



CITY OF SOUTH ST. PAUL MEETING AGENDA

PLANNING COMMISSION

Council Chambers
125 3rd Avenue North
South St. Paul, MN 55075

Wednesday, April 2, 2025
7:00 PM

- 1. ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. MINUTES:**
 - A. 03.05.2025 Planning Commission Meeting Minutes
- 4. NEW BUSINESS:**
- 5. PUBLIC HEARINGS:**
 - A. Ordinance Amendment to Set the Maximum Height for All Detached Garages at 16 Feet
 - B. Conditional Use Permit Request for a Detached Garage at 1820 Faber Avenue
 - C. Interim Use Permit for a Seasonal Farmers Market at 1151 Southview Boulevard
- 6. OTHER BUSINESS:**
 - A. 2024 Planning Commission Annual Report
- 7. STAFF UPDATES:**
 - A. Planner's Update
- 8. ADJOURNMENT**

**MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISSION
WEDNESDAY MARCH 5, 2025**

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

1) Role Call

Present: Tyler Fehrman
Geoff Fournier
James Hart
Tracy Haye
Andrew Hoffman
Brienne Miller
Michael Healy, Planning Manager
Ryan Garcia, City Administrator and EDA Executive Director

Absent: Tim Felton

- 2) APPROVAL OF AGENDA – Mr. Healy noted that two items from the original agenda were removed at the direction of the City Attorney. Mr. Healy had reached out to the City Attorney regarding the procedure if a Planning Commissioner is unable to attend the March meeting when officer elections are held. Mr. Healy wanted to know if that commissioner could still accept an officer nomination and if they had the ability to cast a proxy vote in the officer election. The City Attorney had reviewed the Rules of Order and directed staff to remove the Rules of Order and Elections of Officers from the March agenda because these items had structural issues that needed to be addressed and the Rules of Order appear to have an election procedure that may violate open meeting laws because it involves a secret ballot. The items were listed on the version of the agenda that was published the previous week. An updated agenda was presented to the Planning Commission at the beginning of the meeting. Mr. Healy explained that the March meeting agenda did not have any action items, only discussion items, so there was no obvious reason not to postpone the adoption of the Rules of Order and Elections of Officers until the April meeting as the City Attorney had advised.

Commissioner Fehrman made a motion to reject the amended agenda and made a motion to add the Rules of Order and Election of Officers back to the agenda. Commissioner Fehrman shared that he would like the Planning Commission to adopt Rules of Order and encourage the commissioners to amend the rules of order or suspend the rules of order to allow the election of officers with a voice vote as opposed to a secret ballot method.

Commissioner Hart encouraged Commissioner Fehrman to provide additional context to viewers at home as to why he was encouraging the Planning Commission to move forward with adopting Rules of Order and to hold Officer Elections against the advice of the City Attorney. Commissioner Fehrman stated that the Rules of Order state that new rules need to be adopted each March. Commissioner Fehrman added that last year the Planning Commission had voted to suspend the provision in the bylaws that requires officer elections to be held by secret ballot in favor of holding the election by voice vote to adhere to Open Meeting law.

Commissioner Miller asked if a quorum needed to be present to hold officer elections. Mr. Healy stated that the Planning Commission would first need to adopt a meeting agenda before they could hold officer elections. The Planning Commission would then need to adopt the Rules of Order which governs the

operation of the group, including how officer elections are conducted. If Rules of Order are adopted, the Planning Commission could then hold officer elections.

Motion to reject the agenda as presented. - Fehrman/Miller (5-1) (Fournier)

Motion to approve an amended agenda with the Rules of Order and Officer Elections added to the agenda- Hart/Fehrman (6-0)

2) APPROVAL OF MINUTES – February 5, 2025 –Motion to approve as presented– Hoffman/ Haye (6-0).

3) NEW BUSINESS

A. Planning Commission Rules of Order

Acting Chair Fournier asked staff to provide background on the Planning Commission Rules of Order. Mr. Healy stated that the Commission has adopted a set of Rules of Order annually with the current set of rules dating back to around 2011. Most cities have Rules of Order for the Planning Commission in their City Code as opposed to having the group adopt Rules of Order annually. Mr. Healy shared that the City Attorney will likely direct staff to pursue adding modified Rules of Order to the City Code. Mr. Healy stated that the consensus from the Planning Commission seemed to be to adopt the 2024 Rules of Order again for 2025 rather than follow the City Attorney's guidance. The item would need a motion and second to move forward.

Commissioner Fehrman asked if he could make a motion to adopt the 2024 Rules of Order with an amendment to remove the "secret ballot" provision from Section 2.3 Election of Officers and replace it with "roll call vote". Mr. Healy stated that he would record the motion if it went forward that way and he would review in the future with the City Attorney. Commissioner Hart seconded Commissioner Fehrman's motion.

Acting Chair Fournier asked if the City Attorney redrafted the Rules of Order for the April meeting with changes to sections other than the election procedure, could the Planning Commission adopt the rules at that time? Mr. Healy stated the Rules of Order allow the rules to be amended with a supermajority vote. If there are 6 Planning Commissioners that are willing to adopt revised rules of order, they could move forward at that time.

Commissioner Haye asked how long the "secret ballot" election procedure had been in place. Commissioner Fehrman replied that he thought it had been in the Rules of Order for a while but noted that in 2024 the Planning Commission had voted to suspend this rule in favor of electing a Chair and Vice Chair by voice vote.

Motion to adopt the 2024 Rules of Order in 2025 with an amendment to Section 2.3 Election of Officers to allow officer elections to take place by voice vote. – Fehrman/ Hart (6-0).

B. Planning Commission Officer Elections

Mr. Healy stated that the Rules of Order call for the Planning Commission to elect a Chair and Vice Chair annually by secret ballot. In recent years, the commissioners had voted to suspend this rule and elect officers by voice vote. Past Planning Commission Chairs have used Robert's Rules of Order procedures for nominating a Chair and Vice Chair. The Rules of Order which are adopted by the Planning Commission annually do not list out a formal nomination process. In the past, members have voiced their interest in being the Chair or Vice Chair to the group and then nominations have been made from there. Mr. Healy stated to the group that Chair

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Felton, who had been Chair in 2023 and 2024 had voiced his interest in continuing to serve as either Chair or Vice Chair. Mr. Healy stated that he would let the Planning Commission proceed with the vote how they desired.

Acting Chair Fournier asked if there were any nominations for the role of Chair. Commissioner Miller nominated Commissioner Fehrman as Chair. Commissioner Fehrman accepted the nomination.

Acting Chair Fournier nominated Chair Felton to again be the Chair. Mr. Healy stated that Chair Felton informed him ahead of time that he would accept the nomination.

Commissioner Haye asked if she could abstain from voting for a Chair as she had no experience working with either nominee. Commissioner Fehrman advised that Robert's Rules of Order allow abstentions. Mr. Healy confirmed Commissioner Fehrman's statement was correct.

Commissioner Haye asked if a nominee could vote for themselves. Commissioner Haye shared her concerns about fairness in this situation as Chair Felton was not present and would not be able to vote for himself. Mr. Healy commented that the Planning Commission had decided to move forward with the election despite its current Chair not being present. Per the City Attorney, voting by proxy is not allowed so Chair Felton would be unable to vote as he was not present. Mr. Healy stated that he would read the roll for the nominations in the order that they were made. He would read the roll for a voice vote on Commissioner Fehrman's nomination first and he would read the roll for Commissioner Felton's nomination next if the first vote was not successful.

Motion to appoint Commissioner Fehrman as the Planning Commission Chair for 2025 –Miller/ Fehrman (5-0-1) (Haye).

Chair Fehrman thanked the Commissioners for the nomination.

Chair Fehrman asked if there were any nominations for the role of Vice Chair. Commissioner Hofmann nominated Commissioner Miller. Commissioner Miller accepted the nomination.

Commissioner Fournier nominated Commissioner Felton.

No additional nominations were made.

Motion to appoint Commissioner Miller as the Planning Commission Vice Chair for 2025 – Hoffman/ Hart (5-0-1) (Haye).

Chair Fehrman congratulated Commissioner Miller on her role as the Vice Chair.

4) PUBLIC HEARINGS

None

5) OTHER BUSINESS

A. Hardman Triangle Conceptual Master Plan and District Stormwater Guide Discussion

Mr. Garcia, City Administrator and Executive Director of the Economic Development Authority (EDA) was present to speak on behalf of the item. An EDA is a special purpose function of local government that is authorized under State Law. In 2015, the City Council created the EDA to focus on economic development in the City. Through the bylaws that govern the group, the EDA has adopted rules to allow it to act as a Housing and Redevelopment Authority (HRA). This offers the body the ability to focus on housing and community development as well as economic growth and business development. In a City with a long industrial legacy like South St. Paul, redevelopment is a key pillar to having a healthy local economy.

Mr. Garcia talked about the historical users of the site and the roadmap to how the Conceptual Master Plan and District Stormwater Guide came to be.

Commissioner Haye asked what about South St. Paul's history and culture would be celebrated through this plan. Mr. Garcia explained that the plan proposes a unique stormwater management system that reflects and connects the site to the Mississippi River. The architecture at the site will complement the architecture of the historic Concord Exchange building. The connectivity of the roads within the site will reflect South St. Paul's traditional neighborhood design. Chair Fehrman alluded to repositioning the Armour Gates within the site.

Commissioner Fournier asked if the unit counts that were shown in the 2020 Hardman Triangle Plan reflect both residential and commercial spaces. Mr. Garcia shared that the unit count and lot dimensions listed were based on the market study that had been done by Maxfield Research in the preparation of the Hardman Triangle Plan.

Commissioner Miller asked if the southeastern parcel of the Hardman Triangle would be acquired by the City for redevelopment. Mr. Garcia explained that the site was available for a brief period of time but was out of reach for the City. Given the position of the parcel within the district, the parcel is considered a future priority for acquisition if it comes on the market. The City acquired many of the other parcels after the previous owners approached the City about buying them out so they could move to a larger site. Chair Fehrman asked what business was currently located at the southeast corner. Mr. Garcia stated that South St. Paul Steel was located at the site.

Commissioner Haye asked if the Hardman Triangle Redevelopment would be detrimental to South St. Paul Steel. Mr. Garcia shared that he did not know why the redevelopment would be detrimental to the business. The business is currently adjacent to a number of commercial businesses and the sites to the north of South St. Paul Steel are proposed to be redeveloped with more commercial businesses. Mr. Garcia stated that he did not want to speak on behalf of the business but added that the City would make every effort to help the business find a new location in South St. Paul if they are concerned about negative impacts due to the adjacent redevelopment. Commissioner Haye asked if the development would impose additional costs on the business or create problems for the business. Mr. Garcia stated he was not sure why the redevelopment would create costs for the business or create issues. Mr. Garcia added that the business was involved in previous iterations of the plan and that the City had a working relationship with the business.

Commissioner Hart shared his enthusiasm for the plan. Commissioner Hart asked if nuisances that are common to the area, including noise and odor, were being addressed as part of the project. Mr. Garcia shared that the plan did not directly deal with the myriad of nuisances that can be encountered in the City. All projects and cities have challenges and the City works to address these challenges daily.

Mr. Healy gave a short presentation explaining what the role of the Planning Commission would be in implementing the Hardman Triangle Plan.

Chair Fehrman shared his excitement for the project.

B. Required Planning Commissioner Training

Mr. Healy explained that the Planning Commission is a unique advisory body that has obligations that are laid out in State Statute that the group must follow. The recommendations that the Planning Commission makes can be unpopular so it is important to ensure that any recommendations that are made are legally sound. Historically, the City Council and Planning Commission have received training from the City Attorney but more recently, just the City Council has gone through training with the City Attorney. The City has a new City Attorney that would like to hold this training again for the Planning Commission. The meeting will be approximately 2.5 hours. The Commissioners discussed potential dates for the training. Wednesday, April 30th from 6:00 PM to 9:00 PM was selected for the required training.

6) STAFF UPDATES

A. Staff Update: Joint Work Session on March 10th

Mr. Healy shared that a joint work session was being held on March 10th as part of the South Concord Corridor Study. The work session would be centered on solidifying the vision for the corridor which will ultimately guide any changes to the zoning code. This meeting would be an opportunity to be part of the policy creation and shaping process.

Commissioner Miller asked if there would be any more joint work sessions before the study was brought to the Planning Commission for review. Mr. Healy stated that this would likely be the last joint work session on the vision for the corridor. As the project advances to the stage where updates to the zoning code are being discussed, there may be an additional joint work session.

7) ADJOURNMENT

Chair Fehrman welcomed Commissioner Haye to the Planning Commission and wished Commissioner Miller a Happy Birthday.

Motion to adjourn- Hoffman/Miller. No voice vote was made to adjourn the meeting but a motion to adjourn is non-debatable.



PLANNING COMMISSION AGENDA REPORT

DATE: April 2, 2025
DEPARTMENT: Planning & Zoning
PREPARED BY: Monika Miller
AGENDA ITEM NUMBER: 5.A.

MEETING TYPE

Regular Meeting

AGENDA ITEM

Ordinance Amendment to Set the Maximum Height for All Detached Garages at 16 Feet

ACTION TO BE CONSIDERED OR DESIRED OUTCOME

A motion recommending approval or denial of an ordinance amendment which would set the maximum allowable height for all detached garages at 16 feet, either as presented or with modifications.

OVERVIEW

Application

The Applicant, Jack Pietruszewski, is seeking an ordinance amendment to allow detached garages to be up to 16 feet in height, regardless of the style of roof on the garage. Currently, only detached garages with hip roofs and gable roofs can be 16 feet tall. All other detached garages are limited to being 12 feet tall.

Review Timeline

Application Submittal: March 5, 2025

Planning Commission: April 2, 2025

Tentative City Council Meeting- First Reading: April 21, 2025

Tentative City Council Meeting-Second Reading: May 5, 2025

120-Day Review Deadline: June 5, 2025

Background

The Applicant is the co-owner of a single-family home located at 1820 Faber Avenue. The Applicant would like to construct a 35-foot by 26-foot detached garage in his rear yard to address his parking and storage needs. He is currently seeking a conditional use permit to have a detached garage since the property already has a small attached garage. The conditional use permit request is being reviewed as a separate agenda item. The Applicant's proposed detached garage would have a shed roof which is a roof style that features a flat roof with a single slope in one direction.

City Staff flagged an issue with the height of the proposed garage while reviewing the building plans. The Applicant would like their new shed-roofed detached garage to be 14 feet 6 inches tall, measured from garage floor to peak. Per the City Code, the only garages that are allowed to be that tall are garages with a hip or gable roof which can be up to 16 feet tall. The maximum allowable height for a garage with any other roof style (such as a shed, flat, gambrel or mansard roof) is 12 feet.

Why Is the Applicant Seeking a Code Amendment Instead of a Variance?

The Applicant originally explored getting a variance for their garage project before deciding to seek an ordinance amendment. The City Council does have the authority to grant a variance and allow a project to proceed that deviates from the City Code, but they can only do this if the project complies with rules for variances that are contained in State Statute. State Statute says that variances can only be granted in situations where there is a unique “practical difficulty” that is specific to a property. The expectation is that most properties in the zoning district will follow the City Code but a variance can be granted if there is something special about an individual piece of property.

When a homeowner has an architectural design preference or building size preference and simply does not want to follow the City Code, that generally would not be considered a practical difficulty. Staff brought it to the Applicant’s attention that his desire for a taller garage did not appear to meet the variance criteria and Staff would need to recommend denial if he pursued a variance. The Applicant was firm on wanting to try to get approval to have a 15-foot-tall garage with a shed roof so Staff encouraged him to apply for an ordinance amendment and explore whether the Planning Commission and City Council are willing to change this part of the City Code.

Accessory Structure Regulations

The rules for detached accessory structures can be found in City Code Section 118-208 and this code section lays out the height rules for detached garages. The maximum allowable height for a detached garage with a hip or gable roof is 16 feet, measured from the garage floor to the peak of the roof. The maximum allowable height for a detached garage with any other roof style is 12 feet, measured from the garage floor to the peak of the roof. No detached garage is allowed to have sidewalls that are greater than 10 feet in height, which means that a garage with a completely flat roof is effectively limited to 10 feet of height.

South St. Paul’s current height rules for detached garages have been in place since 1994. The current garage height rules were the direct result of a very contentious fight between the City and a property owner who sought to exploit loopholes in the old garage height rules to build a very tall two-story detached garage with 16-foot sidewalls and a 6-foot-tall roof which would have made his garage effectively 22 feet tall at the peak. The City Attorney at the time helped prepare the current rules for detached garage height and the rules leave very little room for loopholes.

Different communities throughout the Twin Cities metro have different rules for detached garage

height. When a City sets garage height rules, it is a policy decision that attempts to balance the fact that some residents want to own a very large detached garage with the fact that a very large garage can have a negative impact on adjacent properties (impact on light and air, poor aesthetics, increased potential for an illegal commercial business use, etc.). In 1994, garages with gable roofs and hip roofs were given an allowance for extra height because that type of roof design reduces the massing and visual impact of a garage structure.

Is it Common to Regulate Garage Height by Architectural Style?

