Chair:
Stephanie Yendell
Vice-Chair:
Angela DesMarais
Commissioners:
Jason Frankot
Tim Felton
Justin Humenik
Ruth Krueger
Matthew Thompson

City of South St. Paul
Planning Commission Agenda

Wednesday, September 2, 2020
7:00 p.m.

Please be advised that the regular meeting location is City Hall Council Chambers located at 125 3rd Ave. N., South St. Paul, but pursuant to Minn. Stat. 13D.021, under the current emergency declaration due to the COVID-19 health pandemic, some or all of the Planning Commission members may participate in remote locations using WebEx. Please be advised that City Hall is closed to the public, therefore, any member of the public wishing to monitor the meeting or participate in the public hearings may do so electronically by logging in as follows:

WebEx Meeting
For the Public
Join by phone: 1-312-535-8110
Access Code: 133 162 6638#

Members of the public wishing to participate in the meeting with video should email City Planner Michael Healy at least two (2) hours prior to the meeting to request a link to the WebEx meeting. He can be reached at mhealy@southstpaul.org.

Roll Call

1. Agenda

2. Minutes
   A. August 5, 2020

3. New Business
   None

4. Public Hearings
   A. Public Hearing for a Conditional Use Permit for a Proposed Second Garage at 401 9th Avenue South
   B. Public Hearing for Conditional Use Permits and Variances for a Proposed Monument Sign for the Church of St. John Vianney at 840 19th Avenue North
   C. Public Hearing for a Conditional Use Permit for a Planned Unit Development for a Proposed Twinhome at 1020 5th Avenue South
   D. Public Hearing for an Interim Use Permit Amendment for Additional Fundraising Events at the Commemorative Air Force Hangar
   E. Public Hearing for an Ordinance Amendment Establishing Zoning Standards for Day Cares

5. Other Business
   None

6. Adjournment

Next Planning Commission Meeting: October 7, 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 CHAIR KRUEGER AT 7:08 P.M.

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

Absent: Angela DesMarais  
Tim Felton  
Stephanie Yendell

1) APPROVAL OF AGENDA – Huminek/Frankot (4-0)

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

3) NEW BUSINESS

None.

4) PUBLIC HEARINGS

A) Fence Height Variance at 138 9th Street South

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

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

Acting Chair Krueger opened the public hearing.

No one was present to speak on the item nor had correspondence been received on the item.
Acting Chair Krueger closed the public hearing.

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

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

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

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

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

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

Commissioner Huminek asked how the proposed parking numbers for the project compared to the number of off-street parking spaces that would have been required under the off-street parking ordinance amendment that was introduced in 2019. Staff did not know the answer off-hand.
Commissioner Huminek asked for clarification from staff about what kind of structure would meet the MnDOT recommendation for a raised crosswalk. Mr. Healy explained that a raised crosswalk is a slightly elevated crosswalk that acts like a speed bump.

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

Acting Chair Kruger shared her support for the proposal.

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

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

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

Acting Chair Krueger opened the public hearing.

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

Acting Chair Krueger closed the public hearing.

Commissioner Huminek shared her support for the project.

Acting Chair Kruger again shared her support for the project.

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

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

Mr. Healy presented the staff report. The applicant, Alex Stojmenovic on behalf of Serbian Hall, LLC, had requested a Conditional Use Permit to allow a building that is listed on the National Register of Historic Places to be used as a reception hall in the R-2 zoning districts for events up to 250 people.
The Serbian Home is a historic community event center and reception hall located at the intersection of 4th Street South and 3rd Avenue South. The building was built in 1924 to function as a reception hall and community spaces for the Serbian residents in the city. The building was built before the City adopted a zoning code or assigned zoning districts. The property is one of three ethnic halls within the neighborhood.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acting Chair Krueger opened the public hearing.

Mr. Healy shared the public comments he had received.

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

Christine Joa, 428 3rd Avenue South, expressed her concerns about parking issues that would arise from the approval of the Conditional Use Permit. Ms. Joa stated there were existing parking issues in the neighborhood. Ms. Joa stated she did not believe guests would use the off-site parking and shuttle service. Ms. Joa stated her concerns about the proposed hours and how the hours would affect the quality of life for the individuals within the neighborhood. Ms. Joa stated she was 100% against the proposed conditional use permit and would be furious if it were approved. Ms. Joa again stated her frustrations about the lack of parking in the neighborhood.
Bryan and Jessica Wencel, 413 4th Avenue South, stated they did not agree with the intended use of the property. They stated that they do not believe that event goers would use the shuttle services and that they would take over parking within the immediate area. Mr. and Mrs. Wencel stated concerns about the hours of operation. Mr. and Mrs. Wencel questioned whether or not the owner would hire security or if the neighbors would be responsible for contacting the police if things got out of hand. Mr. and Mrs. Wencel questioned if the neighbors would be responsible for contacting the police when parking got out of hand or is someone from the Serbian Home would monitor this. Mr. and Mrs. Wencel stated while they were excited to see the space be well maintained and refurbished, they would prefer the site be turned into a condo rather than an event space.

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

Acting Chair Krueger closed the public hearing.

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

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

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

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

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

5) OTHER BUSINESS

A) Alternative Energy Ordinance

Ms. Mann presented the staff report. The ordinance had originally been presented at the July 8th Planning Commission meeting. At the meeting, the commissioners shared their concerns about ground-mounted solar energy systems and voted to table the item. The commissioners requested that staff conduct a case study of ground-mounted solar energy systems in the surrounding communities and report back at the August 5th Planning Commission meeting. Staff conducted additional research about the safety, practicality, and
commonness of ground-mounted solar energy system. Additionally, staff reached out to the cities of West St. Paul, Inver Grove Height, Eagan, Burnsville, and Mendota Heights for case study information. Ms. Mann reported the additional information that was collected and the case study information.

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

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

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

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

6) ADJOURNMENT

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

A motion recommending approval or denial of a proposed Conditional Use Permit for a second garage at 401 9th Avenue South.

BACKGROUND/DISCUSSION

Application

The Applicant, Melissa Marchio, on behalf of John Jeffers, is requesting the following:

1. A Conditional Use Permit (CUP) to allow a second garage at 401 9th Avenue South.

Review Timeline

- **Applied Date:** July 20, 2020
- **Planning Commission:** September 2, 2020
- **Tentative City Council Meeting:** September 8, 2020
- **60-Day Review Deadline:** September 18, 2020

Background

The Applicant is seeking to construct a 22’ x 26’ detached garage at 401 9th Avenue South. The property has an existing attached garage. Per South St. Paul’s code, a property can have up to two garages, if the property has an existing attached garage and a conditional use permit is obtained for a detached, second garage on the same property.

Site Characteristics

The subject property, 401 9th Avenue South, is located in the R-2 District at the corner of 4th Street South and 9th Avenue South. The property is a double lot with an area of 10,000 square feet. The property has an existing, attached, two-car garage. The existing garage is accessed from 4th Street South. The footprint of the house and the attached garage is 1,768 square feet.
The property has an existing 12x12 shed located in the southeast corner of the lot. The existing shed would not be removed to construct the garage and would remain in its current location. The proposed garage would be 3 to 4 feet away from the proposed shed.

**Proposed Garage**

The proposed 2-car garage would be located in the southeast corner of the property. The proposed garage would be 22’ x 26’ (572 square feet). The garage would be 13 feet tall at its highest point. The side walls of the garage would be 9 feet tall and the roof would have a 4:12 roof pitch (meaning the roof rises 4 inches every 12 inches of run). The garage would have accessed from the alley behind the property.

**Relevant Code.**

Section 118-208 lists performance standards for accessory buildings and structures. Single-family homes located in the R-2 District are subject to the same lot requirements as single-family homes in the R-1 District. Lot requirements for Single Family homes are found in Section 118-121.

**Evaluation of Request**

1. **Lot Coverage – Code Requirement Met**
   Section 118-121 (d) (3) states that all single-family dwelling units and accessory buildings on a property over 5,000 square feet shall not cover more than 30% of the area of the lot. The subject lot is 10,000 square feet. The maximum allowable area for the single-family dwelling and all accessory buildings on the property is 3,000 square feet. The principal structure, including the attached garage, has a footprint of 1,768 square feet. The existing shed has a footprint of 144 square feet. The proposed accessory structure is 572 square feet. The current lot coverage is around 19%. The lot coverage after the garage is built would be approximately 25%.

2. **Setbacks – Code Requirements Met**
   Section 118-208 (c) (2) lists setback requirements for accessory structures on single-family residential properties. Any accessory structure located within the rear 1/3 of a lot must be setback at least 3 feet from the side property lines. If a property is a corner lot, an accessory structure must be setback at least 9 feet from the street side lot line. In the case that the accessory structure is a garage that faces a street or an alley, the structure must be setback 8 feet from the rear property line. The proposed garage would be 9 feet from interior (not street) side property line and 8 feet from the rear property line. The proposed garage would be more than 9 feet away from the street side lot line.

3. **Height – Code Requirement Met**
   Section 118-208 (d) states the maximum height of a garage or any accessory structure intended or capable of storing vehicles shall not exceed one story and shall not exceed a height of 16 feet when measured from the garage floor to the highest point on the roof. In the case that the roof is not a hip or gable roof, the highest point of the garage shall not exceed a height of 12 feet above the surface of the garage. The proposed garage would be 14 feet tall at the highest point with a hip or gable roof.

4. **Size – Code Requirement Met**
   Section 118-208 (e) states the maximum size (area) of a garage or any accessory structure intended to or capable of storing a vehicle shall have a maximum size of 1,000 square feet. On lots with a detached garage
and another accessory building (such as a shed), the maximum allowable size for all accessory buildings is 1,200 square feet. The total square footage of all accessory structures would be 716 square feet.

5. Exterior Materials/Finish – Code Requirement Met
Section 118-208 (f) (1) (c) states the exterior materials and finish of an accessory structure should be consistent with or be complementary to the principal structure. The proposed garage will have siding and shingles that match the house.

Analysis of Conditional Use Permit Request

The Planning Commission and the City Council are tasked with evaluating the Conditional Use Permit using the following lens:

(d) Standards for approving a conditional use permit. The planning commission shall make the following affirmative determinations before a conditional use permit may be recommended for approval by the city council:

(1) That the conditional use, with such conditions as the commission shall determine and attach, conforms to the general purpose and intent of this chapter.

(2) If the application is based on the conditional use provision in this chapter that the issuance conforms to the general characteristics of the district of which it will become a part.

(3) That the conditional use will not impede the normal and orderly development and improvement of property in the neighborhood for uses permitted in the district or districts affected.

(4) That adequate utilities, access roads, streets, drainage, and other necessary facilities have been or will be provided.

(5) That 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.

(6) In residential districts, certain uses may not be considered appropriate within the interior of residential neighborhoods because of noise, traffic, or other conditions that would tend to adversely affect the residential character of the neighborhood and possibly reduce property values. These may be considered appropriate only on the periphery of residential neighborhoods or under such conditions as the city council may deem proper. The uses may represent “buffer” uses for those areas lying between residential dwellings and nonresidential uses.

Staff Recommendation

Staff find the conditional use permit request to be very straightforward. The City Code allows for a second garage with a conditional use permit. The proposed garage adheres to the relevant Zoning requirements. Staff do not foresee the second garage having a detrimental impact on other uses within the area. Staff find the project to be compliant with the Zoning Code and recommend approval of the proposed conditional use permit with the proposed conditions.

Planning and Zoning Conditions

1) The applicant shall obtain a building permit prior to construction. As part of the process, the property lines of the subject property must be located. The Applicant must either locate the property corner pins or have the property lines marked by a licensed surveyor.

2) The accessory structure shall be built to the Zoning Standards as stated in Section 118-208 and must adhere to all height and setback requirements for detached garages.
3) The detached garage must be served by a hard-surfaced driveway. A second curb cut onto the public street shall not be permitted.

4) The detached garage shall be used for personal storage. The building may not be utilized in a manner that violates any of the City’s rules for home occupations.

5) Per the Code, the Conditional Use Permit will terminate if improvements have not substantially begun within 1-year from the date of approval of the variance. The City Council may approve an extension of the Conditional Use Permit but the Applicant.

6) The violation of any condition of this conditional use permit is grounds for revocation of the Conditional Use Permit, following a hearing by the City Council.

**Planning Commission Action**

A. **Approval** – Motion to recommend approval of the proposed conditional use permit for a second garage at 401 9th Avenue South subject to the conditions as presented or amended.

B. **Denial**- Motion to recommend denial of the proposed conditional use permit for a second garage at 401 9th Street South.

If the Planning Commission recommends denial of the proposed conditional use permit, the Commissioners must adopt findings of fact that the proposed conditional use permit does not meet the standards for approving a conditional use permit.

**Attachments**

1. Project Site
2. Applicant’s Narrative and Site Plan
3. Aerial Photograph with Approximate Location of Proposed Garage
4. Relevant Code
5. Public Comments
ATTACHMENT B
APPLICANT’S NARRATIVE AND SITE PLAN

SE corner of property at 401 9th Ave S
New garage will have vinyl siding and
architectural shingles
one course of block
color of siding and shingles, soffit fascia
will match the house
The attached garage at 401 9th ave South is an older style garage and can not fit a full size vehicle in it. The homeowner would like to have a detached garage for personal use and storage for his truck.

