Chair: Stephanie Yendell
Vice-Chair: Ruth Krueger
Commissioners: Isaac Contreras
Angela DesMarais
Tim Felton
Justin Humenik
Jason Pachl

City of South St. Paul
Planning Commission Agenda

Wednesday, January 8, 2020
7:00 p.m.

City of South St. Paul
125 Third Avenue North
South St. Paul, MN 55075
Phone: (651) 554-3217
Fax: (651) 554-3271
www.southstpaul.org

Hearing assistance PA system is available – if you need a hearing assistance unit please notify City staff before the meeting.
(If you use the hearing assistance PA system, please remove your hearing aid so it does not cause a feedback problem)

Roll Call

1. Agenda

2. Minutes
   A. December 11, 2019

3. New Business
   None

4. Public Hearings
   A. PC Case #2019-26 - 201 5th Avenue South- Apostolic Assembly- Conditional Use Permit for a monument sign and a wall sign in the R-2 District.
   B. PC Case #2020-02 - 300 South Street – South Street Flats - Preliminary Plat and Conditional Use Permit for a Planned Unit Development.
   C. PC Case # 2020-03 - 125 3rd Avenue North – City of South St. Paul – Code Amendment for Front Yard Fences in Residential Districts from 42” to 48”.

5. Other Business
   None

6. Adjournment

Next Planning Commission Meeting: February 5, 2020

This meeting is being taped by Town Square Television (NDC4): phone: 651-451-7834 web: www.townsquare.tv
Replays can be viewed on Government Channel 19 on the Thursday following the meeting at 1:00 p.m. & 7:00 p.m.
MEETING CALLED TO ORDER BY VICE CHAIR KRUEGER AT 7:00 P.M.

Present:

Isaac Contreras  
Angela DesMarais  
Tim Felton  
Justin Humenik  
Ruth Krueger  
Jason Pachl  
Ryan Garcia, Community and Economic Development Director  
Monika Mann, Community Development Support Specialist

Absent:

Stephanie Yendell

1) APPROVAL OF AGENDA – Motion to approve the agenda as presented –Contreras/ Felton (6-0)

2) APPROVAL OF MINUTES – November 6, 2019 – Motion to approve the minutes as presented - Contreras/ Felton (6-0)

3) NEW BUSINESS

There was no new business to discuss at the time of the meeting.

4) PUBLIC HEARINGS

A)  PC Case #2019-23: Lodge Properties- 1519 5th Avenue South- A request for a Conditional Use Permit (CUP) for the purpose of establishing a special event space use and on-sale liquor license at 1519 5th Avenue South.

Vice Chair Krueger opened the public hearing

Mr. Garcia spoke to the applicant’s request for a Conditional Use Permit for an Event Space in an existing commercial structure as well as an on-sale liquor license. Both items are conditional uses within the C-1 Zoning District. The site is guided for Commercial Use in the 2030 and 2040 Comprehensive Plans. 1519 5th Avenue South has no history of CUPs. Earlier this year, another site within the mall was approved for a CUP for a day care. Mr. Garcia walked the Planning Commission through the required findings for approval of a CUP. Mr. Garcia noted that the applicant would need to go through the City’s liquor licensing process in order to serve liquor on the premises. Staff recommended approval upon the conditions listed in the staff report.

Vice Chair Krueger inquired about the application’s narrative which stated that the event center and child care center would have different hours; however, the planning case summary stated that the business hours would start at noon which would overlap with the hours of operation at the child care center. Mr. Garcia stated that the intention was to avoid overlap during the morning drop off at the childcare facility.
The applicant, Tony Lodge, came forward to answer any questions the commissioners had. Mr. Lodge explained that the day care has a separate area for child drop off and pick up to avoid traffic conflicts. Mr. Lodge noted that he had concerns about the hours for the building and felt that the hours should likely be longer to reflect those of a standard restaurant. Mr. Garcia reminded the commissioners that it is the role of the commission and of the CUP to set operating hours for the business.

Commissioner Pachl asked the applicant if the hours stated in the Conditional Use Permit would work for the business. Mr. Lodge noted concern related to the hours and his ability to compete with other event centers. Commissioner Pachl stated that he believed most restaurant venues went until midnight and asked why 11:00 PM was chosen for closing time. Mr. Garcia explained that the hours were based on an event center that was approved in the previous year. Commissioner Pachl noted the differences between the proposed event center and the event center that had been previously approve. Commission Pachl proposed later hours of operation for the application.

Commissioner Contreras inquired the location of the kitchen on the plan sets. Mr. Lodge explained that the plan before the commission was created prior to understanding the need for a full kitchen in order to acquire the liquor license. Mr. Lodge explained that his plan was to turn the storage area into a large kitchen and to put a bar in where office space was noted. Commissioner Contreras asked if the updated drawings had been submitted to the City. Mr. Lodge stated they had not been drawn up or submitted.

Commissioner Contreras further clarified with the applicant if he had reviewed the other conditions of the CUP and if he had any further concern regarding the conditions. Mr. Lodge stated he had concerns regarding the security plan but was open to suggestions.

Commissioner Huminek asked if there was interior access to the day care portion of the building from the event space. Mr. Lodge stated that there was not.

No correspondence had been received and no one was present to speak on the item.

Vice Chair Krueger closed the public hearing.

Commissioner Pachl clarified with Mr. Garcia if there was a city ordinance regarding security protocols for facilities that serve alcohol. Mr. Garcia explained that a background check and a general plan of operation, including a security plan, are required submittals for a liquor license.

Vice Chair Krueger commented that the property was better suited for an event space. Vice Chair Krueger asked about how the commission would go about changing the hours of operation in the Conditional Use Permit. Mr. Garcia explained the conditions are recommendations from the staff’s interpretation of the business. Any of the conditions can be expanded, modified, or retracted by the Planning Commission.

Commissioner DesMarais made a motion to extend the business hours to 10:00 PM on weeknights and until midnight on the weekend. Commission Pachl seconded the motion. Commissioner Felton asked about the hours for Sunday. The Commissioners went back and forth regarding the hours for Sunday. Commissioner DesMarais made a motion to further amend the hours of operation to allow business hours to run until 10:00 PM on Sundays. Commissioner Pachl seconded the motion. The commission voted to amend the hours of operation (5-1).

Motion to approve as amended- DesMarais/Pachl (5-0)
Planning Commission Minutes  
December 11, 2019  
Page 3 of 4

B)  PC Case #2019-24: Twin City Hide / Twin City Tanning – 491-501 Malden Street – A request for a 3 year Planned Unit Development (PUD) Extension

Vice Chair Krueger opened the public hearing.

Mr. Garcia provided background on the case. The applicant was approved for a PUD and CUP for a multiphase development which included the demolition of 3 facilities as well as the construction of new facilities to replace those that had been demolished. The applicant had originally identified a 3 year time span for the entirety of the development. The applicant recognized that they would not be able to complete all additional construction by the deadline (May 2020) and has requested a 3 year extension to complete the development actions. The applicant does not suggest any changes to the previously submitted plans. Staff recommended approval of the extension.

Paul Rogosheske, on behalf of the applicant, came forward to speak to the request. Mr. Rogosheske explained that the delay in construction was due to the need to create a collagen facility in order to meet increased demand. Mr. Rogosheske reiterated that that plans for the site are not changing and emphasized that all of the new facilities would have odor mitigation technology.

