

MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISSION
July 5, 2023

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

Present: Tim Felton, Chair
 Geoff Fournier
 Jason Frankot
 James Hart
 Ruth Krueger
 Brienne Miller
 Chad Schlemmer
 Michael Healy, Planning Manager
 Monika Miller, Associate Planner

Absent: None

- 1) APPROVAL OF AGENDA – Motion to approve as presented –Frankot/Miller (7-0)
- 2) APPROVAL OF MINUTES – June 7, 2023 –Motion to approve the minutes as presented-
 Fournier/Miller (6-0).
- 3) NEW BUSINESS

None

- 4) PUBLIC HEARINGS

A. Conditional Use Permit for Luther Automotive at 490 Villaume Avenue

Mr. Healy presented the staff report. The Applicant is the Luther Auto Company and they are seeking a conditional use permit to operate a vehicle collision center out of an existing building and a site plan approval to expand and reconfigure the parking lot. The Applicant is proposing to correct the existing storm water issues at the site, increase the landscaping at the site, make minimal façade changes, and repave the existing parking lot. The use of the property requires a conditional use permit but otherwise meets the standards for a property in the GB district. The Applicant shared with Staff a few minutes before the start of the meeting that the owner of 460 Villaume would like to have the lighting from 490 Villaume Avenue be shared with their property. Staff will consult with the City Attorney to determine if it is appropriate to have shared lighting between the two properties and if any additional zoning approvals will be required. Staff recommends approval of the Conditional Use Permit and Site Plan subject to conditions.

Chair Felton noted that he had initially had questions about whether staff was concerned about exterior storage and exterior repair at the site but Mr. Healy addressed those concerns in his staff presentation. Chair Felton asked if the arborvitaes along the perimeter fencing would be exterior to cover up the chain link. Mr. Healy explained that the arborvitaes are proposed to be interior, so they would not cover up the chain link fence, but they would block the views of damaged vehicles from the highway and Villaume Avenue.

Planning Commission Minutes

July 5, 2023

Page 2 of 6

Commissioner Frankot asked staff if Luther previously owned the reconditioning center where Walser Subaru is located today. Mr. Healy clarified that Walser owned the reconditioning center where Walser Subaru is today. Commissioner Frankot noted that they did a great job with their location and that he would like to see someone of similar quality come in.

The Applicants, Steve Sabraski from Landform Professional Services and Linda McGinty of Luther Auto, were present to speak to their application. Mr. Sabraski clarified that the arborvitaes are proposed to be placed inside the fencing because some of the sections are existing fencing that belongs to the neighbor and because they are easier to maintain from within the Luther property. Mr. Sabraski explained that they had spoken with the neighbor at 460 Villaume Avenue about drainage, security, and lighting at their site. Mr. Sabraski shared that they were committed to working with the neighboring property owner to address some of the existing issues in the area. Mr. Sabraski explained that they would like to share illumination along the perimeter to enhance security at the rear of the lot for both 460 Villaume Avenue and their property. Mr. Sabraski shared that Luther is thrilled to be moving to South St. Paul and welcomed questions.

Chair Felton asked Mr. Sabraski if he was aware of the conditions of approval for the project and if they had any concerns about meeting the conditions. Mr. Sabraski confirmed that they were aware of the conditions and had no concerns about meeting them.

Commissioner Frankot asked if the lighting system would be on at full brightness all the time or if the lighting would be dim until motion was detected. Mr. Sabraski explained that they would be using LED lighting which would allow them the ability to dim the lights. Mr. Sabraski furthered that there would be security cameras at the site which is why they want to have as much lighting as possible. Commissioner Frankot asked staff if condition 15 would need to be updated based on this information. Staff explained that condition 15 is a reminder of the city's lighting standards. Mr. Healy explained that the Applicant is requesting some relief from the requirement that lighting be downcast or shielded so that it does not spill onto a neighboring property. Mr. Healy stated that they would need to confirm with the City Attorney if we can grant relief with a Conditional Use Permit or a Variance. Mr. Healy shared that his recommendation would be to recommend approval with the proposed conditions and direct staff to discuss the Applicant's lighting request with the City Attorney. Mr. Sabraski said that they were open to coming back for a variance for their lighting request. Chair Felton clarified with the Applicant that the lighting variance was not a deal breaker for them. Mr. Sabraski confirmed it was not and explained that the request was an attempt to be neighborly.