Please let me know if there is any way to expedite the process, the homeowner will be building the garage, we're just helping him with the concrete work.

Thank You,
Melissa
Novotny's Construction, LLC
651-808-1487
ATTACHMENT C
AERIAL PHOTOGRAPH WITH APPROXIMATE LOCATION OF PROPOSED GARAGE
Sec. 118-208. - Accessory buildings and structures.

The requirements and regulations specified in this chapter shall be subject to the following:

(a) **Purpose.** The purpose of this section is to regulate the number size, location and appearance of all buildings accessory to and detached from principal buildings on lots within the city. These regulations shall apply to all detached structures, including but not limited to garages, carports, storage buildings, gazebos, screen houses, play houses, and similar structures.

(b) **Number.**

   (1) Single-family residential zoning districts: Up to two detached accessory structures are allowed as follows:
      
      a. One detached garage used as an accessory to the dwelling and located upon the same lot, intended or capable of providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted. If there is an attached garage, a detached garage may only be allowed by conditional use permit.
      
      b. One detached accessory building or structure (i.e. shed) the use of which is incidental to and located on the same lot as the dwelling, which cannot be used as a garage.

   (2) All other districts:
      
      a. One per principal building.

(c) **Location.**

   (1) All zoning districts:
      
      a. No accessory building shall be located nearer the front lot line than the principal building on that lot.
      
      b. The required setbacks shall apply to all types of corner lots and accessory buildings shall adhere to any front or side setbacks as may be applicable to any principal building on such lots from both streets.
      
      c. The minimum distance between the principal building and a detached accessory building shall be determined by the Minnesota State Building Code.
      
      d. No building shall be placed within ten feet of any dwelling unit on an adjacent lot.
      
      e. No accessory buildings shall be located within utility and drainage easements. It is the owner’s responsibility to verify the location of the property lines.

   (2) Single-family residential zoning districts:
      
      a. **Side yard setbacks:**
         
         i. Accessory buildings in a residential district must be located at least five feet from the side lot line in the front two-thirds of the lot and three feet in the rear one-third of the lot. Accessory buildings and projections (soffits or overhang) located less than five feet from the property line are subject to additional fire separation requirements from the Minnesota State Building Code.
         
         ii. An accessory buildings must be located at least nine feet from the street side property line on a corner lot.
      
      b. **Rear yard setback:**
         
         i. A garage shall have a setback from the rear property line of not less than three feet unless the entrance faces an alley or street, then the garage shall be setback no less than eight feet from the rear property line. Buildings and projections (soffits or overhang) located less than five feet from a common property line are
subject to additional fire separation requirements from the Minnesota State Building Code.

ii. All other accessory buildings shall be set back at least three feet from the rear property line. Buildings and projections (soffits or overhang) located less than five feet from a common property line are subject to additional fire separation requirements from the Minnesota State Building Code.

c. Setbacks for through lots:
   i. The minimum setback from the rear street of a through lot shall be 30 feet.

(3) All other districts:
   a. Accessory buildings in the business and industrial districts may be located to the rear of the principal building, subject to rear setbacks, the Minnesota State Building Code and any fire separation requirements.
   b. No accessory building in the industrial district shall be located less than ten feet from a rear or side lot line unless otherwise provided for herein.

(d) Maximum height.
   (1) Single-family residential zoning districts:
      a. Garages or any accessory structure intended to or capable of storing vehicles:
         i. No detached garage shall exceed one story. As used in this subsection, the word "story" means the portion of the garage between the surface of the floor and the roof above.
         ii. In the case of a hip roof or gable roof, no part of the garage shall exceed a height of 16 feet measured from the garage floor to the highest point of the roof; in all other cases the highest point of the garage shall not exceed a height of 12 feet above the surface of the garage floor.
         iii. The exterior side walls of a garage shall not exceed ten feet in height.
      b. All other accessory buildings:
         i. The height of a detached building shall not exceed 12 feet. If attached, the structure shall not exceed the height of the principal building.

(2) All other districts:
   a. No accessory building in a business or industrial district shall exceed the height of the principal building except by conditional use permit.

(e) Maximum size.
   (1) Single-family residential zoning districts:
      a. Garages or any accessory structure intended to or capable of storing vehicles:
         i. The maximum size for a garage shall be 1,000 square feet.
      b. All other accessory buildings:
         i. Structures larger than 200 square feet shall require a conditional use permit.
      c. The maximum allowable size for all accessory buildings combined (garages and other accessory buildings) is 1,200 square feet.

(2) All other districts:
   a. Accessory buildings shall not exceed the footprint to the principal building to which they are accessory.
Comment #1:

Sent in anonymously via email on Monday August 24th:

I received a notice of Public Hearing in regard to the building of a second garage on this property. There is several objections I have to this request.

First off the owner has already begun construction on this plot clearly without final approval, there has been a wooden frame already laid down and a plot created where the concrete is to be poured. Second by the looks of the Frame this garage is too close to the ally way causing many visual issues for safe access. Where is the official land surveying map that shows he isn’t encroaching on either the city property or his neighbors property?

Another point He already has expanded his current drive way and has a 2 car garage on his property now with extra parking room. Is there going to be a second drive way added for this garage. Based on the arial view his home already has the greatest roof space on the block won’t adding a second building on this size violate the maximum roof space allowed?

I’m also concerned that the property will look too cluttered and ruin the traditional look of homes in this area, adding such a building will impact the median house price in the area and potentially raise my property tax rates, I am not in favor of anything that could raise the property taxes because they increased more that 12% YOY from 2019-2020.

I’m also concerned that a third party is applying for this permit and not the property owner, can this be explained?

It appears that multiple families are already living in this home. I fear that in the future this property will be turned into a pure rental situation and with 4-5 car spaces available on the property it will be rented out to a multi renter mixed use property and 10 people will be living in one house. I’m also concerned that having so many cars there will create more traffic in the ally way and in front of the home, adding a second drive way will also reduce street parking available to the public.

Winter snow removal will become more difficult for the city and property owner as there will be less space to store snow packs, large trucks like garbage and utility trucks will have less room to turn and maneuver at the end of the block. And I’m also concerned about the water run off from the garage will create massive puddles at the entry point to the ally way because of melting snow and increased rain dumping into the ally.

This is a flat out NO Vote, this is completely unnecessary construction and should be halted permanently.

JB
AGENDA ITEM 4.B
South St. Paul Planning Commission

Prepared By:
Michael Healy, City Planner
Meeting Date:
9/2/2020

Item Description:
Public Hearing for Conditional Use Permits and Variances for Proposed Monument Sign at Saint John Vianney Church at 840 19th Avenue North

ACTION REQUESTED
A motion recommending approval or denial of Conditional Use Permits and Variances for a proposed monument sign at Saint John Vianney Church.

The Variances can be considered in separate motions if the Planning Commission wishes to recommend approval of the size variance but denial of the variance to have an electronic changeable copy sign.

BACKGROUND/DISCUSSION

Application

The Applicant, Jerry Dezelar on behalf of the Church of St. John Vianney, is requesting the following City approvals for a new monument sign that the church is proposing to install at 840 19th Avenue North:


2. A Conditional Use Permit to allow a changeable copy sign.

3. A Variance to allow the monument sign to be a 32 square foot sign inside a 66 square foot sign structure. The Code limits monument signs in the R-2 district to 12 square feet.

4. A Variance to allow a dynamic display electronic changeable copy sign. The Code prohibits this type of signage in residential zoning districts and only allows non-electronic changeable copy signs.

Review Timeline

Application Submittal: July 31, 2020
Planning Commission: September 2, 2020
Tentative City Council Meeting: September 21, 2020
60-Day Review Deadline: September 29, 2020
Background

The Church of St. John Vianney owns an 8.61-acre campus that is bordered by 17th Avenue North (on the east), 19th Avenue North (on the west), and Bromley Street (to the North). The church has an existing 32 square foot freestanding sign which is located at the northwest corner of the campus at the intersection of 19th Avenue North and Bromley Street. The Applicant has indicated that the existing sign does not serve the church community effectively due to its design and its being in a location where it is easily missed. They feel that it does not properly direct visitors to the church and its parking lot.

The Applicant is proposing to remove the existing sign and erect a new monument sign which would be located on the west side of the campus along 19th Avenue North. The Applicant would like to site the new sign directly south of their main parking lot.

Zoning

The church is located in a low-density residential zoning district, the R-2 Single and Two-Family Residence zoning district, and the City’s sign code contains very restrictive rules for signage in low-density residential areas. Institutional uses such as churches are allowed to have monument signs if a conditional use permit is obtained. However, these monument signs are limited to being 12 square feet in size. The monument sign is allowed to include a changeable text area (with a Conditional Use Permit) but this area cannot be electronic, it must be an “old school” changeable display area with physical letters.

The Applicant is seeking a conditional use permit to install a new monument sign and a variance that would allow said sign to exceed 12 feet in size. The actual sign will be 32 square feet, the same size as the existing sign, but it will be inside a 66 square foot monument structure. Per the Code, the support structure of a monument sign counts towards the size of the sign. The Applicant is also seeking a second conditional use permit to have changeable copy on the sign and a second variance that would allow them to have a dynamic display changeable electronic sign that can display words and graphics.

City Code Governing this Type of Signage

The City’s sign code contains the following relevant rules regarding monument signs and signs in the R-2 zoning district:

Sec. 118-333. - Definitions.

**Dynamic display sign** means a sign with any characteristics that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink” or any other method or technology that allows the sign face to present a series of images or displays.

**Electronic changeable copy sign** means a sign or portion thereof that displays electronic, nonpictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (“LEDs”), fiber optics, light bulbs, or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays.
Gross area means the method of calculating the allowable square footage of signs. The stipulated maximum gross area for a sign refers to a single facing. Freestanding signs which are V-shaped be considered as two signs. Gross area shall be calculated as follows:

(b) Monument signs: The area within the frame, including all lettering, wording, and accompanying designs and symbols, together with all the background, whether open or enclosed, on which they are displayed, including a message board. The area shall also include the main supporting sign structure and any other ornamental attachments that are a part of the main support of the sign.

Monument sign means any freestanding sign independent from any building or other structure that is mounted on the ground or mounted on a base at least as wide as the sign. A monument sign is typically solid from grade to the top of the structure; however, a monument sign may include open area below the face of the sign if the sign complies with the monument sign supporting sign structure design criteria. A monument sign shall not exceed a height of ten feet in any zoning district.

Nonelectronic changeable copy sign means a sign or portion thereof that has a readerboard for the display of text information in which each alphanumeric character, graphic, or symbol is defined by objects, not consisting of an illumination device, that may be changed or re-arranged manually or mechanically with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

Sec. 118-338. - General provisions applicable to all zoning districts.

(f) Supporting sign structure design criteria.

1 (1) Monument signs: All freestanding signs must be mounted on or incorporated into a supporting sign structure whose exterior construction material are comprised of brick, stone, stucco, synthetic stucco or concrete masonry units (CMU) that are textured, burnished or decorative. Exterior construction materials must be maintenance-free and colored only by means of a pigment integral to the material, not applied to the surface and must be compatible with the building(s) on the lot. The term "compatible" shall include, but is not limited to materials that are consistent with the principal architectural features and colors of the building identified by the sign.

(f) Monument signs. The base of a monument sign shall be incorporated into a landscaping scheme or planter box. Monument signs may incorporate additional berming into its landscape design on a slope of three to one where the berming is incorporated into an overall landscaping design plan. The maximum height of the berm shall be three feet above the adjacent street grade. Landscaping shall be provided on the slopes of the berm in an interesting and varied appearance. Where a planter box is incorporated, the landscaping shall occur in and around the planter with a similar attractive design. The maximum number of supports per sign shall be two. All supports shall be vertical. No cable shall be used to support the sign. Any supporting sign structure shall comply with subsection 118-338(f).

Unless a more restrictive size is stated in each zoning district, monument signs, including both planter box and sign graphic, shall not exceed six feet in height and the gross area shall not exceed 100 square feet. When in conflict, the more restrictive size shall apply.

Sec. 118-339. - Permitted signs by district.

(a) Within residential zoning districts (R-1 through R-3) signs must comply with the following regulations:

1 (1) Aggregate property signage: The maximum gross signage for a property shall not exceed six square feet in gross area unless otherwise excepted below.

(2) Individual signs: The maximum gross area per sign shall not exceed six square feet in gross area and six feet in height, or as otherwise excepted below.

(3) The following types of signs are permissible:

(4) The following types of signs require a conditional use permit:

a. Monument signs for institutional uses such as a church or recreational facility only, which shall be allowed one monument sign per lot. No such sign shall exceed a gross area of 12 square feet.
d. Nonelectronic changeable copy signs.

(5) The following types of signs are prohibited:
a. Dynamic display signs.
b. Electronic changeable copy signs.
c. Electronic graphic display signs.

CONDITIONAL USE PERMITS

The Applicant needs a conditional use permit in order to have a monument sign and a second conditional use permit in order to have a changeable copy area on their monument sign. The Code states that a Conditional Use Permit should only be recommended for approval if the Planning Commission has made the following determinations:

(1) That the conditional use, with such conditions as the commission shall determine and attach, conforms to the general purpose and intent of this chapter.

(2) If the application is based on the conditional use provision in this chapter that the issuance conforms to the general characteristics of the district of which it will become a part.

