

1
2 CITY OF ST. ANTHONY
3 PLANNING COMMISSION MEETING

4 JANUARY 18, 2022
5 7:00 p.m.
6

7 **CALL TO ORDER.**

8
9 Chair Socha called the meeting to order at 7:00 p.m.
10

11 **PLEDGE OF ALLEGIANCE.**

12
13 Chair Socha invited the Commission and the audience to join her in the Pledge of Allegiance.
14

15 **ROLL CALL.**

16
17 Commissioners Present: Acting Chair Socha, Commissioners Gaveske, Morita, Erickson,
18 Rude, and Hendrickson.
19

20 Absent: Commissioner Kukendall
21

22 Also Present: City Planner Stephen Grittman, Assistant to the City Manager Nicole
23 Miller and Student Liaison Alayna Peterson.
24
25

26 **I. APPROVAL OF THE JANUARY 18, 2022 PLANNING COMMISSION MEETING**
27 **AGENDA.**

28
29 Motion by Commissioner Rude, seconded by Commissioner Morita, to approve the January
30 18, 2022 Planning Commission agenda.
31

32 **Motion carried 6-0.**
33

34 **II. APPROVAL OF THE DECEMBER 21, 2021, REGULAR PLANNING COMMISSION**
35 **MEETING MINUTES.**

36
37 Motion by Commissioner Morita, seconded by Commissioner Erickson, to approve the
38 December 21, 2021, Regular Planning Commission Meeting Minutes.
39

40 **Motion carried 6-0.**
41

42 **III. PUBLIC HEARING – NONE.**

43
44 **IV. STAFF REPORTS – NONE.**

45
46 **V. OTHER BUSINESS.**

47
48 **A. City Code Amendments.**
49

1 Chair Socha opened the public hearing at 7:05 p.m.

2
3 City Planner Grittmann provided a review of the City Code Amendments project. He stated
4 these items (for general code updates and the swimming pool and dumpster language sections
5 were introduced for discussion at the December 21, 2021 Planning Commission meeting.
6 Commissioner Rude indicated that he had a number of comments for consideration and the
7 Commission tabled action to allow those comments to be addressed in a follow-up draft for
8 review at this evening's Planning Commission meeting.

9
10 Those comments are addressed in the updated version provided for Commission review. This
11 updated version primarily focuses on the swimming pool and dumpster portions of the
12 proposed ordinance. The newer text was highlighted in red bold to distinguish it from the
13 prior existing and proposed text so Commissioners are able to see the updated changes. Staff
14 appreciates the additional review, and believes that the update will result in a more readable
15 and usable ordinance, the goal of making these changes in the first place.

16
17 Mr. Grittmann noted one change suggested by Commissioner Rude was not included in the
18 proposed text, but was highlighted as something for consideration. This relates to Flexible
19 Dumpsters in Paragraph 6 of Section 9 on the last page of the ordinance draft. The comment
20 relates to the duration of these smaller dumpsters and a more restrictive time allowance as
21 compared to the larger solid dumpsters.

22
23 The purpose of the proposed language is based on the Code Enforcement Official's concerns
24 that once these flexible dumpsters fill up, they should be removed as their nature often results
25 in an inability to contain the refuse, and that they collect water that can create a problem when
26 it leaches out, among other issues. The Code Enforcement Official suggested that in his
27 experience, he has not seen similar problems for the hard-sided structures.

28
29 The larger dumpsters often accompany more extensive projects that are subject to other
30 permitting, while this is less common for the flexible dumpsters. While this is not an exact
31 relationship, it is not uncommon that the larger dumpsters take longer to fill. The smaller
32 flexible dumpsters fill more quickly, and then more often become problems.

33
34 Mr. Grittmann continued with a review of the City Code Amendments for Swimming Pools and
35 Refuse/Recycling. Planning Staff and the City Building Official has conducted a review of
36 City Code provisions related to the City's swimming pool and refuse/recycling requirements.
37 A number of changes have been suggested. Mr. Grittmann provided a summary of various
38 changes which are suggested. If found to be acceptable as written, or acceptable with
39 modifications, the changes will be provided in a formal amendment format and a public
40 hearing will be scheduled to provide an opportunity for public input.

41
42 Mr. Grittmann noted there was an additional correction in Code Section 33-044 the correction
43 of a typo "criteria's" should be "criteria". On Section 9603 pavement should not include
44 aggregate or gravel.

