

1 CITY OF ST. ANTHONY
2 PLANNING COMMISSION MEETING
3 MAY 16, 2023
4 7:00 p.m.
5

6 **CALL TO ORDER.**

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

10 **PLEDGE OF ALLEGIANCE.**

11
12 Chair Socha invited the Commission and the audience to join her in the Pledge of Allegiance.
13

14 **ROLL CALL.**

15
16 Commissioners Present: Chair Socha, Commissioners Erickson, Gaveske, Hendrickson
17 (arrived 7:03 p.m.), Kuykendall, and Morita.
18

19 Absent: Commissioners Rude and Hendrickson.
20

21 Also Present: City Planner Stephen Grittman, and Assistant to the City Manager
22 Nicole Miller.
23
24

25 **I. APPROVAL OF THE MAY 16, 2023 PLANNING COMMISSION MEETING**
26 **AGENDA.**

27
28 Motion by Commissioner Morita, seconded by Commissioner Gaveske, to approve the May
29 16, 2023, Regular Planning Commission Meeting Agenda.
30

31 **Motion carried 5-0.**
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33 **II. APPROVAL OF THE MARCH 21, 2023, REGULAR PLANNING COMMISSION**
34 **MEETING MINUTES.**

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36 Motion by Commissioner Erickson, seconded by Commissioner Gaveske, to approve the
37 March 21, 2023, Regular Planning Commission Meeting Minutes as corrected.
38

39 **Motion carried 5-0.**
40

41 Commissioner Hendrickson joined the meeting at 7:03 p.m.
42

43 **III. PUBLIC HEARING.**

44
45 A. Code Amendments.
46

47 Chair Socha opened the public hearing at 7:03 p.m.
48

1 City Planner Steven Gritman reviewed before the Commission are another set of proposed
2 amendments to the City (and especially Zoning) Code. The City Council briefly discussed the
3 scope and direction of these amendments at a prior work session. The amendments are
4 summarized below and the amendments themselves were attached to the meeting packet
5 provided to the Commission.
6

7 This is a public hearing to review each of the proposals, comment and discuss, and ultimately
8 provide a recommendation to the City Council with Commission's input on each element.
9

10 **Parking and Storage** – This pertains to the City's parking regulations which are found in the
11 Zoning Ordinance, Section 152.179. The components of this set of changes are designed to
12 accomplish a few different things.
13

- 14 a. First, parking of vehicles on residential property is addressed. The current code language,
15 in various sections, has addressed various aspects of keeping motor vehicles on residential
16 property, sometimes with variable requirements. The materials in this set of amendments
17 are intended to consolidate the requirements, and to create a more usable set of
18 regulations, both for residents and for staff code compliance purposes. The amendments
19 include a new chart and illustration that help show graphically how various properties can
20 be used, and where on the property various "vehicles" can be kept outdoors.
21
- 22 b. A new set of definitions is proposed to better define what is meant by the current general
23 term "vehicle". Categories include passenger vehicle, both small and large commercial
24 vehicles, and recreational vehicles of various sorts (motorized RVs, boats, and trailers,
25 utility trailers, etc.) – each of these relates to the chart and illustration for purposes of
26 location, quantity, and surfacing.
27
- 28 c. On residential property, the code currently allows for exactly 4 vehicles to be parked
29 outside. The amendments proposed a different approach, given some general trends in
30 vehicle size, and the accumulation of other "vehicles" by residential property owners. The
31 change is designed to define specifically where such vehicles can be kept, and the
32 standards (such as pavement) that apply. If parked in those appropriate locations, the
33 numbers would not be a factor.
34
- 35 d. Commercial and industrial parking is addressed in a few ways, including the applicability
36 of the parking lots for various vehicle types, and a number of changes to the parking
37 quantity requirements certain uses must provide.
38

39 **Temporary Structures** – Currently, the City Code does not really deal at all with Temporary
40 Structures, although several are used in various ways. This means that technically, they are
41 being used illegally, even though the City has worked with many of the commercial users
42 (such as spring garden centers) to ensure that fire and emergency access is maintained.
43

44 Other uses include tents and canopies for special events – both residential and commercial –
45 and a variety of other applications. This section is intended to standardize the use of these

1 structures, ensure that public safety is addressed, and legitimize the use of these structures as
2 they are so common and accepted in a wide range of circumstances.

