

MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISSION
March 6, 2024

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

Present: Tim Felton, Chair
 Geoff Fournier
 Tyler Ferhman
 James Hart
 Andrew Hoffmann
 Brienne Miller
 Ruth Krueger
 Michael Healy, Planning Manager
 Monika Miller, Associate Planner

Absent: None

- 1) APPROVAL OF AGENDA –Motion to approve as presented– Miller/Fournier (7-0)
- 2) APPROVAL OF MINUTES – February 7, 2024 - Motion to approve as presented – Hart/Fournier (7-0).
- 3) NEW BUSINESS

A. Planning Commission Rules of Order

Ms. Miller provided a brief staff background. Each year in March, the Planning Commission adopts Rules of Order which govern the operations of the Planning Commission for the coming year. The rules are identical to the rules that have been adopted for the last several years. Motion to adopt the rules of order as presented-Ferhman/Miller (7-0).

B. Planning Commission Officer Elections

Ms. Miller provided a brief background. Each year, after the Planning Commission adopts rules of order, a Chair and a Vice Chair are elected to serve from March of the current year to March of the following year. The rules of order for the Planning Commission state that elections are to be done by secret ballot. This can be overruled by a majority vote. The Planning Commission has historically held chair and vice chair elections by nominations from the floor as opposed to by secret ballot.

Chair Felton asked for a motion to waive the requirement that elections be done by secret ballot and instead allow elections of the chair and vice chair to be done by voice vote- Krueger/ Fournier (7-0)

Chair Felton opened nominations for the position of the Chair of the Planning Commission.

Commissioner Krueger nominated Tim Felton as chair of the Planning Commission. Chair Felton accepted the nomination.

Motion to reelect Chair Felton as Chair of the Planning Commission (7-0).

Chair Felten opened nominations for the position of the vice chair of the Planning Commission.

Chair Felton nominated Geoff Fournier as vice chair of the Planning Commission. Commissioner Fournier accepted the nomination.

Motion to reelect Commissioner Fournier as Vice Chair of the Planning Commission (7-0).

4) PUBLIC HEARINGS

None.

5) OTHER BUSINESS

A. Discussion on Pool Barrier Requirements

Mr. Healy presented the staff report. Mr. Healy shared that the item was requested by the Planning Commission at their previous meeting. South St. Paul requires all private, residential swimming pools to be enclosed with at least a 4-foot-tall barrier (usually a fence or wall). If a fence is used, the fence must have self-closing and self-latching gates. Several residents have reached out to both city staff and their elected officials about allowing swimming pool covers in lieu of barrier fencing to prevent accidental drownings. City staff reviewed swimming pool ordinances from 9 Dakota County cities as well as the 3 largest cities in the Twin Cities metro. Staff found that Inver Grove Heights is the only urban or suburban community that waives the barrier requirement if a swimming pool safety cover is used. Staff reviewed the request with the Building Official Joe Heimkes who is strongly opposed to waiving the 4-foot barrier requirement due to concerns about user error and a pool safety cover being left off. Mr. Healy discussed the different characteristics of the communities that typically allow pool covers in lieu of barrier fencing. The staff recommendation is to keep the ordinance as it is for the reasons listed in the staff report. Mr. Healy stated that if the Planning Commission wished to see the swimming pool barrier requirements updated, the Planning Commission should direct him to do so.

Chair Felton asked staff to clarify if Medina requires all pools to have an auto cover. Mr. Healy clarified that Medina requires that a homeowner have either a barrier fence or a pool auto cover. A homeowner could not have the fence barrier requirement waived if they have a manual pool cover.

Chair Felton asked if the ordinance currently includes a provision that would allow a homeowner to opt out of having a barrier fence if they have a pool auto cover. Mr. Healy explained that the code does not allow this today. In theory, a homeowner could apply for a variance from this requirement but they would need to make the case that there is a practical difficulty with complying with the barrier requirement that an auto cover would fix.

Chair Felton asked if staff had come across any statistics about the safety of an auto cover versus a barrier fence. Ms. Miller shared that most of the research available is dated and does not directly compare the safety of a pool auto cover with a barrier fence; however, the unanimous conclusion from the research is that barrier fencing is the most effective way to prevent accidental pool drownings.

Commissioner Ferhman asked staff to clarify that the current ordinance only requires a barrier fence as opposed to a barrier fence and a cover. Mr. Healy stated this was correct. Ms. Miller added that the code included a fence height requirement and that the fence be self-closing and self-latching.

