

MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISISON
September 1, 2021

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

Present:

Angela DesMarais
Tim Felton
Geoff Fournier
Jason Frankot
Ruth Krueger
John Ross
Matthew Thompson
Michael Healy, City Planner

Absent: None

- 1) APPROVAL OF AGENDA – Motion to approve as presented – Fournier/DesMarais (7-0).
- 2) APPROVAL OF MINUTES – August 4, 2021 – Motion to approve the minutes as presented – DesMarais/Krueger (7-0).
- 3) NEW BUSINESS

None.

- 4) PUBLIC HEARINGS

None.

- 5) OTHER BUSINESS

A. Twin City Bagel Exterior Storage Conditional Use Permit (Continuation from August Meeting)

Mr. Healy provided a recap of the discussion from the August Planning Commission meeting. Since that meeting, Staff met with Twin City Bagel to further discuss the conditions of approval that were laid out in the staff report as well as the landscaping plans that had previously been submitted. Per Twin City Bagel, the irrigation system at the site has been broken for years which has largely contributed to the decline of the landscaping at the site. Twin City Bagel is working to schedule the repair of the irrigation system and has agreed to restore all of the required landscaping as listed in the 2003 building expansion Conditional Use Permit (CUP) approval. Twin City Bagel requested permission to adjust the 2003 landscaping plan to place 4 coniferous trees near the south property line instead of near the building. Per the applicant, having trees near their building is a health inspection concern. Twin City Bagel will be working with a professional landscaper to develop a replacement landscaping plan. Staff recommends approval of the Conditional Use Permit subject to the conditions listed in the staff report.

Commissioner DesMarais asked about the final deadline for submitting the new landscaping plan. Mr. Healy explained that the City has historically approved plans with the condition that the applicant needs to work with the Zoning Administrator to finalize the landscaping plan, giving staff the authority to approve the plan. Mr. Healy stated that the Planning Commission could structure the approval to require the applicant to submit the landscaping plan at a certain time. Staff had written the approval resolution to require the applicant to submit a letter of credit for the landscaping escrow by October 31, 2021. All landscaping would need to be completed by July 31, 2022. Commissioner DesMarais suggested a condition be added that the final landscaping plans must be submitted at the same time as the letter of credit.

Commissioner Felton brought up the letter submitted by David Langer, Langer Real Estate Services, who suggested that approving the CUP for Twin City Bagel would open the City to additional requests from businesses that would like additional exterior storage. Commissioner Felton asked staff how in light of this the City can justify approving the site to have almost twice as many trailers as the original approval allowed. Mr. Healy explained that the initial approval for the storage of 9 trailers was based on the number of loading docks at the Twin City Bagel site. The city code allows industrial properties to have exterior storage so approving the Conditional Use Permit for Twin City Bagel would not “open” up the City to additional requests. Additionally, Mr. Langer’s properties were approved with variances, and as a condition of their approval, the properties are not allowed have exterior storage.

Chair Ross asked Mr. Healy to explain why the City was taking an escrow or letter of credit from the applicant. Mr. Healy explained that in most communities with a required landscaping ordinance, the city code requires an escrow to be taken for 125% of the total cost of the landscaping. South St. Paul does not have this requirement in the code which has led to a long history of noncompliance with submitted landscaping plans. By collecting an escrow, applicants are motivated to plant the landscaping shown in their landscaping plan so their escrow will be returned.

Gerri Krenner, Twin City Bagel, was present to speak on the item. Ms. Krenner shared the actions that Twin City Bagel had taken towards coming into compliance with the landscaping plan from 2003.

Chair Ross asked the applicant to speak to the proposed modifications to their 2003 landscaping plan and the timeline for submitting the updated plan. Ms. Krenner explained she had not yet been able to hire a landscaper to create an amended landscaping plan for the site. Chair Ross noted that the City Council meeting was on September 20th, 2021. Ms. Krenner stated she was hoping to have a landscaping plan by then. Ms. Krenner stated that she would have a cost estimate for the project by the September 20th meeting.

Commissioner Frankot asked if 16 trailers would be enough for Twin City Bagel as they continue to expand. Ms. Krenner explained 16 trailers are needed now but additional trailers may be needed in the future. Mr. Healy reminded the commissioners that the 16-trailer limit was specifically for the number of trailers that could be stored overnight.

Chair Ross asked Ms. Krenner if she was familiar with the listed conditions. Ms. Krenner stated she was and that they had no issues with the conditions.

Chair Ross stated that he was confident in City Staff working with the applicant on submittal of a landscaping plan as opposed to adding a condition requiring the applicant to submit a landscaping plan by a certain time.

Commissioner Thompson asked who would be liable for the trailers and the equipment within them if the site was found to have more than 16 trailers stored overnight. Mr. Healy explained that a minor Conditional Use Permit violation is typically handled by sending the property owner a warning letter stating that they have two

weeks to address the violation, or the property owner would be fined. The fines increase if the violation is not corrected in a designated amount of time. If a property owner does not pay the fines, the fees are added to their property taxes.

Motion to recommend approval of a Conditional Use Permit for exterior storage for up to 16 trucks or trailers to be parked overnight at 130 Hardman Avenue South, subject to the conditions laid out in the staff report. - DesMarais/Fournier (7-0).

B. Discussion on Draft Ordinance to Update the North Concord Mixed Use District.

Mr. Healy provided background on the item. Staff has been working with Michael Lamb of Michael Lamb Consulting to update the zoning rules for the North Concord Mixed Use (NCMU) District. The 2040 Comprehensive Plan calls for a study and zoning code update along Concord Street North between Annapolis Street and Wentworth Avenue. The standards that are in place do not work with the corridor due to parcel configuration, and the sheer costliness and complexity of the existing standards. Staff received a Statewide Health Improvement Partnership (SHIP) grant from Dakota County to help fund the project. The City Council approved a vision for the corridor on June 17th, 2021.

