

1 CITY OF ST. ANTHONY  
2 PLANNING COMMISSION MEETING  
3 JULY 19, 2022  
4 7:00 p.m.  
5

6 **CALL TO ORDER.**

7  
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 Kuykendall, Morita and Rude.  
18

19 Absent: None.  
20

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

25 **I. APPROVAL OF THE JULY 19, 2022 PLANNING COMMISSION MEETING**  
26 **AGENDA.**

27  
28 Motion by Commissioner Morita, seconded by Commissioner Rude, to approve the July 19,  
29 2022, Regular Planning Commission Meeting Minutes.  
30

31 **Motion carried 7-0.**  
32

33 **II. APPROVAL OF THE MAY 17, 2022, REGULAR PLANNING COMMISSION**  
34 **MEETING MINUTES.**

35  
36 Motion by Commissioner Rude, seconded by Commissioner Morita, to approve the May 17,  
37 2022, Regular Planning Commission Meeting Minutes.  
38

39 **Motion carried 7-0.**  
40

41 **III. PUBLIC HEARING.**

42 **A. Code Amendment Request – Fence Height**

43  
44 Chair Socha opened the public hearing at 7:04 p.m.  
45

46  
47 Mr. Grittman stated the applicant (Mr. Mark Tomas 3308 Skycroft Drive) is proposing that  
48 the City amend the current fence regulations to allow an increase in residential fence height.  
49 The amendment would alter fence height throughout the zoning districts or land uses to which

1 it is effective. In this case, the relevant land uses are single family residential parcels in the R-  
2 1 zoning district.

3  
4 The current fence ordinance has a number of issues, related to permit processing, code  
5 consistency (including consistency with building code), and technical or practical aspects  
6 including measurement. The City's Code Review Committee has separately been  
7 contemplating a series of amendments to the fence regulations for these reasons. While a  
8 number of those amendments are likely to come forward with other code amendment  
9 recommendations, this resident is seeking amendments to the height regulations as a separate  
10 application. The applicant's request specifically relates to the section of the fence code  
11 relating to height.

12  
13 The section of the code was provided for Commission review.

14  
15 When this code was written, fences of more than 6 feet in height required a building permit,  
16 with review and permitting through the Building Official. The revised building code has  
17 changed this height to 7 feet. One of the reasons for this change is an acknowledgement that  
18 fence construction often occurs over uneven terrain, and a fence that uses 6 feet tall material  
19 (a commonly available dimension) is often a few inches more than 6 feet above the ground  
20 below it. Many types of fence construction include post design where the tops of the posts  
21 extend a few inches above the top line of the fence panel. These conditions have been  
22 prevalent for many years. Technically, such fences were required to obtain building permits,  
23 be reviewed by building inspection staff, and be inspected by the building official. In practice,  
24 this was not happening, whether in St. Anthony or most of any other locality when these  
25 variations were only a few inches above the 6 foot mark. The writers of the Building Code  
26 amended that code from 6 feet to the 7 feet now in force.

27  
28 The taller dimension accommodates the variations noted (terrain and post design), with the  
29 understanding that the majority of such fences utilize fence panels of 6 feet.

30  
31 To remedy this conflict, staff believes that an amendment to the existing code is appropriate.  
32 Although the applicant has suggested that the fence height be increased to 6 feet, 6 inches,  
33 staff recommends the 7 feet dimension used by the Building Code. A redline code was  
34 provided to the Commission.

35  
36 The applicant noted in his application materials that other nearby communities have amended  
37 their fence regulations to make this change or something similar. These include Columbia  
38 Heights, New Brighton, Fridley, and Roseville. It is the planning staff's experience that many  
39 other communities have adopted similar changes. To construct a fence over 7 feet would  
40 require a building permit and variance.

41  
42 A letter from another resident was presented to the Commission and noted he was not in favor  
43 of the change in height. He suggested this be moved to another date and the height maximum  
44 be lowered.

1 Commissioner Rude asked about a building permit over 7 feet high and is the review the same  
2 for both permits. Mr. Grittmann a zoning permit would be required for a fence under 7 feet.

3  
4 Commissioner Hendrickson asked if inspections are not happening because the building code  
5 does not align with the City Code. Mr. Grittmann noted anything under 7 feet is not under the  
6 building inspector's jurisdiction.