3
4 For commercial recurring applications (such as the garden center noted above), a one-time
5 Conditional Use Permit would be necessary to ensure that the nature of the installation fits on
6 the site and does not raise conflicts with other nearby businesses and parking conditions.

7
8 Residential events include garage sales, special event parties (such as graduations), and
9 similar functions. The Code is designed to set some basic rules for location and duration in
10 these situations and make it easy for residents to employ these structures in common settings.
11 The regulations limit the use of tents and canopies for garage sales to three, three-day events
12 per year. The standard was set to parallel IRS regulations that waive any taxing authority at
13 that threshold. Some cities have encountered issues with neighborhood disruption due to serial
14 garage sales, so this regulation is intended to avoid that scenario.

15
16 **Temporary Signs** – Under the current regulations, temporary signs are not permitted. The
17 only accommodation for such signs is a single 6-square foot “non-commercial speech” sign
18 permitted for each parcel.

19
20 Temporary signs are very commonly employed in the commercial areas of the City and are
21 common in most communities. The City took a “hands-off” approach to temporary signs due
22 to business restrictions during the COVID era, and such signs have flourished. Choices for the
23 City are to maintain the current prohibition and initiate a program of enforcement, or consider
24 regulations that allow limited temporary signs. This amendment provides the material to
25 address the latter approach if desired.

26
27 The proposed regulations create a series of permits which commercial/industrial properties
28 can obtain for occasional temporary sign display. Size, location, illumination, and other
29 factors are addressed in this regard. It is likely that some of the current displays exceed these
30 allowances, however, this regulation – if adopted – would create rules that can be applied
31 consistently across the city’s commercial areas.

32
33 There are a few residential implications of this amendment as well. First, is some attention to
34 garage sale and real estate signage that gets swept into these regulations. Managing off-site
35 signage is fraught with “content-based” limitations on the regulation of speech, so the
36 regulations work to limit that exposure. The other aspect is the use of temporary signage to
37 “advertise” for community events. The code is designed to allow a limited addition to the
38 temporary signage display on residential (and public) property to support events occurring in
39 the Recreation-Open Space zoning district. Residents can display signage to support a local
40 high school event or City festival in Central Park. This allowance adds a limited number of
41 days of display and accommodates signage of up to 10 square feet for such purposes.

42
43 **Other Amendments** – These amendments are proposed to address a variety of other
44 administrative and ordinance clean-up items discovered through staff use, re-readings, and
45 other experiences. Most of them avoid much policy discussion but fit within the Code
46 Committee’s review work.

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Enforcement and Penalty – In section 10.99 of the City Code, enforcement and penalty provisions are made. A common issue for enforcement is due to property owner’s (or their contractors) proceeding with various work without procuring the applicable Zoning permit. The City’s fee resolution establishes the ability to require a double fee for such violations – consistent with the Building Code when similar work is commenced. Staff’s application of this regulation is to begin with a reminder of the permit requirement, and a brief “amnesty” period to acquire the permit after-the-fact. Without cooperation, the double-fee is one way of both encouraging compliance and recouping the costs of enforcement for such violations. This amendment is proposed as the Code provision that mirrors current practice in the fee structure.

Dumpsters – Staff forwarded, and the City processed a series of code provisions that create a clearer set of the regulations for temporary dumpster use. It appears that one aspect of that code was not included in the final set relating to large dumpsters attendant to larger building projects. This section is intended to fill that gap. These changes also address some issues encountered with the original draft adopted for front-yard trash enclosure screens. The new proposed language modifies the original by accommodating a slatted screening structure, and expands the size allowance to better fit the reality of the current number and size of bins.