Staff reviewed the garage height requirements for 12 other cities in the Twin Cities metro area (*see Attachment 4*) and learned that it is difficult to do a true “apples-to-apples comparison” because many cities use entirely different frameworks for regulating garage height instead of measuring from the garage floor to the peak of the roof like South St. Paul does. Many communities have a building height definition which measures height differently depending on what the roof style is. For example, West St. Paul defines building height as “the vertical distance to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the average height between the highest roof ridge and its associated eaves for gable, hip and gambrel roofs, as measured from the finished grade level of the front elevation of the structure.” A community that measures height in this way may technically have one height limit that applies to all garages, but it plays out in unique ways because height is measured differently for each roof type.

Regardless of how garage height is defined, South St. Paul’s detached garage height standards are more restrictive than most of the 12 cities that were reviewed. Even if South St. Paul allowed all garage types to be up to 16 feet tall from garage floor to peak, it would not make South St. Paul an outlier in terms of garage height as long as the 10-foot side wall height restriction remained in place.

Draft Ordinance

In response to the Applicant’s code amendment petition, Staff has drafted an ordinance that would set the maximum allowable height for all detached garages to 16 feet, measured from garage floor to peak of roof. Side wall heights would continue to be limited to 10 feet which would effectively mean that flat roofed garages still cannot be taller than 10 feet. For shed roofs, the side wall height measurement would be taken at the low eave side. Each side of a shed-roofed building has a different side wall height, and the high eave side would have side walls that are almost as tall as the peak of the roof.

Discussion

City Staff frequently receive requests from residents who want to construct a garage in a residential neighborhood that is taller than the City Code allows. Often this is for innocent purposes like a desire for more storage space but sometimes a resident secretly or not-so-secretly wants a commercial garage that is large enough to operate an unlawful commercial business out of (i.e. car repair, warehousing and distribution, business headquarters, oversized commercial vehicle parking, etc.). Historically, the Planning Commission and City Council have also been

concerned that properties with a 2-story garage may try to convert the second story into an illegal dwelling unit. South St. Paul's accessory structure rules prohibit garages from exceeding one story in height which is an attempt to address these concerns. Capping garage height at 16 feet further ensures that garages will blend in with the aesthetics of a residential neighborhood and will look and feel residential rather than commercial.

Zoning rules for garage height are ultimately a community values policy decision that centers on design and architecture. There are many communities that allow slightly larger detached garages than South St. Paul does today, and the proposed ordinance amendment will likely have a minimal impact on South St. Paul's neighborhood aesthetics and will give residents slightly more flexibility to be creative with garage architecture. City Staff likes the simplicity of the zoning code's existing garage height framework where garage height is measured from floor to peak. In communities that use a more complicated formula involving average grade and "average height of the roofline" to calculate garage height, it sets residents and staff up for arguments and provides opportunities for loopholes on properties with unusual grades.

The Applicant has applied for a code amendment and a conditional use permit simultaneously in the hopes that he can build his ideal garage. If the Planning Commission does not recommend approval of the ordinance and the City Council does not adopt the ordinance amendment, the Applicant will need to reduce the height of his garage to 12 feet or change the garage roof's style to be a hip or gable roof.

Staff Recommendation

Garage height regulation is a judgement call that will need to be made by the Planning Commission and City Council. The Planning Commission is not obligated to support changing this part of the City Code and it would be appropriate to recommend denial of the ordinance amendment if the Planning Commission believes that the existing ordinance is correct policy.

If the Planning Commission is comfortable with allowing slightly taller detached garages that have roof styles other than gable roofs and hip roofs, Staff recommends that the Planning Commission recommend approval of the ordinance as presented. If the Planning Commission has concerns about potential negative impacts related to allowing taller detached garages with gambrel or mansard roofs but is fine with allowing garages with shed style roofs to be 15 or 16 feet tall at the peak, the Planning Commission can recommend approval of a more targeted ordinance amendment that only increases the height allowance for garages with shed roofs. Staff would then update the draft ordinance accordingly before it is brought to the City Council for a 1st Reading.

Required Action

The Planning Commission has the following actions available on the proposed application:

1. Approval. If the Planning Commission wishes to recommend approval of the proposed

ordinance, the following action should be taken:

- Motion to recommend approval of an ordinance amendment that would set the maximum allowable height for all detached garages at 16 feet, either as proposed or with modifications.

2. Denial. If the Planning Commission wishes to recommend denial of the ordinance amendment, the following action should be taken:

- Motion to recommend denial of an ordinance amendment that would set the maximum allowable height for all detached garages at 16 feet.

SOURCE OF FUNDS

N/A

ATTACHMENTS

1. Applicant's Narrative
2. Ordinance 14xx- Ordinance Amending the Height Standards for Garages
3. Garage Roof Architectural Style Guide
4. Rendering of Applicant's Proposed Garage
5. List of Maximum Allowable Garage Height by City

ATTACHMENT 1 APPLICANT'S NARRATIVE

Narrative for Conditional Use Permit & Zoning Ordinance Amendment

Applicant: Jack Pietruszewski

Property Address: 1820 Faber Avenue

City: South St. Paul, MN

Conditional Use Permit (CUP) Request for Detached Garage

I am requesting a Conditional Use Permit (CUP) to construct a detached garage on my property. My home currently has a tuck-under garage, which is significantly smaller than modern garage standards and does not adequately fit our family's SUV, making it impractical for daily use. As our family grows, we require additional space to safely park vehicles and store necessary household and outdoor items.

The addition of a detached garage will:

- Provide safe and functional parking for our family vehicle.
- Align with other properties in the neighborhood that have detached garages.
- Improve property value and curb appeal without negatively impacting neighbors.

This request meets the intent of South St. Paul's zoning regulations by maintaining residential character while ensuring practical use of the property. The proposed garage will be built with quality materials and designed to blend with the existing home and surrounding area.

Zoning Ordinance Amendment Request – Roof Height Restrictions

I am also requesting a Zoning Ordinance Amendment to revise South St. Paul's restrictive roof height regulations. Currently, the city allows:

- Gable and hip roofs to have a maximum height of 16 feet.
- All other roof styles (Mansard, gambrel, shed, etc.) to have a maximum height of only 12 feet.

This 12-foot restriction is significantly lower than those in surrounding communities, which allow 15 to 16 feet for all garage roof styles, as well as Minnesota state code standards. This creates unnecessary design limitations and does not reflect modern construction trends or practical homeowner needs.

Updating the ordinance to allow all roof styles up to 16 feet will:

1. Align South St. Paul with neighboring cities and state standards, ensuring consistency in zoning enforcement.

2. Simplify the zoning code by setting one universal height restriction (16 feet) for all detached garage roof styles, making it easier for residents and the city to comply.
3. Allow homeowners greater design flexibility while maintaining the character of the neighborhood.

This amendment would not negatively impact neighboring properties but would instead modernize South St. Paul's zoning regulations, allowing for uniformity, fairness, and easier enforcement.

Conclusion

I respectfully request approval for my Conditional Use Permit to construct a detached garage and consideration of my request to amend the zoning ordinance to allow all garage roof styles up to 16 feet. These updates will help residents like myself make better use of our properties while keeping South St. Paul in line with current standards and surrounding communities.

I appreciate your time and consideration. Please let me know if further information is needed.

Sincerely,
Jack Pietruszewski
1820 Faber Avenue, South St. Paul

ATTACHMENT 2
ORDINANCE AMENDING THE HEIGHT STANDARDS FOR GARAGES
City of South St. Paul
Dakota County, Minnesota
Ordinance No. 14XX

AN ORDINANCE AMENDING THE HEIGHT STANDARDS FOR GARAGES

The City Council of the City of South St. Paul does ordain:

SECTION 1. AMENDMENT. South St. Paul City Code Sections 118-208(d) (1) is hereby amended as follows:

(d) *Maximum height.*

(1) All residential zoning districts:

a. Garages or any accessory structure intended to or capable of storing vehicles:

i. No detached garage shall exceed one story. As used in this subsection, the word "story" means the portion of the garage between the surface of the floor and the roof above.

~~ii. In the case of a hip roof or gable roof, no part of the garage shall exceed a height of 16 feet measured from the garage floor to the highest point of the roof; in all other cases the highest point of the garage shall not exceed a height of 12 feet above the surface of the garage floor.~~

ii. No part of a garage shall exceed a height of 16 feet, measured from the garage floor to the highest point on the roof.

iii. The exterior side walls of a garage shall not exceed ten feet in height. This measurement shall be taken at the exterior intersection of the wall and the roof rafters for a hip, gable, gambrel, mansard, or flat roof. For a shed roof, this measurement shall be taken at the low eave side.

b. All other accessory buildings:

i. The height of a detached building shall not exceed 12 feet. If attached, the structure shall not exceed the height of the principal building.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance clarifies that the maximum allowable height for a garage is 16 feet as measured from the floor to the highest point of the roof, regardless of the type of roof on the garage.

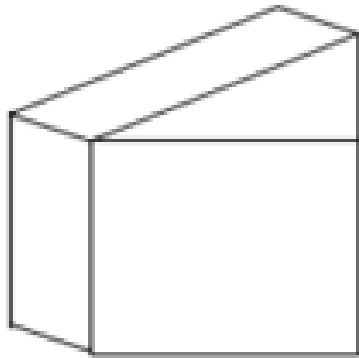
SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: _____

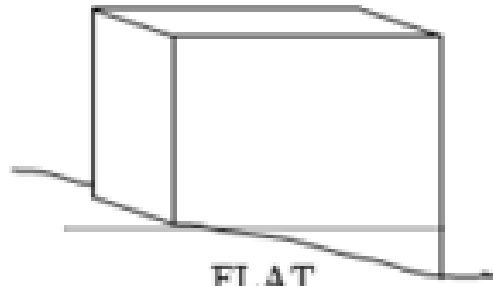
Published: _____

Deanna Werner, City Clerk

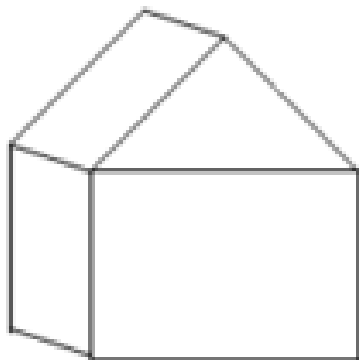
ATTACHMENT 3
GARAGE ROOF ARCHITECTURAL STYLE GUIDE



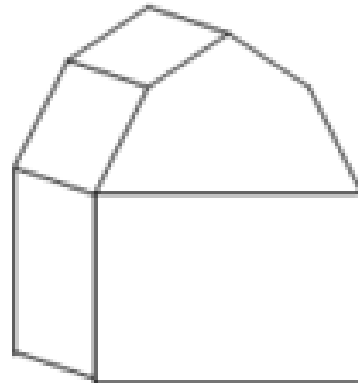
SHED



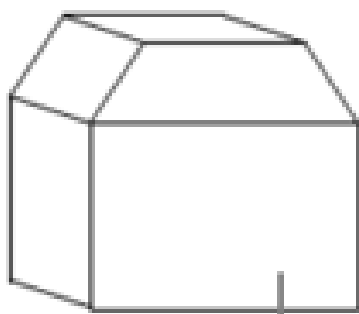
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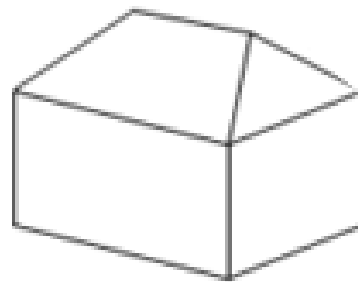
GABLE



GAMBREL



MANSARD



HIP

ATTACHMENT 4
RENDERING OF THE APPLICANT'S PROPOSED GARAGE

* LP Siding
NOT Metal







ATTACHMENT 5
LIST OF MAXIMUM ALLOWABLE GARAGE HEIGHT BY CITY

City Name	Maximum Allowable Height
West St. Paul	15'*
Mendota Heights	1.5 stories and must not exceed 15' in height*
Rosemount	18'*
Burnsville	15'*
Apple Valley	16'*
Minneapolis	13', can be increased to 16' when the primary exterior materials match the primary exterior materials of the house and the roof pitch
Saint Paul	15' for flat or shed style roof or 18' for all other roof styles*
St. Louis Park	15' but can be increased to 24 feet if the primary exterior materials of the accessory building match the primary exterior materials of the house and the roof pitch
Richfield	The height of the principal structure, 1.5 stories or 18 feet, whichever is less*
Edina	18' or 1.5 stories, whichever is less
Roseville	15'*
Little Canada	15'*

* Denotes a City where the building height is defined as the vertical height to the highest point of the roof for a flat roof; to the deck line for a mansard roof; and to the average height between the highest roof ridge and its associated eaves for gable, hip or gambrel roofs, as measured from the finished grade or the average grade of the structure



PLANNING COMMISSION AGENDA REPORT

DATE:

April 2, 2025

DEPARTMENT:

Planning & Zoning

PREPARED BY:

Monika Miller

AGENDA ITEM NUMBER:

5.B.

MEETING TYPE

Regular Meeting

AGENDA ITEM

Conditional Use Permit Request for a Detached Garage at 1820 Faber Avenue

ACTION TO BE CONSIDERED OR DESIRED OUTCOME

A motion recommending approval or denial of a conditional use permit for a detached garage at 1820 Faber Avenue.

OVERVIEW

Application

The Applicant, Jack Pietruszewski, is seeking to construct a detached garage on his property at 1820 Faber Avenue. Today, the property has an attached single-stall garage and so a conditional use permit is required to construct a detached garage on the property.

Review Timeline

Application Submittal: March 5, 2025

Planning Commission: April 2, 2025

Tentative City Council Meeting: May 5, 2025

120-Day Review Deadline: June 5, 2025

Background

The Applicant is the co-owner of the single-family home located at 1820 Faber Avenue. The property has R-1, Single-family district zoning. The home at the subject property was constructed in 1963 with a single-stall, tuck under garage. The Applicant has found that the single-stall garage is not sufficient for his family's parking and storage needs and is requesting a conditional use permit to construct a detached garage at the property. The Applicant would like to construct a 35-foot by 26-foot detached garage in his rear yard to address his parking and storage needs. A conditional use permit is required to construct a detached garage on a property with an existing attached garage.

Site Characteristics

The neighborhood where the subject property is located is strongly defined by its varying topography and wooded surroundings. The area, which is nestled between 17th Avenue North and 19th Avenue North, does not follow a traditional gridded street pattern like most South St. Paul neighborhoods do. The topography of the area resulted in the original, gridded neighborhood layout being abandoned in lieu of a “Tetris” like development pattern that utilizes areas with less dramatic slopes for housing and roads. The lots in this neighborhood are generally larger than traditional South St. Paul lots and vary in size between 10,000 square feet and 26,000 square feet.

The subject property is a 13,000 square foot lot that is tucked back in a wooded, ravine area off of Pleasant Avenue. The property does not have frontage on Pleasant Avenue and the Applicant accesses his property via a shared driveway he has deeded access to. This driveway is denoted as “Faber Avenue” by an unofficial street sign located at the western edge of Pleasant Avenue. The property is surrounded by steep slopes/ravines to the north and west. The ravine on the west side of the property starts at the westernmost property line and ends at 19th Avenue North which is 50 feet below its starting point. The slope on the north side is equally as dramatic. These slopes effectively reduce the 13,000 square foot lot down to a lot with 8,000 square feet of usable space. To best utilize the limited flat area on the lot, the house on the subject property was constructed in the southeastern corner. The front door of the home and the access to the single stall garage face north. The footprint of the existing house and the attached, single stall garage is approximately 1,500 square feet. The subject property does not have a shed or other traditional accessory structures on site. At the time that staff visited the site, the property did have a freestanding carport that had been installed over part of the driveway to provide additional covered storage for vehicles. Freestanding carports are prohibited in South St. Paul.

Proposed Garage

The Applicant has proposed to construct a three-stall garage that would be approximately 26-foot by 35-foot or 910 square feet. The garage is proposed to be constructed with a shed style roof, which is a roof style that features a flat roof with a single slope in one direction. The homeowner is proposing a garage of this style to accommodate their boat. The garage is proposed to be 14 feet 6 inches tall with side walls that are 9 feet tall. The garage will be sided with LP Smart siding, which is one of the most common siding materials on the market. The siding color would match the color of the house. The roof would be a standing seam metal roof as the pitch of the roof is too low for a traditional asphalt shingle roof.

Previous Conditional Use Permit Request

In 2000, a previous owner of the property requested a conditional use permit to construct a detached garage at the subject property. The homeowner intended to construct a 24-foot by 24-foot or 576 square foot detached garage. The conditional use permit request was approved in June of 2000; however, the property was sold shortly after the conditional use permit was granted. Conditional use permits automatically terminate after one year of their approval if property improvements have not substantially begun. The conditional use permit expired in June of 2001.

Relevant Code

The following City Code sections are relevant to this project:

- Section 110-79 governs land disturbing activities and development on properties with steep slopes.
- Section 118-40 of the City Code governs Conditional Use Permits.
- Section 118-121 of the City Code governs the R-1 zoning district.
- Section 118-208 of the City Code governs Accessory Structures.

Evaluation of Request

Lot Coverage

The maximum percentage of a lot that can be covered by a single-family dwelling and accessory structures on a property with R-1 zoning is 35%. The current lot coverage for the property is 11%. If the proposed garage is constructed, the lot will have approximately 18% lot coverage. The proposed garage meets lot coverage requirements.