7  
8 Chair Socha stated she built a fence two years ago and no inspection was required. Mr.  
9 Grittmann stated inspections are not part of this request. Cities have various requirements as far  
10 as inspections.

11  
12 Commissioner Erickson asked about the change in height and asked if 7 foot fence panels are  
13 common and Mr. Grittmann stated prefab panels are normally 6 foot. Mr. Grittmann stated if a  
14 fence exceeds 7 feet a building permit is required.

15  
16 Commissioner Kuykendall stated the wording addresses front fences but side and back yard  
17 fences were not addressed. If someone has a six foot panel, based on the grade it could be up  
18 to 7 feet.

19  
20 Commissioner Rude stated materials normally come in 2 foot increments. A building permit  
21 does not come before the Planning Commission for approval. If the request is for a fence  
22 higher than 7 foot a variance would be required along with a building permit.

23  
24 Mr. Rob LaFleur is the person that wrote the letter that the Commission had before them. He  
25 thinks 7 foot fences are contrary to being welcoming and also limits what can be seen as to  
26 what is going on in the neighborhood. Lots in St. Anthony are smaller than neighboring  
27 communities and having a 7 foot fence around a smaller lot is not welcoming. A 5 foot fence  
28 would be more welcoming. He participated via zoom.

29  
30 Ms. Maggie Tomas, resident of St. Anthony, is in favor of having a fence up to 7 feet. A fence  
31 with 6 foot posts and 6 foot panels may go above 6 feet high. To be straight at the top the  
32 additional height would be needed. Most fencing contractors suggest a 6 foot fence that is  
33 made attractive and may be higher than 6 feet. She participated via zoom.

34  
35 Commissioner Morita asked if this request is not approved, the requester could still construct  
36 a 7 foot fence with a variance.

37  
38 Commissioner Rude stated the Code Committee is addressing this code. Is this something that  
39 should be considered when addressing that entire section of the code. He suggested this be  
40 tabled and considered with the rest of the fence code. Mr. Grittmann stated this was on the list  
41 that the Code Committee is addressing. It could be held over for a meeting or two.

42  
43 Chair Socha stated the Commission needs to make a formal recommendation to the City  
44 Council on this request. This could be discussed when looking at this again in the future.

45  
46

1 Commissioner Hendrickson stated the applicant had requested less than a 7 foot height. She  
2 stated the code could be revised giving a little wiggle room without going to a 7 foot height.  
3 She asked if there were any disadvantages to doing this. Mr. Grittmann stated it is very  
4 common to have decorative post caps on fence posts. It's more of a practical matter.

5  
6 Chair Socha referred to Mr. LaFleur's comment regarding safety. She stated it is difficult to  
7 see over a 6 foot fence so she does not see a difference between 6 or 7 feet. Dogs are  
8 generally not able to jump over a 6 foot fence. It is a good idea for homeowners to be able to  
9 contain large dogs and a 6 foot fence should be sufficient. She does not want to consider a  
10 lower fence. She suspects there are a large number of fences that are currently over 6 feet  
11 which would make a number of fences out of compliance. She is in favor of supporting this  
12 request either at the 6 foot or 7 foot height.

13  
14 Commissioner Morita stated to custom build fences to accommodate changes in terrain is not  
15 feasible. Residents should be able to build fences with standard materials and he is in favor of  
16 the request.

17  
18 Commissioner Rude stated he has concerns about material selection and maintenance. He  
19 believes the code needs to be more specific on maintenance of a wooden fence. He feels there  
20 is a lot more to discuss regarding fences. He would like to table this and would prefer 6.5 feet.

21  
22 Commissioner Morita stated that is not what the request consists of and this is what the  
23 Commission needs to address at this time. Chair Socha stated she agrees with Commissioner  
24 Morita.

25  
26 Commissioner Erickson stated he is in favor of the proposal with the inclusion of the post  
27 caps.

28  
29 Chair Socha stated she has heard from Commissioners as to whether 6.5 feet or 7 feet. She  
30 feels this may need further discussion.

31  
32 Commissioner Rude stated he does not understand why this makes a difference. Mr. Grittmann  
33 stated the building code allows for this.

