



**PLANNING COMMISSION MEETING AGENDA**

**March 24, 2014**

**7:00 p.m.**

**Call to Order.**

**Pledge of Allegiance.**

**Roll Call.**

**Consideration, Discussion, and Possible Action on All of the following items:**

- I. Approval of the March 24, 2014, Planning Commission Meeting Agenda.** *(action requested.)*
- II. Approval of the January 27, 2014 Regular Planning Commission Meeting Minutes.** *(action requested.)*
- III. Public Hearing.** *(action requested.)*
  - A. REQUEST – An Amendment to Chapter §152.008, §152.225-152.227, §152.039, §152.054, §152.069, §152.089, §152.104, §152.124, and §152.144 of the St. Anthony Village City Code relating to Nonconforming Lots**
- IV. Staff Reports.** *None.*
- V. Other Business.** *None.*
- VI. Community Forum.**

*Individuals may address the Planning Commission about any item not included on the regular agenda. Speakers are requested to come to the podium, sign their name and address on the form at the podium, state their name and address for the Clerk's record, and limit their remarks to five minutes. The Planning Commission may refer the matter to staff for a future report or direct the matter to be scheduled on an upcoming agenda.*
- VII. Communication with City Council and Other Commission Activities and Informative Items.**
- VIII. Adjournment.**

To: St. Anthony Village Planning Commission  
From: Kelsey Johnson, ACIP, City Planner  
Date: March 14, 2014  
**Subject: Planning Commission Meeting for March 24, 2014**

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**AGENDA ITEM: I. APPROVAL OF THE MEETING AGENDA**

The agenda, as presented or modified, is in order for adoption by the Commission. [Motion Required].

***Template Approval Motion:*** "I move to approve the agenda as presented." **OR** "I move to approve the agenda as modified."

**AGENDA ITEM: II. APPROVAL OF THE MEETING MINUTES**

The minutes of the January 27, 2014 Regular Planning Commission meeting are enclosed for your review. These minutes, as presented or modified, are in order for adoption by the Commission. [Motion Required].

***Template Approval Motions:*** "I move to approve the meeting minutes from January 27, 2014 as presented." **OR** "I move to approve the meeting minutes from January 27, 2014 as modified."

1  
2 CITY OF ST. ANTHONY  
3 PLANNING COMMISSION MEETING

4 JANUARY 27, 2014  
5 7:00 p.m.  
6

7 **I. CALL TO ORDER.**

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

11 **II. PLEDGE OF ALLEGIANCE.**

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

15 **III. ROLL CALL.**

16  
17 Commissioners Present: Chairperson Heinis; Commissioners Bartel, Crone, Grahek, Papatola,  
18 and Poucher.

19 Absent: Commissioner Niccum.

20 Also Present: City Planner Kelsey Johnson.  
21

22 a. **ORGANIZATIONAL BUSINESS**

23  
24 Chair Heinis introduced Commissioners Don Bartel and Dominic Papatola and welcomed  
25 them to the Planning Commission.  
26

27 Chair Heinis nominated Commissioner Crone as 2014 Chair of the Planning Commission.  
28

29 Commissioner Poucher seconded the nomination.  
30

31 **Motion carried 6-0.**

32  
33 Commissioner Crone nominated Chair Heinis as 2014 Vice Chair of the Planning  
34 Commission.  
35

36 Commissioner Grahek seconded the nomination.  
37

38 **Motion carried 6-0.**

39  
40 **IV. APPROVAL OF MEETING AGENDA.**

41  
42 Motion by Commissioner Poucher, second by Commissioner Crone, to approve the January  
43 27, 2014, Planning Commission agenda as presented.  
44

45 **Motion carried 6-0.**

46  
47 **V. APPROVAL OF THE OCTOBER 28, 2013, REGULAR PLANNING COMMISSION**  
48 **MEETING MINUTES.**  
49

1 Motion by Commissioner Grahek, second by Commissioner Crone, to approve the October  
2 28, 2013, Planning Commission Meeting Minutes.

3  
4 **Motion carried 4-0-2 (Bartel and Papatola abstain).**

5  
6 **VI. PUBLIC HEARINGS - None.**

7  
8 **VII. STAFF REPORTS – None.**

9  
10 **VIII. OTHER BUSINESS.**

11  
12 a. CONSIDER APPROVAL – 2014 Planning Commission Meeting Schedule

13  
14 City Planner Johnson presented the 2014 meeting schedule and suggested that the Planning  
15 Commission continue to meet on the fourth Monday of the month at 7:00 p.m.