Commissioner Contreras clarified the business delay for the process and asked if this type of scenario would happen often. Mr. Rogosheske explained cause of the delay and reaffirmed the commission that going forward, there would not be any further delays. He also stated that the plan sets for the next phase would be submitted in either February or March of 2020.

No correspondence had been received and no one was present to speak on the item.

Vice Chair Krueger closed the public hearing.

Motion to approve as presented – Pachl/ DesMarais (5-1).

C)  PC Case #2019-25: Submitting the Comprehensive Plan to the Metropolitan Council

Vice Chair Krueger opened the public hearing

Ms. Mann provided background on the comprehensive plan, explained changes between the 2030 and 2040 Comprehensive Plan, elaborated on changes that had been made since March 2019 and provided detail regarding implementation of the plan.

Mr. Garcia noted that this meeting was a public hearing, and so the Comprehensive plan would need to be approved by the City Council in order to be submitted to the Metropolitan Council.

No correspondence had been received and no one was present to speak on the item.

Vice Chair Krueger closed the public hearing.

Mr. Huminek thanked City Staff for their effort in the Comprehensive Plan Process.

Mr. Garcia commended the former City Planner, Peter Hellegers, for his efforts in the public engagement process and throughout the Comprehensive Plan Process.
Vice Chair Krueger praised the City for its choice not to include an executive summary.

Motion to approve as presented – Contreras/ Humenik (5-0).

5) OTHER BUSINESS

Mr. Garcia updated the Commission on the City’s recruitment process for the City Planner/ Zoning Administrator process. 9 applications had been received by the City which were followed up by interviews during the first week of December. A conditional offer has been made to a candidate subject to a background check and city council approval. The individual would likely be present at the February 2020 Planning Commission meeting.

Vice Chair Krueger inquired on the status of PC2019-20 – Special School District #6- CUP for change in using for an existing building and renovation of the building to accommodate a school at 710 19th Ave N. Mr. Garcia explained that the item had been heard at the December 2nd City Council meeting and had received approval subject to conditions related to rezoning and hours of operation.

6) ADJOURNMENT

Motion to adjourn- Contreras/Huminek (6-0).
Requested Action: The applicant is requesting a Conditional Use Permit (CUP) for a monument sign and a wall sign at 201 5th Avenue South.

Summary Recommendation: Planning Division recommends approval of the requested actions subject to certain conditions of approval as outlined within the report.

Background Information

Applicant / Owner / Operator: Mario Ruiz/ Apostolic Assembly of Faith in Jesus Christ

Tentative City Council Meeting: January 21, 2020

60-day Review Period Deadline: February 9, 2020

Proposal: The proposed signage includes a monument sign and a wall sign on the property at 201 5th Avenue South.

Applicable Regulations & Standards: Section 118-122 provides guidelines and regulations for the R-2, single-and-two family residence district. Section 118-338 discusses sign provisions applicable for all zoning districts. Section 118-339 discusses permitted signage for each district.

Attachments:

A. Maps/photos of the site provided by the City
B. Correspondence from public hearing notices (none)
C. Preliminary sign plans from applicant

Parcel Size / Location: The parcel size for the property is .23 acres. The site is located at the southwest corner of Southview Boulevard and 5th Avenue South.

Existing Conditions: The site has an existing 4,300 square foot commercial building. The only signage at the site is the church’s logo and service times which are located on a glass window above the front doors of the church.

Zoning Summary: The site is located in the R-2 district. Churches are a principle use in the R-2 district. Monument signs and wall signs in the R-2 district require a Conditional Use Permit. The site does not have any previous Conditional Use Permits.

Environmental Corridor / Overlay Status: The site is not in any environmental corridor or overlay districts.

Public Utilities and Services: The property is served by a full range of urban services.

Surrounding Land Uses / Zoning:

North: The properties directly north are zoned C-1: Retail Business and guided Commercial;
East: The properties directly east are zoned C-1: Retail Business and guided Commercial;
South: The properties directly south are zoned R-2 and guided Commercial/High Density;
West: The properties directly west are zoned R-2 and guided Commercial;

Evaluation of the Request

Land Use:

Zoning Considerations:

• CUP needed for monument sign and wall sign in R-2 District.

Signage: City code states that any monument sign or wall sign located in the Single and Two Family (R-2) residential district require a CUP. Code also provides regulations such as:

• Churches or other institutional uses in a residential zoning district can only have one monument sign per lot and the sign cannot be larger than 12 square feet.
• Monument signs must be mounted on or incorporated into a support sign structure whose exterior construction materials are comprised of brick, stone, stucco, synthetic stucco or concrete masonry units (CMU) that are textured, burnished or decorative.
• Monument signs must be located in a planter box or landscaping.
• Monuments signs may not be more than six feet in height.
• Signage must be located at least 5 feet from lot lines.
• Wall signage in any residential zoning district cannot be larger than 6 square feet.
• Wall signage must be located in a horizontal band that is no more than three feet in height and at least 10 feet but no more than 15 feet above the ground.

Two signs are proposed: one monument sign located on the northeast portion of the parcel and one wall sign located above the entrance to the church. The monument sign will be 6’ x 2’ (12 sq. ft.). It will be attached to two treated 4x4 wood posts which are at most 5’ tall. The posts and sign would be primed and painted with Behr exterior paint. Sign enamel paint will be used for lettering. The sign will have a supporting sign structure whose exterior construction materials will be brick or another decorative masonry material. The sign base will have landscaping around it. The sign will be located 8’ from the corner of the church and 18’ from the corner of
Southview Boulevard and 5th Street. This sign will not be within traffic visibility triangle area (15 feet for corner lots). The sign will display the church’s name as well as the days and hours of worship services.

The wall sign will be a circular sign that is 2.5’ (5 sq. ft.) in height. The sign will be located above the church, where there was previously a window. The highest point of the trimming around the window is 15.5’ from the ground. The sign will be made of treated 1” thick plywood, sanded, primed and painted with Behr exterior paint with sign enamel paint for lettering. The sign will be screwed into the existing wood board. The sign will display the church’s logo.

The proposed signage complies with the regulations found in Section 118-122, Section 118-338 and Section 118-339.

Parking / Impervious Areas: N/A

Landscaping: Landscaping will be found around the monument sign as required in Section 118-338.

Lighting: N/A

Bicycle / Pedestrian Access: N/A

Additional City Comments: N/A

Correspondence from Nearby Property Owners: N/A

Required Findings

Conditional Use Permit Findings

The following items from the application would require a CUP, they include:

- Monument sign in the R-2 District
- Wall sign in the R-2 District

The Conditional Use Permit (CUP) is for a land use that is generally compatible with all other uses in the district where it is located but should not be permitted as a matter of right in every area within the district because of special circumstances that the use or location may present. Therefore, the CUP is judged on the basis of standards and criteria specified in the code and the City is allowed to impose appropriate conditions and restrictions on the CUP. The Zoning Code instructs the Planning Commission and City Council to make the following findings when considering a CUP:

Conditional Use Permit Findings:
The proposed conditional use conforms to the general purpose and intent of the zoning code.