(3) That the conditional use will not impede the normal and orderly development and improvement of property in the neighborhood for uses permitted in the district or districts affected.

(4) That adequate utilities, access roads, streets, drainage, and other necessary facilities have been or will be provided.

(5) That 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.

(6) In residential districts, certain uses may not be considered appropriate within the interior of residential neighborhoods because of noise, traffic, or other conditions that would tend to adversely affect the residential character of the neighborhood and possibly reduce property values. These may be considered appropriate only on the periphery of residential neighborhoods or under such conditions as the city council may deem proper. The uses may represent “buffer” uses for those areas lying between residential dwellings and nonresidential uses.

Staff believes that it makes sense to allow the Applicant to install a new monument sign in the location that they are proposing. The only condition that Staff would recommend attaching to the Conditional Use Permit is that the existing sign must be removed as a condition of approval for the new sign.

The proposed sign complies with the design standards for monument signs and changeable copy signs except for the two components where a variance has been requested: 1) The total size of the sign AND 2) The changeable copy area being electronic.

VARIANCES

The Applicant is seeking two (2) variances. The first variance is a size variance that will allow the new monument sign to be a 32 square foot sign inside a 66 square foot support structure when only 12 square feet is normally allowed. The Code’s method for calculating sign size counts the sign’s main support structure which means that, per the Code, the proposed sign is considered much larger than 32 square feet even though that is the size of the “sign” component. The second variance is to allow the sign’s changeable copy
area to be an electronic dynamic display that can display both words and images. This is a type of signage that is prohibited in residential zoning districts.

**Size Variance**

The Code states that a variance should only be recommended for approval if the Planning Commission confirms that the variance complies with the Code’s variance criteria. Staff believes that the sign size variance is supportable and has drafted answers to the questions posed in the Variance Criteria:

a. That the variance is in harmony with the general purpose and intent of the ordinance
   
   The sign size variance is in harmony with the general purpose and intent of the ordinance. The ordinance’s purpose and intent is to prevent institutional signs located in residential neighborhoods from overwhelming the area and creating a negative visual impact. The proposed sign itself is similar in size to the existing sign which will be removed. The proposed sign structure will have a masonry appearance with superior aesthetics that will fit in better with the surrounding residential neighborhood than the sign structure that is currently in place.

b. That the terms of the variance are consistent with the Comprehensive Plan.
   
   The variance does not contradict the comprehensive plan.

c. That economic considerations are not the reasoning for the variance
   
   Economic considerations are not the reasoning for the variance. The Applicants desire to have a modern sign that will assist visitors in locating their property which abuts several roads but only has a parking lot entrance on one of those roads.

d. That the Property Owner proposes to utilize the property in a reasonable manner
   
   The Applicant’s property is over eight acres in size and it is not unreasonable for them to desire to have more than 12 square feet of signage to direct their visitors. The Code’s size standards for monument signs for institutional uses in residential zoning districts appear to be out of alignment with what is needed for a sign to be effective in this location.

e. That the plight of the property owner is due to circumstances unique to the property and is not due to circumstances created by the property owner
   
   The plight of the property is a consequence of the Code being written with severe restrictions on institutional use signage in residential areas. The Code allows monument signs to be up to 100 square feet in size in commercial areas so churches and other institutional uses in these areas are permitted to erect one monument sign on each frontage if their property fronts multiple streets. The Applicant has an 8-acre property with three street frontages and 12 square feet is an inadequate amount of signage to engage with visitors.

f. That the variance will not alter the essential character of the neighborhood.
   
   The property already has an existing oversized freestanding sign. Other institutional uses on the same block such as the assisted living facility to the immediate south also have existing freestanding signs that exceed 12 square feet. These signs all appear to predate the current Code and are “grandfathered.” The proposed sign will be consistent with the size of signage that is already present in this area.
Dynamic Display Sign Variance

The City Code has very comprehensive restrictions governing electronic changeable copy signs and dynamic display signs:

- This type of signage is prohibited in all of the City’s residential zoning districts. Churches cannot have this type of signage if they are in a residential zoning district.

- This signage is allowed in the City’s commercial districts but is subject to several restrictions:
  - No part of the display can change more than once every 8 seconds
  - No more than one electronic sign is allowed per property and it must be at least 60 feet from other electronic signs.
  - Must be at least 60 feet away from all properties where there is a residential use.
  - Display transitions are limited to one second.
  - There are illumination limits relating to brightness and glare which are laid out in a table and are based on how large the sign is.
  - The sign must be able to be dimmed and/or turned off and the owner must have the ability to turn the sign off immediately if the City determines that it is in violation of the illumination standards.

The subject property is not eligible to have an electronic changeable sign because it is in the R-2 zoning district. If the subject property were located in a commercial zoning district, the Applicant would have the ability to have an electronic changeable copy sign as long as they complied with the Code’s performance standards. There is a single-family home directly across the street from the proposed sign but its nearest property line is located roughly 65 feet away from the sign which is an acceptable distance in commercial districts.

If the Planning Commission and City Council believe that it is important to continue to prohibit institutional uses from having electronic changeable copy signage in residential districts, then this variance should be denied. In Staff’s opinion, there does not appear to be anything unique about the subject property that would justify granting it an exception to the Code but continuing to prohibit other institutional uses from having electronic signage when located in residential zoning districts. The subject property is a large lot property but it is fairly typical for institutional uses to be situated on properties that are over an acre in size.

In Staff’s opinion, this variance is only justifiable if the Planning Commission and the City Council earnestly feel that churches and other institutional uses should be allowed to have electronic signage regardless of what zoning district they are located in as long as specific performance standards are met. If this is the consensus, the variance would potentially be supportable as an “interim step” with the City having a plan to update the ordinance in the future to allow this type of signage for institutional uses in residential zoning districts. Staff would recommend that additional conditions/restrictions be placed on the sign, if it is allowed, to mitigate its impact on the surrounding residential neighborhood.

If the Planning Commission wants to recommend approval of this variance, they will need to adopt findings to support the variance using the “variance criteria” laid out on the preceding page. The Applicant has indicated that if they are not successful in obtaining this variance, they will install a nonelectronic changeable copy sign instead as their “Plan B.”
Staff Recommendation

Staff recommends approval of the Conditional Use Permits and the size variance, subject to the following conditions:

1. **Permits Required.** The Applicant shall obtain a sign permit prior to construction of the monument sign. Additionally, the Applicant shall obtain a building permit if it is deemed necessary by the Building Official.

2. **Removal of Old Sign.** The property may only have one (1) freestanding sign. The existing freestanding sign must be removed within one (1) month of the new sign being completed.

3. **Dimensions of New Sign.** The new monument sign shall be permitted to have the dimensions shown in the proposed sign plan. A 32 square foot sign shall be permitted which is located inside of a roughly 66-square foot masonry-style sign support structure. No signage shall be permitted outside of the 32 square foot sign area except for the property address which may be displayed directly on the support structure as shown in the attached sign plan.

4. **Changeable Copy Area.** The 32-square foot sign area shall be permitted to include a 2’ x 8’ nonelectronic changeable copy sign area.

5. **Setback Requirement.** The sign must be at least 5 feet away from the property line along 19th Avenue North.

6. **Landscaping.** The Applicant shall maintain landscaping at the base of the monument sign consistent with City Code requirements.

7. **Variance Termination.** Per City Code, the variance will terminate if improvements have not substantially begun within one (1) year from the date of approval of the variance. The violation of any condition of approval may result in the termination of the variance, following a hearing by the City Council.

8. **Conditional Use Permit Termination.** Per city Code, the Conditional Use Permits will terminate if the improvement has not been substantially begun within one (1) year from the date of approval. Per City Code, the City Council may revoke the Conditional Use Permits, following a public hearing, if any of the above conditions have been violated.

Staff is not able to recommend approval of the variance to allow a dynamic display sign. If the Planning Commission chooses to recommend approval of this variance, it should be with all of the conditions that would be mandatory for this type of signage if the subject property were in a zoning district that allowed electronic changeable copy signs. Additionally, it should include conditions to mitigate the effect of the signage on nearby residences. The Applicant included in their narrative that they are proposing to turn the sign off each night and Staff would recommend that this be included as a condition if the variance is approved. Staff would recommend the following conditions for the dynamic display sign variance:

9. **Dynamic Display Sign Area.** The 32-square foot sign area shall be permitted to include up to a 2’ x 8’ dynamic display sign area.
10. **Display Timing.** No part of the display shall change more than once every eight seconds. Display transitions shall be limited to one second. Transitions such as slideshow and fade/dissolve may be used.

11. **Illumination Limits.** The difference between the off and solid-message measurements using the electronic sign measurement criteria listed in the table below shall not exceed 0.3 footcandles at night:

<table>
<thead>
<tr>
<th>Area of Sign (sq. ft.)</th>
<th>Measurement Distance (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>32</td>
</tr>
<tr>
<td>15</td>
<td>39</td>
</tr>
<tr>
<td>20</td>
<td>45</td>
</tr>
</tbody>
</table>

12. **Illumination measurement criteria.** The illuminance of the sign shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the electronic sign off, and again with the sign displaying a white image for a full color-capable sign or a solid message for a single-color sign. All measurements shall be taken perpendicular to the face of the sign at the distance determined by the total square footage of the sign as set forth in the accompanying sign area versus measurement distance table.

13. **Dimming capabilities.** The electronic sign shall be equipped with a sensor or other device that automatically determines the ambient illumination and shall be programmed to automatically dim adjusting to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements. The sign must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or sign lighting when notified by the city that the sign is not complying with the standards laid out in the Conditional Use Permit and Variance.

14. **Hours of Operation.** The electronic changeable sign must be turned off between 10 PM and 6 AM each day.

**Required Action**

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

A. **Approval.** If the Planning Commission wishes to recommend approval of the Conditional Use Permits and/or Variances, the following action should be taken:

   - Motion to recommend approval of the Conditional Use Permit and Variances to allow the proposed monument sign with a dynamic display sign area, subject to the Conditions laid out in the Staff report.

B. **Denial.** If the Planning Commission wishes to recommend denial of any or all of the proposed Conditional Use Permits or Variances, the following action should be taken:
• Motion to recommend denial of the Conditional Use Permits or Variances.

The two variances can be considered separately if the Planning Commission wants to recommend approval of the size variance but denial of the dynamic display sign variance. The Planning Commission will need to adopt variance findings for the dynamic display sign variance as Staff has not drafted findings for that item.

ATTACHMENTS

A. Site Location Map
B. Aerial Photograph
C. Proposed Sign
D. Site Plan
E. Landscape Plan
F. Applicant’s Narrative
ATTACHMENT C
PROPOSED SIGN

MONUMENT SIGN DESIGN

2' x 8' EMC
(2'-5" H x 8-¼" W Frame)

B40 19th Ave N
<table>
<thead>
<tr>
<th>Plant #</th>
<th>Description</th>
<th>Quan.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Smoke Signal Grass</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>Asters – Kichin Carmine</td>
<td>4</td>
</tr>
<tr>
<td>3</td>
<td>Blue Stem Grass</td>
<td>4</td>
</tr>
<tr>
<td>4</td>
<td>Daylily</td>
<td>4</td>
</tr>
<tr>
<td>5</td>
<td>Sedum – Atlantus or Autumn Joy</td>
<td>4</td>
</tr>
</tbody>
</table>

![Diagram of planting schedule](image)

**Planting Plan**

1/4" = 1'-0"
ATTACHMENT F
APPLICANTS' NARRATIVE

Church of St. John Vianney
Request for Conditional Use Permit
July 31, 2020


Legal description of the property: South Park #9 – Dist. 36, Plat 70208:
Lot 280, Block 01 1 All of Lots 1 Block 1 to 28 (1)
Lot 310, Block 1 8 All of Lots 29 Block 1 thru 31 (1)
Lot 390, Block 01 1 All of Lots 32 Block 1 thru 39 (1)
Lot 200, Block 02 6 All of Lots 1 Block 2 to 20 (2)

Zoning District R-2
Standards for approving a conditional use permit, Sec.118-40.

The Church of St. John Vianney proposes to construct a monument sign 9 feet south of the south edge of the existing parking lot. It is this location that will provide the needed visible and defined identification where the Church is located.

The existing sign, as seen in the picture to the right, does not fulfill that need. The sign is often overlooked, or completely missed and does not relate to the Church’s location; therefore, the Church is often not found. There have been medical issues that have occurred in the Church and the emergency units had a difficult time finding the Church.

The proposed sign, 4-foot-high by 8 feet long, 32 square feet, shall be mounted on D CMU base 2 feet wide by 11 feet long having a height of approximately 6 feet above the sidewalk. The sign shall face north and south, not directly toward residents of the neighborhood.

The base shall be constructed of a textured surface masonry to simulate stone, Decorative Concrete Masonry Units (D CMU), in a color to harmonize with the brick of the buildings and match the retaining walls on our campus. The foundation shall be poured concrete. The sign will have the name of the Church, the address of the Church, and a lighted message area, refer to Message Area Options in the Request for Variance.

The monument sign is to easily identify and locate the Church. This monument sign is simple and of warm character and follows the design guidelines for monument signs. There are other institutions presently in South St. Paul residential zones that have been allowed to erect a monument sign. One for example is the River Heights Seniors Living Community, our neighbor to the south. Therefore, a monument sign should be allowed for the Church of St. John Vianney.

