

MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISISON
April 6, 2022

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

Present: Angela DesMarais
 Geoff Fournier
 Jason Frankot
 James Hart
 Ruth Krueger
 Matthew Thompson
 Michael Healy, City Planner
 Ryan Garcia, Economic Development Director
 Monika Mann, Associate Planner

Absent: Tim Felton

- 1) APPROVAL OF AGENDA – Motion to approve as presented – Fournier/ Frankot (6-0).
 - 2) APPROVAL OF MINUTES – March 2, 2022 – Motion to approve the minutes as presented – DesMarais/Fournier (6-0).
 - 3) NEW BUSINESS
- None.
- 4) PUBLIC HEARINGS

A. Preliminary Plat for Emerson Emelia Place Addition (The Drover Phase II).

Mr. Healy shared the staff report. The Applicant is Master Properties. The Applicant is seeking a preliminary plat to replat the land surrounding the Drover apartments on Concord Exchange. The plat would create one lot that would encompass the existing Drover apartment building and a second lot that would support a future building proposed to be the Vaquero. Master Properties has been working with the City in the last couple years to plan out the Vaquero. The new building would have approximately 170 units and provide similar amenities to those offered at “The Yards.” The Applicant is finalizing their plans for the Drover Phase II and hopes to bring the project to the Planning Commission in the coming months. The item that is being reviewed is just the preliminary plat.

While it is unusual to review just a preliminary plat ahead of the rest of a project, the land around the Drover has an incredibly complicated title which the City has been working through with the City Attorney for over a year. The property involves a street built partially along an easement, an unvacated street, land that is restricted by HUD and several different property owners. The City Attorney has advised staff to bring forward the preliminary plat for review and approval as the first step to resolving the title issues. The rest of the development application, including the site plan review of the apartment building, will be processed alongside the final plat at a later meeting.

Staff recommend approval of the proposed preliminary plat subject to the conditions listed in the staff report.

Commissioner DesMarais asked why Pitt Street needed to be vacated. Mr. Healy explained that the Concord Exchange area was originally developed in the late 1880s. The land in the area was platted at this time and the streets were built according to this plat. When the City pursued an urban renewal project in the 1970s, most of the land in the area was condemned and the existing streets were removed. Pitt Street was one of the streets that was torn out. For one reason or another, Pitt Street was never formally vacated so the platted road still exists. Today there is a public parking lot on a portion on a public right-of-way, which is not allowed by the code.

Chair Thompson asked why the Applicant wanted to put the existing building and the new building on two separate parcels and what would happen if one of the parcels was sold off. Mr. Garcia, the City's Economic Development Director, explained that there were a number of reasons why the property is proposed to be platted with two parcels instead of just one. First, the city code does not allow there to be more than one principal structure on a single tax parcel. The site also needs to have two separate tax parcels due to the boundary of the Tax Increment Financing District along Concord Exchange. The Drover is located within the Concord Street TIF District 2 boundary and needs to remain within the boundaries of this TIF District. The Vaquero will not be able to be constructed within the boundary of the Concord Street TIF District. The city owns part of the land that the Vaquero would be built on. Before the City sells the land to Master Properties for them to construct the Vaquero, the City will require the Applicant to record a parking agreement for both properties to ensure tenants of either building can use the parking spaces that are available, regardless of who owns each property. Mr. Garcia reiterated that it was by necessity that there would be two separate lots for the two separate buildings.

Max Heitzmann, Master Properties, came forward to answer questions. Commissioner Frankot asked Mr. Heitzmann how the team came up with the name 'the Vaquero' for the future apartment building. Mr. Heitzmann explained that the name was a different name for a cowboy.

Chair Thompson opened the public hearing.