The conditional use will not substantially diminish or impair property values within the neighborhood, and in consideration of this question, the comparison of the use shall be with respect to uses that are permitted without a Conditional Use Permit in the district, which the use is located.

The conditional use will not impede the normal and orderly development and improvement of property in the neighborhood for uses permitted in the district affected.

Adequate utilities, access roads, streets, drainage, and other necessary facilities have been provided.

Adequate measures have been or will be taken to provide ingress and egress in such a manner as to minimize traffic congestion and hazards in the public streets.

Alternatives / Proposed Conditions

The Planning Commission has the following actions available on the proposed application:

A. **Approval.** If the Planning Commission has reviewed the application and determined that the application is consistent with the Conditional Use findings (see p.4) of this report, then staff would recommend the following conditions for a recommendation for approval:

- **(Step 1) Findings:** The Planning Commission would need to include findings that the proposed Conditional Use Permit would not have an adverse impact on other properties and the general area or that potential impacts would be mitigated through specific conditions.

- **Recommended Findings:**

  The Planning Commission has reviewed the proposal and determined that the use conforms to the general purpose of the Zoning Code and should not substantially diminish or impair property values, will not impede the normal and orderly development of property in the neighborhood, has access to adequate utilities, and there is adequate ingress and egress for the property.

- **(Step 2) Recommendation for Approval:** Approval of the proposed Conditional Use Permits for a monument sign and a wall sign for the property located at 201 5th Avenue South are subject to the following conditions:

  1) **Compliance with Plan Submittals.** The site shall be utilized in substantial conformance, in the reasonable opinion of the City Council, with the application, narratives, and with the following plans on file with the Community Development Department except as amended by the conditions noted below:

     a) Application (Apostolic Assembly) dated 11/26/2019
     b) Narrative (Apostolic Assembly) dated 12/12/2019
     c) Preliminary Sign Plans (Apostolic Assembly) dated 12/12/2019
2) **Signage Permits Required.** No signage shall be installed without first obtaining a sign permit and shall be subject to the approval of the City Planner.

3) **Compliance with Laws and Approvals.** The property must remain compliant with all federal, state, and local laws and ordinances and all prior City approvals.

4) **Review of the Conditional Use Permit.** The Conditional Use Permit will be reviewed in approximately 1 year to determine compliance with the Conditional Use Permit.

5) **Termination of the Conditional Use Permit.** The Conditional Use Permit will terminate if improvements have not substantially begun within 1-year from the date of approval of the Conditional Use Permit. The violation of a condition of approval shall terminate the Conditional Use Permit. The property must be continually operated for the use specified in the Conditional Use Permit to remain valid. If the property is not used for the use listed in this Conditional Use Permit for a period of 1-year then the Conditional Use Permit shall terminate.

B. **Denial.** If the Planning Commission does not favor the proposed application or portions thereof, the above requested should be recommended for denial. If the Planning Commission recommends denial, then findings of the basis for denial should be given.

- **(Step 1) Findings:** The Planning Commission would need to include findings that the proposed Conditional Uses *would* have an adverse impact on other properties and the general area and that potential impacts could not be adequately mitigated through specific conditions for the CUP. Additionally, findings would need to be made that proposed variances were not consistent with the variance findings noted on page four.

- **(Step 2) Recommendation for Denial:** Denial of the proposed Conditional Use Permit on the property at 201 5th Avenue South for the following reasons:

  1) ____________________________________________

**Staff Recommendation**

Staff recommends **approval** of the proposed Conditional Use Permit for a monument sign and a wall sign in the R-2 district for the property at 201 5th Ave South, subject to the conditions stated in this report.
Narrative (12/02/2019)

The Apostolic Assembly is a Spanish speaking congregation that been in the South St. Paul community for about 20 years. We are looking to install two signs on the church property: one sign on the lawn, and one on the church building itself. We would like to install there signs to increase awareness of our church.

The first sign will be on the front lawn 5 feet away from the property line and will be 3 foot by 6 feet monument sign. There will be a brick planter built around the sign.

The second sign will be placed above the front doors of the church. The sign will be attached to the wall about 10 feet above the ground. It will be a round sign about 2.75 feet in diameter.

The property measures about 125 feet long on Southview Blvd. And on the 5th Ave S about 75 feet.

Staff Narrative Addendum (12/12/2019)

Upon changes to the original application, the signs on site will be as follows:

The first sign will be on the front lawn approximately 8’ from the church corner and 18’ from the corner of Southview and 5th. The monument sign will be 6’ x 2’. It will attached to two 4x4 treated wood posts, also primed and painted as the main sign will be. The posts will end up being 4.5 to 5’ high with the sign attached. This sign will have brick or masonry surrounding the base and will have flower planted around it.

The second sign will be 2.5’ round and will be located above the church where there was previously a window. The highest point of the trimming around the window is 15.5’ from the ground. The sign will be made of treated 1” thick plywood, sanded, primed and painted with Behr exterior paint (several coats) and sign enamel paints for lettering. It will be screwed into the existing wood board.
ASAMBLEA APOSTOLICA DE LA FE EN CRISTO JESUS

DOMINGO

SERVICIO DE ADORACION
10:00 AM

ESCUELA DOMINGO
11:00 AM

MARTES

SERVICIO DE ADORACION
7:00 PM
2.5' round logo sign

2' x 5' church sign (12 sq. feet)

4"x4" x 6.5' treated wood posts 5' above ground - 1.5' in ground

ASAMBLEA APOSTOLICA DE LA FE EN CRISTO JESUS

DOMINGO

SERVICIO DE ADORACION
10:00 AM

MARTES

ESCUELA DOMINGO
1:30 PM

SERVICIO DE ADORACION
7:00 PM

ground level
Martes

7:00 pm

Escuela Dominical 10:00 AM

Servicio de Adoración

Domino

11:00 AM

De la Fe en Cristo Jesús

Asamblea Apostólica
Main Church Sign

This main sign is 6' x 2'. Your requirements. It is constructed of 1" thick treated sign plywood that will be sanded, primed and painted with Behr exterior paint (several coats) and sign enamel paints for the lettering. It will be attached to two 4x4 treated wood posts, also primed and painted as the main sign. The posts will end up being 4.5 to 5' high with sign attached.

The sign will be facing northwest approximately 8' from the church corner and approximately 18' from the corner of Southview and 5th.

(the picture is probably not quite to proportion but for viewing purposes.)
I measured and the top of the blue circle trim is 15.5’
I altered the sign to fit inside which is wood filled (where a window used to be).
The total size of the sign is 2.5’ round. The should meet your requirements
The sign will be made of treated 1” thick plywood, sanded, primed and painted
with Behr exterior paint (several coats) and sign enamel paints for lettering. It will
be screwed into the existing wood board.
**City of South St. Paul**  
**Planning Report**

**Planning Case #: 2020-02**  
South Street Flats Preliminary Plat  
And CUP/PUD

---

**Requested Action:** Consider a request to approve the Preliminary Plat and Conditional Use Permit – Planned Unit Development (CUP-PUD) for the property at 300 South Street for the proposed “South Street Flats” residential development.