Carport Structures – A brief clarification amendment is proposed to address the use of carport structures as residential parking structures, requiring them to be attached to the principal building (rather than freestanding detached structures), and to utilize building materials complementary to the principal building.

Parking – A series of definitions is proposed, mostly related to the overhaul of the parking section, but related to a few other aspects of the code as well.

Mr. Gritman reviewed the changes to **Section 152.179 Parking section** and provided red-lined copy for Commission review. The graphic table was also reviewed.

Mr. Josh Gutzman, Silver Lake Road, stated the existing code 179A.5A he would prefer to have less than 2 fully enclosed parking spaces. He asked about the parking pad and not counting vehicles. He referred to limiting to one passenger vehicle. His parking pad was designed for two cars. Parking on Silver Lake Road is difficult.

Chair Socha asked if Mr. Gritman had any thoughts about there being 2 fully enclosed parking spaces. Mr. Gritman stated the thought is that parking inside a garage is preferred. If redevelopment is to be done and they would only be having 1 garage stall a variance would be needed.

Commissioner Kuykendall stated there are a number of properties in his neighborhood that only has room for a one car garage. This affects a number of properties in the City.

Commissioner Morita stated his property does not have room for a two car garage.

1 Commissioner Erickson stated the houses that are older only have one car garages. He
2 appreciates Mr. Grittmann's comment that it is desirable to have two car indoor storage. If
3 redevelopment is being done a one car garage should be allowable. Mr. Grittmann stated an
4 administrative exemption could be used in this case. The exemption would be for properties
5 with less than a two car garage could be replaced with a one car garage. Commissioner
6 Erickson stated that would make sense.

7
8 Commissioner Hendrickson stated she would be comfortable reducing the requirement to a
9 one car garage. Much of her neighborhood also has one car garages.

10
11 Commissioner Morita stated if he had the space he would have a two car garage but this need
12 not be regulated.

13
14 Chair Socha stated there are many fairly small lots in St. Anthony. Homeowners, within
15 reason, should be able to decide how to use their space.

16
17 Commissioner Morita stated just because someone has a two car garage does not mean two
18 vehicles are parked in the garage.

19
20 Commissioner Hendrickson stated she would prefer to change the Code to one car garage with
21 redevelopment.

22
23 Chair Socha requested Mr. Grittmann make that modification.

24
25 Chair Socha requested Mr. Grittmann give an explanation of the difference between driveway
26 and parking pad. Parking pads are built to accommodate more than one vehicle and the Code
27 allows for other things to be parked on the parking pad.

28
29 Commissioner Morita asked if Mr. Gutzman's parking pad would be grandfathered in and Mr.
30 Grittmann stated it would be. The Code Enforcement officials would be familiar with the
31 properties within the City.

32
33 Commissioner Hendrickson asked if only Section A could be amended. She would not want to
34 see a number of RV's parked in someone's yard.

35
36 Chair Socha stated she has concerns that residents have been using the pad for parking. If we
37 could allow any number of passenger vehicles and limit the number of larger vehicles and
38 RV's.

39
40 Commissioner Kuykendall referred to the diagram and feels there should be a limit to "D"
41 rather than "B" as to what will be stored to the side of the house. It seems inconsistent to have
42 "D" treated differently.

43
44 Commissioner Erickson asked if an existing parking pad that can fit three vehicles is
45 grandfathered in and if someone built a new house with a parking pad that fit two vehicles

1 they could only use it for one vehicle. Mr. Grittmann stated that is the way the current Code
2 reads.

3
4 Chair Socha asked if the consensus was for section “B” any number of passenger vehicles and
5 one small commercial vehicle would be supported. Commissioner Erickson stated “any
6 number” is dangerous. Chair Socha likes the “one small commercial vehicle”.