Setbacks

Accessory structures must be at least 5 feet from the side property line when located in the middle third of the yard and 3 feet from the side property line when located in the rear third of a yard. Accessory structures must be located at least 3 feet from the rear property line. Given that the lot is not served by a public road in a traditional manner, the distinction of the front/side/rear property line is less straightforward for the subject property than for other lots. At the direction of the City Attorney, staff was able to determine that the front property line is the southernmost property line. The garage is proposed to be 63 feet from the front property line, 6 feet from the western side property line, 48 feet from the eastern side property line and 60 feet from the rear property line. The proposed garage meets the setback requirements.

Size

The maximum allowable size for a detached garage is 1,000 square feet. The maximum allowable size for all accessory buildings on a single property is 1,200 square feet. The subject property does not have any other lawful accessory structures. The proposed garage complies with the size requirements for an accessory structure.

Height

The maximum allowable height for a garage with a hip or gable roof is 16 feet. The maximum allowable height for a garage with any other style of roof (shed, flat, mansard or gambrel) is 12 feet. The Applicant would like the proposed garage to be 14 feet 6 inches tall. This does not comply with the Zoning Code. However, the Applicant has requested a code amendment to set the maximum allowable height for all garages to 16 feet, regardless of the architectural style of the roof. If the code is amended, the garage will meet the height requirements. If the code

amendment is not successful, the Applicant will need to change the garage roof to be a hip or gable roof or the Applicant will need to decrease the height of the garage to 12 feet.

Exterior Materials/Finish

The proposed garage would use LP Smart Siding with a color that will match the house and a standing seam metal roof. These materials comply with the exterior materials/finish requirements for an accessory structure.

Ordinance Amendment Requested in Tangent with Conditional Use Permit Request

The Applicant would like to construct a garage with a shed roof as opposed to a hip or gable roof. South St. Paul's code restricts the height for a garage with a non-hip or gable roof to 12 feet while garages with a hip or gable roof can be up to 16 feet tall. The Applicant has requested an ordinance amendment in tandem with their conditional use permit request. The ordinance amendment is being reviewed separately from the conditional use permit request.

CONDITIONAL USE PERMIT CRITERIA

A City may require a conditional use permit for certain types of businesses or structures that they are generally fine with but feel there is a need a case by case review to prevent negative impacts. The City can attach conditions to each approval to address those potential negative impacts. The State of Minnesota provides cities with specific review criteria for when to grant a conditional use permit and cities incorporate these criteria into their zoning code. A city must approve a conditional use permit if the project meets the criteria for granting a conditional use permit. Conditional Use Permits should be reviewed through the lens of the criteria outlined in the City Code for conditional use permits in residential districts:

- (1) That the conditional use, with such conditions as the commission shall determine and attach, conforms to the general purpose and intent of this chapter.
- (2) If the application is based on the conditional use provision in this chapter that the issuance conforms to the general characteristics of the district of which it will become a part.
- (3) That the conditional use will not impede the normal and orderly development and improvement of property in the neighborhood for uses permitted in the district or districts affected.
- (4) That adequate utilities, access roads, streets, drainage, and other necessary facilities have been or will be provided.
- (5) That adequate measures have been or will be taken to provide ingress and egress in such a manner as to minimize traffic congestion and hazards in the public streets.
- (6) In residential districts, certain uses may not be considered appropriate within the interior

of residential neighborhoods because of noise, traffic, or other conditions that would tend to adversely affect the residential character of the neighborhood and possibly reduce property values. These may be considered appropriate only on the periphery of residential neighborhoods or under such conditions as the city council may deem proper. The uses may represent "buffer" uses for those areas lying between residential dwellings and nonresidential uses.

COMMENTS FROM OTHER DEPARTMENTS

Engineering Department

Given the steep grades at the site and the close proximity of the proposed garage to a slope with a steep 50-foot drop, the Engineering Department was asked to review the project and provide feedback. City Engineer Nick Guilliams highlighted a need for additional review of the project by a professional geotechnical engineer to determine if the construction of the garage within 6 feet from the top of the steep slope would impact the slope's stability, especially if the large tree near the edge of the slope was removed to prepare the site for construction. A public road is located at the bottom of the slope so it is crucial to confirm that the project will not destabilize the slope and cause a landslide that will block the road. Mr. Guilliams flagged that the Applicant would need to provide him with all the engineering information required by Section 110-79 which regulates development near steep slopes. These standards are not in the zoning code but in a section of the code that regulates stormwater management. Mr. Guilliams also communicated that the project will need erosion control measures in place near the steep slope to prevent erosion if heavy rains occur during construction.

DISCUSSION

The project meets the criteria for when to grant a Conditional Use Permit. The location of the property and the location of the nearest road mean that this garage will almost never be visible from a public street. The proximity of the proposed garage to the steep slope does raise a need for extra review prior to construction to ensure the stability of the slope to avoid any potential negative impacts to the public street that sits at the bottom of the slope, 19th Avenue North. In other parts of the City that are within the Mississippi River Corridor Critical Area (MRCCA), development is prohibited within 40 feet of the top of a bluff or steep slope in an effort to prevent the bluff from becoming destabilized as a result of development. The subject property is not located within MRCCA but the steepness of the slope is similar to that of a bluff and the proximity of the new structure to the edge of the slope triggers a reasonable need for additional review. The City can attach reasonable case by case conditions to a Conditional Use Permit to regulate the use. A condition will be added related to the project being reviewed and approved by a professional geotechnical engineer and complying with the requirements found in Section 110-79. At the time of the site visit, an unlawful, non-conforming freestanding carport was present at the site. This carport will need to be removed prior to the garage being constructed and the removal of this carport will be one of the conditions of approval for the project.

STAFF RECOMMENDATION

Staff recommends approval of the conditional use permit with the following conditions:

1. **Approved Plans.** The conditions of this approval are based on the following plans:
 - **Application (Jack Pietruszewski) - dated 3/3/2025**
 - **Narrative (Jack Pietruszewski) - undated**
 - **Garage/Site Plans (Jack Pietruszewski) - undated**
2. **Building Permit Required.** The Applicant must apply for and receive a building permit to construct the garage prior to the start of construction.
3. **Carport to be Removed Prior to Building Permit Issuance.** The subject property currently has a freestanding carport which was installed unlawfully. The zoning code expressly prohibits freestanding carports. The carport at the subject property must be removed prior to the issuance of a building permit for the proposed garage.
4. **Geotechnical Engineer Report Required.** In order to be eligible for a building permit, the Applicant must hire a licensed geotechnical engineer to review the project and ensure the steep slope to the west of the property will not be negatively impacted by the project. To be eligible for a building permit, the Applicant must submit a geotechnical report from the licensed engineer which confirms that the slope will not be negatively impacted. This report is subject to review and approval by the City Engineer.
5. **Compliance With Section 110-79.** In addition to submitting a geotechnical report, the Applicant will be required to submit the information listed in Section City Code 110-79 for review by the City Engineer. This information must be submitted with the building permit application for the permit application to be considered complete. The Applicant will adhere to any conditions of approval that the City Engineer places upon the building permit to protect the stability of the steep slope and prevent damage to neighboring properties. Noncompliance with this condition shall be considered a code violation which may result in administrative citations.
6. **Garage Height Dependent on Code Amendment.** The Applicant has proposed to construct a garage with a shed roof that is 14 feet 6 inches tall. Today, the City Code does not allow garages with a non-hip or gable roof to be taller than 12 feet tall. The Applicant has requested a code amendment to set the maximum height for all garages at 16 feet, regardless of the architectural style of the roof. If a code amendment is not approved, the Applicant will need to redesign the garage with a hip or gable roof or reduce the height of the garage to comply with the City Code unless a height variance is granted at a future date.
7. **Termination of the Conditional Use Permit.** The Conditional Use Permit will terminate if improvements have not substantially begun within one year from the date of approval. The violation of any condition of approval in the conditional use permit may terminate the conditional use permit(s), following a hearing by the City Council.

Action Requested

The Planning Commission has the following actions available on the proposed application:

Approval. If the Planning Commission wishes to recommend approval of the conditional use permit, the following action should be taken:

- Motion to recommend approval of a conditional use permit for a detached garage at 1820 Faber Avenue.

Denial. If the Planning Commission wishes to recommend denial of the conditional use permit, the following action should be taken:

- Motion to recommend denial of a conditional use permit for a detached garage at 1820 Faber Avenue.

If the Planning Commission wants to recommend denial, it will require a finding that the conditional use permit request is not consistent with one of more parts of the CUP criteria.

SOURCE OF FUNDS

N/A

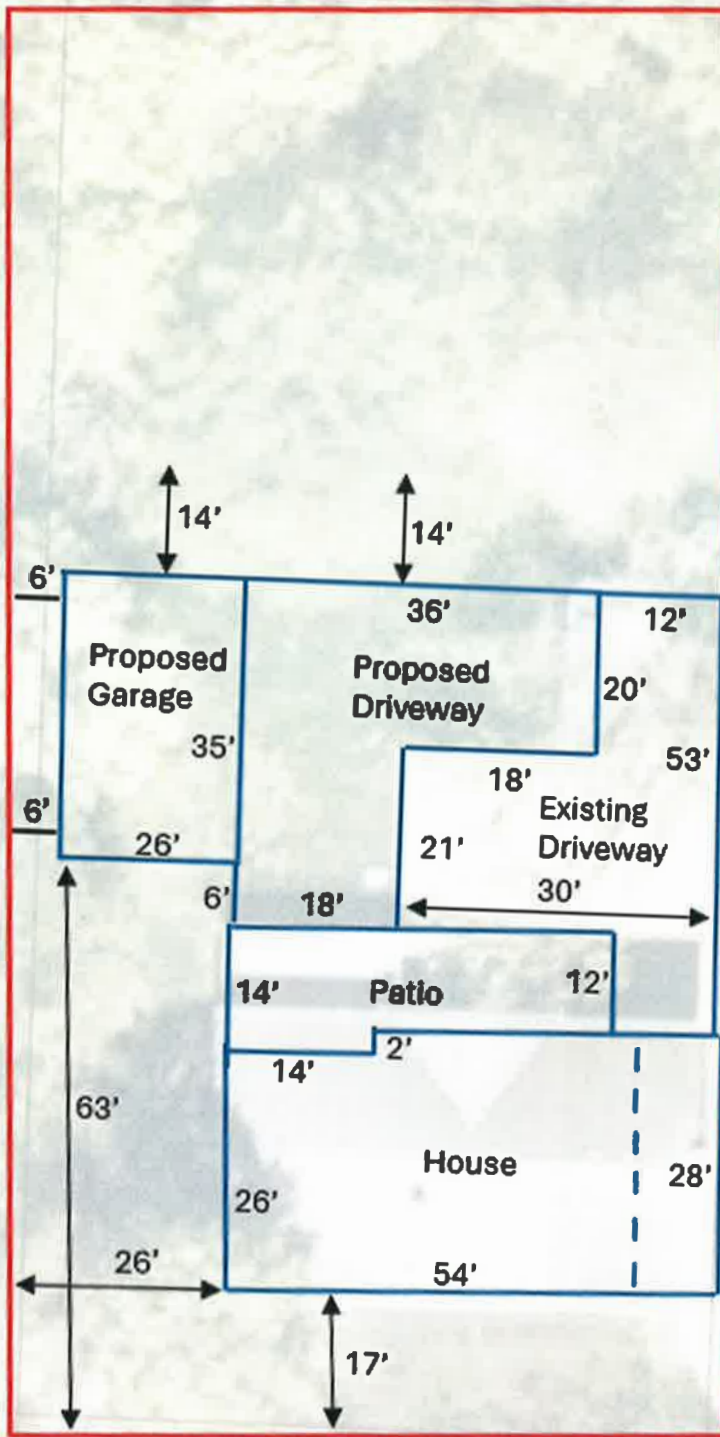
ATTACHMENTS

1. Site Location Map
2. Site Plans
3. Applicant's Narrative
4. Site Photos
5. Letter of Support From 1810 Faber Avenue
6. Section 110-79 Governing Development on Steep Slopes

ATTACHMENT 1
SITE LOCATION MAP



ATTACHMENT 2
SITE PLANS

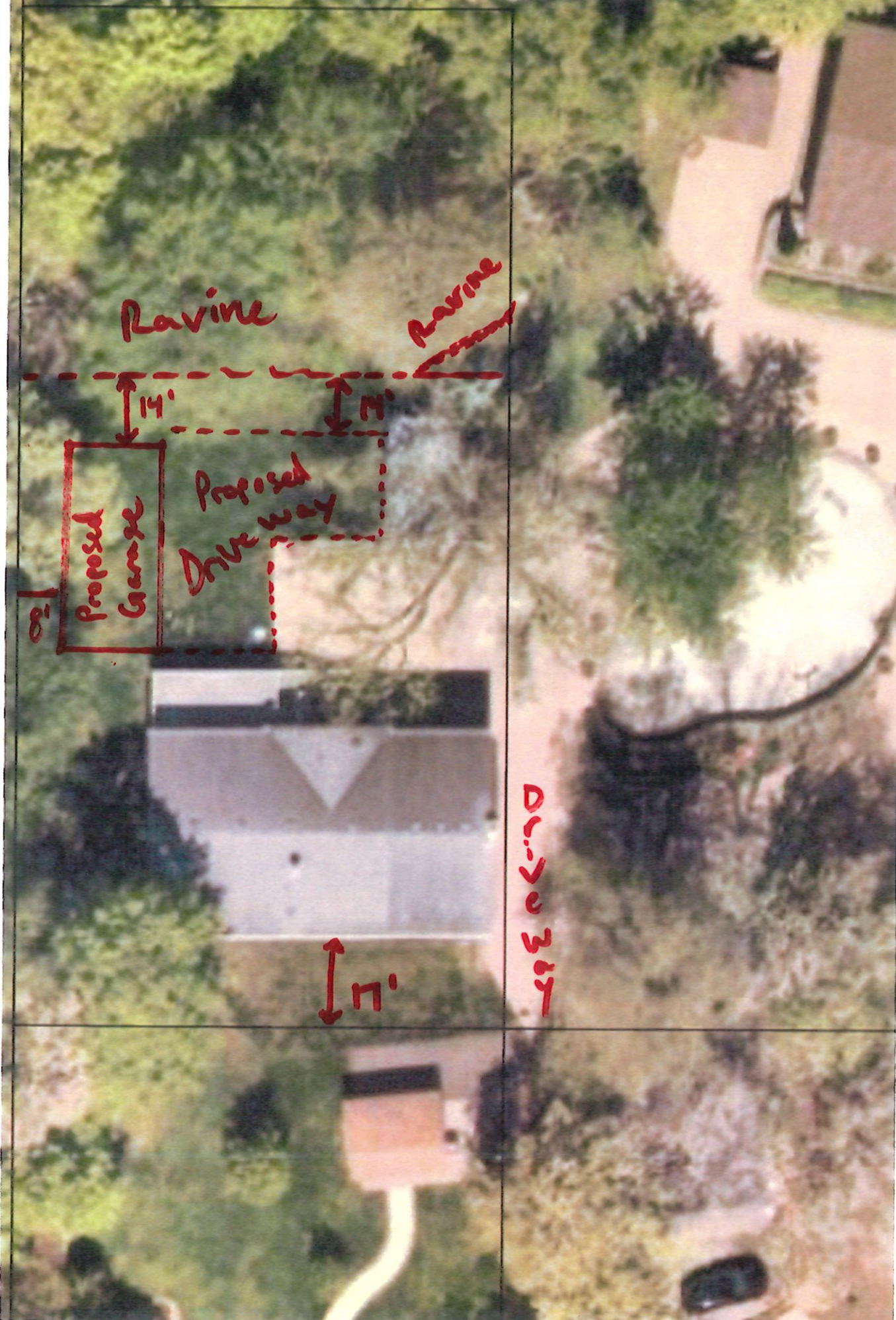


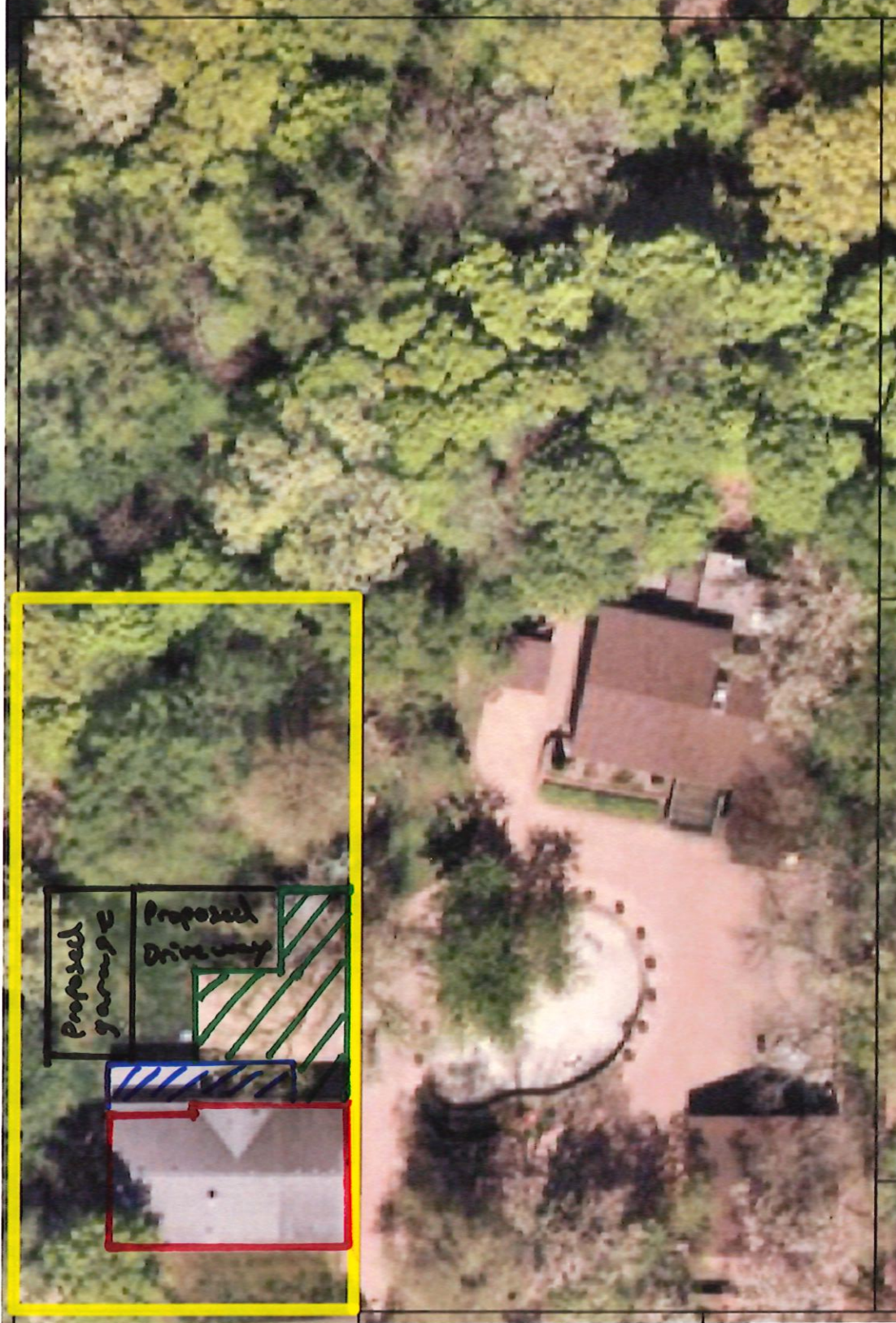
164'