**Applicable Regulations & Standards:** Chapter 114 of the South St. Paul Code of Ordinances provides standards for the review and approval of Preliminary Plats. Section 118-124 provides guidelines and regulations for the R-4: Multi-Family Residential zoning district, Section 118-132 provides PUD regulations, and Section 118-354 provides parking regulations. The subject property is zoned R-4 Multifamily Residential, and the applicant is applying for a planned unit development (PUD) for the project which is considered a conditional use in any zoning district.

**Summary Recommendation:** Planning Division recommends approval of the proposed Preliminary Plat and Planned Unit Development with a recommendation to the City Council.

---

**Background Information**

**Applicant / Owner:** South Street Flats LLC (Richard Braun)

**Tentative City Council Meeting:** January 21, 2020

**60-day Review Period Deadline:** **February 3, 2020**

**Proposal:** The applicant is proposing a 13-unit townhome project to be known as “South Street Flats”, located at the northeast corner of South Street and 5th Avenue South. The proposal would result in the replat of a total of five existing 60’ lots into a townhome plat with one common-area lot and thirteen individual townhome lots for each unit.

**Parcel Size / Location:** The parcel is.92 acres located at the northeast corner of 5th Avenue South and South Street West. The Fifth Avenue Plaza Shopping Center is to the south, an apartment building is to the west, to the east are duplexes and to the north are single-family homes which front onto Ash Street.
**Existing Conditions:** The property is an unimproved, vacant infill collection of five separate 60' residentially platted lots. Historical imagery indicates that there has not been development on this property since at least the 1930s, if at all.

**Zoning Summary:** The property is zoned R-4: Multi-Family Residential and guided for High Density Residential. Multifamily residential buildings containing four or more dwelling units but not exceeding 20 dwelling units nor three stories or 38 feet in height are permitted uses (by right) in the R-4 District. Planned unit developments are permitted in any zoning district by conditional use permit in order to provide design flexibility by allowing substantial variances relating to land use, density, subdivision, and similar regulations when such variances are found to be consistent with the general intent and purpose of the ordinance and comprehensive plan.

**Adopted Land Use Plans:** The 2030 Comprehensive Plan recommends (HDR) High Density Residential uses, at a minimum density of 13 units/acre, for the property which would be consistent with the proposed townhome development at 14 units/acre.

**Environmental Corridor / Overlay Status:** N/A

**Public Utilities and Services:** This property is served by a full range of urban services.

**Surrounding Land Uses / Zoning:**

North: The property directly to the north includes single family homes and is zoned R-2: Single and Two-Family Residential and is guided as Low Density Residential;

East: The property to the east of the site is one of a series of duplexes and is zoned R-4: and guided as High Density Residential.

South: Properties to the south of the site are a part of a commercial shopping center and are zoned C-1: Retail Business and guided as Commercial;

West: Properties to the west of the site are an existing apartment which is zoned R-2 and guided as Low Density Residential.

**Zoning Requirements:**

<table>
<thead>
<tr>
<th>Bulk Requirements</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>N/A</td>
<td>.92 acres (40,085 s.f.)</td>
</tr>
<tr>
<td>Lot width</td>
<td>N/A</td>
<td>300 ft.</td>
</tr>
<tr>
<td>Lot Coverage (bldg.)</td>
<td>N/A</td>
<td>21 %</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Setbacks: Building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front yard (any street frontage)</td>
<td>25 ft</td>
<td>15 ft (5th St.) 20 ft (South St.)</td>
</tr>
<tr>
<td>Side yard (interior)</td>
<td>9 ft.</td>
<td>37 ft</td>
</tr>
<tr>
<td>Rear yard</td>
<td>25 ft.</td>
<td>80 ft</td>
</tr>
<tr>
<td>Setbacks: Parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front yard (street frontage)</td>
<td>5 ft</td>
<td>18 ft</td>
</tr>
<tr>
<td>Side / Rear yard</td>
<td>5 ft</td>
<td>20 ft</td>
</tr>
</tbody>
</table>
Evaluation of the Request

Preliminary Plat Evaluation:

Parcel Configurations/Requirements: The applicant proposes to replat the existing 60’ x 150’ lots (currently five directly adjacent to one another in a row along South Street) into a cluster development with one common area lot and thirteen individual townhome lots. In these circumstances, the common lot is required by code to have a minimum of 30 feet of frontage directly abutting a publicly dedicated street, but there are no required minimum lot sizes dictated by the City’s subdivision code (Chapter 114) or Zoning Code (Chapter 118) for townhomes and PUDs in the R-4 Zoning District.

Dedication/Easements: The proposed preliminary plat indicates drainage and utility easements as typically required along the edges of the lot lines, over all of proposed Common Lot 2. While this is atypical in staff’s experience, the City Engineer accepts this proposal as it maximizes the City’s/utility providers’ rights on the property.

Park Dedication: The platting would create 13 new developable residential townhome lots and therefore park dedication requirements of $27,500 ($2,119.23 per unit) would apply for the plat.

Access: The site is proposed to be accessed by a 20’ wide access driveway from the southeastern portion of the site (along South Street, at the east edge of the property) which loops around the back of the residences to another access point at the northwest portion of the site (along 5th Street). Each residence will have its own enclosed, secured, attached garage and a driveway access/parking area.

Utilities: The applicant is proposing a single water connection and single sanitary connection for the development at the street and will separately meter each individual unit within the project. The applicant should note that existing overhead utilities along South Street are in place and should verify that any proposed private improvements, including landscaping, do not interfere with existing overhead utilities. If the utility plan changes such that individual services for each unit will be extended to and impact the street, the City Engineer would require that a continuous area from the westerly most patch to the easterly most patch would be removed and replaced.

Planned Unit Development Evaluation:

Land Use: The proposed land use is a 13-unit townhome development for a site near the City’s southern boundary. The development proposes 13 two-bedroom, 2 ½ bath units, ranging in size from 1,050 to 1,350 square feet per unit. The application indicates that the units would be of higher end finishes and the market would be for single professionals, couples or small families. The site is an undeveloped property which is guided for Multifamily Residential and zoned R-4: Multifamily Residential. There is an existing apartment building to the west, townhouses to the east and a commercial shopping building to the south. Multifamily residential development of 20 units or less are permitted uses within the R-4 District. The PUD allows for reduced setbacks from 5th Avenue South (15’ where 25’ would be required as the “front yard”) while still meeting the minimum density requirement of the Comp Plan on this smaller infill site.
In addition, the PUD allows for the development to consist of exclusively two-bedroom units, whereas Code would require a mix that included no more than 50% two-bedrooms.

**Architectural / Site Plan / Floor Plan:** The applicant’s narrative indicates that exterior building materials and finishes will be “a combination of natural and maintenance-free materials” and that the design will integrate “creative and high quality architecture”. The applicant should speak to material selection in more detail at the meeting. The preliminary elevations/cut sheets indicate a three-story façade with gabled roof, a generous amount of front and back fenestration/windows, and tuck-under garages off the back (access drive) of the buildings. Neither side elevation appears to integrate any windows, however there is an architectural element (change of material) that breaks up the façade on each side of the building per floor. Generally, however, the architectural plan presents a relatively monolithic presence at each elevation. Staff offers the following suggested refinements to soften the architectural impact of the development:

- Both street side elevations (the west, facing 5th Avenue, and the south, facing South Street) would benefit from additional architectural treatment to break up their looming facades as depicted. The west elevation is situated within 20 feet of 5th Avenue, and will have a significant presence to people entering South St. Paul from the west. Additional windows would help to break up this façade and present a less imposing visual presence to this elevation. The South St. façade integrates a fair amount of welcome architectural touches (windows, planter boxes) but the addition of a front porch (see next note) will go a long way to break up this frontage and feel more homey/residential. In addition, the applicant should work with their architect to determine ways to better delineate between the homes. This could be accomplished through the introduction of some vertical elements, material/palette changes horizontally rather than vertically, or by varying setbacks through recessing/projecting units. As depicted, elevations appear as three separate long, unbroken layers stacked atop each other rather than thirteen distinct, unique, and individual homes.

