the facility to comply with building code and fire code. The CAF could not afford to make all of the upgrades so the CUP was rescinded. In 2012, the CAF request an interim use permit for two annual hanger dances. While the request was approved by the City, the facility was "walking the line" in terms of what is allowed without further upgrades to the facility and additional SAC payments.

The request was reviewed by the City Planner, Building Official, Fire Marshal, and the City Attorney. The individuals found the request to be reasonable due to the COVID-19 pandemic and found the interim use permit amendment to be supportable only for 2021. Staff recommended approval of the proposed Interim Use Permit amendment subject to the conditions of approval.

The applicant, Amy Lauria, was present to speak on the item. Ms. Lauria reiterated that the year had been difficult for the CAF as all of their events for the year had to be cancelled throughout the United States. The request for five events the following year was intended to help the CAF get back on its feet.

Chair Yendell opened the public hearing.

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

Chair Yendell closed the public hearing.

Motion to recommend approval of the Interim Use Permit amendment allowing the CAF to host (5) hangar dances or similar events in 2021, subject to the conditions of approval as laid out in the staff report. - Felton/DesMarais (5-0)

E) Ordinance Amendment Establishing Zoning Standards for Day Care

Mr. Healy presented the staff report. Mr. Healy explained that the City Code did not have performance standards for child or adult daycare and the use was not listed as “allowable” in any zoning district. State statutes required cities to allow small daycares in residential areas as a permitted use. This included in-home daycares for up to 14 children and small daycare centers for up to 12 persons (child or adult). Additionally, State Statute requires the City to allow medium-sized daycares in medium- and high-density residential areas. This includes licensed in-home daycares for 13-16 persons (child and adult). Cities can require a conditional use permit for these types of daycares.

The city has approved a number of daycares in the past decade despite not having clear rules or standards for them. This was done historically by approving a conditional use permit for “a use that is similar to listed uses” with added conditions. Historically, child daycares have been treated like “elementary schools” and had been allowed in residential districts. Child daycares and adult daycares had been treated similarly to a vocational schools and had been allowed in the commercial and industrial districts. This approach was not ideal and the City ordinance should be amended so its ordinance matched state statute.

The proposed ordinance would allow everything allowed under state statute as well as allow child daycares of any size in any zoning. The ordinance would also allow adult daycares of any size with a conditional use permit in the R-4 zoning district. Other changes would including defining “child daycare” and “adult daycare”, allowing child daycare and adult day care in all commercial district with a CUP, allowing child daycare and adult daycare in the Light Industrial district with a CUP, allowing child daycare as an accessory use for children of employees in the Industrial district with a conditional use permit, and establishing parking regulations based on the number of employees.

Chair Yendell asked Mr. Healy to speak about the kind of protections that were in place to prevent a daycare from being placed at an industrial site with contamination that could be harmful to children. Mr. Healy stated the City Attorney had recommended a conditional use permit for all daycares in the industrial districts. The Conditional Use Permit could be denied if the conditions were deemed to be unsafe for children.

Chair Yendell opened the public hearing.

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

Chair Yendell closed the public hearing.

Motion to recommend approval of the proposed ordinance stablishing zoning standards for daycares. - Krueger/Thompson (5-0)

5) OTHER BUSINESS

None.

6) ADJOURNMENT

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