45 Mr. Grittmann provided the suggested changes in detail for:

46

1 **Swimming Pools** - Section 150.051 (Buildings, Housing and Construction – Swimming Pools
2 – Building Permits Required). 150.051 Permit Requirements, 150.052 Location
3 Requirements, 150-053 Safety Requirements, 150.054 Lighting Requirements, 150.055 Noise,
4 150.056 Inspections, 150.057 Existing Swimming Pools, 150.058 Discharge of Pool Water.

5
6 **Refuse and Recyclables** - Section 111.197 (Licenses, Permits and the Like – Licensing of
7 Multiple Dwellings). Titles for Sections 11.215 through 11.219. Section 111.215 (Haulers of
8 Rubbish and Yard Waste – Definitions). Section 150.088 (Building, Housing and
9 Construction – Definitions).

10
11 Section 111.197 Rubbish Disposal, Section 150.088 (Building, Housing and Construction –
12 Rental Dwelling Definitions).

13
14 Section 150.088C (Building, Housing and Construction – Responsibilities of Occupant or
15 Renter).

16
17 Section 150.090 (Building, Housing and Construction – Refuse and Recyclables).

18
19 Section 150.094I is deleted.

20
21 Section 150.094J (Building, Housing and Construction) Refuse and Recyclables).

22
23 Section 153.04 (Stormwater Management – Definitions).

24
25 Section 153.08C (Stormwater Management – Approval Standards).

26
27 Commissioner Rude had expressed concern about the flexible dumpsters that tend to sit after
28 filled.

29
30 There were no residents in the council chambers or online requesting to speak.

31
32 Commissioner Rude stated some neighbors had the flexible bags which sat in front of their
33 garage for a long time. He would rather see those types of bags rather than the hard sided
34 larger dumpsters. If someone only needs 5 yard dumpsters why should they have a 9 yard
35 dumpster. They should be allowed the same time to be removed as the hard sided dumpsters.
36 Commissioner Rude also stated it would read better to be 120 days in a 12 month period. Mr.
37 Grittman stated there was a discussion with the Code Committee and they decided on 120
38 days in a calendar year which would be easier to track. Commissioner Rude stated as long as
39 they have a permit the dumpster is fine. Chair Socha stated she would not like to see anything
40 longer than 30 days. She does not care for language that gives too much discretion. She would
41 prefer the 14-30 day range. Commissioner Erickson stated at first glance the 14 days does
42 seem a little restrictive and 30 days may be a more reasonable timeframe. Commissioner
43 Morita thanked Commissioner Rude for his thorough review of the documents. Commissioner
44 Morita likes the 14-30 day timeframe also. Mr. Grittman summarized going to 30 days rather
45 than 14 and deleting the language about it being removed a week after being filled.
46 Commissioner Rude stated the week was more of an incentive but could not be enforced.

1 Commissioner Rude asked if there is language of where the dumpster can be placed. Mr.
2 Grittman explained the code regarding it being placed on private property. The Code
3 Enforcement Officer is in the community every day and he will know within a few days when
4 the dumpster is delivered and the tracking of the 30 days should be easy to track.
5

6 Motion by Commissioner Gaveske, seconded by Commissioner Morita, to revise the language
7 in Section 9J – 6 to 30 days for flexible dumpsters and removing the second part about
8 removing one week after container is full to capacity.

9 **Motion carried 6-0.**

10
11 Commissioner Rude stated he had an issue with Section 150.052 – Location Requirements for
12 swimming pools and hot tubs distance from a power pole it must be measured to the ground
13 and then 10 feet away. This may be difficult if there is a retaining wall or fence. It should be
14 measured down from the pole and 10 feet away. Should the accessories in the pool be
15 included in the measurement or is it the edge of the water for the setback. Chair Socha
16 referred the Commission to page three and asked Staff what would be considered the edge of
17 the water. Mr. Grittman stated the measurement would be to the water edge. Beyond that
18 would be the patio that would have its own setback requirements. Chair Socha asked what the
19 setback would be for a patio and Mr. Grittman responded it would be five feet. Chair Socha
20 asked what the setback would be for a deck and Mr. Grittman responded it would be the same
21 five feet. Any building would be ten feet setback. Ms. Miller noted any building less than 200
22 sf can be five feet from the property line. Mr. Grittman stated the new accessory building
23 language was revised in 2021. The measurement requirement is defined as horizontal
24 measurement in the ordinance.
25

26 Commissioner Rude questioned the word “uncontrollable” in Section 150.053 in the first
27 sentence. He feels it would read better if it was “uncontrolled”. The Planning Commissioners
28 agreed. Mr. Grittman described the definition of front yard which is anything in the front of
29 the house from the street to the house (Section 152.008 – Definitions page 448).
30