DRIVEWAY

NEIGHBORS

FABER





Total Lot = 13,146 sq ft

Total Building Coverage = 2,432 sq ft
 ↳ 18.5%

Total concrete coverage = 2,689 sq ft
 ↳ 20.5%

Total Landscape coverage = 3,626 sq ft
 ↳ 27.6%

Total undeveloped Ravine = 4,160 sq ft
 ↳ 31.6%

Total undeveloped coverage = 7,786 sq ft
 ↳ 59.2%

House = 1522 sq ft

Patio = 676 sq ft

Existing Drive way = 870 sq ft

Proposed garage = 910 sq ft

Proposed Drive way = 1,143 sq ft

Total = 5,121 sq ft

Total Lot = 13,146 sq ft

Total coverage = 38.95 %
 Developed

Total coverage = 59.22 %
 Undeveloped

1820 Faber Avenue, South St. Paul Lot Coverage

Total Lot Size = 13,146 sq ft. or 0.301 Acers

Total Undeveloped Land after project = 7,786 sq ft. or 59.22%

Total Developed Land after project = 5,121 sq ft. or 38.95%

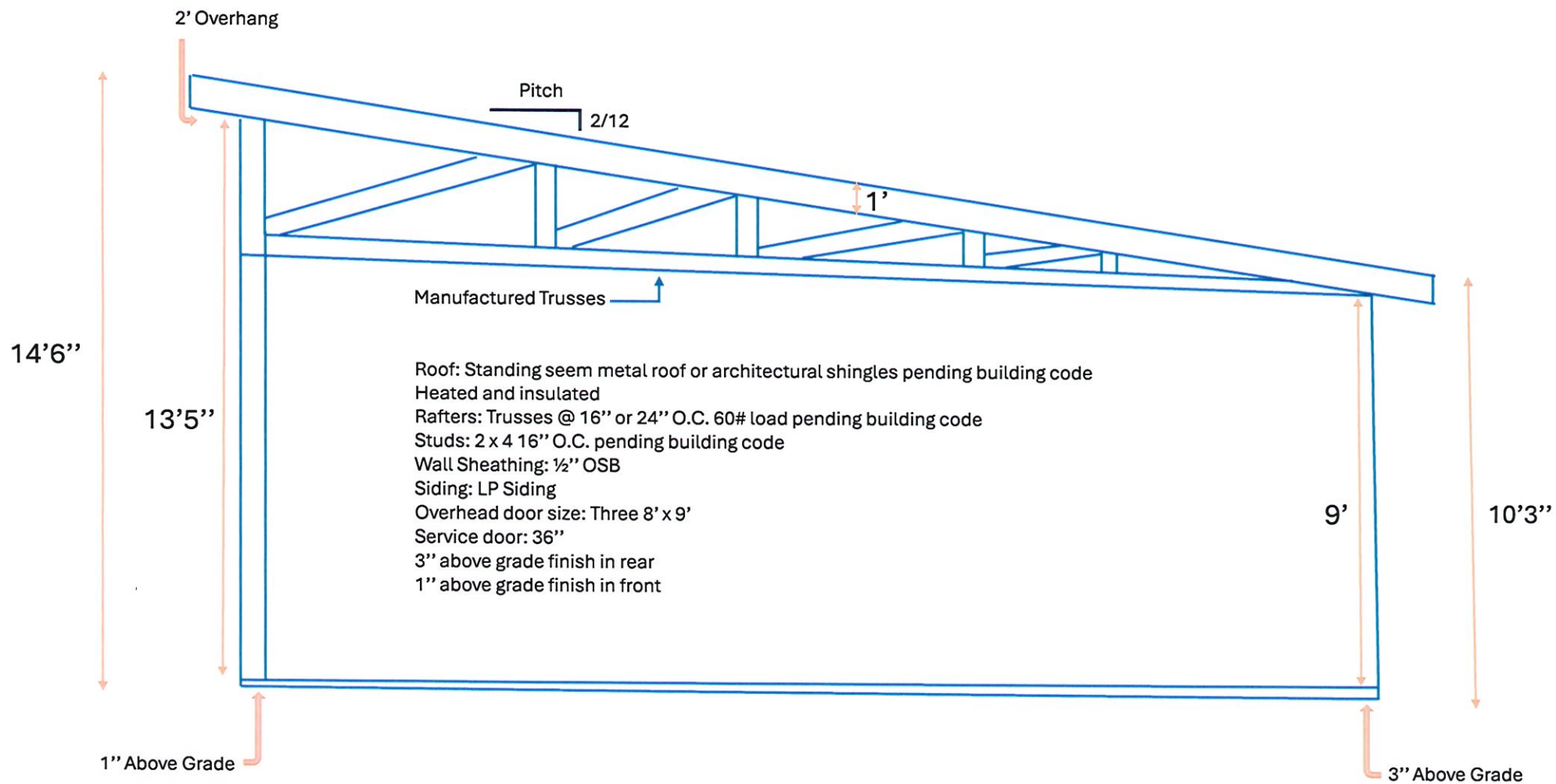
Total Building Coverage w/ proposed garage = 2,432 sq ft. or 18.5%

Total Concrete Coverage w/proposed driveway = 2,689 sq ft. or 20.5%

Total Landscape Coverage = 3,626 sq ft. or 27.6%

Lot Coverage	
Ordinance	1820 Faber Avenue
> 25% landscape	27.60%
< 35% building coverage	18.50%
< 25% driveway/paved parking	20.50%







* LP Siding
NOT Metal

2' overhang

Pitch 2/12

1'1"

14'6"

13'5"

9'

6'3"

6'3"

35'

26'





ATTACHMENT 3 APPLICANT'S NARRATIVE

Narrative for Conditional Use Permit & Zoning Ordinance Amendment

Applicant: Jack Pietruszewski

Property Address: 1820 Faber Avenue

City: South St. Paul, MN

Conditional Use Permit (CUP) Request for Detached Garage

I am requesting a Conditional Use Permit (CUP) to construct a detached garage on my property. My home currently has a tuck-under garage, which is significantly smaller than modern garage standards and does not adequately fit our family's SUV, making it impractical for daily use. As our family grows, we require additional space to safely park vehicles and store necessary household and outdoor items.

The addition of a detached garage will:

- Provide safe and functional parking for our family vehicle.
- Align with other properties in the neighborhood that have detached garages.
- Improve property value and curb appeal without negatively impacting neighbors.

This request meets the intent of South St. Paul's zoning regulations by maintaining residential character while ensuring practical use of the property. The proposed garage will be built with quality materials and designed to blend with the existing home and surrounding area.

Zoning Ordinance Amendment Request – Roof Height Restrictions

I am also requesting a Zoning Ordinance Amendment to revise South St. Paul's restrictive roof height regulations. Currently, the city allows:

- Gable and hip roofs to have a maximum height of 16 feet.
- All other roof styles (Mansard, gambrel, shed, etc.) to have a maximum height of only 12 feet.

This 12-foot restriction is significantly lower than those in surrounding communities, which allow 15 to 16 feet for all garage roof styles, as well as Minnesota state code standards. This creates unnecessary design limitations and does not reflect modern construction trends or practical homeowner needs.

Updating the ordinance to allow all roof styles up to 16 feet will:

1. Align South St. Paul with neighboring cities and state standards, ensuring consistency in zoning enforcement.

2. Simplify the zoning code by setting one universal height restriction (16 feet) for all detached garage roof styles, making it easier for residents and the city to comply.
3. Allow homeowners greater design flexibility while maintaining the character of the neighborhood.

This amendment would not negatively impact neighboring properties but would instead modernize South St. Paul's zoning regulations, allowing for uniformity, fairness, and easier enforcement.

Conclusion

I respectfully request approval for my Conditional Use Permit to construct a detached garage and consideration of my request to amend the zoning ordinance to allow all garage roof styles up to 16 feet. These updates will help residents like myself make better use of our properties while keeping South St. Paul in line with current standards and surrounding communities.

I appreciate your time and consideration. Please let me know if further information is needed.

Sincerely,
Jack Pietruszewski
1820 Faber Avenue, South St. Paul

ATTACHMENT 4
SITE PHOTOS



Photo of Subject Property Look West from Shared Driveway

**ATTACHMENT 4
SITE PHOTOS**



Photo of the Front Façade and Single Stall Garage of 1820 Faber Avenue

ATTACHMENT 4
SITE PHOTOS



Photo of Subject Property Looking West with Approximate Garage Area Outlined

ATTACHMENT 4
SITE PHOTOS



Photo of Subject Property Looking Northwest with Approximate Garage Area Outlined

ATTACHMENT 4
SITE PHOTOS



Photo of Western Ravine Looking North with 19th Avenue North in Frame

ATTACHMENT 4
SITE PHOTOS



Photo of Western Ravine Looking South with 19th Avenue North in Frame

Letter of Support for Garage Construction

Tom & Michelle Engelmeier
1810 Faber Avenue
South St. Paul, MN 55075
3/4/25

South St. Paul Planning & Zoning Department
125 3rd Ave N, South St. Paul, MN 55075
South St. Paul, MN

Subject: Letter of Support for Jack and Lauren Pietruszewski's Garage Project at 1820 Faber Avenue.

Dear Planning & Zoning Committee,

We are writing to express our full support for our neighbors, **Jack Pietruszewski**, in their request to build a garage at **1820 Faber Avenue**. As immediate neighbors, we have discussed the project including the variance application and believe that it will be a positive addition to the property and the neighborhood.

The proposed garage is well-planned, aligns with the character of our area, and will enhance both functionality and property value. We do not foresee any negative impact on adjacent properties, and we are confident that Jack and Lauren will complete the project in a responsible and aesthetically pleasing manner.

As longtime residents of South St. Paul, we appreciate thoughtful property improvements that contribute to the community's overall appeal. We hope you will consider approving this request, as we fully support the project.

Thank you for your time and consideration. Please feel free to contact us if you need any further information.

Sincerely,

Tom & Michelle Engelmeier
Phone: 651-343-3469

ATTACHMENT 6
SECTION 110-79

Sec. 110-79. - Steep slopes.

- (a) Prior to any land disturbing or development activities on steep slopes, as defined within this Code, within the city, the developer/landowner shall provide to the city a detailed plan that sets forth:
 - (1) The time period during which the proposed development or disturbance is to take place.
 - (2) The soil types which are found on the site of the development.
 - (3) A map showing the topography of the area to be developed.
 - (4) A map showing any alteration in the topography that would result from the proposed development.
 - (5) A description of the soil quality in the area to be developed including permeability of the soil, susceptibility of the soil to erosion, drainage of the soil, distance of the soil from underlying bedrock, and susceptibility of the soil to changes in physical volume when moistened and/or during periods of frost.
 - (6) Information relative to whether the proposed development will cause and/or be affected by any erosion problems.
 - (7) A description of any disturbance to vegetation and other natural features that will result from the development plus the manner in which the applicant proposes to protect vegetation and other natural features that will not be disturbed.
 - (8) A copy of all specifications, blueprints, and other detailed plans for the development.
 - (9) Information relative to the adequacy for the slope conditions and soil type of the foundation and underlying material of any structure, including roads.
 - (10) Information relative to the adequacy of controls and protection existing uphill from the proposed development which are designed to guard structures or roads from being affected by mud, uprooted trees, or other material.
 - (11) Information relative to the adequacy of construction of any retaining walls.
- (b) No work shall be permitted until reviewed and approved by the city engineer. Neither the issuance of a permit nor compliance with the conditions thereof or with the provisions of this article shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose liability on the city or its officers or employees for injury or damage to persons or property. An approval of an application issued pursuant to this article shall not relieve the applicant of the responsibility of complying with any other requirement established by law, regulation, or Code provision.

(Ord. No. 1293, § 1, 4-6-2015)



PLANNING COMMISSION AGENDA REPORT

DATE:

April 2, 2025

DEPARTMENT:

Planning & Zoning

PREPARED BY:

Michael Healy

AGENDA ITEM NUMBER:

5.C.

MEETING TYPE

Regular Meeting

AGENDA ITEM

Interim Use Permit for a Seasonal Farmers Market at 1151 Southview Boulevard

ACTION TO BE CONSIDERED OR DESIRED OUTCOME

A motion recommending approval or denial of an interim use permit for a seasonal farmers' market at 1151 Southview Boulevard.

OVERVIEW

Application

The Applicant, the City of South St. Paul, is seeking an Interim Use Permit to hold a farmer's market on the vacant lot behind Wakota Federal Credit Union for the next five years (through 2029).

Background

The City of South St. Paul co-hosts a farmer's market each summer in partnership with the Saint Paul Farmers' Market and Wakota Federal Credit Union. Since 2013, the event has taken place on a vacant lot on 12th Avenue South that is located next to Wakota Federal Credit Union. The vacant lot (the Subject Property) is owned by Wakota Federal Credit Union. The Subject Property is fully paved and has a good configuration to host this type of event.

Farmers' Market Details

The South St. Paul Farmers' Market is held on Wednesday afternoons between June and October. The market typically features around 20 vendors and runs from 2 PM to 6 PM. Many of the vendors sell fresh produce that was grown on their farms. There are also typically vendors selling fresh cut flowers, plants, artisan food goods, and hot foods.

Vendor booths will be set up each Wednesday at the southern end of the Subject Property. The northern end of the Subject Property will be used for parking for the event. A portable restroom will be set up to serve the event.

Zoning and Comprehensive Plan Guidance

The Subject Property is zoned C-1 Retail Business and guided "commercial" in the 2040 Comprehensive Plan. Farmer's markets are listed as an interim use in the C-1 district, meaning that an interim use permit is required. Interim use permits are similar to conditional use permits, but they do not "run with the land" forever, and instead they have a defined expiration date or triggering event (i.e. the sale of the property or completion of a project). Cities use interim use permits to regulate long-term temporary uses that may be appropriate in the short-term but likely do not represent the "highest and best use" of a piece of property. The City can attach conditions to an interim use permit just like it does for a conditional use permit. The interim use permit can be revoked, following a hearing by the City Council, if the conditions are violated.

Review Criteria

The Planning Commission is asked to review the proposed interim use permit and should recommend approval if they determine that the proposal complies with the review criteria outlined in the City Code. Staff has drafted findings that the Planning Commission can adopt if they want to recommend approval:

- a. That the use conforms to the zoning regulations.

Farmers' markets are listed as an interim use in the C-1 Retail Business zoning district.

- b. That the date or event that will terminate the use can be identified with certainty.

The Interim Use Permit will terminate in five years, after the last day of the Farmers' Market in 2030.

- c. Permit of the use will not impose additional cost on the city if it is necessary for the city to take the property in the future.

The Farmers' Market is a temporary and seasonal use that will not create any lasting impact to the site or increase its value.

- d. The user agrees in writing to any condition the City Council deems appropriate for the use.

A representative for the application will sign the Interim Use Permit and accept responsibility for adhering to the conditions of approval.