- As depicted, none of the units have much (if any) dedicated outdoor space. The addition of an outdoor space per unit would provide additional marketable amenity to each unit while also adding visual interest to the development. This could be accomplished through integration of a balcony (off of either the front or back façade, potentially) or more of a “front porch” presence (along the South Street elevation) for each unit.

The proposed site plan orients the building as far to the southeast corner of the site as is practical, which is helpful in maintaining a buffer from the single-family neighborhood immediately north and the twin-home immediately to the east of the site. The site plan indicates that each unit will have a direct walkway connection to a new public sidewalk that will be constructed along South Street from the 5th Street intersection (where there is an existing bus shelter across South Street) to the eastern terminus of the site. The proposed access driveway enters the site at two points. The South Street drive entrance at the east of the site should have a reduced radius to minimize impacts to the neighboring residential property and to aid in lowering exiting and entering vehicle speeds to this access point. The 5th Avenue access point
enters 5th Avenue only a few feet north of an existing City Monument Sign. Staff suggests elimination of the 5th Avenue access point, and limiting vehicular access to the South Street driveway. It should be noted that the applicant does not plan to have any exterior dumpsters for household refuse, and has indicated that each unit will have its own refuse containers.

The applicant indicates that the submitted floor plan could be adjusted to provide additional unit depth. Staff suggests that the applicant implement this change. The applicant has indicated in conversation that there is the potential to increase unit depth by up to 6 feet. In addition to improving the marketability of the units, this additional 6 feet of depth would help to increase space in the units that could be integrated into the floorplan to create space for a storage room, office, den, laundry room, or potentially a third bedroom. Staff notes, specifically, that as depicted the laundry facilities for each unit will be located within the garage. This approach seems impractical in our climate, unless the garage is somehow climate controlled, ventilated, and finished. We suggest the laundry facilities for each unit should be located within finished space such as a dedicated laundry room, or utility/storage room, or the like. The applicant has indicated that laundry facilities will be integrated into the upper level of each unit as a stackable washer/dryer.

**Signage:** The plans do not indicate any new signage for the development. If at some point the applicant chooses to integrate signage into the development site, they would be required to first apply for and receive a sign permit. Although most signage within the R-4 district is permitted, Staff would suggest that if the applicant proposes signage at some point in the future, they follow the procedures for a PUD amendment at that time.

**Parking / Traffic / Impervious Areas:** The plans show at least 39 parking spaces to meet the City’s parking requirement. Parking is provided through a combination of private, secured, individual garages attached to each unit, as well as a driveway parking space and a standalone 13-stall parking area north of the access drive. The driveway enters and exits at both South Street and 5th Avenue, and at 20’ wide would accommodate two-way vehicular flow. Total impervious area on the site is calculated at approximately 55% of the site. Given the increase in impervious area versus existing conditions, the applicant will be required to submit a stormwater management plan to the City Engineer for approval.

**Landscaping:** Landscaping is focused along the South Street frontage (with deciduous trees) and the north property line (with evergreens). Code requires a minimum 4’ tall fence or landscape screening between parking areas and adjacent residential uses/districts is required. The landscape plan proposes 6’ Spruce trees spaced on average at 16’ on center along most of the northern property line. Staff suggests these trees be spaced slightly tighter (no more than 12’ on center) to provide a more seamless buffer between headlights/cars and the residential backyards to the north. An additional landscape buffer should be installed along the east property line, between the proposed driveway and the adjacent twin-home property. The submitted materials do not include any foundation plantings or driveway plantings. Prior to issuing a building permit, the City will require a revised and supplemental landscape plan to indicate the landscaping approach for the front and back of the units.
Lighting: It is unclear whether there will be any site lighting. Page 5 notes that there is “no lighting”, while the architectural elevations show individual residential style lights building mounted at the front and back unit entries. It may be advisable to include some low-profile lighting in the area of the guest parking, remaining sensitive to the adjacent residential uses.

Pedestrian Access: Neither 5th Avenue nor South Street have sidewalk along the property lines. The proposed site plan includes new sidewalk along South Street, as well as individual walkways connecting each unit to that sidewalk. This location currently has a bus stop and there is a bus shelter across the street so the sidewalk would provide residents with better access to transit.

Additional Plan Review Comments: (these are comments provided from city staff departments that do not fit into another category).

- A fire sprinkler system will be needed for the proposed development. An NFPA 13D system or an IRC 2904 system will be required.
- The units will require a unit separation wall between them with a minimum 1-hour fire rating (Section R302.2). Said wall must extend from the foundation to the underside of the roof deck. The roof deck on either side of the wall will need to be constructed from flame retardant plywood to a distance of 4 feet on either side.
- Note 13 (Sheet 7 – Grading Details) should include a statement that the City can require the Contractor to sweep any public street where tracking has occurred from the project. Sweeping will be completed as soon as possible but in no instances later that the end of the day when directed by the City.

Correspondence from Nearby Property Owners: Staff received correspondence from one party as related to this application. These comments came from the property owner to the east and are included in the packet materials.

Required Findings

A Planned Unit Development can only be approved as a Conditional Use Permit, according to Section 118-132 (a) of South St. Paul’s municipal code. The Conditional Use Permit (CUP) is for a land use which is generally compatible with all other uses in the district where it is located but should not be permitted as a matter of right in every area within the district because of special circumstances that the use or location may present. As such, the Plan commission is obligated to find the following when considering this application:

Conditional Use Permit Findings:

- The proposed conditional use conforms to the general purpose and intent of the zoning code.
- The conditional use will not substantially diminish or impair property values within the neighborhood, and in consideration of this question the comparison of the use shall be with respect to uses that are permitted without a Conditional Use Permit in the district which the use is located.
The conditional use will not impede the normal and orderly development and improvement of property in the neighborhood for uses permitted in the district affected.

Adequate utilities, access roads, streets, drainage, and other necessary facilities have been provided.

Adequate measures have been or will be taken to provide ingress and egress in such a manner as to minimize traffic congestion and hazards in the public streets.