7
8 Commissioner Morita stated if a resident can fit 4 vehicles on a parking pad he is ok with 4
9 for a temporary usage. Commissioner Erickson stated he has a parking pad that fits three
10 vehicles. If 4 vehicles fit they should be allowed.

11
12 Chair Socha asked if a commercial vehicle should be allowed and Commissioner Morita
13 stated a small commercial vehicle should be allowed. Chair Socha suggested the wording be
14 up to 4 vehicles including one small commercial vehicle. This was the consensus of the
15 Commission.

16
17 Commissioner Kuykendall asked if storage should be limited on the side of the garage. Chair
18 Socha stated the side can still be fairly visible. Commissioner Erickson stated there should be
19 more restrictions. Chair Socha stated it is limited by size. Chair Socha asked for
20 Commissioner thoughts on making D and B the same.

21
22 Commissioner Gaveske suggested both D and B be modified.

23
24 Commissioner Kuykendall asked if is required that vehicles stored outside be licensed. Mr.
25 Grittmann stated they need to be licensed and operational. Commissioner Kuykendall stated he
26 is ok with “D”.

27
28 Chair Socha stated having 4 vehicles on parking pads is reasonable. The Commission agreed.
29 Mr. Grittmann was requested to make modifications to the parking pad section. Mr. Grittmann
30 asked if there is more than one parking pad how would that apply. Chair Socha stated there
31 would be a maximum of 4 vehicles on all parking pads combined. That would not include the
32 driveway or garage. A variance would be required if more vehicles on parking pads is
33 requested.

34
35 Commissioner Morita stated he appreciates the amount of work done on this. One area not
36 addressed is for houses that have no alley behind the property. He asked what the guidelines
37 would be for parking pads. Mr. Grittmann stated a conversation was held at the Code
38 Committee regarding this. This will be discussed at the Committee again. Chair Socha asked
39 if the less busy street could be considered the backyard. The address of the house is on the
40 busier street. Mr. Grittmann will discuss with the Committee.

41
42 Commissioner Hendrickson referred to the fast-food drive-thru section and cars in a queue.
43 Mr. Grittmann stated it should be 8 spaces for every menu board being the standard. Coffee
44 shops require a stacking queue of 12 spaces. Commissioner Hendrickson stated with changes
45 in shopping trends could they be reduced from 300 to 200 parking spaces. Mr. Grittmann stated
46 a lot of shopping centers are becoming more restaurant-centric rather than retail-centric.

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Mr. Gutzman stated it may be worth looking into this to see if it pertains to instant oil change facilities as far as a stacking queue. Mr. Grittman stated that will be looked at on a case-by-case basis.

Mr. Grittman reviewed the **Temporary Structures and Uses** section noting this is all new text. An allowance has been made for garage sales, estate sales, grad parties, and other events. Commissioner Hendrickson asked about the temporary restroom facilities. They are to be on the side of the house rather than in the front. Commissioner Hendrickson stated if it was in the backyard it is difficult for the company to service the restroom. If placed on the side it would be closer to the neighbors house. This may be unrealistic the way it is written.

Chair Socha asked how often a restroom facility needs to be serviced. Commissioner Kuykendall stated for the sports boosters it is once a month. Commissioner Hendrickson stated it should be close to a driveway for service.

Commissioner Kuykendall referred to the “screening from view” restriction. There have been no complaints. He asked what is the definition of screening. Chair Socha asked if there is a practical solution saying an administrative exemption applies when there is no way to access the restroom other than in the front of the house. Commissioner Morita asked how often does this come up due to a complaint. Mr. Grittman stated Staff believed there needs to be something in the Code allowing the restroom. Mr. Grittman stated they should be placed in a location that maximizes screening to also allow for servicing of the portable restroom.