The zoning district that would replace the NCMU district is proposed to be named the Mixed Markets and Makers (MMM) District. The MMM district is intended to be a business-friendly, market-dictated district that aligns with the standards of Mississippi River Critical Corridor Area (MRCCA). The district is set up to have 4 different subdistricts that reflect the 4 distinct character areas of Concord Street North. Any part of the existing NCMU district south of Wentworth Avenue would be rezoned Concord Gateway Mixed Use District. Information about the uses and dimensional standards for the district would be presented in streamlined charts. New uses such as “craft production” and “live-work unit” would be allowed in the district. Fully screened exterior storage would be allowed in support of a contractor’s operation or a craft production facility with the condition that the storage must be 80 feet from Concord Street. Car sales would be a conditional use in the MMM4 district on lots that are at least an acre and with a building that has a Floor Area Ratio of at least .2. Staff intends to bring the ordinance forward for a public hearing at the October 6th Planning Commission meeting.

Chair Ross commented that the ordinance would attempt to contain auto sales to the MMM4 district. Chair Ross asked Mr. Healy if he received a lot of calls about auto sales. Mr. Healy stated that he does receive a lot of calls about auto sales in the NCMU district but typically the request is from an individual that would like to purchase a small lot and use most of the lot for car display area. Chair Ross commented that the proposed acreage and floor area ratio requirements would prevent this type of car dealer in the MMM4 district. Chair Ross noted he was in favor of the proposal.

Commissioner Krueger asked if retail sales would be allowed by Kaposia Landing under the proposed update. Mr. Healy explained that today this area is a park. If the City really wanted, they could enter into an agreement with a vendor to allow sales in the area. Commissioner Krueger commented that the MMM3 district is the perfect location for an ice cream shop or another food/drink establishment to serve the visitors to Kaposia Landing.

Chair Ross asked if an ice cream parlor located in the MMM3 district wanted to have seating in front of their building, would the business need to receive a variance from the front build-to range? Mr. Healy explained that under the proposed ordinance, a building can be setback between 0 and 10 feet from the front property line which would allow plenty of space for a patio.

Commissioner Frankot asked if rooftop seating was allowed under the proposed ordinance. Mr. Healy stated that rooftop seating was not prohibited in the district. Mr. Healy stated that the height allowance in the district had been adjusted to allow this type of seating. Mr. Healy stated that the goal is to allow almost any use as long as it looks nice and is pedestrian oriented.

Chair Ross asked about the deadline for the commissioners to submit comments. Mr. Healy stated the ordinance would be further amended in the next few weeks as staff receives feedback from the open house and the City Council.

Chair Ross confirmed with staff that the proposed ordinance would require two readings by the City Council. Mr. Healy confirmed this was the case.

Commissioner Frankot asked how the use of the river and Kaposia Landing could be further incorporated into the plan. Mr. Healy explained that zoning ordinances are development rules for parcels. The MRCCA District has standards that require any development along the river to have a way for the public to interact with the river. Many of the lots on North Concord do not have access along the river. Instead, most of these lots back up to the railroad tracks. While additional standards could be added to try to further incorporate the river and Kaposia landing into the new district, adding strict design and architectural standards often leads to variance requests.

Commissioner Frankot asked if there were any plans for an additional vehicle entrance to the park. Mr. Healy explained that additional vehicle access would likely fall within a Capital Improvement Plan as opposed to being something that the land can be zoned for. Mr. Healy mentioned that the Parks Master Plan was due for an update, which would be a good opportunity to introduce the idea.

C. Discussion on Sign Code Update Relating to Wall Signs

Mr. Healy gave background on the item. Staff has historically processed a large number of sign variances due to the city's strict sign standards. The City grants most of the sign variance requests it receives which makes it difficult for staff to properly advise property owners on the types of signage allowed. A large amount of staff time is consumed by processing these variances requests which distracts from other projects. The existing process also unnecessarily increases project costs for businesses and churches. Staff is proposing amendments to the regulations for wall signs to help reduce the need for wall sign variances.

The current ordinance requires all wall signs to be 10 to 15 feet off the ground and to have all lettering in a 3-foot horizontal band. Wall signs in the North Concord Mixed Use District can only consist of individual letters and businesses must receive a CUP if they wish to include their logo as part of the sign. These standards appear to have been added to the code around the time that the Concord Grand Avenue Gateway Streetscape and Redevelopment Plan was put together. The firm that worked on the project was hired by the city of Burnsville in 1999 to create a plan for the "Heart of the City". These performance standards were recommended by the firm for the "Heart of the City" and were likely recommended for the NCMU district. These requirements are unpopular among the local businesses and create unnecessary, extra work for staff. Staff suggests eliminating these 4 design requirements.

Commissioner DesMarais stated that the update was clearly needed.

Commissioner Thompson stated he was not aware of how complicated the sign code was.

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Commissioner Krueger noted that she had spent a fair amount of time in Burnsville's Heart of the City which was created from scratch whereas South St. Paul was built over time. Commissioner Krueger shared she was in favor of eliminating the regulations.

Chair Ross asked Mr. Healy about the rules for dynamic signs. Mr. Healy stated dynamic signs always require a CUP. There were no plans for staff to make changes to the standards for dynamic signs.

6) ADJOURNMENT

Motion to adjourn- Frankot/Thompson (5-0).