

MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISSION
February 7, 2024

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

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

Absent: Ruth Krueger

- 1) APPROVAL OF AGENDA – Chair Felton motioned to add a brief discussion on pool barrier requirements to the “Other Business” portion of the meeting- Motion to approve as amended – Frankot/Fournier (6-0)
- 2) APPROVAL OF MINUTES – January 3, 2024 - Motion to approve as presented – Miller/Schlemmer (6-0).
- 3) NEW BUSINESS
- 4) PUBLIC HEARINGS

A. Ordinance Amendment Updating Subdivision Regulations for Lot Splits and Updating Zoning Requirements for Residential Properties

Mr. Healy presented the staff report. The Applicant is the City of South St. Paul. Staff and the City Council have identified 5 issues that could be addressed with an ordinance update: the longstanding process for reviewing lot splits and boundary line adjustments was never added to the City Code; the City Code does not allow a side-by-side twin home to be split so each side can be sold off separately; the lot size and lot width rules that were adopted in 1967 do not “work” for most of South St. Paul’s neighborhoods; some homes on narrow 40-foot wide lots want to build a private driveway to the street even though they have alley access; the City Council would like restrictions on “garage forward” house design where a large attached garage juts out into the front yard and is the main architectural feature of the house. Staff presented the solutions to these issues that were identified in the staff report.

Chair Felton asked staff to clarify what would be considered an acceptable architectural treatment for an attached garage that is closer than 5 feet to the front property line that is looking to be expanded. Mr. Healy shared that windows or an architectural design on the door would be considered an acceptable architectural treatment.

Commissioner Frankot asked how many buildable lots were available in South St. Paul. Mr. Healy stated that the answer to the question is very nuanced. There are many homeowners in town who have a double or triple lot

and every few years, one or two of these properties will turn over and the new owner will want to split the lot to create a new buildable lot. Mr. Healy estimated that there were between 5 and 10 vacant lots that are buildable and for sale and a number of potentially buildable lots from houses that are a double or triple lot today. Commissioner Frankot asked if staff sees a lot of infill development where an existing double lot with one house on it is sold, torn down, split, and then two new homes are constructed on the two separate lots. Mr. Healy explained that the City used to do this through the Rediscover South St. Paul program. This program became unfeasible as land values increased. Mr. Healy added that there was not the market pressure for something like this in South St. Paul today.

Mr. Healy posed three questions to the Planning Commissioners to consider as they reviewed the proposed ordinance: does the proposed ordinance address the 5 issues identified by the City Council? Are the proposed restrictions on garage-forward design well-calibrated? Should the City continue to prohibit single-family homes from having flat roofs?

Commissioner Hart asked if everything that is redlined was proposed to be removed. Mr. Healy explained that the red lines were generally indicative of text that is proposed to be removed. Mr. Healy went into detail on the items that were proposed to be removed per the draft ordinance.

Chair Felton commented that he felt the ordinance addressed the 5 issues that were discussed. Chair Felton shared that he did not have a strong opinion on limiting garage forward design, though he felt it looked nice. Chair Felton shared that he would be in favor of keeping the ban on flat roofs for single-family homes.

Commissioner Fournier asked if the new regulations for splitting a twin home would also cover a townhome. Mr. Healy explained that there is a state statute requiring townhome buildings to be platted as a Common Interest Community (CIC). The ordinance the commissioners were reviewing would only apply to twin homes that were being split into two individual units. Mr. Healy explained that the other process could be used for twin homes, but it is prohibitively expensive.

Commissioner Frankot asked for clarification if the ordinance would ban flat roofs entirely as there were many properties in town where a section of the roof is flat. Mr. Healy explained that the way the code is written today, the main roofline of a house cannot be flat but you could have a flat roof over your porch or building addition. Commissioner Frankot asked if there was a way to quantify what is considered the "main portion of the roof." Mr. Healy stated that the topic had never come up before but that he would bring the item to the City Council for review if the house looked out of character and like it might devalue the neighborhood. Commissioner Frankot shared that he was in favor of allowing flat roofs as typically flat roof houses are nice houses, but also stated that he was ok with seeing the mix.

Commissioner Hart asked if the ban on flat roofs would remain, would a homeowner be able to apply for a variance to construct a house with a flat roof? Mr. Healy explained that a variance for this likely would not be granted as there would need to be a practical difficulty for granting the variance. Commissioner Frankot asked if 90% of the house had a flat roof and 10% of the house had a gabled roof, would this be allowed? Mr. Healy explained it would not be allowed because the main roofline needs to be gabled. Mr. Healy explained that this rule was based on what the front of the house looks like from the street.