Staff Recommendation

Staff recommends approval of the proposed Interim Use Permit with the following conditions:

1. **Approved Plans.** The conditions of this approval are based on the following plans:
 1. **Application (Deb Griffith)** **dated 3/11/2025**
 2. **Narrative (Deb Griffith)** **Undated**
 3. **Site Plan (Deb Griffith)** **Undated**

2. Sales Area Limited to Area Shown on Site Plan. Farmers' Market vendors must conduct their sales and display activities wholly within the area shown on the approved site plan. Vendors shall not obstruct the public sidewalk or the public alley.

3. Applicant Responsible for all Cleanup Activities. The Applicant is responsible for all cleanup activities, including ensuring that the site is free of litter after each market day.

4. License Required for Food Vendors. Food vendors shall obtain any required licenses from the Minnesota Department of Health (MDH) before operating in city limits. Food vendors must keep their MDH license in good standing.

5. Food stands Limited to the Dates of the Farmers' Market. Food stands that are operating as part of the Farmers' Market shall be located within the boundaries of the Farmers' Market and shall only operate during the dates and times that the Farmers' Market is taking place. On those dates when a community event is being held following or in conjunction with the Farmers' Market, food stands shall be allowed to continue operating at the site until the conclusion of the South St. Paul community event. This condition shall not apply to mobile food units (i.e. food trucks) which are fully compliant with all State requirements and local ordinances.

6. Hours of Operation Restricted. The Farmers' Market may not begin operating before 8 AM and must cease operating by no later than 9 PM.

7. Compliance with Noise Ordinance and Nuisance Ordinances. The Farmers' Market must not violate the City Code's noise ordinance or in any other way be a public nuisance.

8. Termination of the Interim Use Permit. The Interim Use Permit will be terminated upon the occurrence of one or more of the following events:

- a. The Interim Use Permit may be terminated if there is a violation of any condition of the approval, following notice and a hearing by the City Council.
- b. The Interim Use Permit is nontransferable and shall automatically terminate if the City is no longer a partner in operating the Farmers' Market at this location.
- c. The Interim Use Permit shall automatically terminate on December 31, 2029.

Action Requested

The Planning Commission has the following actions available on the proposed application:

1. Approval. If the Planning Commission wishes to recommend approval of the interim permit, the following action should be taken:

A. Motion to recommend approval of an interim use permit for the South St. Paul Farmers' Market.

2. Denial. If the Planning Commission wishes to recommend denial of the interim use permit, the following action should be taken:

B. Motion to recommend denial of an interim use permit for the South St. Paul Farmers' Market.

If the Planning Commission wants to recommend denial, it will require a specific finding that the Interim Use Permit request does not meet the code criteria.

SOURCE OF FUNDS

NA

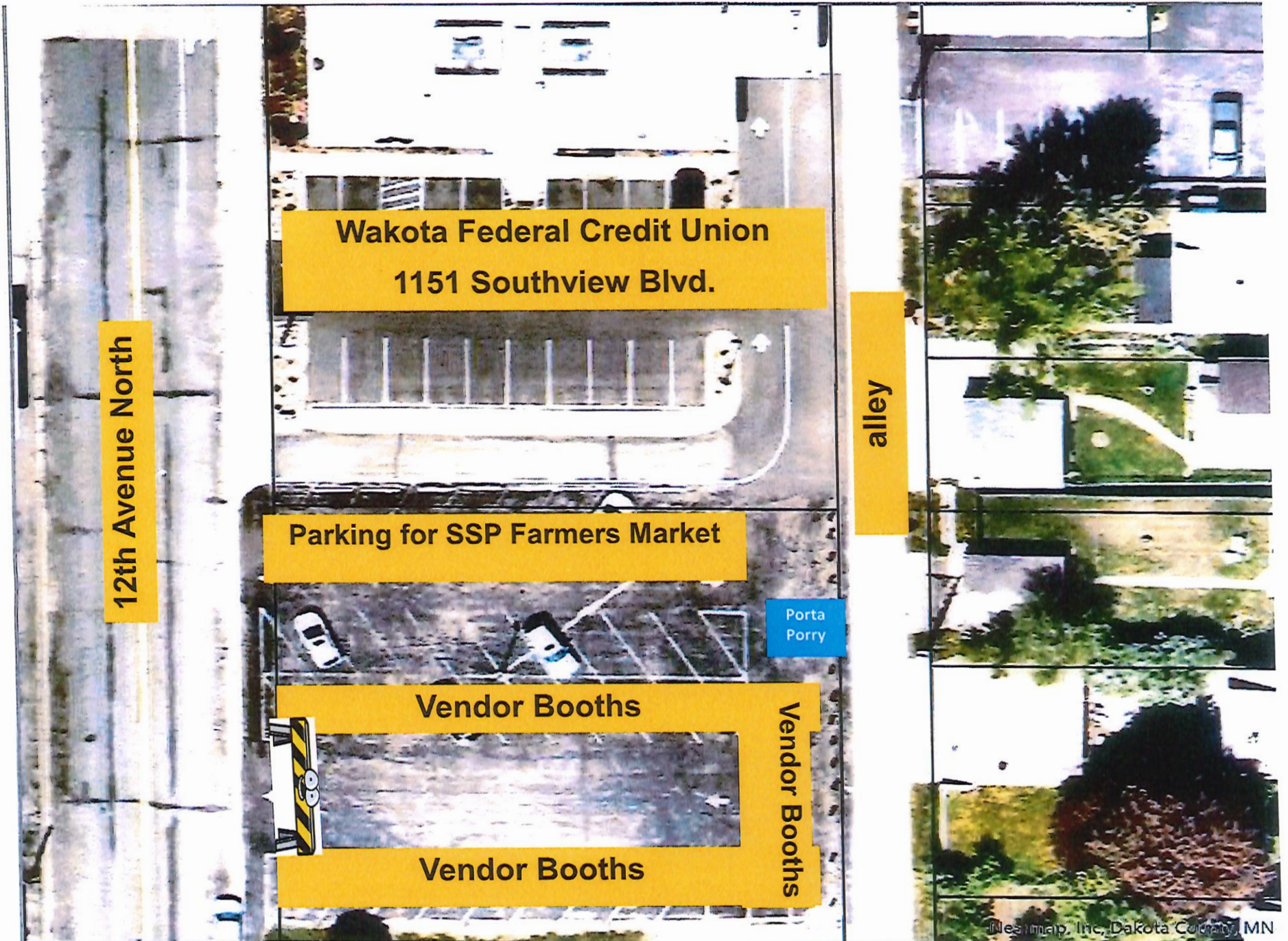
ATTACHMENTS

1. Site Location Map
2. Site Plan
3. Applicant's Narrative
4. Public Hearing Notice

ATTACHMENT 1
SITE LOCATION MAP



ATTACHMENT 2
SITE PLAN



Map data © Mapbox, Inc. Dakota County, MN

ATTACHMENT 2
APPLICANT'S NARRATIVE

On behalf of Wakota Federal Credit Union, the Saint Paul Farmers' Market and the City of South St. Paul, the City of South St. Paul is requesting an interim use permit for the South St. Paul Farmers' Market to be hosted in the back parking lot of Wakota Federal Credit Union located at 1151 Southview Blvd. Wakota Federal Credit Union is the owner of the property.

The South St. Paul Farmers' Market is a partnership between the Saint Paul Farmers' Market, Wakota Federal Credit Union and the City of South St. Paul. Each summer, during the months of June to October, the Saint Paul Farmers' Market comes to South St. Paul with vendors selling locally growth vegetables and fruit for the residents to purchase.

The South St. Paul Farmers Market will take place on Wednesday afternoons from 2:00 to 6:00 pm. There will be approximately 20 vendor booths with anywhere from 250-350 people attending the Farmers Market during the season.

On behalf of the Saint Paul Farmers' Market, Wakota Federal Credit Union and the City of South St. Paul, I am requesting a 5 year interim use permit.



**ATTACHMENT 4
PUBLIC HEARING NOTICE**



**City of South
St. Paul**

125 Third Avenue North
South St. Paul, MN 55075

www.southstpaul.org

**Notice of Public
Hearing**

Applicant(s):	City of South St. Paul
Request:	The Applicant is seeking an interim use permit for a seasonal farmers market in the parking lot behind Wakota Federal Credit Union. The seasonal farmers market would start in June and run through October of each year. The property has C-1 Retail Business zoning.
Subject Property	1151 Southview Boulevard
Public Hearing Time and Location:	City Hall, Council Chambers, 125 Third Avenue North, South St. Paul Wednesday, April 2, 2025 at 7:00 P.M. Or as soon thereafter as the matter can be heard. All those interested are encouraged to attend and will be given an opportunity to be heard.
Questions or Comments, Please Contact:	The Planning Commission will also consider oral and written comments that are received prior to the meeting. You can submit your comments: By mail: City of South St. Paul, Attn: City Planner 125 Third Avenue North South St. Paul, MN 55075 By phone: (651) 554-3217 By fax: (651) 554-3271 By e-mail: mhealy@southstpaul.org <u>All written, faxed, or e-mailed comments must be received by the City Planner no later than Noon on Wednesday, February 5th to be considered by the Planning Commission as part of the public hearing*.</u> <i>*Please include your name and address as well as the project address</i>

A staff memo analyzing the request will be posted to the City's website by Friday, March 28th as part of the Planning Commission packet. It can be accessed using the following link:

<https://www.southstpaul.org/926/Agendas-Minutes>



Map Showing the Approximate Location of the Proposed Farmers Market in Wakota Federal Parking Lot



PLANNING COMMISSION AGENDA REPORT

DATE:

April 2, 2025

DEPARTMENT:

Planning & Zoning

PREPARED BY:

Monika Miller

AGENDA ITEM NUMBER:

6.A.

MEETING TYPE

Regular Meeting

AGENDA ITEM

2024 Planning Commission Annual Report

ACTION TO BE CONSIDERED OR DESIRED OUTCOME

Motion to Accept and Pass Along to the City Council the 2024 Annual Planning Commission Report

OVERVIEW

City Code Section 101-22 requires that the Planning Commission provide an annual summary of its activities to the City Council. This report summarizes the activity of the Planning Commission in 2024 and includes highlights of the substantial projects that were reviewed, maps showing the distribution of the reviewed cases, and building permit information. In summary:

- 15 individual zoning cases were reviewed by the Planning Commission throughout the year.
- The Planning Commission said goodbye to two commissioners: Jason Frankot and Chad Schlemmer.
- The Planning Commission welcomed two new commissioners: Tyler Fehrman and Andrew Hoffman.
- Long-time Planning Commissioner Tim Felton was re-elected as chair of the Planning Commission. Geoff Fournier was re-elected as vice chair of the Planning Commission.
- Ordinances were the most common zoning approval reviewed in 2024, followed by conditional use permits.

SOURCE OF FUNDS

N/A

ATTACHMENTS

1. 2024 Annual Planning Commission Report



City of South St. Paul 2024 Planning Commission Annual Report

04.02.2025
Planning and Zoning Department

INTRODUCTION

The South St. Paul Planning Commission is a seven-member body, appointed by the City Council, that is responsible for the review of land use and zoning matters for the City of South St. Paul. The Planning Commission makes recommendations on various matters to the City Council who is ultimately responsible for making a final decision on planning and zoning related matters. This report provides relevant information about the Commission's activities and fulfills the requirements of City Code 101-22 which specifies that the South St. Paul Planning Commission is to submit to the City Council an annual report of its work during the preceding year.

2024 PLANNING COMMISSION MEMBERS

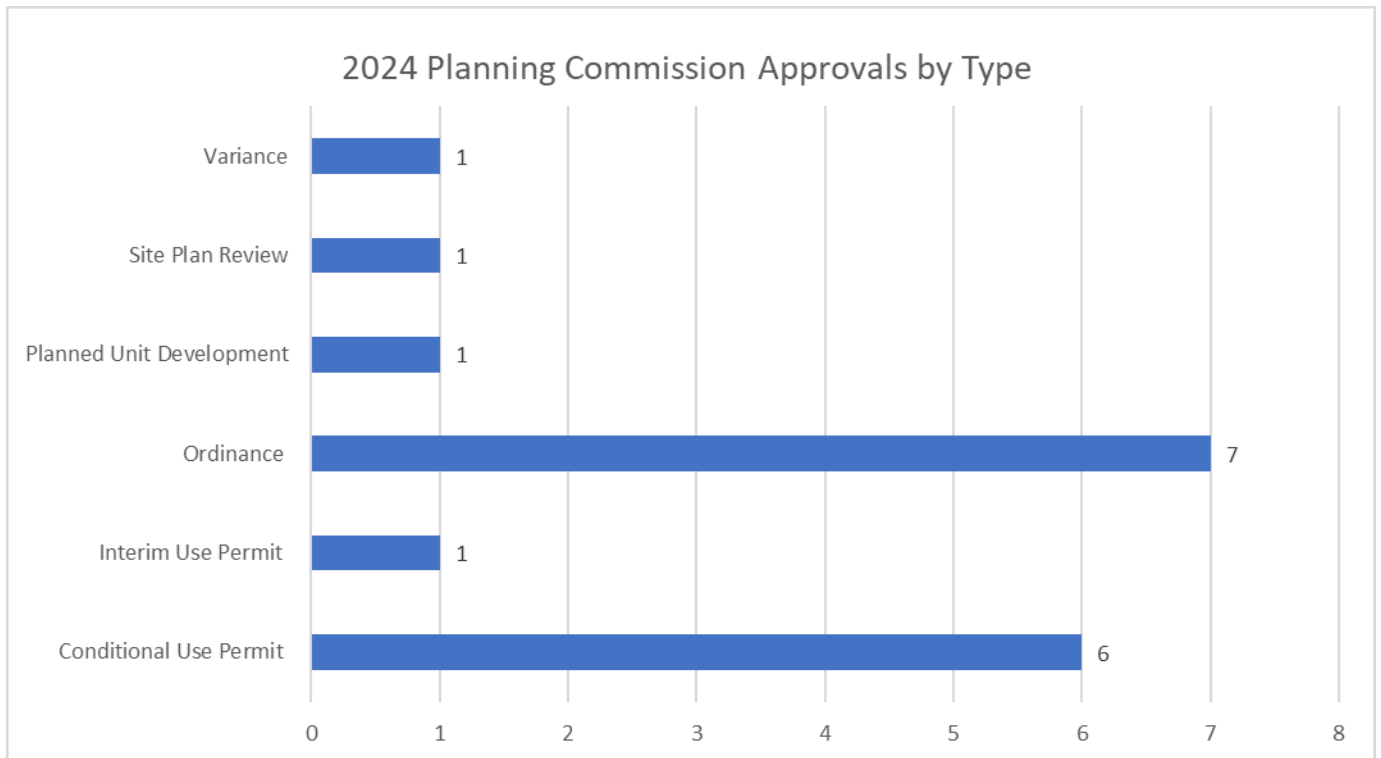
Tim Felton, Chair
Tyler Fehrman (Appointed in March)
Geoff Fourier, Vice Chair
Jason Frankot (Term ended in March)
James Hart
Andrew Hoffman (Appointed in March)
Ruth Krueger
Brianna Miller
Chad Schlemmer (Term ended in March)

The Planning Commission met 10 times in 2024. Below is a table illustrating each member's attendance for the year.