Respectfully submitted by Church of St. John Vianney.
Church of St. John Vianney
Request for Variance
July 31, 2020


Legal description of the property: South Park #9 – Dist. 36, Plat 70208:
  Lot 280, Block 01 1 All of Lots 1 Block 1 to 28 (1)
  Lot 310, Block 18 All of Lots 29 Block 1 thru 31 (1)
  Lot 390, Block 01 1 All of Lots 32 Block 1 thru 39 (1)
  Lot 200, Block 02 6 All of Lots 1 Block 2 to 20 (2)

Zoning District R-2
Standards for granting a variance, Sec. 118-39.

The Church of St. John Vianney is requesting a Variance for a sign exceeding 12 square feet be allowed in the R-2 Zoning District in which we are located. The Code of Ordinance for a sign of no greater than 12 square feet is inadequate to identify the Church, provide the Church address, the schedule of Masses, and parish activities. Our parish is primarily made up of elderly people and reducing the size of the text for a small sign would cause extreme hardship to read, also, making it difficult for emergency vehicles to locate the Church in an emergency.

We are proposing a double-sided sign 4 feet by 8 feet (of 32 square feet) be allowed, that is the same size as the existing sign, refer to the picture to the right. The proposed sign will be updated and include the name of the Church and its address and a 3 foot by 6-foot message area. Refer to Message Area Options below. The sign will be mounted on a D CMU base as noted in the Request for Conditional Use Permit and the existing sign will be removed upon the installation of the proposed sign.

The property will be utilized in the same reasonable manner as it has in the past and the proposed sign and removal of the existing sign will not alter the character of the neighborhood.

The existing 32 square foot sign was allowed and installed prior the adoption of the present 12 square foot maximum size and should not be allowed to expire at this time, therefore the 32 square foot sign should be allowed.

Message Area Options for the Monument Sign for the Church of St. John Vianney.

Option “A” – Dynamic Display Sign
A Dynamic Display Sign, including electronic changeable copy and graphic display, for our Church/Institution in a R-2 Zoning District. A sign with a Dynamic Display Message Area could provide for the Church:
Church of St. John Vianney  
Request for Variance  
July 31, 2020  

- High resolution and image quality to attract and invite people, including young people, into the parish. Messages would be fresh and interesting, that would be automatically rotated.  
- Complement Church ID sign and communicate what we have to offer and what is special about our Parish, along with announcements and special events.  
- Communicate quickly/instantly with our parishioners and the community.  
- Provide a clean and professional-looking appearance.  
- Display beautiful images, yet controlling the brightness and the on and off times. We propose to have the sign off between the hours from 10:00 PM and 6:00 AM.  

A Dynamic Display Sign is the preferred type of message area for the Church of St. John Vianney.  

**Option “B” – Static Sign**  
Should a Dynamic Display Sign not be allowed, we request at least a 2-sided internally lit sign with manually changeable letters.  

You can appreciate the frustration and difficulty in changing messages during rainy and winter months, or when you’re short letters and need to substitute, e.g. an upside down “W” as an “M”.  

Respectfully submitted by the Church of St. John Vianney.
ACTION REQUESTED

A motion recommending approval or denial of a CUP/PUD for a twinhome at 1020 5th Avenue South.

BACKGROUND/ DISCUSSION

Application

The Applicant, TJ Hammerstrom on behalf of Hopewell Tradition, is requesting the following City approvals for a proposed twinhome project at 1020 5th Avenue South

1. A Conditional Use Permit for a Planned Unit Development that will grant flexibility for building height, building setback, and lot size.

2. A lot split so that each of the two (2) units within the twinhome can be sold separately as its own parcel.

Review Timeline

Application Submittal: August 3, 2020
Planning Commission: September 2, 2020
Tentative City Council Meeting: September 21, 2020
60-Day Review Deadline: October 2, 2020

Background

The Applicant is part of a development group called Hopewell Tradition that is seeking to develop residential projects in the Twin Cities using modular construction. The group was formed relatively recently and has not yet built any projects. With modular construction, pre-fabricated building components are built off-site in a factory. The pieces (known as modules) are brought to the construction site where they are assembled into a building. Modular construction can be used to assemble buildings that look the same as “stick-built” buildings which are constructed on-site by a conventional team of construction workers. The City’s zoning code states that modular housing is to be treated the same as stick-built housing and is allowed on any
property where stick-built housing is allowed so long as the modular housing project meets the Building Code and zoning standards.

The Applicant’s company has been investigating the feasibility of building modular apartment buildings in a couple of locations along Concord Street and has been working with City Staff and the City Council since 2018 to explore their options. Several of their concept plans for large apartment buildings along Concord Street have been reviewed at City Council worksession meetings. Their current proposal is a smaller-scale project, a twinhome that they are seeking to construct on a vacant lot at 1020 5th Avenue South using modular construction.

**Zoning**

The Applicant is proposing to construct the twinhome on a double-lot which is zoned R-2 Single-Family and Two-Family Residence district. Twinhomes are allowed in the R-2 zoning district as a permitted use on lots over 7,500 square feet which means that normally twinhome projects can be built with a building permit from City Staff and do not require Planning Commission or City Council review or approval. This twinhome project is being brought before the Planning Commission because the Applicant is proposing to format their project in such a way that it can only be approved if PUD flexibility is granted to allow deviations from the zoning code for height, setbacks, and lot size.

The PUD flexibility that the Applicant is seeking from setback and lot size rules is needed only because they want to split the twinhome into two separate parcels to be able to sell the units separately. If they were keeping the twinhome as one parcel under single ownership and renting out the second unit instead of selling it, this PUD flexibility would not be required. PUD flexibility is needed for height because their proposed building will be taller than what the zoning code allows. Additionally, the Code states that City Council approval is needed anytime the architecture of a proposed residential building is significantly different than the architecture of the neighborhood where it is located. The proposed twinhome utilizes modern architecture and a flat roof which is significantly different than the surrounding neighborhood. City Staff can only issue a building permit if the City Council affirms that the building architecture is an appropriate fit for the neighborhood.

**Site Characteristics**

The subject property is a flat vacant 9,505 square foot parcel that was formed by combining two 40-foot wide platted lots from the “MD Miller’s Spring Park Addition to South St. Paul,” a plat that was recorded in 1886. The property is located directly adjacent to a freeway ramp that provides access to Interstate 494. The subject property has been under the ownership of the Minnesota Department of Transportation (MnDOT) for many years but they recently determined that it was not needed for future highway improvement projects and placed the parcel up for sale. Old aerial photographs show that there was once a house located on the subject property but it appears to have been demolished at some point between 1970 and 1991. There is still a concrete driveway located on the subject property which appears to be a leftover from the demolished house.

**Relevant Zoning Code**

The R-2 zoning district (Code Section 118-122) allows twinhomes as a permitted use and establishes lot size and setback requirements:
Sec. 118-122. - R-2, single- and two-family residence district.

(a) Permitted uses. Within the R-2 district, no structure or land shall be used except for one or more of the following uses, except as otherwise permitted by this chapter:

(2) Duplex or twin home (see subsection (e) of this section)

(c) Building height requirements. Within the R-2 district, the permitted building height, width, and area shall be as regulated in the R-1 district.

(e) Lot requirements; two-family dwellings. The following minimum lot and building requirements shall apply to all two-family dwellings in the R-2 district whether the two-family homes are newly constructed or are newly created by remodeling an existing structure which was previously not a two-family dwelling:

(1) Lot area, width, and depth. No two-family dwelling shall be erected on a lot having less than 9,000 square feet of area and having less than 75 feet in width except that a building may be constructed on a lot platted prior to May 1, 1967, provided there is not less than 60 feet of frontage, and 7,500 square feet of area.

(6) Miscellaneous. The requirements of sections 118-121(d)(2) and (d)(4)—(6) shall apply to two-family dwellings.

The Code cited above references the height rules and some of the miscellaneous standards of the R-1 zoning district which are as follows:

Sec. 118-121. - R-1, single-family district.

(c) Building height, width, and area requirement. Within the R-1 district, residential dwellings must comply with the following:

(1) Shall not exceed a height of three stories, or 28 feet above grade as defined in the Minnesota State Building Code;

(2) Shall be a minimum of 24 feet wide; and

(3) Shall have a minimum area footprint of 800 square feet.

(d) Lot requirements. Within the R-1 district, the following requirements shall apply:

4) Front yard. No building shall be erected, reconstructed, altered or moved nearer to the front lot line than the average setback observed by residential buildings on the same side of the street and fronting thereon within the same block. Further, no part of the structure shall be closer than 25 feet to the street line on which it faces, except when the average setback is less than 25 feet.

5) Side yard. There shall be a side yard of not less than five feet along each side of each building located on an interior lot having a frontage of 60 feet or less; such side yard on a lot having a frontage of more than 60 feet shall be not less than nine feet; provided, however, that a garage having no basement below it may have a side yard of not less than five feet if located in the front two-thirds of the lot, and no less than three feet if located entirely within the rear one-third of the lot. There shall be a side yard of not less than nine feet on the street side of any structure constructed on a corner lot. No building shall be placed within ten feet of any dwelling unit on an adjacent lot.

6) Rear yard. Each lot shall have a rear yard of not less than 25 feet in depth, except that a garage may be constructed within the 25-foot rear yard. A garage shall have a setback from the rear property line of not less than three feet unless the entrance faces an alley or street, then the garage shall be set back no less than eight feet from the rear property line.

The Zoning Code’s Section 118-273 lists out structures and structural components that are exempted from the Code’s height and setback rules. This is relevant to this project because the proposed twinhome has a 3’6” parapet and parapets are normally allowed to extend up to 4’ above the maximum height of a building:
Sec. 118-273. - Exceptions to the minimum requirements for all districts.

The requirements and regulations specified in this chapter shall be subject to the following:

(1) Height limitations.
   a. Height limitations shall not apply to belfries, cupolas and domes, monuments, public utility facilities, transmission towers of commercial and private radio broadcasting stations, television antennae, structures such as silos, barns, etc., church spires, chimneys, smokestacks, flagpoles, parapet walls extending not more than four feet above the limiting height of the building, rooftop structures such as mechanical equipment, elevator shaft and equipment enclosures, and similar structures, provided said exceptions do not exceed ten feet above the roofline and the structure area does not exceed 15 percent of the roof area. In residential districts, private radio broadcasting and receiving antennae and similar structures extending more than ten feet above the roofline shall require a building permit.

There are two sections of the City Code that state that City Staff should not administratively approve homes that look significantly different than the homes already in a neighborhood. In these cases, the City Council is supposed to review the architecture of the proposed home and direct Staff to either approve or deny the building permit:

Sec. 106-57. - Council review.

The city engineer may, in any case, submit said plans for review by the city council and may refuse to issue construction permits if the development design is deemed incompatible with adjacent and nearby land uses and development and/or not meeting the general standards for appearance established by existing development throughout the city.

Sec. 118-9. - Architectural requirements.

(a) General requirements. In all zoning districts, all principal buildings other than one- and two-family dwellings must be designed or approved by a registered architect or engineer. A building permit shall not be issued where the materials, scale, bulk or character of a structure, house or buildings is so [as] similar or dissimilar to other structures, houses or buildings in the vicinity as to result in depreciation of property values or the degradation of the environment in the area. However, a denial of such a building permit must be ratified by the city council.

How does the Project Relate to Code?

Height

The Code only allows buildings in the R-1 and R-2 zoning districts to be 28 feet in height. Height is measured using the Building Code’s definition which means that height is “the vertical distance from grade plane (average grade) to the average height of the highest roof surface.”

Most houses in South St. Paul have a gable roof which means that the house can be taller than 28 feet at the peak because the height measurement is not taken at the peak of the roof but rather at the average height of the highest gable. The average height of the highest gable tends to be 5-10 feet less than the height at the peak depending on the pitch of the roof. Many houses in South St. Paul are over 30 feet in height when measured at the peak.
The Applicant is proposing to build a twinhome building with a flat roof. The Code does not allow single-family homes to have flat roofs but does allow it for two-family dwellings. Because the roof is not pitched, there is no averaging of the height and the height measurement is taken at the top of the roof. The proposed building has a 32’ 6 ¾” roof deck with a 3’ 6” tall parapet wall extending off the top of the roof. This means that the building has the appearance of being roughly 36 feet tall. Parapets are normally allowed to extend up to 4 feet beyond height maximums so this proposed building is roughly 4-5 feet taller than what the Code would allow “as-of-right” for height.

The Applicant has stated that the project’s success depends on the proposed height which will allow him to use his preferred design. This design/style is representative of the type of modular residential projects that Hopewell Tradition intends to build throughout the metropolitan area, including the apartment buildings that they hope to build on Concord Street in the future. They do not want to deviate too far from this architectural style because they want this twinhome building to be a showcase that can demonstrate the aesthetics of this type of development. They have stated that it is not feasible to build a 3-story flat-roofed twinhome with modular construction that meets the Code’s 28-foot height restriction.

The Applicant is requesting PUD flexibility for height. He has noted that his project has a high level of design which could be considered a benefit to the community in justifying the granting of a PUD approval. He also has noted that the project efficiently uses space and that the twinhome units will have better yards for recreation and landscaping because they are keeping the buildings more compact by building up instead of out.