31 Chair Socha referred to page 6 referring to curbside organic recycling. She did not know if
32 organic recycling would be considered rubbish or recycling and how often it would need to be
33 taken out. Mr. Grittman stated he is not sure how to respond. If the City does move toward
34 organic collection they will create a schedule for that and a new definition would be added
35 along with timing at that time. Commissioner Rude asked about yard waste which is not
36 addressed. Mr. Grittman will research and report back to the Commission. Mr. Grittman stated
37 if the Commission is comfortable enough with sending this through to Council for adoption it
38 can be done this evening.
39

40 Chair Socha closed the public hearing at 7:47 p.m.

41
42 Motion by Commissioner Morita, seconded by Commissioner Erickson, to recommend the
43 City Council adopt the revised Zoning Code (Section 150.090) with changes as suggested to
44 Staff.
45

46 **Motion carried 6-0.**

1
2 Motion by Commissioner Rude, seconded by Commissioner Morita, to recommend the City
3 Council adopt the revised Zoning Code (Section 9 - 6) to change to 30 days and remove the
4 second part dealing with removal within one week after reaching its capacity.

5
6 **Motion carried 6-0.**

7
8 Motion by Commissioner Rude, seconded by Commissioner Morita, to recommend the City
9 Council adopt the revised Zoning Code wording changes as suggested to Staff.

10
11 **Motion carried 6-0.**

12
13 **B. Potential Amendment of Uses in the City’s Commercial and Industrial Zoning**
14 **Districts.**

15
16 Mr. Grittmann reviewed this item introduces the discussion of potential amendment of uses in
17 the City’s Commercial and Industrial zoning districts. There are some references in the
18 Comprehensive Plan related to this, and the current districts are vague and, in some cases,
19 archaic in their language.

20
21 Changes to consider would be to usage and goals for each of the two districts. The purpose of
22 the Zoning Ordinance is to implement the goals of the Comprehensive Plan, but often, it is the
23 Zoning Ordinance that does the “heavy lifting” of purpose and general nature of these
24 districts.

25
26 Mr. Grittmann requested the Commission discuss the uses purpose statements in each of the
27 two districts, and whether the City’s desired purpose is adequately defined and/or in need of
28 expansion and clarification. Then a discussion of the various uses in each district as to the role
29 they might play in reaching the purpose and whether any refinement to the performance
30 standards or conditions are required.

31
32 At this point the boundaries of these districts will not be addressed. The Comprehensive
33 Plan’s recommendations are to retain the existing zoning pattern, with the primary change
34 being a consideration of integrating more residential development into the commercial zones.
35 The relevant Comprehensive Plan language was included along with the two zoning districts
36 for review.

37
38 The Comprehensive Plan identifies existing commercial and industrial development in the
39 community as consisting of four general areas. These are described in Chapter 4 (Land Use)
40 as follows:

41
42 Commercial and Industrial Infill and Redevelopment. St. Anthony has four significant
43 commercial and industrial nodes:

- 44
- 45 • The Southwest Area (between Kenzie Terrace and Lowry Avenue)
 - 46 • Silver Lake Village (north of 37th Avenue and west of Silver Lake Road)
 - The industrial park on the southeast side of the City (south of New Brighton Blvd)

- The industrial area in the northeast corner of the City north of 37th Avenue.

Mr. Grittmann reviewed each of these four areas will retain their commercial and industrial guidance in the 2040 Comprehensive Plan update, but there may be opportunities to promote infill at each of these sites as land ownership or tenancy changes hands. In particular, St. Anthony supports the creative use of commercial land for incorporating residential uses into commercial developments.

St. Anthony acknowledges that commercial areas will continue to adapt and change based on the changing retail environment and the age of many commercial properties. The future of parking requirements may also change as technologies advance and the ride sharing economy impacts transportation choices. Mr. Grittmann provided a summary of foreseeable opportunities at each of the four nodes.

The 2040 Plan focuses much of the implementation activity on Residential and Housing-related policy. The following “Action Steps” (of 14 such steps) are identified as relating to Commercial and Industrial land uses:

2. Conduct further study and planning on the re-development or better utilization of the current industrial park.
8. Plan for the re-development of underutilized commercial properties, especially those on higher volume streets and transit routes, for higher density, multi-family and senior housing.
10. Identify areas in the community for the development of new, higher end office space.
11. Utilize the Planned Unit Development re-zoning as a tool at key locations to promote market flexibility, integrated land uses, density and walkability.
14. Revise the zoning code to allow for residential uses in commercial districts, in order to better meet anticipated market and transportation trends.