Commissioner Fournier asked whether a low slope roof would be an issue. Mr. Healy explained that the code has a minimum roof pitch which is 2.5 feet of rise for each 12 feet of horizontal run, so as long as this requirement is being met, there is no issue.

Chair Felton opened the public hearing.

No one was present to comment on the application and no correspondence was received prior to the meeting.

Chair Felton closed the public hearing.

Motion to recommend approval of an ordinance amendment updating the subdivision regulations for lot splits and updating the zoning requirements for residential properties- Hart/Frankot (6-0).

Chair Felton asked when the item would go before the City Council. Mr. Healy stated the first reading would occur on February 20th.

B. Ordinance Creating Performance Standards for Outdoor Dining

Mr. Healy presented the staff report. The Applicant is the city of South St. Paul. The zoning code does not currently have zoning rules for outdoor dining. The city has always processed requests for outdoor dining areas with a conditional use permit. As each request has been reviewed, the City has created case-by-case rules for each outdoor dining area. Like many other cities, South St. Paul temporarily suspended its standard review process to allow outdoor dining areas with administrative approval during COVID. In 2021, the City Council discussed outdoor dining at one of their work sessions and directed staff to establish a permanent process for the administrative review of outdoor dining areas. The project was an interdepartmental project with the engineering department and the city clerk's office. The proposed ordinance creates standards for outdoor dining areas. The ordinance also creates additional performance standards for sidewalk cafes. Sidewalk cafes would only be allowed on Marie Avenue, Concord Street, and Concord Exchange. Southview Boulevard is a County road and the County does not allow sidewalk cafes in their right-of-way so Southview Boulevard would not be eligible for sidewalk dining unless the County changes their policy. Alcohol is served at many of the restaurants that would want to offer outdoor dining or sidewalk cafes and so it is assumed that these businesses would want to serve alcohol as part of their outdoor dining offerings. A conditional use permit is required for a business with on-sale liquor and so staff has drafted language to address businesses that currently have a conditional use permit and plan to serve alcohol in their outdoor dining areas well as businesses that are "grandfathered" to sell alcohol without a conditional use permit. Mr. Healy explained that the final piece of this ordinance would clean up the code requirements for 3.2% beer to remove the conditional use permit requirement when the sale of 3.2% beer is an accessory use to the business (such as for gas stations and grocery stores).

Chair Felton asked if a business wanted to create an outdoor patio in their parking lot, would the business need to create additional on-site parking to compensate for the spaces that would be lost to the outdoor dining area? Mr. Healy explained that it would depend on if the business needed the parking space or not. The City's parking ordinance had been updated in the last few years to allow small restaurants and businesses to have more flexible parking requirements. If the patio area were to take up some of the required parking, the business would need a variance from the off-street parking space requirement. If the patio area would not take up required parking, the business could use their parking area without needing to obtain a variance. Chair Felton commented that he could see one of the shopping centers on the south end of the city wanting to offer outdoor dining in their parking lot, even though their parking lot is heavily utilized.

Commissioner Frankot asked how to differentiate between the County right-of-way and private property for the businesses along Southview Boulevard. Mr. Healy explained that each property has its own property line which differentiates where the right-of-way ends and a private property starts. Generally speaking, Southview Boulevard is a 60-foot-wide right-of-way so if you were to measure 30 feet back from the middle of the street, this would provide a good estimate of where the property line is. The only way to determine the location of the property line with total certainty would be to have the property surveyed. Mr. Healy added that on streets with a public sidewalk, the sidewalk is often built right up to or 6 inches behind the public sidewalk. A possible exception to this is the old TNT Galley (now El Jibarito), located at 901 Southview Boulevard, which has a large concrete area in front of their building that they may own. Commissioner Frankot asked if the business owned that property and if they would be eligible to place an outdoor space in this area. Mr. Healy answered that he was not sure, but generally speaking if the chairs were placed on their private property and satisfied the city's requirements, they would be able to have an outdoor dining space in that area.

Chair Felton recounted that Black Sheep Coffee Café used to have several tables outside along Southview Boulevard and asked staff to confirm that these tables would not be allowed to be placed in the same location again unless the County changed their policy. Mr. Healy confirmed that this was the County's rule. Chair Felton asked if the seating area had previously been lawful. Mr. Healy explained that it probably was not technically legal if the tables were in County right-of-way and they were probably placed without formal approval.

Chair Felton shared that he is in favor of allowing outdoor dining areas wherever possible.