**Setbacks**

The Code requires dwellings in the R-2 zoning district to be set back from side property lines. If the lot is 60 feet wide or less, the building must be at least 5 feet from side property lines. If the lot is more than 60 feet wide, the building must be set back at least 5 feet from side property lines.

The project will meet all setback requirements EXCEPT that the Applicant is proposing to split the building in half into two separate for-sale parcels. This means that there will be a property line running through the middle of the building and the two units will share a common wall so they will be set back zero (0) feet from each other. PUD flexibility is needed to allow the 0-foot setback. The Applicant will need to conform to Building Code requirements relating to common walls which includes standards for fireproofing.

**Lot Size**

The subject property is currently 9,505 square feet and 80 feet in width which means that a twinhome can legally be built on it. A twinhome can be built on any property that was platted before 1967 as long as the parcel is at least 7,500 square feet in size and 60 feet in width. Even newer parcels are eligible for twinhome construction if they are at least 75 feet wide and 9,000 square feet in size and the subject property meets that standard as well.

As previously noted, the Applicant is proposing to split the subject property into two separate parcels which will each be roughly 4,750 square feet in size and 40 feet in width. The Applicant is doing this solely so that the two units can be sold off separately instead of one of them being a rental. This type of development was extremely common in South St. Paul in the 1970’s and 1980’s and there are numerous twinhomes throughout the community that have this same setup where the lot is split and the units are sold separately. The current version of the zoning code (adopted in 1992) does not include a process for splitting twinhomes automatically which means that it can only be approved via PUD flexibility. Technically, the two lots that are
being created through the lot split do not meet size requirements to support anything other than a detached single-family home but, when combined, they become eligible for a building permit for a twinhome. Staff would note that the lot split will allow each of the units to be “for-sale” which will mean homeownership opportunities for two families. If the twinhome was required to remain on one parcel under single ownership, at least one of the two units would need to be a rental. Staff views it as a positive that the two units can be either “for-sale” or rentals instead of being limited to rentals and believes that this benefit is sufficient to justify the PUD flexibility.

**Architecture**

The Code does not have clear design standards for single-family and two-family dwellings. There are standards concerning height, size, width, and (for single-family homes) roof pitch but no firm standards concerning general architectural style or permitted exterior building materials. What the Code does say, however, is that Staff is supposed to bring the building plans to the City Council for review any time a proposed single-family or two-family home looks significantly different than the houses already in a neighborhood. The City Council is then tasked with evaluating the architecture and confirming that it is a good fit for the neighborhood and will not have a blighting impact that will devalue neighboring properties. This is almost completely a “judgement call” on the part of the City’s elected officials.

The proposed twinhome project utilizes modern architecture which is not a style that is typically found in South St. Paul’s residential neighborhoods. Staff would note that the Applicant has tried to make their building fit in with the neighborhood despite the shape, style, and roofline being very different than any of the existing homes. The Applicant’s proposal uses traditional exterior building materials (various types of wood and engineered wood siding) rather than the more industrial types of siding (metal panels, corrugated metal, etc.) that one will often see with modern architecture. The Applicant has noted that the subject property is not in the middle of a neighborhood and is bordered on one side by Interstate-494. Additionally, the neighborhood on the other side of the subject property has an eclectic mix of housing styles since the homes there were constructed over the course of many decades (the oldest and newest homes in the immediate neighborhood are almost 100 years apart in age).

The subject property is in a prominent location that is visible from Interstate 494 and the project’s distinctive design will likely catch the attention of passing motorists. The Planning Commission and the City Council should evaluate whether this project will be a good “face” for the City as the comprehensive plan repeatedly stresses the importance of improving the aesthetics of the I-494 corridor.

**Lot Split and Park Dedication Fee**

The Applicant is proposing to re-separate Lot 24 and Lot 25 of Block 5 of the MD Miller’s Spring Park Addition. These were two separate buildable lots at the time that the neighborhood was platted in 1886 but were combined at some point in the last 134 years.

The owners of adjacent platted lots sometimes combine those lots into a single tax parcel. Sometimes this is done for tax purposes, sometimes it is done to facilitate a home addition, and sometimes it is done to allow for the construction of an accessory building. In any case, once the platted lots have been combined it requires the City’s approval to re-separate them if a City has adopted a resolution stating that they wish to have review/approval authority of all subdivisions, per Minnesota Statute Section 272.162. The City adopted a resolution stating that they wished to assume this authority on September 21, 1987.
In the years since 1987, the City has reviewed many applications for lot splits to re-separate platted lots that had been previously combined. These applications are generally approved so long as the lot split will not cause any existing structures on the property to violate the zoning code’s setback requirements and so long as there are no engineering or utility problems that would be caused by the split. Per the City Code, residential lots that were platted prior to May 1, 1967 are considered buildable for single-family homes so long as they have at least 4,500 square feet of area. The proposed lot split would be acceptable even if the Applicant did not have this twinhome project in review since both of the resultant lots will be large enough to at least support a single-family home. As previously noted, however, PUD flexibility is needed in order to use the split-up lots in the manner that the Applicant is proposing to site a twinhome project.

In the event that a new buildable lot is being created by the lot split, a park dedication fee is required to be paid. That fee is currently set at 10% of the land value of the new lot (based on tax assessor records) or $2,500, whichever is less.

The City Council will review the lot split at the same meeting that they are reviewing the PUD request. The two requests are not necessarily tied together and it is possible to approve one request without approving the other although the Applicant may not want to split the lots unless the PUD is approved.

Planned Unit Development and Conditional Use Permit Criteria

As previously stated, the Applicant needs a Conditional Use Permit for a Planned Unit Development (CUP/PUD) in order to move forward with this project. Without this approval, they would need to revise their twinhome proposal by lowering the height and keeping it on one parcel. The Applicant likely will not move forward with the project unless the CUP/PUD approval is given.

The Code states that a Conditional Use Permit should only be recommended for approval if the Planning Commission has made the following determinations:

1. That the conditional use, with such conditions as the commission shall determine and attach, conforms to the general purpose and intent of this chapter.
2. If the application is based on the conditional use provision in this chapter that the issuance conforms to the general characteristics of the district of which it will become a part.
3. That the conditional use will not impede the normal and orderly development and improvement of property in the neighborhood for uses permitted in the district or districts affected.
4. That adequate utilities, access roads, streets, drainage, and other necessary facilities have been or will be provided.
5. That 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.
6. In residential districts, certain uses may not be considered appropriate within the interior of residential neighborhoods because of noise, traffic, or other conditions that would tend to adversely affect the residential character of the neighborhood and possibly reduce property values. These may be considered appropriate only on the periphery of residential neighborhoods or under such conditions as the city council may deem proper. The uses may represent “buffer” uses for those areas lying between residential dwellings and nonresidential uses.

Additionally, the Planning Commission is asked to consider the following factors when evaluating a Planned Unit Development request:
(1) That the proposed use will not be detrimental to the health, safety, morals, or general welfare of the city.

(2) That said use is fully consistent with the purposes of Chapter 118-132 PUD, Planned Unit Development and the comprehensive municipal plan.

Discussion

In Staff’s opinion, this project hinges almost entirely on architecture/design. A twinhome is a good fit for the site so the only outstanding question is whether this specific architecture is right for this specific residential neighborhood.

If the Planning Commission and the City Council believe that the proposed architecture is a net positive that will add value to the community and improve the aesthetics of the I-494 corridor, then it makes complete sense to approve the Applicant’s request and grant all of the proposed PUD flexibility. The only significant PUD flexibility being requested is in regards to building height. All of the flexibility relating to lot size and setback is simply a result of the Applicant wanting to sell the two units separately. Splitting the parcel will not change the look and feel of the project and, as previously stated, this project would not need that PUD flexibility if both units were on one parcel and one unit was being rented out. There is a longstanding desire in the community to support a more diverse range of homeownership options and this project appears to align nicely with that goal.

If the Planning Commission and the City Council do not approve of the proposed architecture at the proposed location and believe that it will have a negative impact on the neighborhood and/or decrease the aesthetics of the I-494 corridor, then the PUD flexibility should be denied. Staff should then be instructed not to issue a building permit for a twinhome on this property unless the Applicant significantly revises the architecture.

Comments from MnDOT

The subject property is adjacent to the ramp for Interstate 494 so MnDOT was invited to provide comments. The Applicant noted to Staff that they may seek a permit from MnDOT to have one lane of the highway ramp briefly shut down so that they can situate a crane there to lower some of the modules into place during construction.

MnDOT indicated to City Staff that they would likely be providing comments but no comments were submitted prior to the publication of the Planning Commission packet. Staff will share MnDOT’s comments at the meeting if they arrive in time.

Staff Recommendation

If the Planning Commission supports the proposed architecture and is comfortable with the proposed PUD flexibility from the Code’s height standards, Staff would recommend approval with the following conditions:

Conditional Use Permit for a Planned Unit Development

1. Approved Plans. The conditions of this approval are based on the following plans:
2. **PUD Flexibility.** The base zoning district for the Planned Unit Development (PUD) Conditional Use Permit is the R-2 Single- and Two-Family Residence district. The development shall follow the standards of that zoning district except that the following PUD flexibility is granted:

a. The building may have a height that exceeds 28 feet. The twinhome’s roof shall be permitted to be up to 33 feet in height, measured from average grade to the average of the highest roofline. A parapet up to 4 feet in height shall be permitted to extend above the roof. The total height of the structure can be no greater than 37 feet.

b. The two twinhome units may have a zero (0) foot setback from the interior lot line where they share a common wall.

c. A twinhome may be constructed across Lot 24 and Lot 25, Block 5 of M.D. Miller’s Spring Park Addition since the two lots combined will satisfy the size requirements for twinhome construction in the R-2 zoning district.

3. **Permits.** A building permit must be obtained prior to the start of construction.

4. **Landscaping.** The Applicant shall install landscaping that is substantially consistent with what is shown in the landscaping plan.

5. **Maintenance of Common Areas.** The Applicant shall be required to draft an agreement for common area maintenance that will need to be put in place to govern maintenance of shared elements such as the roofing, siding, and the common wall. This shall be recorded against the two properties. The Applicant will provide the City with documentation that this agreement has been created and recorded.

6. **Utility Services.** The two twinhome units must have separate water and sewer services which are subject to the approval of the City Engineer. The Applicant is financially responsible for installing water and sewer stubs to service both properties. The Applicant is completely responsible for repairing any public streets, sidewalks, or other City infrastructure that are damaged during construction and utility installation.

7. **SAC Fees.** The Applicant must pay any required SAC fees prior to obtaining their building permit.

8. **Common Wall.** The common wall must be centered along the lot line and must comply with all building code requirements.

9. **Building Architecture.** The architecture and exterior building materials shown in the building plans are approved. A significant change in architecture or exterior building materials shall require additional review and approval by the City Council.

10. **Planned Unit Development Approval Expiration.** The Conditional Use Permit for a Planned Unit Development will expire one (1) year from the date of approval if a building permit has not been obtained and construction has not begun by that time. The Applicant may request that the City Council grant an
extension of the approval but such a request must be made in writing prior to the expiration of the approval.

11. **Lot Split Required.** A building permit shall not be issued until the lot split has been recorded and the City has been provided with evidence that the split has taken place. *This requirement can be removed if the Planning Commission is comfortable with the project moving forward even if the lot is not split and the two units end up being on the same parcel with one being a rental.*

**Lot Split**

1. **Park Dedication Fee.** A park dedication fee must be paid for one (1) new buildable lot prior to the recording of the lot split.

2. **Zoning Rules for New Parcels.** Both parcels shall be subject to the rules of the R-2 Single and Two-Residence district as well as the CUP/PUD approval. If the CUP/PUD approval should expire, the lots will revert to the normal rules of the R-2 district.

3. **Parking Surface Rules.** All new off-street parking and driveway areas must be hard-surfaced (concrete or asphalt) before issuance of any final certificate of occupancy for new residential construction.

4. **Utility Service Installation.** The Applicant will be financially responsible for installing new utility services to service the two units. The Applicant must obtain a right-of-way permit prior to doing any work in the City’s right-of-way. The Applicant shall be responsible for repairing any public streets, sidewalks, or other public infrastructure that are damaged during construction.

5. **Recording the Lot Split.** The Applicant shall be responsible for recording the lot split with the Dakota County Recorder’s office and providing the City with a copy of the recorded document.

6. **Lot Split Approval Expiration.** The lot split approval shall be null and void if the conditions are not satisfied and the lot split is not recorded within one (1) year of the date of approval unless an extension is granted by the City Council.

**Required Action**

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

A. **Approval.** If the Planning Commission wishes to recommend approval of the Conditional Use Permit for a Planned Unit Development, the following action should be taken:

   - Motion to recommend approval of the Conditional Use Permit for a Planned Unit Development for a twinhome project at 1020 5th Avenue South, subject to the conditions outlined in the Staff report.

B. **Denial.** If the Planning Commission wishes to recommend denial of the proposed Conditional Use Permit, the following action should be taken:

   - Motion to recommend denial of the Conditional Use Permit for a Planned Unit Development for a twinhome project at 1020 5th Avenue South.
If the Planning Commission recommendation is denial, the Planning Commission should adopt a finding that the Applicant’s proposal fails to meet the Code’s requirements for Conditional Use Permits for Planned Unit Developments. This can be based on the architecture of the building if the Planning Commission feels it is incompatible with the surrounding neighborhood.