Alternatives / Proposed Conditions

The Planning Commission has the following actions available on the proposed application:

A. Approval. If the Planning Commission has reviewed the application and determined that the application is consistent with the requirements for a preliminary plat as well as the required findings for a Conditional Use Permit and Planned Unit Development, then staff would recommend the following conditions of approval:

- Approval of the Preliminary Plat and Conditional Use Permit for a Planned Unit Development to be known as South Street Flats for the property located at 300 South Street; subject to the following conditions:

  1) Compliance with Plan Submittals. The site shall be utilized in substantial conformance with the application, narratives, and plans as noted below, on file with the Engineering Department, unless otherwise noted herein:

     a) Application (Dick Braun) dated 12/04/2019
     b) Narrative (Dick Braun) dated 12/04/2019
     c) South Street Flats Preliminary Plat Revision 2, Pages 1-11, and L1 (Pioneer) dated 01/01/2020
     d) Architectural Elevations and Details including undated Supplemental info from 1/3/2020 email (Dick Braun)

  2) Final Plat Required. An application for a final plat shall be submitted within 6 months from the date of preliminary plat approval. The applicant may seek an extension for submitting the final plat but such a request for extension must be submitted in writing and prior to expiration of the 6 months.

  3) Recording of the Final Plat and Association Documents. No building permits shall be issued until the final plat, with associated By-Laws, Covenants, and Agreements, have been reviewed by the City and recorded at the Dakota County Recorder’s office.

  4) Building Permits Required. Building permits are required for the proposed improvements. All building plans and specifications are subject to the review and approval of the City Building Official, City Engineer, and South Metro Fire Marshall. The applicant accepts the following requirements noted by the City Building Official as conditions of approval:

     a) A fire sprinkler system will be needed for the proposed development. An NFPA 13D system or an IRC 2904 system will be required.
b) The units will require a unit separation wall between them with a minimum 1-hour fire rating (Section R302.2). Said wall must extend from the foundation to the underside of the roof deck. The roof deck on either side of the wall will need to be constructed from flame retardant plywood to a distance of 4 feet on either side.

5) **Sign Permits Required.** The applicant shall file the necessary sign permit application and supplementary material as necessary and shall be subject to the review and approval of the City Planner.

6) **Revised Plans.** Revised plans shall be submitted prior to approval of a Final Plat to include the following:
   a) A revised landscape plan to include details of foundation/building landscaping along the south elevation and west elevation, a landscape buffer between the proposed South Street access point and the adjacent twin-home to its immediate east, and any proposed vegetation strips for the north elevation between unit driveways. In addition, evergreen trees of at least 6’ diameter shall be spaced no more than 12’ on center between the guest parking area and abutting residential properties to the north. All maintenance and upkeep of the landscaped areas shall be the responsibility of the applicant, its successors/assigns, and/or the association created for this development. This includes guaranteeing the health and viability of all proposed landscape plantings.
   b) A revised site plan should be submitted to eliminate the 5th Avenue access point, reduce the radius of the South Street access point, and to include lighting of the guest parking area.
   c) A lighting plan.
   d) Revised architectural elevations and floorplans depicting an increased unit depth and refined architectural approach to provide better delineation between individual units are required. The revised architectural plan shall denote exterior materials and building heights.

7) **Off-street Parking, Driveways, and Walkways.** All off-street driveway and parking areas shall be hard-surfaced, enclosed in integral concrete curbing, and shall be privately owned and maintained. All pedestrian walkways installed as a part of the project shall be hard-surfaced and privately maintained. There shall be no parking or storage of boats, trailers, recreational equipment, or any other items that interfere with the routine parking and placement of passenger cars in the proposed townhome development. These restrictions shall be integrated into the Association By-Laws, Covenants, and/or Agreements.

8) **Refuse Containers.** The applicant indicates that all household refuse will be contained within individual containers per unit and that no centralized outdoor refuse containers will be provided for the site. All units and residences must have garbage hauling service, with containers stored inside the individual units when not being removed by said hauling service. Any revision to this approach that results in utilizing a centralized trash collection system (such as a single, large dumpster or more) will require an amendment to the PUD.
9) **Stormwater Plan and Maintenance Agreement.** The applicant is required to maintain their stormwater system to ensure that it functions properly. A stormwater maintenance agreement will be required and an escrow for any stormwater maintenance improvements is required prior to issuance of building permits. The stormwater maintenance agreement shall be subject to the review and approval of the City Engineer.

10) **Necessary Approvals from Other Agencies.** The applicant shall obtain all necessary approvals/permits from the Minnesota Department of Natural Resource (DNR), Minnesota Pollution Control Agency (MPCA), Minnesota Department of Transportation (MnDOT), Dakota County and any other applicable regulatory agencies.

11) **Compliance with Laws and Approvals.** The property must remain compliant with all federal, state, and local laws and ordinances and all prior City approvals.

B. **Denial.** If the Planning Commission does not favor the proposed application or portions thereof, the above requested should be recommended for denial. If the Planning Commission recommends denial, then findings of the basis for denial should be given.

- Denial of the **Preliminary Plat and Conditional Use Permit for a Planned Unit Development** to be known as South Street Flats; for the following reasons:
  1. _______________________________________________

**Staff Recommendation**

Staff recommends **approval** of the Preliminary Plat and Conditional Use Permit for a Planned Unit Development for the property at 300 South Street, subject to the conditions stated in this report.
PROPOSED PROJECT

"SOUTH STREET FLATS" – 300 SOUTH STREET
“SOUTH STREET FLATS” – 300 SOUTH STREET

Proposed Site

Single-Family Neighborhoods

Apartment Homes

Commercial District (IGH)

5th Avenue Plaza

Twin Homes

Apartment Homes

Basemap Courtesy of Dakota County GIS
Information accurate as of January 2020
To: City of South Saint Paul  
From: Richard Braun  
Re: South Street Flats  
Date: December 4, 2019  

Thank you for taking the time to review the preliminary plat and Planned Unit Development (PUD) application for South Street Flats.

The Property:
The property is generally flat and consists of .92 acres located in the Northeast corner of 5th Avenue and South Street at the south end of the City. Single Family homes exist to the north, low density residential twin homes directly to the east, commercial property to the south, and a high density apartment building across 5th Avenue to the west. There was previously a plat approved for a high density apartment building for this property. The feasibility for this apartment came into question after the preliminary approval and it was determined that it is not financially viable. The plat has subsequently expired. We are now requesting approval for an attached residential product. We believe this product is far more feasible in this market, in this location, and on a property of this size.

Land Use:
The property is guided for high density residential under the 2030 comprehensive plan. This requires a density of 13-20 units/acre. We are not requesting a comp plan amendment.

Zoning:
The current zoning is R-4 multi-family residential. We are requesting review of this application as a Planned Unit Development (PUD).

PUD Flexibility:
The City requires 13-20 units/acre as per the 2030 comprehensive plan. In order to meet the minimum density and create a feasible development on a property of this size, we have come up with a solution using a high density attached single family product. We meet all required setbacks for Multifamily Development and R-4 Zoning Districts except the setback on the south to South Street. The ordinance requires a 25’ setback, we are proposing a 20’ setback. We are showing living area 20’ from the right of way. Many cities allow reduced setbacks to living space, with increased setback requirements to garage doors. We are only asking the City to allow this 5’ deviation to the living space in order to accommodate what we feel is the most feasible as well as highest and best use for this property.

Landscaping and Open Space:
An attractive landscape plan for the property has been submitted to provide privacy and buffering for the new residents as well as providing buffering for the existing homes. We are proposing over 2 trees/unit. There is over 15,500 sf of pervious landscaped area on the property. This exceeds the 25% open space requirement.
Housing Product:
We are proposing 13-unit, 3-story row homes with one and two car tandem tuck under garages. These units will have two bedrooms, three bathrooms, main floor offices/family rooms and a sidewalk along south side exterior. It is anticipated that these homes will attract single professionals and young families.