Ms. McGinty provided some additional background on the lighting request. Ms. McGinty addressed Commissioner Frankot's question about dimming lights and explained that the lights typically start out dimmed but the lighting level increases as incidents occur. Ms. McGinty reassured the commissioners that the lighting level would not exceed what is allowed. Ms. McGinty added that the facility would create long term, high-paying jobs and that their move was facilitated by the need for additional space. Luther would be investing around \$4 million into the site, not including the new equipment within the building. Ms. McGinty shared that Luther is excited to be a member of the South St. Paul community and shared that she attended services at St. Augustine's in South St. Paul several times a month.

Chair Felton asked Mr. Healy if the concern about lighting was related to shared lighting if the ownership of 460 and 490 Villaume Avenue changes. Mr. Healy explained that staff was most concerned about code compliance. The code was written to try to prevent light pollution and nuisance lighting and it can be difficult to retroactively change lighting. Mr. Healy shared that the question is whether this can be approved as part of the CUP or if this needs to be a variance ask.

Chair Felton opened the public hearing.

Damon Peterson, 494 Villaume Avenue, shared that his only concern was about drainage from the subject property. Mr. Peterson shared that the drainage in this area tends to flow towards his property due to improper

Planning Commission Minutes

July 5, 2023

Page 3 of 6

grading that was done by the previous owners of 490 Villaume Avenue. Mr. Healy deferred to the project engineer to address the concern but shared that the City Engineer and Assistant City Engineer had reviewed and approved the stormwater plan subject to conditions. Mr. Sabraski explained that Luther intends to fix the incorrect grading at the property which created drainage issues at both the project site and the neighboring property. The solution would correct drainage issues at both sites. Chair Felton asked staff to reconfirm that the Engineering Department would make sure the drainage is appropriate for the site. Mr. Healy affirmed they would.

Chair Felton asked staff if they had received any correspondence. Mr. Healy stated he had not.

Chair Felton closed the public hearing.

Commissioner Frankot pointed out that the City Engineer's letter had several conditions related to grading and stormwater management and suggested that it be shared with Mr. Peterson.

Motion to recommend approval of the Site plan and a Conditional Use Permit subject to conditions- Frankot/Fournier (7-0).

B. Conditional Use Permit for Quality Truck and Trailer at 497 Farwell

This item was postponed to August 2, 2023.

C. Planned Unit Development Site Plan Amendment for Danner Inc. Verderosa Avenue Development

Mr. Healy shared the staff report. The Applicant is Marlon Danner on behalf of Danner Family Limited Partnership. The Applicant is seeking PUD flexibility to have their parking lot be 5 feet from the west side property line instead of 10 feet. Mr. Healy shared that the site was previously a former dump for the stockyards and cleanup of the site has been underway since 2016. The Applicant is requesting this amendment because the project engineer calculated that the truck drivers would need 75 feet to turn out of the site. The Applicant has stated many of his drivers cannot make that turn and will damage the new curb and landscaping. The Applicant wants his drivers to have 80 feet to make the turn. Staff view this request as very minor, and it would have easily been granted as part of the original PUD application if it had been requested. Staff recommends approval, subject to conditions.

Bryan Chirhart, Danner Inc, shared that construction was pushed back until September due to issues with soil conditions at the site. Mr. Chirhart shared that the setback may have been overlooked initially as they had requested the same setback along the north side of the property.

Chair Felton asked if he was confident that the drivers would be able to make the 80-foot turn. Mr. Chirhart shared he was confident they could.

Chair Felton opened the public hearing

Chair Felton asked if any additional correspondence has been received. Mr. Healy stated that no other correspondence had been received.

Chair Felton closed the public hearing.

Commissioner Frankot commented that the request seemed very minor and made sense from a safety standpoint.