16  
17 Motion by Commissioner Grahek, second by Commissioner Poucher, to approve the 2014  
18 Planning Commission Meeting Schedule.

19  
20 **Motion carried 6-0.**

21  
22 b. CONSIDER APPROVAL – 2014 Planning Commission “Work Plan”

23  
24 City Planner Johnson presented the 2014 Planning Commission Work Plan and explained that  
25 the Work Plan identifies several ordinances the Planning Commission would like to review  
26 during 2014, including non-conforming lot standards, reviewing and updating the interim use  
27 permit or special use permit process, continuing to update the green/energy/reuse ordinances  
28 specifically related to solar in residential and commercial areas, pervious pavement systems,  
29 keeping of chickens, and keeping of honey bees, as well as reviewing the outdoor wood  
30 burning fire standards.

31  
32 Commissioner Poucher asked if the outdoor wood burning fire standards include the  
33 permitting process with the Fire Department.

34  
35 City Planner Johnson replied in the affirmative and stated this review would involve standards  
36 for when and where outdoor fires would be allowed as well as the permitting process.

37  
38 Commissioner Grahek requested further information regarding a home occupation ordinance.

39  
40 City Planner Johnson explained that a home occupation ordinance regulates businesses such  
41 as a home beauty salon or an art studio that are typically low intensity uses and that are not  
42 seen as the primary use in single family residential. She stated the current Code prohibits  
43 these types of uses and the Planning Commission will consider whether to allow this type of  
44 home occupation and what types of regulations should be in place to ensure the residential  
45 character of a neighborhood is maintained.  
46

1 Motion by Commissioner Poucher, second by Commissioner Crone, to approve the 2014  
2 Planning Commission Work Plan.

3  
4 **Motion carried 6-0.**

5  
6 **IX. COMMUNITY FORUM – None.**

7  
8 **X. COMMUNICATION WITH CITY COUNCIL AND OTHER COMMISSION**  
9 **ACTIVITIES AND INFORMATIVE ITEMS.**

10  
11 Chair Heinis agreed to attend the City Council meeting on January 28, 2014, and present the  
12 Planning Commission 2014 Work Plan.

13  
14 Commissioner Crone reported that she attended the City Council meeting in November and  
15 presented the variance request to construct a one-foot encroachment from the property line for  
16 a stairway and the City Council approved the request. She stated that the City Council  
17 appreciated the level of detail and the thoughtful process undertaken by the Planning  
18 Commission. She stated there was a Citizens Academy graduation at the November City  
19 Council meeting and encouraged residents to learn more about this eight week program that  
20 offers residents a chance to learn more about the job of a police officer.

21  
22 Chair Heinis reported that he and City Planner Johnson attended the City Council strategic  
23 planning session and stated that further information will be presented to the Planning  
24 Commission at a future meeting.

25  
26 **XI. ADJOURNMENT.**

27  
28 Chair Heinis adjourned the meeting at 7:13 p.m.

29  
30 Respectfully submitted,  
31 Barbara Hughes (*TimeSaver Off Site Secretarial, Inc.*)

**AGENDA ITEM: III. A. REQUEST – AN AMENDMENT TO THE ST. ANTHONY VILLAGE CITY CODE**  
**CHAPTER §152.008, §152.225-152.227, §152.039, §152.054, §152.069, §152.089,**  
**§152.104, §152.124, and §152.144 RELATING TO NONCONFORMING LOTS**

**ACTION TO BE CONSIDERED:** To recommend the City Council approve or deny a text amendment to the St. Anthony Village City Code to address nonconforming lots of record.

**FACTS:**

- It is beneficial to review sections of the City Code on a regular basis in order to identify issues before they are found through a request or land use application and to ensure the code is reflective of what is desired by the community.
- At the regular meeting of the Planning Commission on January 27, 2014 the Planning Commission approved a “Work Plan” which provides an efficient method of prioritizing projects and achieving the most important goals of the Planning Commission.
- The City Council approved the “Work Plan” as presented at their regular meeting on February 11, 2014.
- A Work Session to discuss proposed modifications to the St. Anthony Village City Code to modify the provisions to regulate nonconforming lots was held with the City Council on October 29, 2013 and December 2, 2014, and with the Planning Commission on February 24, 2014.