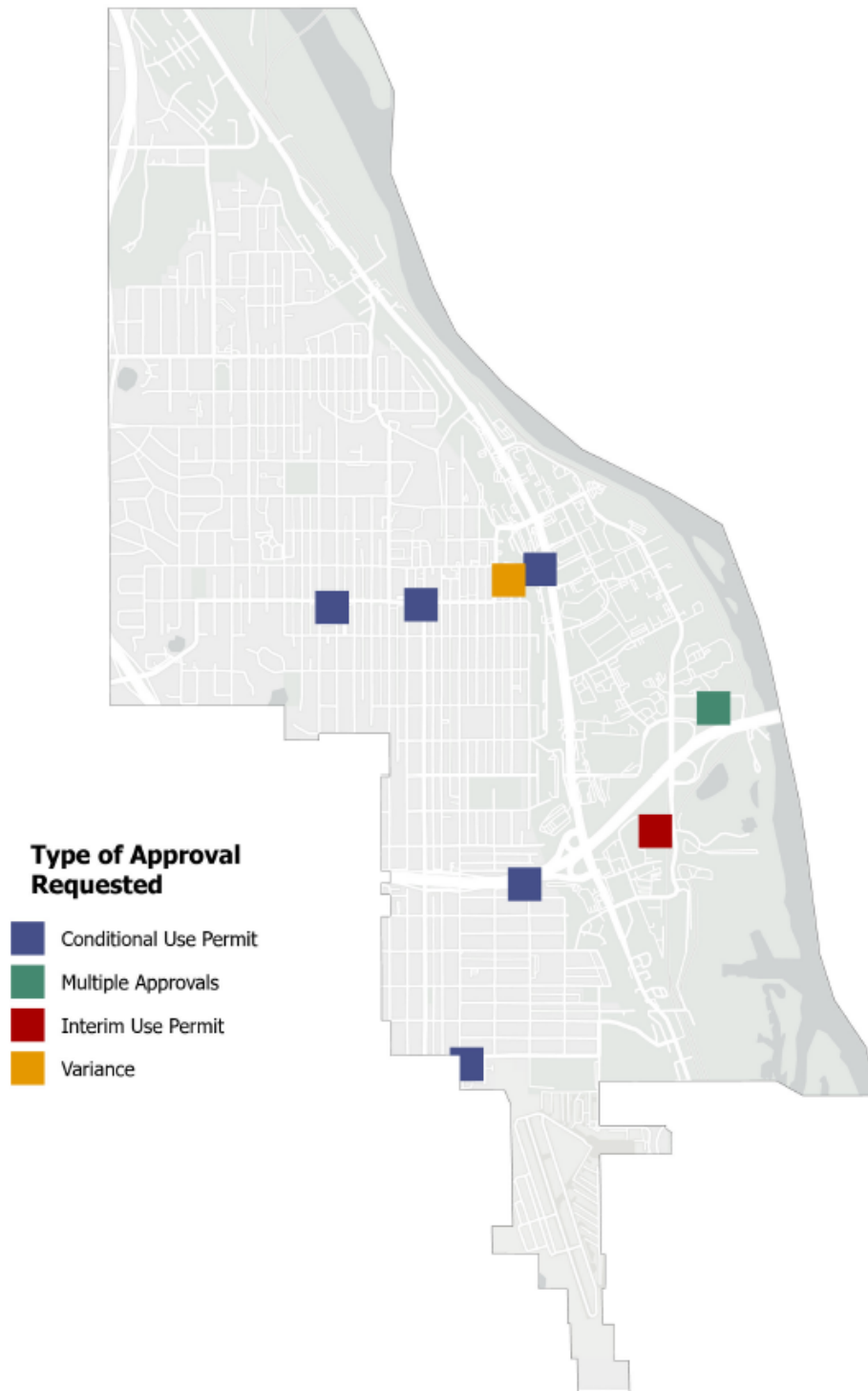
Member Name	Meetings Attended	Attendance Percentage
Tim Felton	9	90%
Tyler Fehrman (Term started in March)	8	100%
Geoff Fournier	8	80%
Jason Frankot (Term ended in March)	2	100%
James Hart	8	80%
Andrew Hoffman (Term started in March)	8	100%
Ruth Krueger	8	80%
Brianna Miller	9	90%
Chad Schlemmer (term ended in March)	2	100%

ZONING APPROVAL TOTALS BY TYPE

The Planning Commission reviewed **15** unique cases during 2024 (not including discussion items or items related to the rules of order). The figure below shows the types of zoning approvals that were reviewed as part of these 15 unique cases. For projects that required multiple zoning approvals, such as United Rentals at 587 Verderosa Avenue which needed a site plan review, a conditional use permit, and a planned unit development amendment, each approval is considered to be one zoning approval. Ordinances were the most common zoning approval reviewed in 2024, followed by conditional use permits.

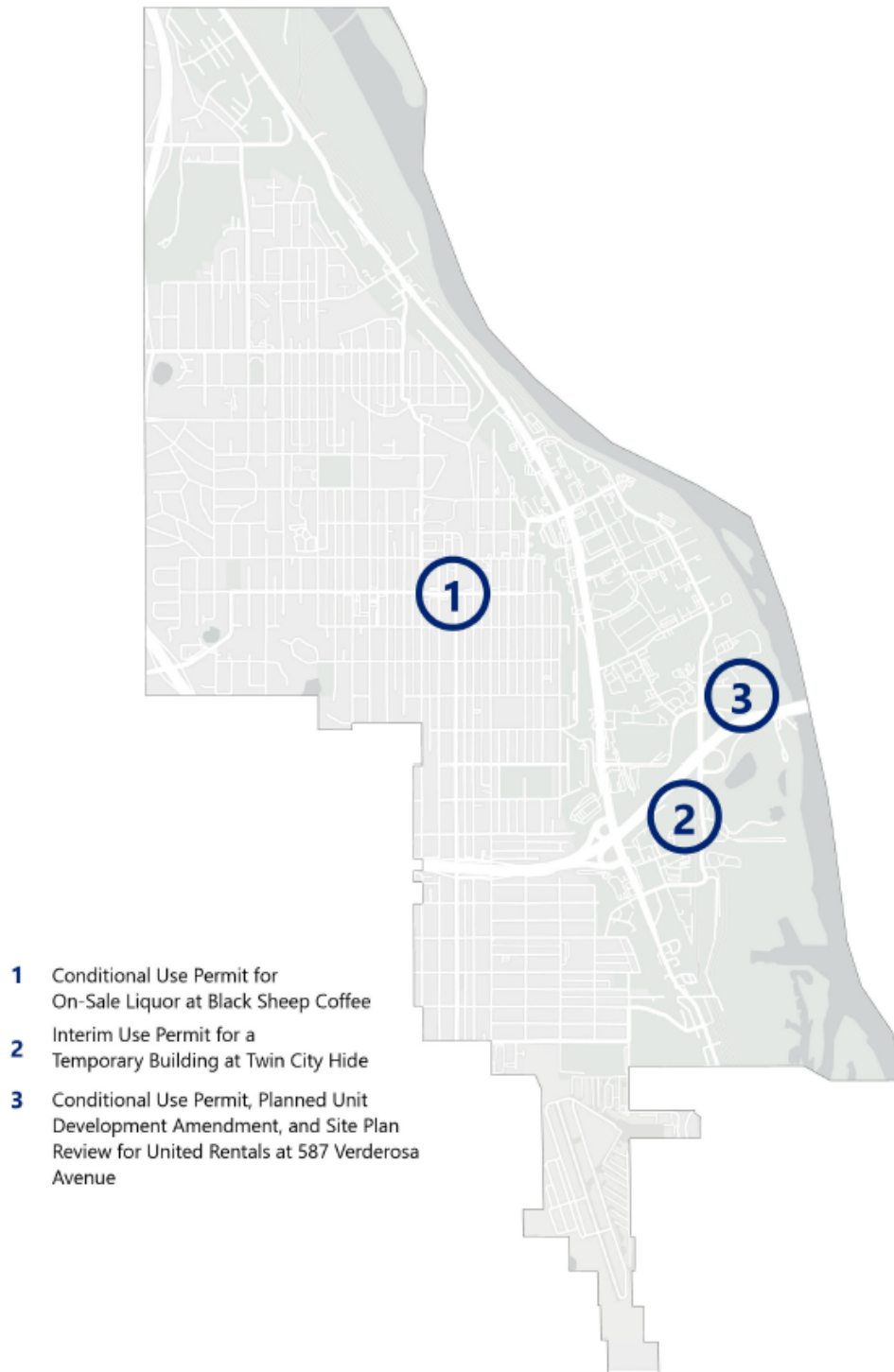


Zoning Case Distribution by Type, South St Paul, 2024



MAJOR PROJECTS

Highlighted Zoning Cases, South St Paul, 2024



1. Conditional Use Permit for On-Sale Liquor for Black Sheep Coffee (705 Southview Boulevard)

When Black Sheep Coffee announced its closing in May 2023, many members of the community were saddened to learn that their neighborhood staple coffee shop would be no more. One resident in particular, a long-time customer of Black Sheep and the owner of the insurance agency across the street, decided to take matters into his own hand to keep Black Sheep open by buying the business. Black Sheep Coffee reopened in April of 2024 with a new leader at the helm. The business proposed a slow reopening to accommodate upgrades being made to the building and the business's equipment. The coffee and baked goods that residents love were available almost immediately, and the owner shared his ambitions to create new additions to the menu to keep the business busy in the afternoon and evening.

In June, Black Sheep went before the Planning Commission for a Conditional Use Permit for On-Sale Liquor. The business's goal is to expand potential revenue streams and enhance customers experience by offering beer or wine in the afternoons, as well as the ability to host private events with beer or wine. This would allow the business to solidify its place as premier designation for gatherings while increasing their revenue to ensure the longevity of the business. The Planning Commission unanimously recommend approval of the Conditional Use Permit with a 7-0 vote.



2. Interim Use Permit for Temporary Building at Twin City Hide (491/501 Malden Street)

Long-time South St. Paul businesses Twin City Hide and Twin City Tanning are in year 8 of their facility's multi-phase reconstruction. The businesses first received a Conditional Use Permit for a Planned Unit Development in 2017 and have made slow but consistent progress on their complete site reconstruction. The project has been delayed several times and recent delays were related to the state-of-the-art equipment and odor mitigation systems in the new facility which required additional time to ensure proposed operation. In 2022, Twin City Hide received an Interim Use Permit for a temporary building that was comprised of three 720 sq. ft. trailers that were pushed together. These trailers function as a breakroom and office for the business while the rest of the facility is under construction. Twin City Hide and Twin City Tanning have completed most of their redevelopment plan and have only one building left to tear down and reconstruct. The Interim Use Permit approval for a temporary building was set to expire at the end of 2024 and a new interim use permit was required for the trailers to remain on site through 2026 while the last facility is demolished and rebuilt. The Planning Commission reviewed the interim use permit request at their meeting on October 2nd and voted to recommend approval of the Interim Use Permit for a temporary building at Twin City Hide and Twin City Tanning with a 5-0 vote.

3. Conditional Use Permit, Planned Unit Development Amendment, and Site Plan Review for United Rentals at 587 Verderosa Avenue

587 Verderosa Avenue was recently developed with a new 17,200 square foot building, a large paved exterior storage yard, and a screening fence. The development approval for this site, which was intended for the local road construction company “Danner Inc,” was granted in 2023. Early in 2024, the City learned that Danner Inc. would not be relocating to 587 Verderosa Avenue. Besides operating a road construction business, Danner Inc is also involved in real estate development and property management. They are an industrial landlord, and they lease out properties that they own to a variety of commercial tenants. One of their current tenants, United Rentals, operates across the street at 555 Hardman Avenue South and expressed interest in expanding their operations to 587 Verderosa Avenue. In order for United Rentals to use the site, the Planned Unit Development that was approved for Danner Inc. needed to be modified and a site plan review and a new Conditional Use Permit for an incidental open sales lot was needed. The Planning Commission reviewed these requests at their meeting on November 6th and voted to recommend approval of the application with a 7-0 vote.

ZONING CODE AMENDMENTS

- Ordinance Amendment Updating the Zoning Standards for Permitted Encroachments, Accessory Structures, and Nonconforming Buildings.

Each year, staff identify a handful of sections of the city code that would benefit from updates to better align the code with the City’s existing or desired development. In 2024, several topics were highlighted as potentially needing code improvements including the standards for permitted encroachments, accessory structures, and additions onto homes with a setback nonconformity.

The ordinance proposed to make it easier to approve small home improvement projects that enhance the aesthetic or functionality of a residential property. By right sizing the setback requirements for permitted encroachments (open decks, patios, arbors and trellises, chimneys, bay windows, and air conditioning units) a homeowner with a 40-foot-wide lot would be able to construct a small front yard patio, place an air conditioning unit in their side yard or install an arbor or a trellis on their property without needing a variance. Changes were proposed to the accessory structure rules to allow homeowners to have up to one detached garage, one shed, and one recreational accessory structure such as a gazebo or pergola. Historically, homeowners have had to choose between having a shed and having a pergola. Finally, language was proposed to allow small home additions onto houses with a non-conforming setback. Previously, a variance was required in order to construct an addition onto a house with a non-conforming side or rear yard setback, even if the home addition followed the existing building line. About 75% of the city’s housing stock was constructed before the current setback requirements were put into place in 1969. Many other communities allow small expansions to non-conforming structures as long as the addition does not encroach further into the nonconforming setback than the existing structure. The Planning Commission reviewed an ordinance to update these standards at their January 3rd meeting and voted to recommend approval of the ordinance with a 5-0 vote.

- Ordinance Amendment Updating the Subdivision Regulations for Lot Splits and Updating Zoning Requirements for Residential Properties

Most South St. Paul residents are very proud of their community's aesthetic and cherish the uniqueness of each of the neighborhoods. The majority of South St. Paul's residential development took place during a time where smaller lots, gridded streets, and moderate density were the norm. Approximately 33% of the city's housing stock was constructed before the City adopted its first zoning code in 1948 and 75% of the housing stock was constructed prior to 1969. Around 1969, the City adopted lot size and setback standards that varied drastically from the city's existing development pattern and required large lots (at least 7,500 sq. ft. with substantially increased setbacks) in an attempt to require more suburban-style neighborhood design like Woodbury, Eagan and, Mendota Heights have. These new setbacks ultimately made it difficult to construct infill development and made it difficult for homeowners whose property was constructed prior to the new, large setback requirements to be able to make updates to their property without receiving a variance from the City Council. In addition to having lot size standards that do not align with the community's-built environment, the City Code lacked several key provisions related to lot splits and property line adjustments. This reduced the transparency of City processes. Finally, South St. Paul's 2020 Master Housing Plan encouraged the creation of new residential design standards. Many communities are moving away from dictating architectural style to avoid restrictions that create bland "cookie-cutter style housing" and instead are focusing on adopting basic urban design regulations to ensure infill housing follows the aesthetic of the existing built environment.

In an effort to bring more harmony between the City's existing development style and the City Code, an ordinance was presented at the February 7th Planning Commission meeting. The ordinance included language that touched on each of these issues. To address the lack of clear process for lot splits and lot line adjustments, formal language was proposed to codify the lot split process that has been utilized over the last several decades. To encourage additional opportunities for homeownership in the case of a twin home, standards were proposed to make it possible to split a twin home into two units instead of requiring it to stay one unit. The lot size and lot width requirements in the R-1, single family residence district and the R-2 single-and-two family residence district were proposed with adjustments that would allow infill development on existing lots that do not meet the current lot size standards. To encourage new houses to be built in a manner that is consistent with South St. Paul's existing built environment, standards were proposed that require small residential lots to use their alley for driveway access if a built alley is available and discourage newer houses from being built with a garage that is substantially closer to the front property line than the rest of the house. The Planning Commission approved the ordinance with a unanimous 6-0 vote.

- Ordinance Overhauling the Regulations for Signage

In 2024, the City also did a comprehensive review and update of its signage regulations. Over the past several years, the City has undertaken two other sign code "clean-up" projects aimed at improving the code and reducing the number of unnecessary sign variances the City must review each year. These ordinances have been successful, both in reducing the amount of staff time

spent reviewing variances and creating a sign code that is consistent with the signage needs of local businesses. The other two sign ordinances were designed to address specific, pressing issues and did not offer a wholistic review and update of the sign regulations. The sign ordinance that the Planning Commission discussed at their June 5th meeting and recommended approval of at their July 5th meeting did just that.

The primary driver of the ordinance was two-fold: there was a need for a final ordinance to finish the “clean ups” to the sign code and there were two topics that still needed to be addressed. South St. Paul’s sign code was last given a full overhaul in 2009. Since 2009, new types of signs have come onto the market, new materials have been used for signs, and certain types of signs have become more common place. South St. Paul’s sign rules had previously been updated in a piecemeal fashion resulting in a disorganized code. The ordinance created the opportunity to reorganize the code to improve its readability and create a better user experience. The ordinance also addressed painted signs, murals, and temporary signs. The ordinance that the Planning Commission recommended approval of codified South St. Paul’s long-standing approach to murals while legalizing painted wall signs and subjecting them to the same regulations as other signs in the code. The ordinance also codified the City’s temporary sign standards to clearly define what is allowed and worked to better differentiate between the types of temporary signs that do and do not require a permit.

- Ordinance Establishing Zoning Regulations for Cannabis Businesses

In 2022, the Minnesota State Legislature passed a law which legalized the sale of lower-potency hemp-derived edibles that contain THC. The following legislative session in 2023 resulted in a law being passed which legalized adult-use recreational cannabis and established the “Office of Cannabis Management (OCM)” to regulate the sale of cannabis. To provide all Minnesota adults who are over the age of 21 with access to legal cannabis, the State Legislature and OCM have put several mandates in place that provide a framework for how cities can regulate cannabis businesses. These mandates included requiring every community to allow at least one (1) cannabis retail business within City limits for each 12,500 residents, requiring municipalities to allow all the types of various cannabis business license types within at least some area of the City, capping the minimum distance between cannabis businesses and certain other land uses, setting minimum hours of operation for a business, and capping the fees that cities can charge for the registration of a cannabis business. Cities were required to adopt an ordinance with these zoning regulations for cannabis by January 1st of 2025 or run the risk of cannabis businesses setting up shop with no regulations in place. In an effort to make things easier for cities, the OCM drafted a model ordinance that cities can utilize as they look to adopt their own local regulations.

At a City Council work session in May of 2024, the City Attorney facilitated a discussion on cannabis businesses. The City Council provided feedback on their preferred locations for cannabis businesses (down the hill), that the City should adopt a cap on the number of cannabis businesses in town, and that cannabis businesses should require a conditional use permit so the City can place case-by-case conditions on each business. This feedback and the model ordinance were used to draft the zoning rules for cannabis businesses that were reviewed at the November 6th Planning Commission meeting.