A few stats of our proposed homes:
1. The total finished square footage will be between 1050-1350 sq. ft.
2. If units are to be sold, the anticipated sale prices will be $195,000-$225,000.
3. If units are to be rentals, we anticipate the rents to be $1800-$2300/month.
4. A home-owners association will be formed to assure consistent maintenance and upkeep of the structures as well as landscaping and common areas.
5. Exterior finishes will be a combination of natural and maintenance-free materials. Creative and high quality architecture will be attractive to new homeowners or renters.

We are excited to bring this new life-cycle housing option to South Saint Paul and we look forward to working with the City as we move forward in the approval process.
Ryan,

This is a concept plan that depicts the general look, layout of the buildings that will have exterior and interior product will far exceed the quality and style of the existing homes in the area.

The exterior finishes, landscaping and architectural features shown on the rendering is market appealing. I think that the Shakes on the upper and horizontal siding on the bottom two levels with a wide Transition Band Trim and Corner Trim will not be a blank wall as you mention. I’m not opposed to adding a windows to the west and east sides if necessary or more gable detailing. We will create an Exterior elevation on the south side with alternative finishes or offset the building every 3 or 4 units to break-up the elevation.

We have the capability to add a patio door and deck off the living rooms on the north side, or are we allowed to ad a patio on the South Side into the 20’ setback, which is preferred?

The laundry rooms will be on the upper bedroom levels in the form a stacking washer/dryer. Garage level finished Office/Family rooms will have be finished same as the upper levels, ventilated and insulated.

EXTERIOR FINISHES:
- James Hardi Siding Shakes
- James Hardi Horizontal Siding
- James Hardi Trim (horizontal transition boards and vertical corners)
- Aluminum Soffits and Facia
- Architectural Shingles
- Vinyl Windows

We have no natural materials on the exterior, we decided to go with Aluminum soffits and facia instead of cedar…

INTERIOR FINISHES:
- There will be Many options for interior finishes, standards will generally we will have Hi-definition Formica counter tops, Enameled Flat stock base / casing – 2 or 3 Paneled interior doors / Custom Box Kitchen cabinets – engineered wood floors – Carpet in Bedrooms.

There is no one that wants this product to sell than me.

I hope I covered your questions and concerns.

Dick Braun
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

DICK BRAUN
2471 ANGELL RD.

11-27-2019
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

DICK BRAUN
2471 ANGELL RD.

2019 Pioneer Engineering, P.A.
Mendota Heights, MN 55120
2422 Enterprise Drive
(651) 681-1914
Fax: 681-9488
www.pioneereng.com

LANDSCAPE ARCHITECTS
LAND SURVEYORS
LAND PLANNERS
CIVIL ENGINEERS

11-27-2019

1. 12-10-19 City Comments

45831
2. 1-1-20 City/Client Comments
Len Evanoff

I'm concerned about water drainage from the ENE corner Area of lot 15
I'm also concerned about a privacy/ noise
Shield along the green space approx 8 to 10' from my fence for headlights & engine noise and snow removal
from their driveway

Len Evanoff

Get Outlook for Android

---

Ryan Garcia

From: Ryan Garcia <rgarcia@southstpaul.org>
Sent: Thursday, January 2, 2020 2:47:46 PM
To: Len Evanoff <len@thehillcrestapts.com>
Subject: South Street Flats Proposal

Len –

Thank you for taking my call today.

If you could, please reply with a quick email with the comments you would like me to pass along to the Plan
Commission and City Council as related to the proposed “South Street Flats” development at 5th and South. I'll
get that into the public record.

Thank you!
Ryan.

Ryan Garcia | Director of Economic and Community Development
City of South St. Paul, Minnesota
125 Third Avenue North | South St. Paul, MN 55075
(p) 651.554.3278 | (m) 608.412.5154 | (f) 651.554.3271
(w) www.southstpaul.org (e) rgarcia@sspmn.org
Requested Action: Consider a draft ordinance amending Section 118-199 in City Code regarding Fences and Walls to increase the maximum fence height in the front yard for residentially zoned properties to 48” (4’) for materials that are at least 50% opaque.

Summary Recommendation: Planning Division recommends approval of the requested actions subject to certain conditions of approval as outlined within the report.

Background Information

Applicant / Owner / Operator: City of South St. Paul

Tentative City Council Meeting: (1st) January 21st, 2020 and (2nd) February 3rd, 2020

60-day Review Period Deadline: N/A

Proposal: The proposed ordinance would increase the maximum height of fences in the front yard of residentially zoned areas (R-1, R-2, R-3 and R-4 districts) when the fencing style is one that lets at least 50% air and light through the fencing (50% opaque). Currently the maximum height for front yard fences in a residentially zoned districts is 42”.

Applicable Regulations & Standards: Section 118-199 provides guidelines and regulations for fences and walls.

Background: The City currently has a front yard fence maximum of 42” (3.5’). During the discussion of Planning Case 2019-09 (Felton Fence Variance), both the Planning Commission and City Council noted city staff should consider revisiting the fence code to adjust the height requirement in accordance with an opacity requirement.

Attachments:

A. Planning Commission Resolution 2020-01
B. Correspondence from public hearing notices (none)
C. Draft Section 118-199 – Fences and Walls
D. Opacity examples (City of Bloomington)
**Evaluation of the Request**

**What would the proposed ordinance do?**

The proposed ordinance would increase the maximum height of a fence along or within the front non-buildable setback area from 42” to 48” in residentially zoned areas if the fence material is at least 50% opaque. Fence types that meet this requirement include chain link, picket and wrought iron.

**How would the proposed ordinance impact existing land uses?**

There would be no impact to existing land uses. Any new fence or fence replacements would be required to follow these requirements.

**What is the process and timeline for the proposed ordinance amendment?**

Process- The Planning Commission would review the proposed ordinance amendment, making a recommendation, and the ordinance would be forwarded to the City Council to be considered; two readings are required for a new ordinance amendment.

Timeline – The first reading for this item would be at the January 21st City Council meeting and the 2nd reading would be scheduled for the February 3rd. If approved by the Council, the ordinance would be in effect from the date of adoption.

**Alternatives / Proposed Conditions**

The Planning Commission has the following actions available on the proposed application:

A. **Approval.** If the Planning Commission does favor the proposed zoning changes as proposed, or as amended by the Planning Commission, then the Planning Commission should approve of Planning Commission Resolution 2020-01.

B. **Denial.** If the Planning Commission does not favor the proposed zoning changes as proposed, or as amended by the Planning Commission then the Planning Commission should recommend denial of Planning Commission Resolution 2020-01.