Mr. Grittmann stated discussions should include the following elements for each district:

1. What is, or should be, the focus of the subject district?
2. How does the purpose statement for the district further than focus, or fail to do so?
3. How should the uses in the district be altered to achieve that purpose? Removed? Changed between permitted or conditions?
4. Do any of the uses (or proposed new uses) in the district require additional specific conditions that should be listed in the ordinance?
5. Are there any recommendations as to performance standards for each of the districts to ensure that the purpose is met?
 - a. Lot use and coverage.
 - b. Architecture or materials.
 - c. Accessory activities such as parking, truck storage, loading, storage.

d. Other related issues.

Staff will assemble comments from this initial discussion and prepare draft ordinance language for consideration at an upcoming meeting. The Planning Commission will need to hold a public hearing on that language prior to sending the material onto the City Council for adoption.

A copy of the current ordinance was included for Planning Commission consideration. Mr. Grittmann asked the Commission if they would prefer to give input at this time or wait until Staff has suggested revisions to the Commercial/Industrial Code.

Commissioner Morita stated he would be concerned about making changes at this point. Commissioner Erickson agreed. Commissioner Erickson noted Mr. Grittmann had asked if commercial should be changed to include more office and he feels the office market is not doing as well at this time. Commissioner Rude suggested promoting ownership rather than rentals. There is no incentive for low-cost housing. Pride of ownership is lacking in rental units.

Chair Socha stated she is confused how Commissioner Rude’s comment fits in within the Commercial/Industrial zones. Commissioner Rude stated we are being asked to consider putting in low-cost housing in Commercial zones. Chair Socha asked if multi-family housing is being considered in Commercial/Industrial zones. Mr. Grittmann stated as part of the Comprehensive Plan it is mentioned about reintroducing multi-family into those Commercial/Industrial areas. Chair Socha stated it makes sense to see how the current development works as far as density, traffic flow, etc. She likes the idea of updating the language but she does not think the time is right to put multi-family development in Commercial/Industrial zoning.

Commissioner Hendrickson asked about the Silver Lake Village PUD area and is the discussion to change that or it should remain PUD. Mr. Grittmann stated that would be an area that could be possibly for multi-family housing. Commissioner Hendrickson stated the trend is for less Commercial and the Commission should pay attention to market trends. Commissioner Hendrickson asked about Light-Industrial and noted a brewery or distillery would not be included. In many communities breweries are uses in light-industrial. Commissioner Rude referred to 152.142 permitted uses are canning or bottling other than malt products. Chair Socha stated that would be a good fit in Industrial zoning.

Chair Socha noted St. Anthony has a limited number of liquor licenses. Mr. Grittmann stated breweries and distilleries are licensed separately and does not affect liquor licenses. Commissioner Erickson stated another business in other communities are data centers. Mr. Grittmann stated data centers have very few employees and do not generate employment.

Chair Socha stated the Commission would like to expand the Code to open it up to businesses of all types under Commercial/Industrial but not open it up to multi-family housing at this time. Mr. Grittmann will bring back to the Commission some specific language for review at an

1 upcoming meeting. Commissioner Hendrickson stated there may be some demand for artistic
2 places especially after the pandemic.

3
4 Student Liaison Peterson stated she works at a pickleball club next door to a brewery which
5 draws a lot of people. The pickleball club is not considered a health club. This could be
6 considered in the light industrial area.

7
8 Mr. Grittmann suggested more general inclusive language as to the types of businesses allowed
9 in Commercial/Industrial zoning.

10

11 **VI. COMMUNITY FORUM.**

12

13 No one appeared to address the Planning Commission.

14

15 **VII. INFORMATION AND ANNOUNCEMENTS.**

16

17 Chair Socha stated there are some changes on the Planning Commission with her being Chair
18 and Commissioner Morita being Vice Chair. Commissioner Rude's term was renewed.
19 Commissioner Gaveske is new to the Commission.

20

21 Mr. Grittmann stated the City held its Goal Setting session last week and Commissioner Socha
22 participated in the sessions. He will make reports to the Planning Commission of City Council
23 actions regarding Planning Commission matters.

24

25 Commissioner Morita will attend the City Council Meeting on behalf of the Planning
26 Commission.

27

28 Chair Socha stated she attended the Goal Setting session last week and gave a brief review of
29 the proceedings.

30

31 **VIII. ADJOURNMENT.**

32

33 Motion by Commissioner Morita, seconded by Commissioner Erickson, to adjourn the
34 meeting at 8:30 p.m.

35

36

Motion carried 6-0.

37

38 Respectfully submitted,

39 Debbie Wolfe

40 *TimeSaver Off Site Secretarial, Inc.*

41