The Planning Commission was tasked with holding a public hearing for the draft cannabis zoning ordinance and providing a recommendation to the City Council who would ultimately adopt the final ordinance. During the meeting, the Planning Commission came to the consensus that they would like to see cannabis businesses be at least 1,000 feet from school properties. There was also consensus that cannabis manufacturing and cultivation businesses should be kept out of neighborhood commercial areas due to the potential for odor impacts. There was not consensus on whether to allow retail cannabis businesses in neighborhood commercial districts “up the hill” with C-1, Retail Business district zoning. The Planning Commission ultimately voted to recommend approval of the draft ordinance with an amendment to allow cannabis retail businesses to operate in the C-1 district if there is at least a 1,000-foot buffer from school properties. Commissioners Fournier, Fehrman, Hoffman, and Miller voted to approve the motion. The reasons that they gave included economic development opportunities, walkable access to cannabis for residents without cars, and a belief that a cannabis shop is functionally equivalent to a liquor store and should be allowed in zoning districts that allow liquor stores. Commissioners Felton, Hart, and Krueger all voted against the motion. The three dissenting voices wanted to take a more cautious approach and start by allowing these businesses only in the mixed-use and industrial districts along Concord Street and Concord Exchange with the understanding that the ordinance could be amended in the future after the cannabis industry is more established and potential negative impacts are fully understood.

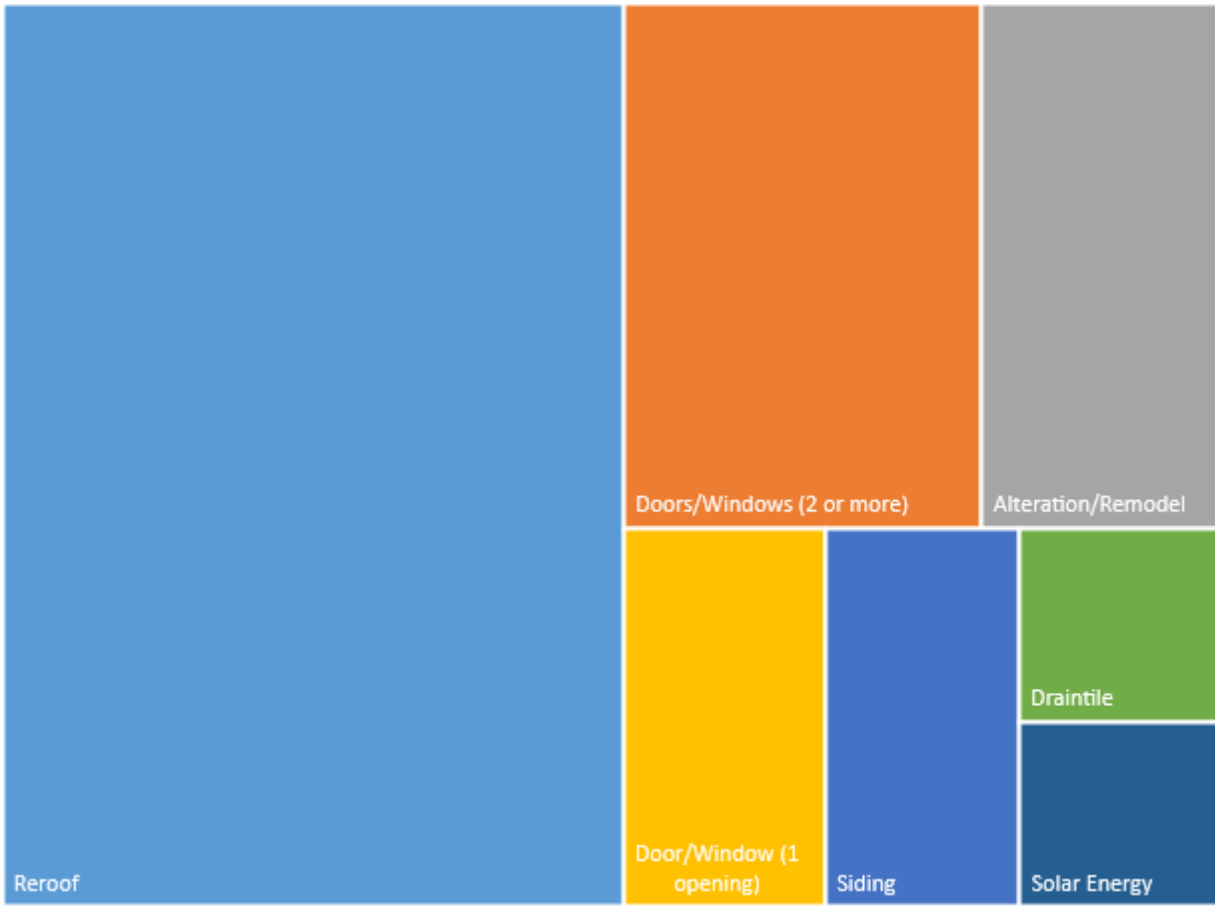
DEVELOPMENT AND BUILDING PERMITS

743 building permits were issued in calendar year 2024 with the largest number of permits coming from reroofing (306 permits), doors/windows (145 permits), and alterations/remodels (75 permits). The total number of permits issued in 2024 was slightly lower than the 884 permits issued in 2023. The most common type of remodel project was a bathroom remodel. One new commercial building permit was issued for Asian Mart at 514-516 Concord Exchange South. One permit was issued for a new single-family home and one permit was issued for a new two-family home.

New Residential Unit Count (2014-2024)					
Year	Building Permits for New Residential Units	Single Family	Duplex/ Townhome	Multi-Family Buildings	New Residential Units
2024	2	1	1	0	2
2023	0	0	0	0	0
2022	2	1	0	1	112
2021	4	2	1	1	156
2020	3	2	1	0	3
2019	8	8	0	0	8
2018	5	5	0	0	5
2017	5	5	0	0	5
2016	4	4	0	0	4
2015	3	3	0	0	3
2014	6	6	0	0	6

Most Common Permits Issued in 2024 (By Type)

- Reroof
- Doors/Windows (2 or more)
- Alteration/Remodel
- Door/Window (1 opening)
- Siding
- Drain tile
- Solar Energy





PLANNING COMMISSION AGENDA REPORT

DATE:

April 2, 2025

DEPARTMENT:

Planning & Zoning

PREPARED BY:

Michael Healy

AGENDA ITEM NUMBER:

7.A.

MEETING TYPE

Regular Meeting

AGENDA ITEM

Planner's Update

ACTION TO BE CONSIDERED OR DESIRED OUTCOME

This is a discussion item and no formal action is needed.

OVERVIEW

Update 1: Statewide Zoning Preemption Bills

The Minnesota State Legislature is currently considering several bills that would greatly limit local government's ability to use zoning to regulate residential buildings. The bills would instead use preemption to establish new statewide zoning requirements for housing developments and cities would be required to allow the construction of any residential building that meets the statewide standards. The proposed bills would do things such as prohibit cities from having architectural design standards for residential buildings, prohibit cities from requiring off-street parking for residential buildings, require cities to allow at least small multifamily buildings in all neighborhoods, and require cities to approve most residential development projects administratively without a public hearing. The State Legislature considered similar bills during the 2024 session but the bills were ultimately not approved that year. The zoning preemption bills have a large and diverse coalition of backers including builders, realtors, environmentalists, housing advocates, and liberal and conservative think tanks. Similar zoning preemption bills have already been passed in California, Montana, Massachusetts, Maine, and Oregon.

South St. Paul has been a regional leader in implementing thoughtful zoning reforms at the local level to remove red tape and make it easier to build more housing and upgrade existing housing. Unfortunately, there are many cities in the Minnesota that are not taking zoning reform seriously and the State Legislature appears to be reacting to this and trying to "fix" zoning issues at the State level with a one-size-fits-all strategy. The South St. Paul City Council passed a resolution in 2024 supporting the retention of local zoning authority and asking the State Legislature to re-think its approach.

Some of the proposed statewide zoning rules do arguably have some merit and are similar to zoning reforms that SSP has already voluntarily implemented at the local level. The proposal to

strip cities of architectural design control, however, is very problematic since good urban design is the best tool for ensuring that multifamily buildings blend into existing neighborhoods. The United States learned from failed public housing projects in the 1960's and 1970's that high-density residential buildings with inappropriate scale and poor urban design do not integrate successfully into neighborhoods. Residents living in such buildings are often stigmatized, and both the neighborhood and the building itself will often suffer from disinvestment.

Members of the public who have questions or concerns about these bills can learn more by visiting a webpage that the League of Minnesota Cities has set up to provide updates and a summary of each proposed bill: <https://www.lmc.org/news-publications/news/all/lawmakers-to-hear-zoning-reform-bills-that-limit-local-decision-making-authority/>

Planning Commissioners and other residents can reach out to their elected officials in the State Legislature with any questions or comments.

South St. Paul's State Representative is Rick Hansen:

- Phone #: 651-296-6826
- Email Address: rep.rick.hansen@house.mn.gov.

South St. Paul's State Senator is Matt Klein:

- Phone #: 651-296-4370
- Emails can be sent using a form on the State Senate website:
<https://www.senate.mn/members/email-form/1235>

Update 2: Metropolitan Council has Approved the Regional Framework for the Next Comprehensive Plan Update

State Law requires every municipality in the 7-County Metro to update its comprehensive plan every 10 years. State Law gives the Metropolitan Council the authority to supervise this process because they handle all regional planning in the 7-County Metro, and they own both the regional sewer system and the regional public transit system. Individual communities in the 7-County metro do not operate their own sewer systems or have their own wastewater treatment plants. The Metropolitan Council provides all regional sewer services so they need to have a handle on where and when development will take place so that they can make appropriate upgrades to the regional sewer pipe system and treatment plants.

South St. Paul is currently operating under its 2040 Comprehensive Plan, which went into effect in October 2020 following several years of community engagement and technical analysis. The Planning Commission typically plays a large role in the preparation of a new comprehensive plan. During the preparation of the 2040 Comprehensive Plan, the SSP Planning Commission

functioned as a steering committee and was involved in the development of the policies and goals that frame each of the comprehensive plan's chapters.

The comprehensive plan update process begins every 10 years when the federal government completes a new census. After census results are released, the Metropolitan Council analyzes those results and creates a regional plan that serves as a framework for each metro-area community's individual comprehensive plan. The Metropolitan Council approved a new regional framework in February of 2025 called 'Imagine 2050.'

Sometime in the next year or so, South St. Paul and all the other cities in the metro will receive an individualized "System Statement" which is a document that the Metropolitan Council puts together for each community to lay out what the minimum requirements are for the next comprehensive plan update. South St. Paul will have a lot of flexibility to put together a new comprehensive plan that includes local goals and values, but the overall plan must meet the minimums set by the Metropolitan Council for an "urban" inner-ring suburb. This means that SSP needs to guide land so that the overall density of new development in town is 25 units per acre. It will be very easy to comply with this requirement as long as SSP continues to allow high-density residential development along Concord Exchange and on the Hardman Triangle. Planned development in that area will fully satisfy the Met Council's density goals and SSP will be allowed to continue to require all new development in existing neighborhoods to be context-sensitive and respectful of the character of those existing neighborhoods.

The Metropolitan Council will provide additional information about the comprehensive plan update process this fall and City Staff will make sure that the Planning Commission is kept in the loop. In the meantime, here are several links for anybody who would like to learn more about this process:

Link to South St. Paul's existing 2040 Comprehensive Plan: <https://www.southstpaul.org/697/2040-Comprehensive-Plan>

Link to the "System Statement" that SSP was issued in 2015 when it was time to create the 2040 Plan: https://metro council.org/Communities/Planning/Local-Planning-Assistance/System-Statements/System-Statements/02395918_SouthStPaul_2015SS.aspx

Link to the Metropolitan Council's 'Imagine 2050' Webpage: <https://metro council.org/2050-Planning.aspx>

Update 3: Pool Feasibility Study Survey

After a year-long community engagement process, South St. Paul adopted a new Parks Master Plan in 2024. The master plan update was overseen by a team that included City Staff and consultant group HKGI. The new parks plan was prepared with careful analysis of each existing park, consultation with the City Council and multiple advisory boards and commissions, and robust community engagement that included in-person events, online engagement, and paper surveys that were mailed to all households as part of the quarterly newsletter. During that public engagement, residents made it very clear that they want the City to continue to offer an aquatics

program. Many residents stated that they want the City to “save” Northview Pool but there was no consensus about what should happen if the existing pool facility cannot be saved because the pool shell, plumbing, and mechanical equipment have all reached the end of their useful lives and could fail at any time. The Lorraine Park splash pool is also near the end of its useful life and now is the time for the community to decide what comes next for the aquatics program. The Parks Master Plan called for the City to complete a pool feasibility and design study as the next step in determining the future of the aquatics program.

In July of 2024, the City released a request for proposal (RFP) seeking a qualified consultant to help City Staff conduct a Pool Feasibility and Design Study and develop a community consensus regarding the future of the aquatics program. The City received proposals from five qualified firms and selected JLG Architects after interviewing top candidates. The Pool Feasibility Study is being paid for using general fund dollars and has a "not to exceed" cost of \$89,674. A major purpose of the study is to help the City identify funding sources to pay for the construction and ongoing operation of a future aquatics facility. JLG Architects has determined that a new outdoor aquatics center would cost roughly \$7 million. If the community wanted an indoor aquatics center instead, that would cost roughly \$11 million.

The project team hosted an open house at Kaposia Library on March 19th and shared four possible options for a parks referendum that could take place during a future election. Each of the four referendum options would pay for the construction of a new aquatics facility to serve the community and would place that facility at a specific park. Each referendum option would also pay for some immediate repairs and improvements to any park that would be losing an existing pool. In addition to any projects that are funded for immediate construction by a parks referendum, the City will continue implementing projects that are called for in its Parks Master Plan each year through the annual budget and Capital Improvements Plan (CIP).

Community members who attended the open house had an opportunity to meet with the project team to ask questions and view a series of informational boards that showcased what each referendum option could accomplish. There was also a tax impact board that outlined what type of tax increase the owner of a median value home might expect to see if one of the referendums were successful. At the end of the event, each attendee was invited to take a survey and share what type of vote they would cast if one of the referendum options were to be placed on the ballot during an upcoming election.

The City wants to give residents who were not able to attend the open house a chance to have their voices heard. An online version of the open house and survey will launch during the week of March 31st. Residents will be able to access the survey using a QR code that will be in the quarterly newsletter that is being mailed to all residences next week, or they can click a link on the Pool Feasibility Study's website after the survey goes live. The link will also be shared on the City's social media page.

Here is a link to the Pool Feasibility Study webpage which also contains an FAQ that answers some of the most common questions that were asked during the open house at Kaposia Library: <https://www.southstpaul.org/979/Pool-Feasibility-Study>

Update 4: Metro Transit Network Now Project

Metro Transit is currently undertaking a project called "Network Now" which is a framework to expand service and improve mobility throughout the region through 2027. Metro Transit did extensive public outreach and engagement efforts last fall to get input on an initial Network Now draft concept plan. They heard strong support for investing in the METRO network, more speed and reliability initiatives, expanding all-day service that meets a variety of needs and simplifying routes. There were requests for even better service frequency, more night service, additional microtransit zones and improved suburban to suburban connections. Metro Transit has adjusted Network Now based on what they heard and recently provided City Staff with an update on those modifications. Network Now will expand transit service by more than 40% across the region. Modifications to their plan based on feedback include even better frequency and span of service, routing changes, and restoration of some routes.

Metro Transit is proposing to invest in increased local bus service in South St. Paul. What they are proposing will have two phases. For Phase 1, they will provide increased service on Route 71 which goes down Concord Street and increased service on Route 68 which is SSP's existing bus line that goes down Southview Boulevard. Their goal is to provide a bus on Southview Boulevard every 15 minutes. In 2028, Metro Transit will roll out a new arterial bus rapid transit line on Robert Street in West St. Paul called the G Line and the Route 68 bus will have its service reduced to avoid being redundant with the new line. South St. Paul will receive a new bus line which will be created by rerouting Metro Transit's existing Route 75 bus down Southview Boulevard so that Southview Boulevard continues to have a bus every 15 minutes. Here is the summary that Metro Transit provided:

- Phase 1 (2025-2027)
 - **Route 68** – Service frequency in South St. Paul improved to every 15 minutes. Service along Thompson Ave branch will be discontinued. Service along deviation to 3rd/4th and Nan McKay and John Carroll Hi-Rise will be retained based on input from County and South St. Paul's Senior Public Housing Program. This service change will go into effect in 2025.
 - **Route 71**- Every 30 minutes on weekdays instead of hourly. New Sunday service.
- Phase 2 (2028)
 - G Line opens on Robert Street in 2028, with up to 10-minute service all days of the week.
 - **Route 68** – Major restructuring of route and simplification of route patterns. Service to Nan McKay and John Carroll Hi-Rises is retained. Service on Southview and 5th operates every 30 minutes.
 - **Route 75** – Route 75 is restructured to follow Route 68 routing on Southview Blvd and 5th Ave. Route 75 also operates every 30 minutes. Routes 68 and 75 are structured so that there is a bus along 5th Ave and Southview Blvd every 15 minutes, maintaining higher frequency on Southview Blvd after G Line opens.

I have included the proposed route maps that Metro Transit provided as an attachment.