**BACKGROUND:**

- Copy of the Mailed Notice of Public Hearing
- City Planner’s Report Enclosed
- Draft Ordinance Amending Chapter §152.008, §152.225-152.227, §152.039, §152.054, §152.069, §152.089, §152.104, §152.124, and §152.144 to Modify the Provisions Relating to Nonconforming Lots of Record

**RECOMMENDATION:** Staff recommends approval of the requested modifications to Chapter §152.008, §152.225-152.227, §152.039, §152.054, §152.069, §152.089, §152.104, §152.124, and §152.144 to modify the provisions relating to nonconforming lots of record based on the findings detailed in the report and as outlined in the draft ordinance provided herein.

**Template Approval Motion:** “I move to recommend the City Council approve the Ordinance adopting the requested modifications to Chapter §152.008, §152.225-152.227, §152.039, §152.054, §152.069, §152.089, §152.104, §152.124, and §152.144 to modify the provisions relating to nonconforming lots of record based upon the findings as outlined within said Ordinance and as may have been amended here tonight.”

**Template Denial Motion:** “I move to recommend the City Council deny the Ordinance modifications to Chapter §152.008, §152.225-152.227, §152.039, §152.054, §152.069, §152.089, §152.104, §152.124, and §152.144 to modify the provisions relating to nonconforming lots of record based upon the following findings of fact:”

- (Provide findings to support conclusion)



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## CITY OF SAINT ANTHONY VILLAGE MEMORANDUM

To: St. Anthony Village Planning Commission  
Mark Casey, City Manager

From: Kelsey Johnson, AICP, City Planner

Date: March 17, 2014

WSB Project No. 02170-001

**Request: An Amendment to Chapter §152.008, §152.225-152.227, §152.039, §152.054, §152.069, §152.089, §152.104, §152.124, and §152.144 of the St. Anthony Village City Code relating to Nonconforming Lots**

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### OVERVIEW

On October 29 and December 2, 2013 Staff met with the City Council to discuss potential modifications to the City Code pertaining to “nonconforming lots”. The Planning Commission held a work session on February 24, 2014 to do the same. The City Code currently addresses “nonconforming uses” and “nonconforming buildings or structures”, but does not address “nonconforming lots”. Staff suggested some language that could be incorporated into the Code that would allow residents and property owner’s opportunities to improve, rebuild, or remodel their buildings on lots that do not meet the minimum dimensional standards of the applicable zoning. The improvements made to the property would still be required to adhere to the ordinance provisions including setbacks, maximum building coverage, maximum impervious surface coverage, and so on unless a variance was issued.

Having reviewed the nonconforming lot standards further and the general development patterns within the City, staff has prepared language as shown in the draft Ordinance shown in Exhibit A for your review and recommendation.