ATTACHMENTS

A. Site Location Map
B. Aerial Photograph
C. Certificate of Survey
D. Site and Building Plans
E. Applicant’s Narrative
ATTACHMENT D
SITE AND BUILDING PLANS

SITE PLAN

Scale: 1/8" = 1'-0"

PROJECT NO: 20201

SITE PLAN

20201

A-000
UNIT A SIDE ELEVATION

UNIT B SIDE ELEVATION
URBAN DWELLER TWIN HOME

1020 5TH AVE. S.
SOUTH SAINT PAUL, MN
Proposed Elevations
Dear City Staff and Planning Commission,

We are pleased to present to you, for your consideration, a “for sale”, high design, well engineered twin home that is of a style and type we believe will be a valuable contribution to the neighborhood. This building incorporates organic elements and soothing color to facilitate healthy living and pleasant aesthetic. The lot at 1020 5th Ave South sits immediately West of the East 494 on-ramp. This lot has been vacant for number decades, likely due to its proximity to such a busy and noisy intersection, as well as its proximity to the Interstate.

The construction of these new homes, as well as the landscaping plan, including the native screening, will allow new ownership to enjoy peace and quiet inside, while enjoying the privacy outside that is common in the neighborhood and with home ownership..

This design did not come without challenges which is why we are asking for a variance to the R-2 zoning. While the zoning allows for a two unit dwelling to be constructed, our design requires two variances in order to be a viable project.

- A height variance of 8’-3"” is being requested as this build exceeds the zoning height of 28’.

- A lot split is being requested to create two individual lot PID’s for ownership purposes with a shared wall zero lot line. (new legal descriptions here)
  
  - Parcel 1: Lot 24, Block 5, M.D. Millers, Dakota County, Minnesota.
  - Parcel 2: Lot 25, Block 5, M.D. Millers, Dakota County, Minnesota
The immediate neighborhood currently enjoys a rich history of diverse vintage housing stock that dates as far back as 1910 to the most recent builds in 2005 and 2006.
This design incorporates sustainable, small format, eco-friendly efficiencies. At the same time it provides two very desirable living environments. Both units offer a high design approach to urban living: five bedroom, six bath, roomy, well lit spaces that efficiently accomplish many desirable benefits on this site:

- This building’s hard surface uses only 41% of the lot’s area
- Important to this particular lot is more outdoor space which enables setbacks for landscape and fence to screen for noise, privacy and security
- Then enough green space is left for decorative foundation plants and for outdoor activities
VOLUMETRIC MODULAR

- This duplex is built using a volumetric modular method, a type of construction engineered to produce an extremely tight, well insulated envelope with substantial sound abatement from outside elements.
- By design these structures work as a sound wall for the adjacent lot to the South.
- Offsite construction shortens the build cycle to about half the time of traditional ground up construction, so much less neighborhood disruption and quicker occupancy.
- Our building methods produce an average of 7% less waste, less weather delays and fewer change orders than traditional construction.
**OTHER BENEFITS**

- Duplex adds to the diversity of housing types available in the area, primarily a mix of duplex & single family homes
- Provides a visible display of interest in development for SSP
- Adds neighborhood awareness, an occupied lot vs. empty lot
- Modern building lines with traditional finishing materials, fits into the eclectic housing styles in the neighborhood a mix of pre-war and mid-century

- Two new families get to enjoy living in beautiful South Saint Paul
- We believe this is an excellent location for this project and makes great use of the available property
- Our goal is to create an attractive and positive addition to the neighborhood
- New construction increases tax base for SSP
Exhibit A - Neighborhood Characteristics

August 1, 2020

- 32 Properties in 350’ Notice
- Oldest Build in 350’ Radius
- Proposed Twin Home Build
- Newest Built in Radius
- Neighborhood was built primarily in the 1930’s and 1950’s

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.
Neighborhood Characteristics
Neighborhood Characteristics
AGENDA ITEM 4.D
South St. Paul Planning Commission

Prepared By:
Michael Healy, City Planner

Meeting Date:
9/2/2020

Item Description:
Public hearing for an Interim Use Permit Amendment for Additional Fundraising Events at the Commemorative Air Force Hangar

ACTION REQUESTED
A motion recommending approval or denial of an Interim Use Permit amendment to allow the Commemorative Air Force to host five (5) events in 2021 instead of two (2).

BACKGROUND/ DISCUSSION

Application

The Applicant, Amy Lauria on behalf of the Commemorative Air Force (CAF) Minnesota Wing, is seeking an amendment to the organization’s existing Interim Use Permit. The existing Interim Use Permit allows the CAF to hold two (2) fundraising events each year known as “hangar dances.” The Applicant is seeking an Interim Use Permit amendment that would allow the CAF to host a total of five (5) fundraising events in 2021 instead of two (2). They are requesting this because they had to cancel their fundraising events in 2020 due to the COVID-19 pandemic.

Review Timeline

Application Submittal: July 31, 2020
Planning Commission: September 2, 2020
Tentative City Council Meeting: September 21, 2020
60-Day Review Deadline: September 29, 2020

Background

The Commemorative Air Force (CAF) is a World War II aviation museum located inside Hangar 3 at South St. Paul's Fleming Field airport. The City of South St. Paul owns the facility and the museum has a long-term lease. The museum houses and preserves a collection of historic aircraft as well as memorabilia relating to World War II. The organization is a 501c3 nonprofit. They generate their operating funds via donations and fundraising. For many years, they have hosted semiannual large fundraising events at their facility in South St. Paul. These events, known as hangar dances, were originally informal and unregulated but it became necessary for the City to begin regulating them roughly a decade ago as they continued to grow in size. There are fire safety, handicapped accessibility, and security considerations when it comes to large events. The hangar is located near a residential neighborhood in Inver Grove Heights so noise also needs to be regulated.
In 2010, the CAF successfully obtained a Conditional Use Permit that would allow them to operate as a banquet hall, meaning not only could they hold their own fundraising events but they could also rent out their facility to other groups. The 2010 permit allowed the CAF to host up to 25 events per year but required them to make substantial upgrades to their facility to comply with both the Fire Code and the State Building Code which both have rules for event spaces (known as assembly uses). The CAF hired an architect who prepared a plan for bringing the facility into code compliance. The Building Code requires large assembly spaces to have a significant number of permanent bathrooms and ADA accessibility improvements. For the CAF, the addition of new permanent bathrooms and expanded events would also have meant that that the facility would need to pay a Sewer Access Charge (SAC) to the Metropolitan Council, the regional government that owns the regional sewer system for the 7-County metropolitan area and charges fees for any new or expanded business that is connected to sewer. The Fire Code requires large banquet halls and other assembly areas to have a sprinkler system and additional safety improvements such as exit doors that meet specific safety standards. The CAF ultimately chose to walk away from the banquet hall idea because the required improvements to “meet code” were cost prohibitive. The Conditional Use Permit was rescinded by the City Council in 2011.

The CAF did ultimately end up making all of the Fire Code related upgrades that were flagged during the 2010 review. They moved forward with this after it was determined that most/all of these safety upgrades were needed in order for any events to be held at the hangar, even the two biannual hangar dances. In 2012, the CAF was able to obtain an Interim Use Permit that allows them to hold two (2) hangar dances each year as a “temporary banquet hall.” Because they are only hosting two (2) special events per year as fundraisers and are not renting their space out for private events, it was determined that they would not need to implement all of the Building Code requirements for being an “assembly use” since the hangar is not a permanent banquet hall or event center. This means that they could continue to service their hangar dances with temporary bathrooms (porta-potties) and would need to pay much lower SAC charges since they were not substantially increasing the demand on the regional sewer system. Since 2012, the CAF has hosted two (2) hangar dances each year and has occasionally been given permission to host an additional special event through one-off Interim Use Permit amendments. For instance, in 2020, the CAF was given permission to co-host a third hangar dance with the South St. Paul Open Foundation. Back in 2016, they were given permission to host a car show in partnership with a charitable organization.

The Request

The Applicant had three (3) hangar dances scheduled for 2020, the two regular dances as well as the third dance that was going to be co-hosted with the South St. Paul Open Foundation. All three (3) dances were cancelled due to the COVID-19 pandemic. The Applicant has indicated that the fundraising events are a very important source of income for the museum and the loss of those three events has had a significant impact on the CAF’s finances. They are requesting that their Interim Use Permit be amended to allow them to host up to five (5) fundraising events in 2021 to make up for the cancelled events. They would still hold the two (2) biannual hangar dances in the same style and format as they normally do. The other three (3) events would be similar to hangar dances and would follow the same rules concerning noise, alcohol, security, bathrooms, etc. They may be themed differently, however, and they may be a different size than the hangar dances (probably smaller).

Zoning

The CAF facility is located in the I-Industrial zoning district in an area that is also subject to airport zoning. The I-Industrial zoning district allows “armories, convention halls, and similar uses” with a Conditional Use
Permit or Interim Use Permit. The CAF’s existing Interim Use Permit is for a temporary banquet/convention hall which was deemed a similar use.

**Existing Interim Use Permit and Rules for Parking, Noise, Etc.**

The existing Interim Use Permit contains specific guidelines for the biannual hangar dances. There are conditions to regulate noise, lighting, parking, security, alcohol, bathrooms, etc. The Interim Use Permit is formatted to expire if/when the CAF no longer holds a lease over Hangar #3 at Fleming Field. The existing Interim Use Permit is included as **Attachment D**.

**Interim Use Permits**

When processing Interim Use Permits and Interim Use Permit amendments, the Planning Commission is asked to evaluate each request using the following lens laid out in Section 118-41 of the City Code:

**Sec. 118-41. - Interim use permits.**

**(d) Standard for granting interim use permit.** The city council may grant an interim use permit for the interim use of property if:

1. The use conforms to the zoning regulations;
2. The date or event that will terminate the use can be identified with certainty;
3. Permit of the use will not impose additional costs on the city if it is necessary for the city to take the property in the future; and
4. The user agrees in writing to any conditions that the city council deems appropriate for permission of the use.

**Staff Analysis**

In addition to review by the Planning/Zoning Department, the Applicant’s request was reviewed by the Fire Marshal, the Airport Manager, the City Attorney, and the Building Official. The Building Official noted that the CAF facility currently walks a fine line regarding Building Code requirements. If it moves any further in the direction of turning into a banquet hall or event center, it does trigger an automatic requirement that additional permanent bathrooms be installed and that they be ADA compliant. If additional permanent bathrooms are installed, additional SAC charges to the Metropolitan Council will likely need to be paid.

The general consensus among Staff is that what the Applicant is requesting is reasonable and “makes sense.” The CAF is not asking to expand the scope of their permanent operations, they are simply asking to make up the lost fundraising revenue that was missed due to the COVID-19 pandemic. The City has taken steps to assist other organizations and businesses during the pandemic through financial programs and zoning flexibility. Allowing the CAF to move their three (3) cancelled 2020 special events to 2021 seems like a reasonable accommodation. Staff recommends approval of the Interim Use Permit amendment.

**Staff Recommendation.**

Staff recommends approval of the Interim Use Permit amendment with 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/Proposal (Amy Lauria/CAF) dated 7/31/2020
   b. Amended Narrative (CAF) dated 8/18/2020

2. **Compliance with Conditions of Existing Interim Use Permit.** The Applicant shall be required to be in full compliance with all conditions of the Commemorative Air Force’s existing Interim Use Permit, as laid out in Resolution #2012-72.

3. **Scope of the Interim Use Permit Amendment.** This Interim Use Permit amendment shall allow for five (5) total events to be held at the Commemorative Air Force facility during the calendar year 2021, meaning that they can hold three (3) additional events beyond what their existing Interim Use Permit allows. All five (5) events will be subject to all of the rules and regulations of Resolution #2012-72 regardless of whether the events are hangar dances or are some other event format. This Interim use Permit amendment shall have no additional effects on the existing Interim Use Permit and will have no bearing on the number of events that may be held at the site during any other year besides 2021.

4. **Nature of Events.** The five (5) events shall all be fundraising events hosted or co-hosted by the Commemorative Air Force. The Commemorative Air Force is not permitted to rent out their facility for weddings, banquets, or other private events.

5. **Termination of the Interim Use Permit.** The Commemorative Air Force’s Interim Use Permit will continue to be subject to the termination clause contained within Resolution #2012-72.

**Required Action**

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

A. **Approval.** If the Planning Commission wishes to recommend approval of the Interim Use Permit amendment, the following action should be taken:

   - Motion to recommend approval of Interim Use Permit amendment allowing the CAF to host five (5) total hangar dances or similar events in 2021, subject to the Conditions laid out in the Staff report.

B. **Approval, but only if the CAF upgrades their restroom facilities to comply with the Building Code requirements for assembly uses and pays any resultant required SAC charges to the Metropolitan Council. This would essentially have the same effect as a denial as the Applicant has indicated that they will not move forward if bathroom upgrades are required.**

   - Motion to recommend approval of Interim Use Permit amendment allowing the CAF to host five (5) hangar dances or similar events in 2021, subject to the Conditions laid out in the Staff report and the requirement that the Applicant must hire an architect, install additional restrooms to comply with the Building Code requirements for an assembly use, and go through a new SAC determination by the Metropolitan Council.