Update 5: Metro Transit Arterial Bus Rapid Transit Survey

Metro Transit has been rolling out arterial bus rapid transit along major streets for the past decade, starting with the A-Line along Snelling Avenue in Saint Paul which launched in 2016. Their goal is to provide high quality transit service that is similar in comfort level to light rail but at a tiny fraction of the cost of building a rail line. Each arterial bus rapid transit line generally has heated stations with route information display screens every 1/2 mile, modern pay stations that accept credit cards, and bus service every 10 minutes. The existing arterial bus rapid transit lines have been highly successful and generally have much higher ridership than standard local bus routes. Most of the arterial bus rapid transit lines are designed to connect people directly to everyday destinations instead of routing riders to downtown Saint Paul or downtown Minneapolis where they will need to transfer to a different route to complete their trip.

Metro Transit plans to create three additional arterial bus rapid transit lines between 2030 and 2035 and they have launched a survey to seek community input on which three lines should be selected out of 17 candidates. One of the candidate lines (Dale/George) would connect Concord Street to the western neighborhoods of Saint Paul using the High Bridge across the Mississippi River. Unfortunately, they are proposing to have the service end at the part of Concord Street that is in Saint Paul and would not be providing service to the part of Concord Street that is in South St. Paul. This would be a missed opportunity for the Bridgepoint Business Park (thousands of jobs), and the Concord Exchange and Hardman Triangle redevelopment area, which could end up hosting thousands of residents in a walkable mixed-use setting.

Staff would highly encourage Planning Commissioners to consider taking the survey to support the Dale/George line and ask that it be extended to the Hardman Triangle. This would be consistent with Action 4.1, Action 4.2, Action 5.1, Action 5.2, Action 7.1, and Action 7.2 of the 2040 Comprehensive Plan which all explicitly call for "looking for ways to make Concord a future high-frequency transit corridor." This is something that the Planning Commission and City Council have wanted for quite some time.

Here is a link to the project webpage which includes the survey: <https://www.metrotransit.org/arterial-brt-plan>

Update 6: Ways for Planning Commissioners to be More Involved

Some members of the Planning Commission have expressed an interest in getting more involved in community affairs as part of their role on the Planning Commission. I sat down with City Administrator Garcia to discuss what this might mean, since the Planning Commission has a clearly defined role which is related to land use planning, the administration of existing zoning rules, and the updating of zoning rules to implement City goals. The Planning Commission serves the City Council in an advisory role and the Planning Commission's primary purpose is to provide the City Council with an objective analysis of land use and development issues and make recommendations that the City Council can use to make difficult decisions that may not always be politically popular. The City Council has clearly identified this as the purpose of the Planning Commission and has established other advisory boards for other purposes (i.e. the

Parks and Recreation Advisory Commission assists with park planning).

Anyone who serves on the Planning Commission needs to be ready to attend monthly meetings to review variances, conditional use permits, and other development applications. State Law requires the City to act on these applications within 60-120 days or they are automatically approved, so it is vitally important that the Planning Commission has a quorum at each meeting, so these applications can proceed smoothly. For those Planning Commissioners who have an interest in going above and beyond attendance at monthly meetings to be more involved in community affairs, I have compiled a list of suggestions for possible (non-compulsory) ways that you can increase your involvement as part of your Planning Commission role:

1. Embrace your role as the main advisory body responsible for updating the comprehensive plan when this process kicks off sometime later this year or early next year. There is an opportunity for Planning Commissioners to be advocates for this process and take an active role in community engagement, including attendance at engagement events and answering questions. Our comprehensive plan can be a powerful tool for bettering the community, but this will only happen if we take the process seriously instead of simply checking the boxes to satisfy the Metropolitan Council's minimum requirements.

2. Use your land use knowledge to be an advocate for good street design. This includes making sure streets needing reconstruction are rebuilt with boulevards that are wide enough to hold a shade tree (minimum 5 feet) when right-of-way width allows and that sidewalk gaps identified in the City's Bicycle and Pedestrian Master Plan are being filled. Many people fear change and the Engineering Department gets beat up at public hearings every time a road is being rebuilt in accordance with the comprehensive plan if it is going to be even slightly different than it was before. You have an opportunity to help your neighbors understand good road design and be a positive voice at engagement events and at public hearings.

3. Get involved with special planning projects. There will be opportunities in the coming years to get involved with one-off special planning projects. For instance, the Bicycle and Pedestrian Master Plan is 11 years old and is probably due for an update soon. If the City wants to move forward with a parks referendum to build a new pool, there may need to be a referendum committee comprised of local champions. Some special planning projects will be automatically brought to regular Planning Commission meetings but others will require joining a task force or attending Joint Worksessions with the City Council (i.e. South Concord Corridor Study).

4. Advocate for Your Community at the County and State Level. The Dakota County Board and State Legislature make a lot of decisions that could affect land use in South St. Paul. I will do my best to keep you apprised of any pressing issues where your advocacy might be helpful (i.e. state zoning preemption bills).

5. Pursue Additional Training and Education in Land Use Planning. The City Attorney will be providing the Planning Commission with an in-depth training on Minnesota Law and Land Use on April 30th. If Planning Commissioners are interested, I can connect you with additional education resources. The City can explore adding a line item in the 2026 budget to provide Planning Commissioners with additional access to in-person trainings.

SOURCE OF FUNDS

NA

ATTACHMENTS

1. Route Maps for Increased SSP Bus Service

Planned Schedule

	Rush Hour	Midday	Evening	Night
Weekday	30	30	30	30
Saturday	30	30	30	30
Sunday	30	30	30	30

Note: frequencies (shown in minutes) are for the main portion of the route and intended as guidelines.

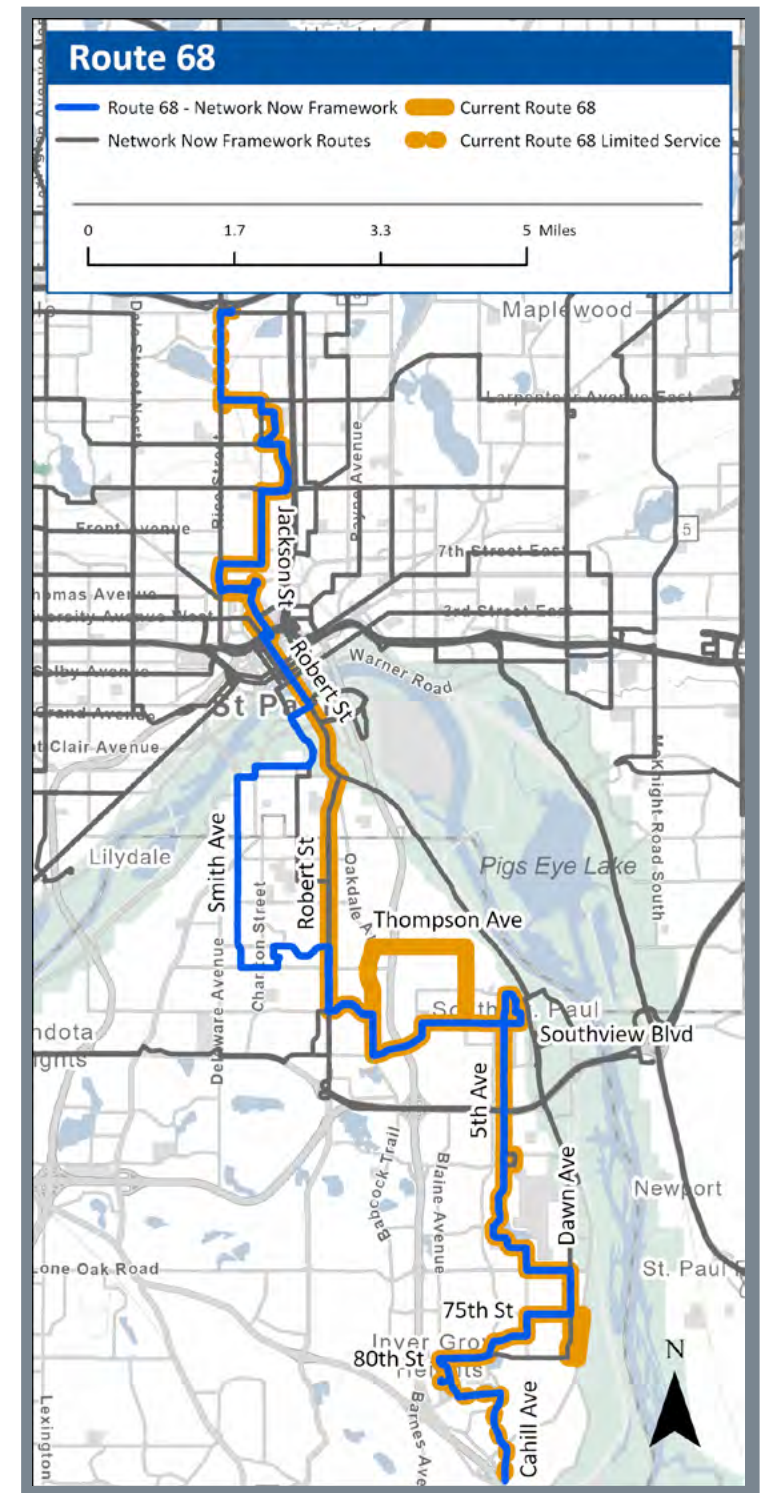
Route Information

Service changes:

- Before G Line Phase 2 opens in 2028, service frequency will be improved from every 20-30 minutes to every 15 minutes between 14th St. & Jackson St. and 5th Ave. & South St. on weekdays in the morning rush hours and midday and on Saturdays during the midday.
- Night service will be improved from hourly to every 30 minutes.
- Service on routes 68C and 68J along Thompson Ave. and 12th Ave will be discontinued.
- When G Line Phase 2 opens, Route 68 will be restructured and combined with portions of the current Route 62 south of downtown St. Paul. Portions of the route currently operating on Robert St., Cesar Chavez St., and State St., will be replaced by G Line. Route 68 will instead operate on Wabasha St., Winifred St., Smith Ave., Wentworth Ave., and Thompson Ave. every 30 minutes.

Areas the route serves:

- Destinations include Hwy. 36 Park & Ride, Jackson St., downtown St. Paul, Smith Ave., south Robert St., West St. Paul, South St. Paul, Inver Grove Heights, Inver Hills Community College, and Walmart.
- Route 68 travels from Co. Rd. B Park & Ride in Little Canada to Cahill Ave. & Concord Blvd. in Inver Grove Heights, operating primarily along Rice St., Jackson St., Robert St., Smith Ave., Southview Blvd., and 5th Ave.
- Customers can make connections in downtown St. Paul with Green Line at either Robert St. Station or Central Station, and B and Gold lines along 5th/6th St. Customers can also make connections with G Line at Rice St. & Larpenteur Ave. Station and along Robert St. in West St. Paul.



Planned Schedule

	Rush Hour	Midday	Evening	Night
Weekday	15 - 30	15 - 30	30	30 - 60
Saturday	15 - 30	15 - 30	30	30 - 60
Sunday	60	60	60	60

Note: frequencies (shown in minutes) are for the main portion of the route and intended as guidelines.

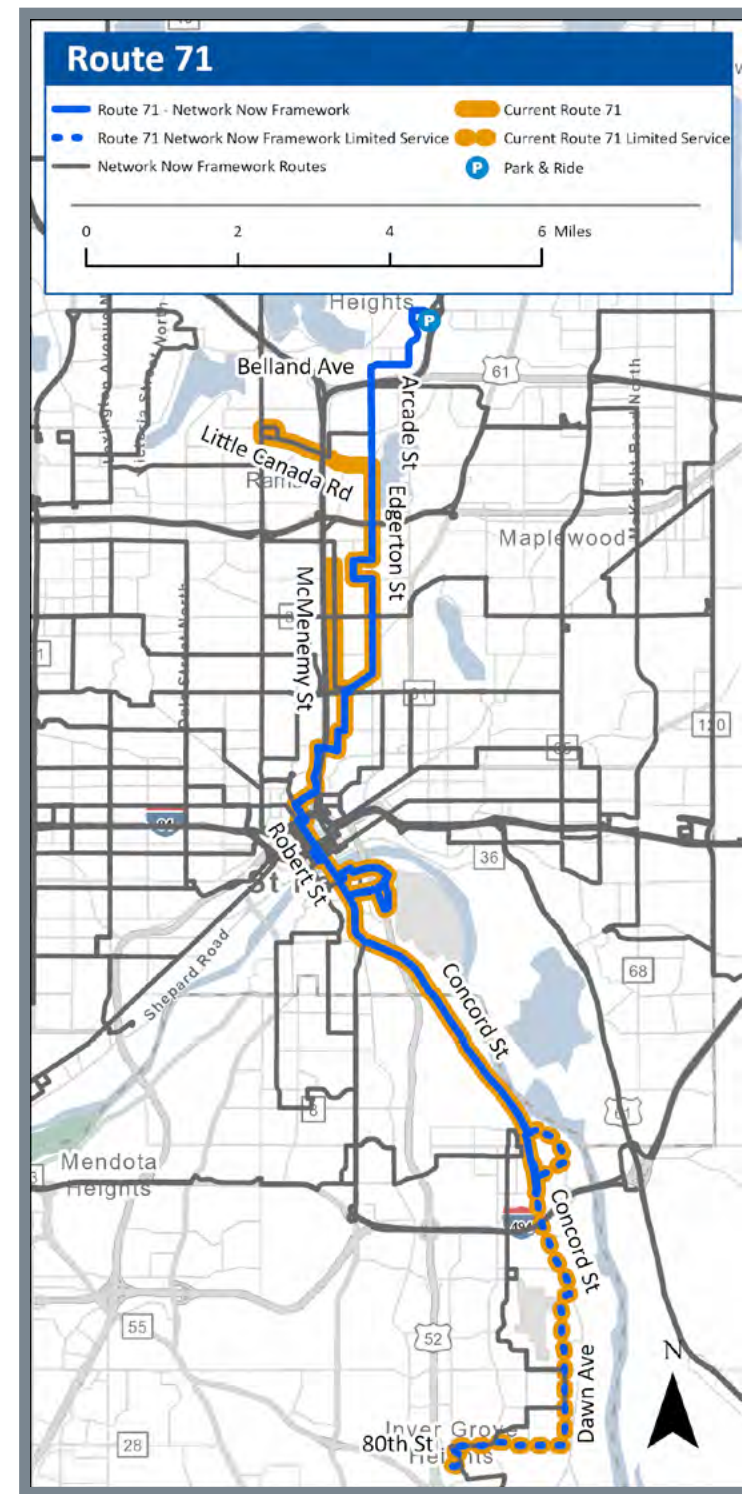
Route Information

Service changes:

- Weekdays and Saturdays: Frequency will be improved from every 60 minutes to every 30 minutes between Maryland Ave. & Arkwright St. and Concord Exchange in the midday and at night.
- Route 71W service on McMenemy St. will be replaced by Route 64.
- Route 71K will be extended to I-35E & Co. Rd. E Park & Ride to serve retail in Vadnais Heights. New service to Vadnais Heights via Edgerton St. and Arcade St. will operate every 60 minutes daily.
- Route 71K service west of Edgerton St. to Little Canada replaced by Route 223 on weekdays and discontinued west of Edgerton St. on Saturdays.
- New Sunday service added between downtown St. Paul and Concord Exchange.

Areas the route serves:

- Destinations include Vadnais Heights, downtown St. Paul, South St. Paul, Inver Grove Heights, and Inver Hills Community College.
- Route 71 will travel from Inver Hills Community College to I-35E Park & Ride in Vadnais Heights, operating primarily along Arcade St., Belland Ave., Edgerton St., Robert St., Concord St., Dawn Ave., and 80th St. Trips from Concord St. & Armour Ave. to Inver Hills Community College are limited service.
- Customers can make connections in downtown St. Paul with G Line at Robert & 5th/6th St. Station, Green Line at Robert St. Station and Central Station, B and Gold lines at 5th St. & Cedar St. Station or 6th St. & Minnesota St. Station.



Planned Schedule

	Rush Hour	Midday	Evening	Night
Weekday	30	30	30	-
Saturday	30	30	30	-
Sunday	-	-	-	-

Note: frequencies (shown in minutes) are for the main portion of the route and intended as guidelines.

Route Information

Service changes:

- Weekdays: Service increased from every 45 minutes to every 30 minutes in the morning, midday, afternoon, and evening periods.
- Saturdays: Service added on Saturdays.
- Service along portions of Thompson Ave., Charlton St., Marie Ave., Delaware St., Mendota Rd., and South Plaza Rd. will be discontinued.
- Route will be restructured south of Robert St. and Marie Ave. Service on Wentworth Ave., Livingston St., 50th St., Babcock Tr., 55th St., Audubon Ave., Upper 55th St., Robert Tr., 54th St., and Alta Ave. will be replaced by Metro micro service that connects to G Line at the Dakota County Northern Service Center Station.

Areas the route serves:

- Destinations include downtown St. Paul, Stryker Ave., S. Robert St., West St. Paul, Signal Hills Shopping Center, Southview Blvd., and 5th Ave.
- Route 75 travels from downtown St. Paul to 5th Ave. in South St. Paul, operating primarily along 5th Ave., Southview Blvd., Mendota Rd., Oakdale Ave., Marie Ave., Robert St., Butler Ave., Stryker Ave., Wabasha St., and Cedar St./Minnesota St.
- Customers can make connections in downtown St. Paul with Green Line at Central Station, B and Gold lines at 5th St. & Cedar St. Station or 6th St. & Minnesota St. Station. Customers can make connections with G Line along Robert St.