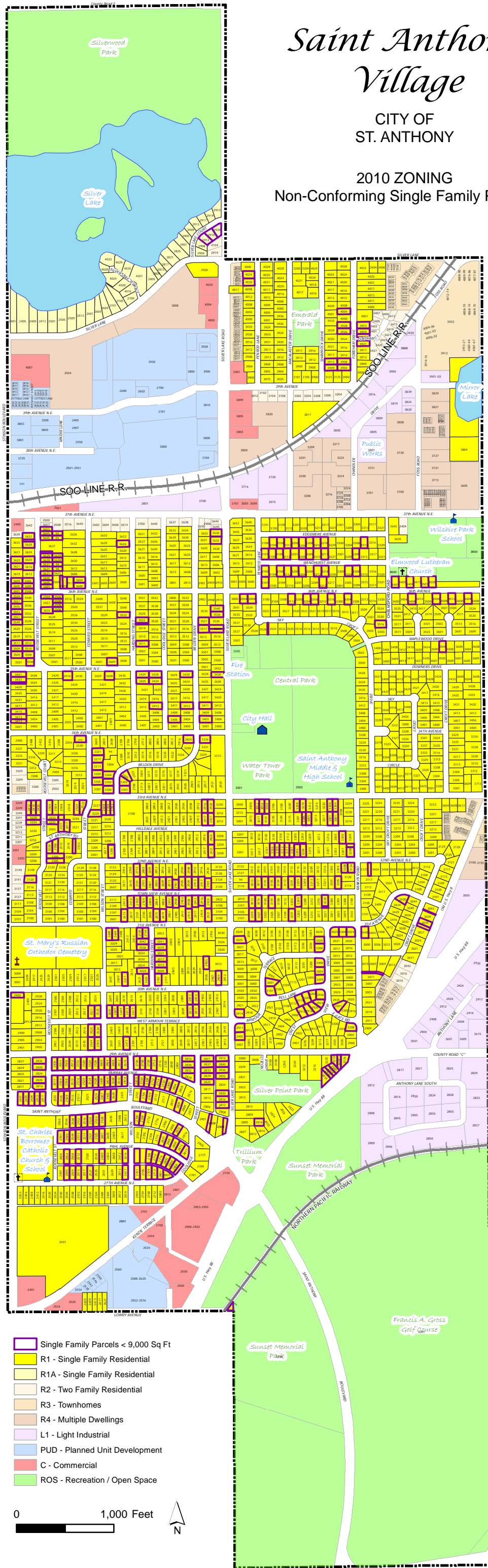
### Attachments

Exhibit A: Draft Ordinance Amendment

# Saint Anthony Village

CITY OF  
ST. ANTHONY

2010 ZONING  
Non-Conforming Single Family Parcels





**ORDINANCE NO. 2014-**

**SAINT ANTHONY VILLAGE, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER §152.008, §152.225-152.227, §152.039, §152.054, §152.069, §152.089, §152.104, §152.124, AND §152.144 OF THE ST. ANTHONY VILLAGE CITY CODE RELATING TO NONCONFORMING LOTS**

The City Council of the City of Saint Anthony Village ordains as follows:

**Section One.** Amendment to the City of Saint Anthony Village City Code to Add Sections §152.008, §152.225-152.227, §152.039, §152.054, §152.069, §152.089, §152.104, §152.124, and §152.144. Sections §152.008, §152.225-152.227, §152.039, §152.054, §152.069, §152.089, §152.104, §152.124, and §152.144 of the City Code of the City of Saint Anthony Village are hereby amended as follows. The deleted language is represented by ~~struckthrough~~ text. The additional language is represented by double underlined text.

**§152.008 DEFINITIONS.**

**EXPANSION, ENLARGEMENT, OR INTENSIFICATION.** Any increase in a dimension, size, area, volume, or height, any increase in the area of use, any placement of a structure or part thereof where none existed before, any addition of a site feature such as a deck, patio, fence, driveway, parking area, or swimming pool, any improvement that would allow the land to be more intensely developed, any move of operations to a new location on the property, or any increase in intensity of use based on a review of the original nature, function or purpose of the use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the City.

**NONCONFORMITY.** Any land use, structure, physical form of land development, lot of record or sign that is not in full compliance with the regulations of this Ordinance and either (1) was legally established before the effective date of the ordinance provisions with which it does not comply, or (2) became non-conforming because of other governmental action, such as a court order or a taking by a governmental body under eminent domain or negotiated sale. A nonconforming does not include a land use, structure, physical form of land development, lot of record, or sign that was allowed to deviate from this ordinance by an approved variance. A nonconformity is one of two types of physical land development: a nonconforming use or a nonconforming development.

**NONCONFORMING DEVELOPMENT.** A nonconformity other than a nonconforming use that does not currently conform to an ordinance standard such as height, setback, or size.

**NONCONFORMING LOT OF RECORD.** A lot which was legally created and was recorded with the County Recorder’s Office on or before the effective date of this Ordinance which does not comply with the lot size requirements for any permitted use in the district in which it is located. Such lot is considered buildable without a variance.

**NONCONFORMING STRUCTURE.** A nonconforming structure as defined in §152.003.

**NONCONFORMING USE.** A nonconforming use as defined in §152.003.

## NONCONFORMING USES, ~~AND~~ STRUCTURES, AND LOTS

### §152.225 INTENT FOR NONCONFORMING USES AND STRUCTURES

It is the intent of this subchapter to permit and recognize the existence of nonconforming uses and structures which were lawful when established but which no longer meet all ordinance requirements, as defined in §152.003, to continue until they are removed, to encourage the elimination of nonconformities or reduce their impact on adjacent properties, to discourage the enlargement, expansion, intensification or extension of nonconformities, and to regulate the repair, replacement, restoration, and improvement of nonconformities to prevent and abate nuisances and to protect the public health, safety, or welfare. ~~but it not the intent of this subchapter to encourage their survival, or to permit them to be enlarged, expanded, or extended.~~

### §152.226 LIMITED CONTINUATION

Except as otherwise provided by law, any nonconformity, including a nonconforming use or occupation of land or premises, may be continued, including through repair, replacement, restoration, maintenance or improvement, but not including expansion, unless:

(A) *Change to conforming use.* The property used for a nonconforming use is subsequently used for a conforming use.