Commissioner Frankot encouraged staff to work with the county to allow outdoor dining along Southview Boulevard. Mr. Healy explained that the City meets annually with the Dakota County Active Living group to discuss ways to improve health and quality of life in the community and the City brings this topic up to the group every year. Chair Felton asked if the County had provided rationale for why they do not allow sidewalk cafes in their street right-of-way. Mr. Healy explained that the County does not feel that their roads should be used for outdoor dining. South St. Paul is the only city in Dakota County where the county road has urban character. Commissioner Frankot asked if Concord Street was a county road. Mr. Healy explained that Concord Street is only a county road south of Grand Avenue. Commissioner Frankot asked if the County was responsible for snow removal in the winter. Mr. Healy explained that the City often takes care of the snow removal on these roads and is compensated for their work by the County. Mr. Healy explained that these relationships exist to benefit both parties: the City gets to benefit from county road infrastructure and the County pays for the maintenance of that infrastructure. Mr. Healy explained that county roads do get turned back over to the City periodically. For example Thompson Avenue used to be a county road but was turned back over to the City a few years ago. Commissioner Frankot asked if the County has a certain timeline they followed for when they turned roads back over to the City and when this might apply to Southview Boulevard. Mr. Healy explained that the County likes to have roads that are all interconnected so it is unlikely that they would want to turn over Southview Boulevard. Chair Felton asked if the County could give back the part of Southview leading up to Highway 62 and then retain ownership of the rest of the road. Mr. Healy explained that if any county road were to be turned back over to the City, we would then be financially responsible for the maintenance of the road. Chair Felton questioned if there was any additional reason beyond connectivity that the County would want to hold onto Southview Boulevard. Mr. Healy explained that there were additional factors that go into whether the County maintains a road as a County road. Mr. Healy concluded that turn backs do happen but there are not many streets in South St. Paul that connect to other communities so it seemed unlikely that the County would want to turn over the existing county roads that do connect to other communities.

Chair Felton opened the public hearing.

No one was present to comment on the application and no correspondence was received prior to the meeting.

Chair Felton closed the public hearing.

Motion to recommend approval of an ordinance creating performance standards for outdoor dining- Schlemmer/ Fournier (6-0).

5) OTHER BUSINESS

A. Discussion on Pool Barrier Requirements

Chair Felton commented that he brought this topic up because a resident had reached out to him about it. Chair Felton asked Mr. Healy if the surrounding communities allowed a pool safety cover to be used in lieu of a 4-foot-tall pool barrier. Mr. Healy shared that he did not know off-hand but that he had also received an email from a resident earlier in the day informing him that Inver Grove Heights allows a pool safety cover to be used

in lieu of a fence and asking whether South St. Paul would consider amending its ordinance to have similar requirements. Chair Felton asked staff to review the topic and bring a report back to the Planning Commission. Chair Felton shared that he felt just allowing an automatic pool safety cover in lieu of fencing would have a significant benefit for many people. Mr. Healy commented that while he was not super familiar with how other communities handle pool regulation, South St. Paul had updated its swimming pool regulations a few years ago and he was very familiar with our local standards. Mr. Healy shared that the Building Official for South St. Paul and the previous cities he worked for have held the opinion that fencing is the most effective safety barrier. A pool safety cover works well until you forget to put it on.

Chair Felton commented that kids and animals can get through fencing. Commissioner Frankot commented that only allowing fencing does not protect children that live at the site and shared that as an individual that works in the insurance industry, pool covers are preferable for this reason. Commissioner Frankot shared his experience with automatic pool covers. Mr. Healy commented that pool auto covers do not appear to be effective for individuals that live in the neighborhood. Commissioner Frankot shared that most people that have an automatic pool cover will put on the cover right after they finish using the pool. Commissioner Frankot explained that the pool cover not only acts as a safety mechanism but helps to keep a pool clean by preventing leaves or other debris from falling into the pool. Mr. Healy stated staff would bring a report to the next Planning Commission meeting on the item.

6) STAFF UPDATES

A. Reminder Regarding Joint Work Session on February 12th to Review Draft Parks Master Plan

Mr. Healy reminded the Commissioners that the City Council was hosting a joint work session on February 12th with the Planning Commission and the Parks and Recreation Advisory Commission to review the concept plans for the community's parks. After the joint session, the City and its consultant would request additional feedback on the concept plans at various community meetings. After the engagement period is complete, the Parks Master Plan will be reviewed by the Planning Commission and the City Council prior to adoption. Mr. Healy added that the upcoming meeting would be important for those that want to be involved in the update of the Parks Master Plan.

Commissioner Frankot asked what room the meeting would be in. Mr. Healy stated that the meeting would be in the Fire Department Training Room.

Commissioner Miller asked if the meeting would be public. Mr. Healy stated that the meeting would be public but the room would likely be very crowded between the three commissions that would be present and reiterated that additional engagement would occur after the meeting.

7) ADJOURNMENT

Motion to adjourn- Hart/Schlemmer (6-0).