No one was present to comment on the item nor. Mr. Healy shared that he had received one comment via email from Xin Zhou, 221 Grand Avenue West #206. Mr. Zhou shared that he and his neighbors were opposed to changes at the site. Mr. Zhou shared his concerns about a large amount of high-density housing being created in the area without amenities such as restaurants and shops. Mr. Zhou shared his concerns that the preliminary plat would remove one of the access drives to the building he lives in. Mr. Healy shared that he had corresponded with Mr. Zhou following the initial email. In a later email, Mr. Zhou stated that Mr. Healy addressed many of his concerns and that Mr. Zhou was less concerned about the project.

Chair Thompson closed the public hearing.

Commissioner DesMarais asked Mr. Healy to clarify which parcels in Attachment B were restricted by HUD. Mr. Healy explained that the parcels shown in pink and blue are the properties with ties to HUD Deed Restrictions. These restrictions were based on legal descriptions that were put in place for the Nan McKay Building in the 1970s. Commissioner DesMarais asked if the EDA was on board with giving the land shown in green to the applicant. Mr. Healy stated that the EDA was on board with selling the parcels outlined in green to the Applicant.

Commissioner Thompson shared that he felt that this approval was a good starting point for the rest of the work that lies ahead to develop the Vaquero.

Motion to recommend approval of the Preliminary Plat of Emerson Amelia Place Addition -Frankot/ Fournier (6-0).

B. Ordinance Repealing and Replacing the Fence Ordinance

Ms. Mann presented the staff report. In the last year, staff have received a number of inquiries into the fence standards which have highlighted some needs for updates to the fence ordinance. The greatest need is for clear standards for fences in commercial districts. Staff have proposed standards for fences in commercial districts as well as some changes to the materials that can and cannot be used for fences. The Planning Commission discussed the item at their March 2nd meeting. Minimal changes have been made to the ordinance since it was discussed at the previous meeting. Staff recommend the Planning Commission recommend approval of the proposed ordinance.

Chair Thompson asked the Planning Commissioners their thoughts on allowing privacy fencing in the secondary front yard of a commercial property.

Commissioner Hart asked Ms. Mann to explain the difference between options A and B as shown in attachment C. Ms. Mann explained option A shows the allowable height for fencing at a commercially-zoned property under the existing ordinance. Option B shows the height of fences that could be allowed if the Planning Commission were to allow 6-foot privacy fences in the secondary front yard of a commercial property with a Conditional Use Permit. Mr. Healy shared that the reason staff recommend allowing privacy fencing in a secondary front yard with a conditional use permit would be to allow the Planning Commission to say yes or no to a request.

Commissioner Thompson shared that he likes the idea of allowing flexibility with fencing, but that he does not like the look of the fencing as shown in the example.

Commissioner Krueger shared that allowing a 6-foot privacy fence in the secondary front yard of a commercial property with a Conditional Use Permit seems like a commonsense approach, especially as the City's mixed-use areas continue to grow.

Chair Thompson opened the public hearing.

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

Commissioner Frankot cautioned the Planning Commissioners with being too fixated on one or two examples when considering the ordinance. Commissioner Frankot shared that the Planning Commission should be willing to be flexible.

Commissioner DesMarais commented that the ordinance would outright allow 6-foot privacy fences in secondary front yards for commercial buildings. Ms. Mann clarified that the proposed ordinance would not outright allow 6-foot fences in the secondary front yard of a commercial property, instead the ordinance provide the option to have a 6-foot privacy fence in the secondary front yard of a commercial property with a Conditional Use Permit or with site plan review for a screening fence.

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Chair Thompson closed the public hearing.

Motion to recommend approval of the proposed landscaping ordinance as presented- Krueger/ Frankot (6-0).

5) OTHER BUSINESS

Mr. Healy informed the Planning Commissioners that this would be their last meeting in the City Council Chambers due to the upcoming City Hall remodel project. For the duration of construction, all of the future Planning Commission meetings would be held in the conference room at the municipal building at the South St. Paul airport.

6) ADJOURNMENT

Motion to adjourn- DesMarais/Fournier (6-0).