Commissioner Krueger asked why the City does not require a 5-foot-tall barrier around a swimming pool. Mr. Healy commented that he could not remember specific communities that require a 5-foot-tall fence around a residential swimming pool but that this was more common for commercial pools. Mr. Healy added that it does not make sense to go back and change the fence height regulation after it has been on the books for a number of years because it would make all of the existing fences 'legal nonconforming.'

The Planning Commission did not request that staff pursue amendments to the swimming pool barrier requirements.

B. Discussion on Adding Craft Production and Funeral Homes as Allowed Uses in Commercial Zoning Districts

Mr. Healy shared the staff report for discussion. Each commercial zoning district has a list of allowed uses, some of which are "permitted" uses which are allowed automatically while some are "conditional" uses that require review by the Planning Commission and City Council. In 2021, a new commercial zoning district (the MMM district) was created along with several new uses, including craft production. Craft production is where you have a small retail space in a large commercial production facility. Common examples of craft production are breweries with a taproom or a production bakery with a small retail storefront. The ordinance would create rules for craft productions in the C-1, GB, and CGMU districts. The ordinance would also add funeral homes as a conditional use to the C-1 district as well as clean-up some of the commercial district use lists. Mr. Healy reiterated that this was a discussion item and that he was looking for feedback from the commissioners.

Chair Felton asked if the proposed ordinance would legalize the existing funeral homes on Southview Boulevard and Marie Avenue. Mr. Healy explained that funeral homes would be a conditional use in the C-1 district, which covers Southview Boulevard and Marie Avenue. If either of the existing funeral homes in this district wanted to expand, they would need to get a conditional use permit.

Commissioner Hart asked if there are any other uses staff should consider adding to the code to help attract businesses based on current market trends. Mr. Healy commented that the Planning Commission and City Council had spent a lot of time in the last year focusing on updating regulations about building setbacks, building materials, and parking lots but less time on updating our list of allowable uses for each commercial zoning district. Staff anticipate reviewing our use lists in the near future and bringing forward an ordinance with additional uses if it is necessary. Commissioner Hart encouraged staff to be proactive with bringing forwarded uses that might be missing from our use lists as opposed to reactive.

C. 2023 Planning Commission Annual Report

Ms. Miller presented the staff report. The City Code requires that the Planning Commission submit an annual report of its work to the City Council each year. This report summarizes the work of the Planning Commission from the previous calendar year and includes a roster of the commissioners, the applications they reviewed, and building permit data from that year.

Chair Felton asked for a status update on the Bryant's Ridge Project. Mr. Healy stated that the project had not moved forward but that he had talked with the developer a number of times. One of the conditions of approval

for the project is that the developer needed to submit his plans to the State Archeologist. Mr. Healy shared that per the Applicant, the review of the project by that Office had been very time-consuming. Chair Felton stated that he was not aware of the archaeological component to the project. Mr. Healy clarified that component of the project had not been heavily publicized due to its sensitive nature.

Motion to approve the 2023 Planning Commission Annual Report- Fournier/ Miller (7-0).

6) STAFF UPDATES

- A. Proposed State Law Changes that Would Limit Local Zoning Authority and Block South St. Paul's Development Goals for the Concord Street Corridor.

Mr. Healy shared that there are several bills being reviewed by the State Legislature that would completely change how planning and zoning works in the state of Minnesota. City staff have concerns about some of the language in the bills as written. Mr. Healy encouraged the Planning Commissioners and members of the public that have comments on the topic to reach out to South St. Paul's representatives. There are at least two bills that would greatly limit local governments' ability to regulate housing development. Instead, the state would establish statewide zoning rules for residential development that all cities must follow. The proposed rules would likely be difficult to administer and would directly conflict with South St. Paul's comprehensive plan goals. The bills would allow for almost unlimited residential development "up the hill" and would prohibit new housing construction along the Concord Street corridor. The State Legislature is considering these regulations to help address the overall housing shortage in Minnesota as well as the shortage of housing that is affordable to low-income and middle-class individuals. It is becoming increasingly common nationwide for State Legislatures to pass laws requiring cities to implement targeted zoning reforms; however, the legislation that is being presented in Minnesota goes beyond the targeted zoning reforms being adopted elsewhere. Mr. Healy again encouraged the Planning Commissioners to reach out to their local representatives with their thoughts about the legislation.

7) ADJOURNMENT

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