Motion to recommend approval of the Conditional Use Permit for a Planned Unit Development and Site Plan amendment subject to conditions- Schlemmer/Fournier (7-0).

D. Ordinance Proactively Rezoning Properties to Align with the 2040 Comprehensive Plan

Mr. Healy shared the staff report. Mr. Healy shared that the Applicant is the City. The City Council review the project at their May 22nd work session and unanimously called for a public hearing. Cities are legally required to align their zoning map with their future land use map. Most of the properties on the zoning map and the future land use map line up but there are a few properties that do not. The City undertook a small proactive rezoning project in 2021 to address some low-hanging fruit. The proposed rezoning would address issues that have come up since 2021 and to help implement the comp plan. The City is proposing to rezone 17 properties to be consistent with the comprehensive plan. The rezonings will not create any nonconforming uses and will fix many existing nonconformities.

Chair Felton asked staff to confirm if the Planning Commission could proceed with some of the rezonings instead of all the rezonings if they wanted. Mr. Healy confirmed that the Planning Commission could recommend approval of only some of the rezonings but the City Council would still review all of the rezonings at their meetings.

Commissioner Miller commented on Staff's note that 420 5th Avenue North was "accidentally rezoned" and asked how that happens. Mr. Healy explained that 20 years ago, we did not have electronic mapping like we do today, so it was easier to miss things. Thanks to modern technology, our zoning maps are more accurate which prevents accidental rezonings.

Commissioner Hart asked about the hypothetical downsides of rezoning a property from mixed use to single-family residential. Mr. Healy explained that if a property was zoned for mixed use and could meet building code and ADA-requirements, they could start a storefront or a restaurant in their home. This would not be allowed if the property was zoned single-family residential. Commissioner Hart asked how accurate the property lines were on the maps. Mr. Healy stated that the property lines are pretty accurate but only a licensed surveyor can confirm the exact boundaries of a property.

Commissioner Frankot asked if the group has reviewed this application or a similar application several months ago. Mr. Healy explained that many of the proposed rezonings could not go forward without the comprehensive plan being updated earlier this year. Commissioner Frankot thought he recalled the Croatian Hall, Ollom Appliance, 1020 Marie and several others being rezoned. Mr. Healy clarified that some of these buildings already had commercial zoning, but the comprehensive plan had originally called to take their commercial zoning away. The amended comprehensive plan no longer calls for taking away their commercial zoning. The rezonings the Planning Commission is reviewing were talked about several months ago as part of the comprehensive plan update and are moving forward at this time because they are not expected to be controversial. The rezonings before the Planning Commission are "low hanging fruit" where there is a fairly obvious way to bring the zoning map into alignment with the comprehensive plan.

Chair Felton opened the public hearing.

No correspondence was received prior to the meeting and no one was present to comment on the application. Mr. Healy noted that there were several individuals that had reached out to him with questions but none of these individuals decided to make a formal comment after learning more about the project.

Chair Felton closed the public hearing.

Motion to recommend approval of the proposed ordinance amendment rezoning properties throughout the community to align with the 2040 Comprehensive Plan- Miller/Fournier (6-0) (Abstention by Hart)

E. Ordinance Updating the Mississippi River Critical Corridor Area (MRCCA) Zoning

Ms. Miller provided Staff background. The City is proposing to repeal and replace its existing MRCCA ordinance to align with the new rules in state statute. In 2017, the State overhauled its rules for the MRCCA area and required cities to adopt new zoning regulations within a certain deadline. South St. Paul has until September of this year to adopt new MRCCA regulations that are consistent with the regulations in state statute. To make the update easier for cities, the DNR drafted a model ordinance for cities to adopt. Cities can either adopt the model ordinance verbatim or work with the DNR to create alternative rules if they have concerns about the standards in the model ordinance. At the direction of the City Council, Staff worked with the DNR to draft alternative bluff setback standards for the Concord Street and Concord Exchange area as the standards in the model ordinance would impact the city's ability to pursue its economic development goals in these areas. The DNR has given South St. Paul the "ok" to bring forward the MRCCA ordinance for review by the Planning Commission and City Council. In addition to updating the MRCCA regulations, the proposed ordinance would reorganize the overlay district section of the City Code, create clearer rules for municipal facilities, and update the long grass ordinance to exempt ground cover in MRCCA. Staff recommends approval of the proposed ordinance.