**Staff Recommendation**

Staff recommends **approval** of Planning Commission Resolution 2020-01 to increase the maximum height of front yard fences for residentially zoned properties from 42” to 48” when the fence material is least 50% opaque.
City of South St. Paul  
Dakota County, Minnesota

PLANNING COMMISSION  
RESOLUTION NUMBER 2020-01

RECOMMENDING APPROVAL OF SECTION 118-199 OF THE CITY CODE CHANGING THE MAXIMUM HEIGHT OF FENCES IN THE FRONT YARD OF RESIDENTIAL PROPERTIES FROM 42” TO 48”

WHEREAS, the City Code establishes certain standards for residential properties in the City of South St. Paul, including the maximum height of fences in the front yard of residentially zoned properties;

WHEREAS, residentially zoned properties include properties in the R-1, R-2, R-3 and R-4 District;

WHEREAS, the City of South St. Paul has proposed to amend zoning code Section 118-199 regarding fences and walls;

WHEREAS, the current maximum height for fences in the front yard of residentially zoned districts is 42”;

WHEREAS, the proposed height increase would allow fences in the front yard to be 48” in height when the fence material is at least 50% opaque;

WHEREAS, the Planning Commission held a public hearing on the proposed resolution at their January 8, 2020 meeting; and

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of South St. Paul, Minnesota, as follows:

1. Approval of Section 118-199 of the City Code, changing the maximum height of fences in the front yard of resident properties from 42” to 48”

Adopted this 8th day of January, 2020.

_________________________________________________
Chair

ATTEST:

_________________________________________________
City Planner
Sec. 118-199. - Fences and walls.

Fences may be allowed in any district and are subject to the following:

(1) All fences shall be kept in good repair, painted, and well maintained. In the event a front yard fence is adjacent to and parallel with the front lot line (or side lot line on the street side of a corner lot), such fence shall be set back at least one foot from the street right-of-way line.

(2) Solid walls in excess of four feet above adjacent ground grades are prohibited.

(3) The side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.

(4) No fences shall be permitted on public rights-of-way, except through an encroachment agreement.

(5) Fences in easement areas shall not impede the flow of water. If the city needs to utilize the easement, the fence will be removed and relocated at the expense of the property owner.

(6) Fences may be permitted along property lines subject to the following:

a. Fences may be placed along property lines provided no physical damage of any kind results to abutting property. Property owners shall be responsible for verifying their property lines by locating their property irons. If the irons cannot be located, the property owners shall provide with City with either a notarized consent form signed by the adjacent property owner(s) agreeing to the location of the common property line(s) or a survey showing the location of the property line.

b. Fences in industrial districts may be erected to a maximum height of eight feet above finished grade.

c. Fences in residential districts may be located on any side or rear lot line to a height of six feet above finished grade.

d. Fences alongside and rear interior lot lines beginning behind the front building line of the principal structure may be a maximum height of six feet in residential districts.

e. Should the rear lot line of a lot be 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 48 inches.

(7) Fences may be permitted within required yards subject to the following:

a. Fences located within the side and rear yard non-buildable setback area beginning behind the front building line shall not exceed six feet in height from the finished grade in residential districts.

b. In residential districts, fences along or within the front non-buildable setback area may be no more than 48 inches in height and must be at least 50% opaque. On corner lots where the “front” of the house faces a side yard, fences in the side yard on that “front” side of the house may be no more than 48 inches in height.

c. Fences located within the buildable area of a lot may be up to six feet in height.

d. Fences in industrial districts located within non-buildable setback areas shall not exceed eight feet in height from finished grade.

e. Fences used for backstops for ballfields at public parks and playgrounds shall be exempt from the fence height regulations mentioned above. Fences for tennis courts shall be in accordance with section 118-260.

f. Fences required for enclosures around swimming pools shall be in accordance with section 118-255.

g. Fences around community gardens for wildlife management that meet the following criteria:
1. The garden is larger than 5,000 square feet;
2. The garden is used by more than six users;
3. The garden is not located on the same property as a single-family residence;
4. The fence is no higher than eight feet;
5. The fence is not electrified;
6. The fence is made of material that complies with this section, except that plastic deer fencing and welded/woven wire are considered permitted materials around a community garden.

h. Fences as required around an airport for security or wildlife control shall be in accordance with Federal Aviation Administration (FAA) regulations.

(8) Plans for the fence must be submitted to the city engineer for approval at the time of permit application prior to the beginning of construction. The plans shall include the location of the fence, type of material, method of anchoring, attaching and/or securing the fence and fencing material.

(9) Fences on corner lots located in the traffic visibility triangle area shall be in accordance with section 118-246(c).

(10) The following materials are approved for fence construction:
   a. Wrought iron;
   b. Aluminum (wrought iron design);
   c. Wood;
   d. Vinyl/PVC, and composite fencing (i.e. Trex); and
   e. Chain-link with approved posts and cap.

(11) The following materials are not approved for fence construction:
   a. Farm fence of any kind, which includes, but is not limited to woven or welded wire, chicken wire, plastic deer fence, snow fence, steel bar fence, and similar type fencing, except as allowed for community gardens.
   b. T-posts and pipes.
   c. Barbed wire (except for security fences around power substations and airports).

(Code 1992, § 1500.29, subd. 14; Ord. No. 1208, § 1, 7-21-2008; Ord. No. 1269, § 1, 5-6-2013)
Measuring fence height

The body of the fence determines the fence height. A maximum of six inches is allowed above the natural grade (e.g. for drainage purposes). Fence posts may extend a maximum of 12 inches above the body of the fence. If the fence height has been elevated through the use of a retaining wall, the creation of a berm or another method for the primary purpose of increasing the elevation of the fence, the fence height is measured from the ground elevation prior to the grade modification.

Opacity

Fence opacity is the degree to which views are blocked. When a fence adjacent to a street is over three feet in height and does not meet the required setback for a principal structure in the zoning district, fence opacity is limited to 50 percent or less, subject to the exceptions below. See right for examples. For opacity limitations, an alley is not considered a street.

Exceptions

The following fences are exempt from opacity limitations:

1. A fence in a yard adjacent to an arterial street as designated by the Comprehensive Plan, provided a 15-foot clear view triangle is maintained. See page 3 for clear view triangles and page 4 for arterial streets.
2. Screening fences required by the City Code, including commercial properties. See Section 21.301.08 (g)(4).
3. Screening fences required by a condition of approval for a development application.
4. Fences in the rear yard of a through lot when adjacent lots are also through lots. See through lot example on page 1.
5. Fences in the rear yard of a corner lot when the fence is no closer to the street than an existing principal structure or garage.
6. Vegetation growing adjacent to or on a fence will not be considered in determining compliance with the opacity requirements for fences.

Approved materials

Fences must be constructed of wood, metal, bricks, masonry, plastic or other materials designed for permanent outdoor fencing. Wood fences must be constructed of cedar, redwood, or other decay resistant wood. Chain link fencing finer than 11-gauge in diameter is prohibited. (Note: 12-gauge is finer and 10-gauge wire is thicker than 11-gauge.) Fences must not be constructed from razor wire, snow fencing, plywood, or materials originally intended for other purposes. Above ground electric fencing is not permitted. Barbed wire is permitted only on top of fences in nonresidential districts, a minimum of six feet above the natural grade.

Exception

Temporary fences made of chicken wire in residential districts are permitted for residential garden uses only.

Installation, posts and supporting members

All fence elements must be permanently installed and constructed in a workmanlike manner to secure the fence in a vertically level position. Fences must be installed so that posts and lateral supports are not on the side of the fence facing an adjacent property or public right-of-way, unless exposed on both sides.