(B) *Discontinued use.* The nonconformity or occupancy is discontinued for a period of more than 1 year.

(C) *Destruction of building.* Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50% of the estimated market value, as indicated by the records of the County Assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged.

An expansion of any nonconformity use or structure may not be done without first obtaining a variance pursuant to §152.245.

### §152.227 INTENT FOR NONCONFORMING LOTS OF RECORD

It is the intent of this subchapter to permit nonconforming lots of record, as defined in §152.008, to continue to be used for the legal use for which it is zoned in accordance with the criteria for continuance as specified in this Code. Nonconforming lots of record within the shoreland area must conform to the provisions as outlined in Minn. Stat. §462.357, Subd. 1e. A lawful nonconforming lot of record shall be deemed buildable, without a variance

Language within each Zoning District must also be modified to ensure confusion and contradictory language does not exist. Provisions that will need to be modified include:

### **R-1 SINGLE-FAMILY DISTRICT**

#### **§152.039 DIMENSIONAL REGULATIONS**

(B) *Area and width.* No dwelling may be constructed or placed on an interior lot of less than 9,000 square feet, or less than 75 feet in width at the building setback line, or a corner of less than 11,000 square feet or less than 90 feet in width at the building setback line, except as allowed in §152.227.

### **R-1A SINGLE-FAMILY LAKESHORE**

#### **§152.054 DIMENSIONAL REGULATIONS**

(B) *Area and width.* No dwelling may be constructed or placed on an interior lot of less than 9,000 square feet, or less than 75 feet in width at the building setback line, or a corner of less than 11,000 square feet or less than 90 feet in width at the building setback line, except as allowed in §152.227.

### **R-2 TWO-FAMILY DISTRICT**

#### **§152.069 DIMENSIONAL REGULATIONS**

(B) *Area and width.* No dwelling may be constructed or placed or built on an interior lot of less than 12,000 square feet, or less than 85 feet in width at the building setback line, or a corner of less than 14,000 square feet or less than 100 feet in width at the building setback line, except as allowed in §152.227.

### **R-3 TOWNHOUSE DISTRICT**

#### **§152.089 DIMENSIONAL REGULATIONS**

(B) *Area and width.* The land must contain at least 4,000 square feet per dwelling unit, with a total lot area of at least 15,000 square feet, and a lot width of at least 90 feet at the building setback line except as allowed in §152.227.

### **R-4 MULTIPLE-FAMILY DISTRICT**

#### **§152.104 DIMENSIONAL REGULATIONS**

(B) *Area and width.* No dwelling may be constructed or placed on a lot which is less in area than the following, except as allowed in §152.227:

<i>Building Size</i>	<i>Minimum Lot Size</i>
2 to 8 units	12,000 square feet plus 2,500 square feet per each unit over 2
9 to 16 units	27,000 square feet plus 2,000 square feet per each unit over 8
17 or more units	43,000 square feet plus 1,750 square feet per each unit over 16

**C GENERAL COMMERCIAL DISTRICT**

**§152.124 DIMENSIONAL REGULATIONS**

(B) *Area and width.* The minimum lot area is 15,000 square feet, and the minimum lot width is 100 feet, except as allowed in §152.227:

**LI LIGHT INDUSTRIAL DISTRICT**

**§152.144 DIMENSIONAL REGULATIONS**

(B) *Area and width.* The minimum lot area is 15,000 square feet, and the minimum lot width is 100 feet, except as allowed in §152.227:

**Section Two.** Findings for Amending the City of Saint Anthony Village City Code by Amending Sections §152.008, §152.225-152.227, §152.039, §152.054, §152.069, §152.089, §152.104, §152.124, and §152.144. In amending the City of Saint Anthony Village City Code relating to the regulations of nonconforming uses, structures and lots of record, the City Council of the City of St. Anthony Village finds that the amendment is required for the public good; is in the interest of public health, safety and welfare; and is compatible with the City's Comprehensive Plan.

**Section Three.** Effective Date. This Ordinance amendment shall be in full force and effect upon its publication as provided by law.

Passed in regular session of the City Council on \_\_\_\_\_, 2014.

CITY OF SAINT ANTHONY VILLAGE

By: \_\_\_\_\_  
Jerome O. Faust, Mayor

ATTEST:

By: \_\_\_\_\_  
Barb Suci, City Clerk