Chair Felton asked staff to clarify that the DNR had given the City approval to bring forward a local MRCCA ordinance with rules that differ slightly from the model ordinance. Ms. Miller clarified that the DNR had given South St. Paul permission to deviate from the model ordinance and to go forward in the ordinance adoption process.

Commissioner Hart asked how the changes to the MRCCA ordinance would impact the residents that live in Zoning Flexibility Area A. Mr. Healy explained that the Zoning Flexibility Area A essentially allows for a continuation of the zoning rules for the toe of the bluff that are in effect today but now requires a Conditional Use Permit to build anything within 20 feet of the toe of a bluff. The DNR's model ordinance flat-out prohibits building anything within 20 feet of the toe of a bluff so this is significant flexibility.

Commissioner Frankot asked about how the new ordinance would impact individuals that live in Zoning Flexibility Area A but at the top of the bluff. Ms. Miller explained that the setback rules would remain the same for individuals at the top of the bluff. Commissioner Frankot asked staff to clarify if under these special zoning rules, the 40-foot top of the bluff setback was reduced to 25 feet for existing properties. Mr. Healy explained the top of the bluff setback was not being changed for properties in Zoning Area A. Properties in Zoning Area B would be allowed to have reduced setbacks from the top of the bluff to allow infill development

Chair Felton asked if the new MRCCA regulations would impact the ability of a residential property to place an inground pool near the bluff. Ms. Miller explained that as long as the swimming pool met the MRCCA setback and general zoning standards for swimming pools, there is nothing in the new ordinance that would prevent a swimming pool from being constructed.

Commissioner Frankot asked staff if the 40-foot top-of-bluff setback changes under the new MRCCA rules for an existing structure or if a conditional use permit could be issued to deviate from this setback. Ms. Miller explained that the new rules still require a 40-foot setback from the top of the bluff. If someone wanted to deviate from this setback, they would need to request a variance. As part of the variance, the DNR and National Park Service (NPS) would weigh in on the application but the decision about whether to grant the variance is still ultimately up to the City.

Chair Felton opened the public hearing.

Colleen O'Connor Toberman, Director of Land Use and Planning at Friends of the Mississippi River, came forward to share her comments verbally in addition to her letter which was included in the packet. Ms. O'Connor Toberman shared that she felt South St. Paul's approach to bluff development and working with the DNR to create alternative regulations near the bluffs makes a lot of sense. Ms. O'Connor Toberman commended the City's decision to include the criteria about when to grant a variance or a conditional use permit in the

Planning Commission Minutes

July 5, 2023

Page 6 of 6

MRCCA district. Ms. O'Connor Toberman suggested that the City consider lengthening the required notification period for the DNR and NPS for discretionary actions and public hearings. The model ordinance requires the DNR and NPS to be notified 10 days in advance of a discretionary action or a public hearing. Requiring additional lead time for notification could help ensure that the City reaches out to the DNR sooner. Ms. Miller noted that the model ordinance encourages a 30-day notification period for public hearings and discretionary actions, but if the City were to adopt this as a mandate, this would extend the development review timeline by almost a month. The City has always involved the DNR and NPS early for any zoning actions within MRCCA so staff feel it is unnecessary to require a 30-day notification period.

No one else was present to speak on the application and no additional correspondence had been received prior to the meeting.

Chair Felton closed the public hearing.

Motion to recommend approval of an ordinance updating the standards for the Mississippi River Critical Corridor Area (MRCCA) zoning regulations, reorganizing the City's overlay districts, and updating the zoning standards for municipal uses- Hart/Schlemmer (6-0) (Abstention by Frankot).

5) OTHER BUSINESS

None.

6) STAFF UPDATES

None.

7) ADJOURNMENT

Motion to adjourn- Miller /Fournier (7-0).