Mr. Grittman reviewed the **Temporary Sign** section. This is new text, as there was no provision for temporary signs in the Code. There is an implementation aspect to this as well as policy. This regulation allows temporary signs under a permit process for a specific number of days per year. The size is also specified along with the location of the temporary sign. There are temporary signs put on residential property. The prior prohibition was unrealistic. This is an attempt to set some boundaries.

Commissioner Morita asked if open house signs on the corner are not allowed and Mr. Grittman stated it is only allowed at the residence. Garage sale signs on the corner were not allowed but the practice was to let it go. The hope is the signs are removed so Code Enforcement does not need to pick them up.

Chair Socha asked if with the resident’s permission can a sign be put on a corner lot. Commissioner Morita stated it is restrictive not to allow open house signs to be placed on the corners. People should be allowed to sell their homes and have a garage sale. Chair Socha stated she does not like the commercial “clean your gutters now” signs in the right-of-way. Mr. Grittman stated content on a sign can’t be regulated. There was a discussion on open house signs. Commissioner Erickson stated he would prefer to see signs in yards only.

Chair Socha asked if she can give permission to place signs in the right-of-way. Mr. Grittman stated the sign would need to be out of the right-of-way.

1 Commissioner Morita asked if this was added to the Code would Code Enforcement go
2 around and remove signs that are in the right-of-way. He stated this is being restrictive.

3
4 Chair Socha stated her personal preference would be to have more restrictions to avoid the
5 clutter in the right-of-way.

6
7 Chair Socha questioned why the number of days for temporary signs differs between the two
8 paragraphs. Mr. Grittmann stated that was intentional.

9
10 Commissioner Kuykendall asked about the community and school events signs. In some cases
11 signage is the only way to communicate to constituents. It is difficult to get information
12 distributed through the school district.

13
14 Chair Socha stated the City needs to be supporting the community building events. This
15 would be a reason to be less restrictive. Chair Socha suggested 28 days makes sense in no
16 more than four periods. The Commission agreed it could be modified to just state 28 days.
17 This pertains to 155.23 (G).

18
19 Mr. Grittmann reviewed the section **10.99 General Penalty**. He noted this parallel's the City's
20 Building Code. The hope is to use this as a piece of encouraging people to comply with the
21 City's Code.

22
23 Mr. Grittmann reviewed the section **150.090 Rubbish and Recyclables**.

24
25 Mr. Grittmann reviewed the section **152.176 Accessory Buildings**. This was modified to clean
26 up a gap.

27
28 Mr. Grittmann summarized stating Staff is seeking Planning Commission comments and
29 recommendation on the series of Code Amendments and the issues noted. A public hearing
30 has been noticed for these draft amendments, although some of the changes are not zoning
31 codes. It has been Staff's practice to bring all of the code sections for consideration by the
32 Planning Commission, although only the zoning amendments are technically required to be
33 held at a public hearing. This policy helps with promoting transparency and benefits the City
34 from the Commission's perspectives and input. The modifications indicated will be
35 implemented in the Code.

36
37 Chair Socha closed the public hearing at 8:58 p.m.

38
39 Motion by Commissioner Morita, seconded by Commissioner Gaveske, to recommend the
40 City Council adopt the Code Amendments as recommended with the addition of amending the
41 requirement for two covered spaces to one covered space for residential homes.

42
43 **Motion carried 7-0.**

44
45 **IV. STAFF REPORTS - NONE.**

1 **V. OTHER BUSINESS - NONE.**

2

3 **VI. COMMUNITY FORUM - NONE.**

4

5 No one appeared to address the Planning Commission.

6

7 **VII. INFORMATION AND ANNOUNCEMENTS.**

8

9 **VIII. ADJOURNMENT.**

10

11 Motion by Commissioner Kuykendall, seconded by Commissioner Gaveske, to adjourn the
12 meeting at 9:00 p.m.

13

14

Motion carried 7-0.

15

16

17 Respectfully submitted,

18 Debbie Wolfe

19 *TimeSaver Off Site Secretarial, Inc.*

Approved