C. **Denial.** If the Planning Commission wishes to recommend denial of the proposed Interim Use Permit amendment, the following action should be taken:
• Motion to recommend denial of the Interim Use Permit amendment for the CAF.

If the recommendation is denial, the Planning Commission should adopt a finding that the Applicant’s proposal fails to meet the Code’s requirements for Interim Use Permits.Staff would not recommend denial as the proposal does appear to fully conform to zoning regulations. If the Planning Commission feels that the proposal is too big of an ask and that the facility needs to be treated like a banquet hall and brought into full compliance with the Building Code, the correct course of action is to recommend approval but condition that approval on the upgrades.

ATTACHMENTS

A. Site Location Map
B. Aerial Photograph
C. Site Plan for Events
D. Existing Interim Use Permit
E. Applicant’s Revised Narrative (Emailed to Staff on August 18, 2020)
ATTACHMENT A
SITE LOCATION MAP
ATTACHMENT B
AERIAL PHOTOGRAPH
RESOLUTION NUMBER 2012-72

RESOLUTION RELATED TO ZONING: APPROVING AN INTERIM USE PERMIT FOR A TEMPORARY CONVENTION/BANQUET HALL USE AT 310 AIRPORT ROAD (HANGAR #3)

WHEREAS, an application was received from the Commemorative Air Force (CAF) for an Interim Use Permit for a temporary convention/banquet hall use at 310 Airport Road

WHEREAS, the Planning Commission held a public hearing on the application at their April 4, 2012 meeting, preceded by notice as required by law; and

WHEREAS, the Planning Commission took action to recommend approval of the Interim Use Permit (7-0) at their April 4, 2012 meeting; and

WHEREAS, the City Council has considered the application, the recommendation of the Planning Commission and other evidence presented for consideration;

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

1. **Facts.** The facts found by the Planning Commission as stated in the Planner’s report regarding this matter are hereby adopted and included herein by reference

2. **Determination.** The City Council determines that the proposed Interim Use Permit will not be detrimental to the health, safety, or general welfare of the community, nor will it cause serious traffic congestion or hazards, nor will it seriously depreciate surrounding property values, and it is in harmony with the general purpose and intent of the Zoning Code.

3. **Interim Use Permit.** The Interim Use Permit for a temporary Convention/Banquet Hall use on the property located at 310 Airport Road (Hangar #3), South St. Paul, Dakota County, Minnesota, is hereby granted with the following conditions:

   A. **Compliance with Plans/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 Engineering Department:
Resolution No. 2012-72
Page 2 of 4

i. Application/Narrative (CAF) dated 03/23/2012
ii. Letter from Jeff Sheridan (CAF) dated 03/20/2012
iii. Site Plan (CAF) dated 03/23/2012

B. Building Permits. 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. Construction of all improvements proposed by the applicant shall be completed as shown below:
   i. Panic hardware must be installed on all newly installed exit doors and by approved by the South St. Paul Building Official before the first hangar dance can be held at the subject property.
   ii. Fire protection systems must be tested and approved by the South Metro Fire Marshal before the first hangar dance can be held at the subject property.

C. Compliance with Fire/Life Safety. Beginning May 1, 2012 and thereafter, no events shall be held in the facility until the fire suppression sprinkling and monitoring system has been tested and is operational.

D. Event Restrictions.
   i. Exterior Speakers. Speakers located outside of the hangar shall be aimed towards the hangar. Additionally, any speakers located outside of the hangar shall be turned off no later than 10 p.m.
   
   ii. Temporary Lighting. Any temporary lighting located outside of the hangar shall be downcast and/or shielded or shrouded to prevent light glare and shall be directed toward the hangar, not toward the residential areas.
   
   iii. Event Containment. Events that utilize an open hangar door shall have a perimeter of temporary snow fencing (or similar material) to provide a physical barrier around the exterior of the event if deemed necessary by the Airport Manager/City Engineer/City Administrator. The location for the temporary fencing shall be as approved by the City of South St. Paul.
   
   iv. Serving Alcohol at the Property. The property is limited by City and State Liquor regulations. Any person or entity desiring to serve alcohol at the property shall obtain and/or hold all permits and/or licenses now required, or those that may be required in the future,
prior to serving any alcohol at the property. Any person or entity properly licensed to serve alcohol at the property shall also possess a valid insurance policy, issued by a licensed insurer, in the form and with liability limits, coverages and riders as directed by the City of South St. Paul.

v. **Event Security.** The applicant shall be required to have a security officer on-site to patrol the ramp area for guests that may slip past the perimeter fence, that guest behavior is not disruptive to the surrounding properties, and to ensure that guests do not impact the runway area of the airport.

E. **Parking Restrictions.** The applicant’s application relies on the airport “ramp” and on public/private parking lots on and around South St. Paul Fleming Field airport in order to satisfy the off-street parking requirements. Therefore certain parking restrictions are necessary to ensure that the proposed use will not have a negative impact on other airport tenants:

i. **Employee/Volunteer Parking.** Employees and volunteers shall be required to park in the remote parking lots during events to provide more parking spaces for attendees in closer proximity to the location.

ii. **Parking on the Ramp.** There shall be no parking on the Ramp for any event unless prior approval for such a parking plan is approved by the City of South St. Paul in advance of the event. Any parking on the ramp must be approved in advance of the event on a case-by-case basis by the City of South St. Paul and, consequently, will not be counted to satisfy parking requirements unless pre-approved by the City in advance of an event.

F. **Portable Restrooms and Event Cleanup.** The applicant has indicated that it would utilize the Ramp for parking, parking their aircraft, and placement of portable restrooms when holding the Hangar Dances. The applicant shall be responsible for any necessary clean-up activities related to the Interim Use. No portable restrooms or any other items may be placed on the Ramp except during the Hangar Dances. Portable restrooms and any other items placed on the Ramp during the Hangar Dances, including the applicant’s motor pool vehicles, shall be removed from the Ramp by the next business day, and in no case may items be left on the Ramp beyond 5 p.m. on the Monday following the Hangar Dances.
G. **Payment of SAC Units.** Prior to this Interim Use Permit becoming valid, the applicant shall pay the City any additional Sewer Access Charge Units as determined by the Metropolitan Council for the improvements to the 310 Airport Road property.

H. **Term of the Interim Use Permit.** The term of the Interim Use Permit shall be from April 17, 2012 through the end of the applicants’ lease of the property. The applicant currently has a 20-year lease that ends on July 31, 2031.

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

J. **Dance Plan of Action.** The applicant shall submit a Dance Plan of Action to the City no later than 7 days prior to an event. The Dance Plan of Action shall be made available to properties bordering the airport.

K. **One-Time Only Events.** The applicant shall hold the following One-Time Only Events at 310 Airport Road:
   
   i. Hangar/Garage Sale – Saturday, April 21, 2012 10 a.m. to 4 p.m.
   ii. Kaposia Days BBQ at CAF – Friday, June 22, 2012 – 6 to 8 p.m.
   iii. Kaposia Days Airport Open House – Saturday, June 23, 2012 – 10 a.m. to 5 p.m.

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

Adopted this 16th day of April 2012.

[Signature]

City Clerk
Application for Interim Use Permit Amendment
Commemorative Air Force
August 18, 2020

Copyright: Brian Silcox
Application for Interim Use Permit
Commemorative Air Force
August 18, 2020

This is an application by the Commemorative Air Force (CAF) for an Interim Use Permit for the property located at 310 Airport Road. This application is a substitute for the Conditional Use Permit application submitted by the CAF in February 2012. Primary use of the property is as an airplane hangar. This application is for the “governmental permit” required to enable the provisions of Section 5 of the property lease between the City of South St. Paul and the CAF. Specifically, the CAF is requesting an interim use permit to allow it to host 5 total fundraising events for 2021. The total number would include our 2 Hangar Dances and 3 additional fundraising events to help us rebuild funds after a devastating loss of income during the pandemic. The reason for the increase is to help offset the year we have had with COVID-19 as we have lost $150,000 in revenue so far. Other types of fundraisers would include a Hops & Props, etc.

This document consists of the form application provided by the City (previously submitted with the application fee) and this narrative.

Introduction

For 49 years, the Commemorative Air Force (CAF) has rented a hangar at the South St. Paul airport to house its six historic WWII aircraft and the only WWII museum located in the State of Minnesota. The CAF is a 501(c)3 organization and relies exclusively on donations and fundraising for all its operating costs for the aircraft, the museum, as well as hangar rent and other expenses. The CAF is an all volunteer organization.

Over the past 49 years, the CAF has periodically held fundraising events at the hangar to raise money for these purposes. Its primary fundraising events have been its semi-annual Hangar Dances, but we would like to expand on that to include 3 other fundraising during 2021. After that, we would resume our regular IUP that is attached with lease which includes 2 hangar dances each year.

1. Security

The CAF has always taken security seriously. For Hangar Dances, we have hired security officers (off-duty police officers) and will continue to do so in consultation with the South St. Paul Police Department for an additional event we schedule. In addition, there are also several CAF volunteers on site during these events to ensure the safety of the community, attendees and the CAF’s valuable collection of vintage aircraft. At least one volunteer or security officer will be posted at all times at the museum to ensure that the behavior of attendees is not disruptive to the surrounding community and that no alcohol leaves the hangar building.

The hangar is well lit from the rooftop on both the Airport Road side of the building and the ramp side and meets current South St. Paul lighting code.
2. **Fire Protection**

   We have a safety officer, elected from the membership, whose responsibility it is to ensure that all CAF activities are safe and that we engage in good fire prevention practices.

   We have an up-to-date fire suppression system in the hangar. We also have available several portable fire extinguishers that are certified annually. Staff members that volunteer at events also underwent fire extinguisher training conducted by the South Metro Fire Department.

3. **Exits**

   In September 2010, CAF worked with City of South St. Paul building officials to install emergency exits and egress walkways on each side of the hangar along with corresponding emergency and exit lighting. The building meets current City Code for emergency exits.

   In addition, while not within the legal definition of “emergency exits,” the large hangar door on the south side of the building and overhead garage door on the north side of the building are usually open during the dances allowing for easy egress.

4. **Site exterior maintenance of debris**

   We have historically kept our area clean of event debris and will continue to do so. Within 48 hours of the conclusion of the any private event the area around the hangar will be completely cleaned of any and all event debris.

5. **Number of Events & Guests**

   The CAF is requesting a permit to host 3 additional events in addition to our Hangar Dances each year, beginning April 2021 and ending in November of 2021. Fundraising Events would be held on Friday or Saturday evenings to not disrupt airport operations.

   The number of guests will depend on the fundraising events, but we anticipate anywhere from 100-1000 people. We will coordinate with city and airport manager directly with each fundraising event.

   All events will end no later than midnight, taking into account our neighbors and the airport.

6. **Event Parking**

   Historically, the CAF has used the main ramp for parking for its Hangar Dances and proposes to continue doing so in the future for larger events over 500 people. This not only permits the patrons to park as close as possible to the venue, but also keeps this influx of vehicles off city streets and allows for increased security by keeping the vehicles in a centralized location. It also permits volunteers to direct
the flow of traffic in and out of the event in a way that minimizes unwanted noise and light to nearby residences. For events of 10-200 people, they can easily be parked in the front of our hangar.

7. Restrooms

The CAF hangar has two permanent restroom facilities appropriate for the intended use, including an ADA compliant restroom. CAF will also provide portable restrooms in a number determined by city staff to be appropriate for the fundraising events. Any portable restrooms used will be removed by the next business day and not later than 5:00 p.m. on the Monday following any event.

8. Alcoholic beverages

We will be working with the city to obtain temporary liquor licensing based on the event. Some will not require a license as we may not serve alcohol. For each event where we serve, a dedicated area will be arranged to contain beverages, as we do with the Hangar Dances.

See below:
AGENDA ITEM 4E
South St. Paul Planning Commission

Prepared By: Michael Healy, City Planner
Meeting Date: 9/2/2020

Item Description: Public Hearing for an ordinance amending the Zoning Code to establish zoning standards for child day care and adult day care
Reviewed By: Kori Land, City Attorney

ACTION REQUESTED
A motion recommending approval of an ordinance establishing zoning standards for child day care and adult day care.

BACKGROUND/ DISCUSSION

Application

The Applicant, the City of South St. Paul, is proposing to amend the zoning code to establish clear standards for child day care and adult day care. Currently, the Code does not contain any standards for these uses and the City has historically approved both uses by deeming them “similar to other uses” and issuing Conditional Use Permits. Some of the standards that are being proposed concerning small daycares in residential neighborhoods are required by State Statute.

Review Timeline

City Council Worksession Discussion: July 27, 2020
Planning Commission Public Hearing: September 2, 2020
Tentative City Council 1st Reading: September 7th or 21st, 2020
Tentative City Council 2nd Reading: September 21st or October 5th, 2020
60-Day Review Deadline: Not Applicable

Background

Staff recently discovered that the zoning ordinance does not list daycare as an allowable use in any of the City’s zoning districts and this pertains to both daycare for children and adult daycare. Taken at face value, this would suggest that daycare providers are not allowed to operate in South St. Paul. In actuality, there are State laws in place that preempt local ordinances and require that cities allow small licensed daycares as a permitted single-family residential use (in-home daycares serving up to 14 children and small daycare centers serving up to 12 persons-adults or children). Additionally, it also appears that the City has approved several large daycares and adult daycares in residential, commercial, and industrial areas over the past decade by finding that the projects met the intent of the Code despite some ambiguity in the way that the Code was written.
The City Code currently allows the City to issue conditional use permits for “uses that are deemed to be similar in purpose and character to those set forth (in the Code)” in several zoning districts. This is the tool that the City has used over the years to review and approve daycare proposals which have typically been deemed to be similar to schools. Daycares for children have generally been deemed to be similar to elementary schools and daycares for adults have generally been deemed to be similar to vocational schools. This approach is not ideal and it is generally considered a best practice to fix zoning code issues when they are discovered versus finding workarounds, especially if the issue comes up frequently.

Staff discussed this situation with the City Council at their July 27th worksession and they directed Staff to bring forward an ordinance that would establish clear standards for child day care and adult day care as well as bring the City Code into alignment with State Statute regarding small daycares in residential neighborhoods. The City Council also wants to explore the idea of allowing child daycares in industrial zoning districts to support parents who work in those areas, something not allowed under the City’s current approach because elementary schools are not allowed in industrial zoning districts.

**State Statutes Affecting Daycare Providers**

Per Statute, single-family residential districts must allow licensed group family daycares (in-home daycares) for up to 14 children and licensed daycares for up to 12 persons as a permitted use, meaning a Conditional Use Permit cannot be required. Cities are required to allow licensed daycares for between 13-16 persons in their multi-family residential zoning districts but they are allowed to require a Conditional Use Permit if they so choose. Because it is a State Statute, these rules are in place regardless of what the City’s zoning code says.

**Overview of Proposed Changes**

The draft ordinance amendment would implement the following changes:

**Changes Required by State Statute**

1. Allow state-licensed group family day care facilities serving fourteen (14) or fewer children or adults as a permitted accessory use in all Residential zoning districts (R-1, R-2, R-3, and R-4) in any single-family home or duplex.

2. Allow licensed daycare programs with up to 12 persons (adults or children) as a permitted use in all Residential zoning districts (R-1, R-2, R-3, and R-4).

3. Allow licensed adult daycare programs with up to 16 people as a conditional use in the R-3 zoning district.

**Discretionary Changes**

4. Establish zoning code definitions for “Child Day Care Facility” and “Adult Day Care Facility.”

5. Allow “Child Day Care Facility” as a Conditional Use in the R-1, R-2, R-3, and R-4 districts for daycare operations that have more persons than would be automatically allowed under State Statute.
6. Allow “Adult Daycare Facility” as a Conditional Use in the R-4 district.

7. Allow “Child Day Care Facility” and “Adult Day Care Facility” as Conditional Uses in the City’s commercial zoning districts- C-1, CGMU, and NCMU.

8. Allow “Child Day Care Facility” and “Adult Day Care Facility” as Conditional Uses in the City’s commercial/industrial mixed-use zoning district, the GB-General Business district.

9. Allow “Child Day Care Facility” and “Adult Day Care Facility” as Conditional Uses in the City’s light-industrial zoning district, the I-1 district.

10. Allow businesses in the heavy industrial zoning district, the I-Industrial district, to operate small daycares for the children of their employees ONLY. This would require a Conditional Use Permit.

11. Add a clear parking requirement for daycares that differentiates them from elementary schools. Staff would recommend using the same parking requirement as the City of Saint Paul which is one (1) parking space per employee. Daycare participants are generally being dropped off and do not need long-term parking. Daycares do not have after-hour activities and events that generate parking demand like elementary schools.

Discussion

Most of the changes being proposed are “low-hanging fruit” and would simply update the Zoning Ordinance to align with either State Statute or longstanding informal City policy. The only substantive policy change being contemplated is allowing daycares for children in the industrial zoning districts with a Conditional Use Permit. This is not something that has been allowed in the past.

The City Council discussed the issue of daycares in industrial areas at their July 27th worksession. They were generally supportive of the idea. Additionally, they wanted Staff to make sure that all employers in the community are able to provide on-site daycare for their employees even if they are located in a zoning district where it may not be appropriate to allow commercial daycare centers that are open to the general public.

Staff Recommendation

Staff recommends approval of the draft ordinance.

Planning Commission Alternatives

A) A motion recommending approval of the proposed ordinance establishing zoning standards for daycare, either as presented or with modifications.

B) A motion recommending denial of the proposed ordinance establishing zoning standards for daycare.

Attachments

A- Draft Ordinance
B- Zoning Map
City of South St. Paul

Dakota County, Minnesota

Ordinance No. XXXX

AN ORDINANCE AMENDING SOUTH ST. PAUL CITY CODE TO ESTABLISH ZONING REGULATIONS FOR CHILD DAY CARE FACILITIES AND ADULT DAY CARE FACILITIES

The City Council of the City of South St. Paul does ordain:

SECTION 1. AMENDMENT. South St. Paul City Code Section 118-8, 118-121, 118-123, 118-124, 118-125, 118-126, 118-127, 118-128, 118-129, 118-134, and 118-354 are hereby amended as follows:

Sec. 118-8. - Lots, distances, and definitions.

   Adult Day Care Facility means a program operating less than 24 hours per day that provides functionally impaired adults with an individualized and coordinated set of services including health services, social services and nutritional services that are directed at maintaining or improving the participants’ capabilities for self-care.

   Child Day Care Facility means the care of a child in a residence or facility licensed for such care, outside the child’s own home for gain or otherwise, for less than 24 hours per day.

   Group Family Day Care means a day care for no more than 14 children at one time. The total number of children includes all children of any caregiver when the children are present in the residence.

   Nursery, day, means a use where care is provided for three or more children under kindergarten age for periods of four hours or more per day for pay and as defined and regulated by state statutes.

Sec. 118-121. - R-1, single-family district.

   (a) Permitted uses. Within the R-1 single-family district, no building, structure or land shall be used except for one or more of the following uses, unless otherwise provided in this chapter:

   (1) Principal use.

      e. Child Day Care Facility serving twelve (12) or fewer persons
      f. Adult Day Care Facility serving twelve (12) or fewer persons

   (2) Accessory uses.

      i. Group family day care serving no more than 14 children if located in a single-family dwelling or a duplex.
(b) *Uses by conditional use permit.* Within the R-1 district, the following uses shall be by conditional use permit only:

(10) A Reception or Meeting hall that is not part of a church, school, charitable organization, or other allowed use when contained within an existing building that is listed on the National Register of Historic Places.

(11) Child Day Care Facility except as provided in Section 118-121(a).

Sec. 118-123. - R-3, general residence district.

(c) *Uses by conditional use permit.* Within the R-3 district, no structures or land shall be used for the following, except by conditional use permit:

(3) Adult Day Care Facility serving between 13 and 16 persons.

(4) Any conditional use permitted in the R-1 and R-2 districts.

Sec. 118-124. - R-4, multifamily residential district.

(c) *Uses by conditional use permit.* Within the R-3 district, no structures or land shall be used for the following, except by conditional use permit:

(7) Adult Day Care Facility.

Sec. 118-125. - CGMU, Concord Gateway mixed-use district.

(d) *Conditional uses, CGMU-1.* Within the CGMU-1 subdistricts, no structure or land may be used for any of the following uses except by conditional use permit:

(8) Adult Day Care Facility

(9) Child Day Care Facility

(10) Parking ramps or parking garages.

(11) Buildings in excess of 50 feet in height, if such buildings will not block significant views from existing uses or views to significant features within the CGMU district, and if such buildings can be shown to be in keeping with the intent and character of the CGMU district and compatible with surrounding uses.

(12) Any permitted use or any other conditional use, if 10,000 square feet or more in gross floor area, if such use can be shown to be in keeping with the intent and character of the CGMU district and compatible with surrounding uses.

(13) Other uses determined by the city council to be similar in purpose and character to other permitted or conditional uses in this district.
Sec. 118-126. - C-1, retail business district.

(b) *Uses by conditional use permit.* The following uses shall require a conditional use permit:

(13) Adult Day Care Facility
(14) Child Day Care Facility

Sec. 118-127. - NCMU, North Concord mixed-use district.

(d) *Conditional uses, NCMU.* Within the NCMU district, no structure or land may be used for the following uses, except by conditional use permit:

(12) Gasoline service stations (with accessory car wash facility).
(13) Adult Day Care Facility
(14) Child Day Care Facility
(13) (15) Other uses determined by the city council to be similar in purpose and character to other permitted and conditional uses in the NCMU district.

Sec. 118-128. - GB, general business district.

(1) Adult Day Care Facility
(2) Armories, skating rinks, convention halls, and similar uses.
(3) Auditorium or recreational building.
(4) Automobile and truck service uses.
(5) Automobile car wash.
(6) Boat, marine, trailer, farm equipment, automobile, truck, and similar sales.
(7) Bottling works.
(8) Bowling alley.
(9) Carpet or rug cleaning.
(10) Child Day Care Facility
(11) Church.
(12) Commercial recreation and equipment storage.
(13) Contractor, if open storage is utilized.
(14) Dance and other commercial schools.
(15) Drive-in business of all types.
(16) Dry cleaning.
Sec. 118-129. - I, industrial district.

(c) **Uses by conditional use permit or interim use permit.** The following uses shall require a conditional use permit or an interim use permit, and all applications for such conditional use permits shall follow the review and procedural guidelines set forth in section 118-132 of this chapter, governing planned unit developments:

(4) Child Day Care Facility when located within the same building as the principal use and provided only for employees of the principal use.
Exterior processing on industrial zoned property south of I-494, except that part north of Richmond Street, west of Hardman Avenue north of vacated Malden Street from Hardman Avenue to the Mississippi River, the south one-half of section 35, T28N, R22W and the east one-half of the NW 1/4 of section 35, T28N, R22W.

Exterior storage (not as a principal use).

Exterior storage and open sales lot in conjunction with an approved use on the same site.

Exterior storage and processing of wood chips…

Exterior storage as a principal use on industrial zoned property…

Exterior storage or exterior processing as a principal use on industrial zoned property…

Hotel or motel.

Laundry and dry cleaning processing plants (not retail).

Metal clad building.

Other uses deemed by the city to be similar to those set forth in this subsection and consistent with the purpose set forth in subsection (a) of this section.

Pawnbrokers and precious metal dealers, as defined in article XIV of chapter 18 of this Code, 500 feet north of I-494 and south of Grand Avenue.

Private and business schools.

PWS antenna.

PWS tower.

Restaurants.

Sexually oriented uses, as defined in article XVIII of chapter 18, 500 feet north of I-494 and south of Grand Avenue.

Spur tracks.

Structures of any type over 50 feet in height.

Temporary on-site rock crushing operation when used for surcharging the land as an integral part of a land reclamation plan approved by the city engineer.

Temporary structures.

Truck stop.

Veterinary clinic.

Wholesaling.

Sec. 118-134. - I-1, light industrial district.

(d) Uses by conditional use permit. The following uses or other uses deemed to be similar shall require a conditional use permit:

(1) Adult Day Care Facility
(2) Automobile, truck and other vehicle repair.
(3) Child Day Care Facility
Commercial kennels, animal hospitals, dog/pet daycare or lodging.

Enclosed mini-storage facilities.

Exterior storage (not as a principal use) subject to the following:

a. Exterior storage use shall be incidental to an approved use on the same site.

b. Exterior storage shall be screened from adjacent properties and public view and shall meet the required performance standards of section 118-240.

c. The city may impose reasonable conditions on the exterior storage such as, but not limited to, maximum lot coverage, height, and type of the exterior storage.

Open sales lot incidental to an approved use on the same site.

Hotel or motel.

Laundry and dry cleaning processing plants (not retail).

On-sale liquor.

Pawnbrokers and precious metal dealers, as defined in article XIV of chapter 18 of this Code, 500 feet north of I-494.

Pet cremation

PWS antenna.

PWS tower.

Restaurants.

Schools: Private, business, and vocational schools.

Sexually oriented uses, as defined in article XVIII of chapter 18, 500 feet north of I-494 and south of Grand Avenue.

Spur tracks.

Structures of any type over 50 feet in height.

Temporary on-site rock crushing operation when used for surcharging the land as an integral part of a land reclamation plan approved by the city engineer.

Temporary structures.

Truck stop.

Veterinary clinic.

Wholesaling.

Exterior processing of wood chips, accessory to a permitted or conditional use and subject to the required performance standards in section 118-134(d)(4).

Sec. 118-354. - Off-street parking spaces required.

Off-street parking spaces required by land uses generating the need for parking shall be as follows:

Automobile and truck sales: One space for each 400 square feet of gross floor space plus one space for each two employees.
SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The proposed ordinance would establish zoning standards for child day care facilities and adult day care facilities. It would align the City Code with State Statute by allowing small daycares in residential districts as a permitted use. It would allow large child day care facilities in all of the R districts as a conditional use and would allow large adult day care facilities as a conditional use in the R-4 district. It would allow child day cares and adult day cares as a conditional use in the City’s commercial districts and light industrial district. It would allow child day care as a conditional use in the Industrial district if it is serving employees of the business where it is located. The ordinance would also establish parking requirements for child day care and adult day care.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: _______________________

Published: _______________________

____________________________________
Christy Wilcox, City Clerk