34  
35 Commissioner Morita stated he would like to stick to 7 feet height.

36  
37 Commissioner Erickson stated he agrees and it would be more cost effective to be able to use  
38 standard building materials.

39  
40 Commissioner Kuykendall stated he has a sloping yard with a fence that has to slope. It  
41 doesn't mean all fences will be built at 7 feet. It allows for changes in grade to be considered.  
42 When considering building materials custom materials can be very spendy. He is in favor of 7  
43 feet from a practical standpoint. People try to do what is right, although some people will not.  
44 He believes an inspection process needs to be added. Chair Socha stated she agrees. Lot lines  
45 are very difficult to figure out. She would like this brought to planning staff or administration  
46 for an inspection process when other factors are discussed.

1  
2 Commissioner Rude suggested neighbor buy-in be needed when considering putting in a  
3 fence.

4  
5 Chair Socha closed the public hearing at 7:44 p.m.

6  
7 Staff recommends approval of an amendment to the fence regulations as identified in the  
8 report, with the following findings:

- 9  
10 A. The current fence regulations related to height are inconsistent with the regulations of the  
11 Building Code.  
12 B. The current fence permitting practices are not consistent with the procedures required by  
13 the code.  
14 C. The current height regulations for residential fences do not comport with common  
15 construction practices, nor account for inconsistencies in grade or terrain.  
16 D. The amendment would be consistent with current practice, with the language of the  
17 Building Code, and the practices of many other nearby communities.  
18

19 Mr. Grittmann reviewed staff has reviewed for consistency with related codes, including the  
20 building code, and practical issues related to construction styles, permitting, city review, and  
21 common building practices, both in St. Anthony and nearby communities. Staff recommends  
22 approval of the amendment increasing the maximum height of residential fences and  
23 establishing clearer standards for measurement.  
24

25 Motion by Commissioner Morita, seconded by Commissioner Gaveske, to approve the request  
26 for an amendment to the fence regulations and direct staff to prepare an ordinance for City  
27 Council consideration with language that the fence cap be included in the 7 foot height.  
28

29 **Motion carried 1(Rude)-6.**

30  
31 **IV. STAFF REPORTS.**

32  
33 Mr. Grittmann stated the Doran Group has applied for building permits for their second phase.  
34 There is more to come. The Bremer Bank project is under construction. The senior housing on  
35 Stinson is wrapped with some exterior being put on. They hope to occupy sometime during  
36 the winter.  
37

38 **V. OTHER BUSINESS.**

39  
40 **A. R-1 Zoning Amendment Updates**

41  
42 Mr. Grittmann reviewed in May, the Planning Commission began a discussion about the  
43 potential pros and cons of altering setbacks on Single Family lots in the Village. The  
44 Commission requested additional information as to the actual “as-applied” impacts of  
45 changes.  
46

1 In researching the issue further, there are scant examples of mature neighborhoods where  
2 these kinds of setback changes can be seen. A number of similar regulations apply in various  
3 areas for newer construction, but the visuals do not provide any reasonable comparisons.  
4

5 A few existing neighborhoods in St. Anthony have been examined to gain (and illustrate) a  
6 clearer understanding of how reduced setbacks might be applied, especially given the  
7 restraints on impervious surface coverage that will limit any additional construction.  
8 Illustrations showing a couple of short segments of Pahl Avenue in the south portion of the  
9 City and a short segment of Penrod Lane in the north area near the New Brighton boundary.  
10 The materials include a clip of the aerial photo, along with a graphic of several of the lots on  
11 the relevant street. The graphic is paired with some lot data, which we have estimated from  
12 the aerial photos – thus these are not exact, but should provide a reasonable representation of  
13 the options for the various parcels. Some of the lots have small opportunities for expansion if  
14 the setbacks were modified. The lots along Pahl Avenue take advantage of access from the  
15 alley to the rear. Their front yard setbacks have some flexibility. A change in setbacks would  
16 allow for some expansion to the front of the property.  
17

18 The graphic example identifies lot size for each neighborhood clip, impervious surface  
19 amounts, and potential expansion areas if the front setbacks were reduced from 30 feet to 20  
20 feet. Some of the lots cannot take full advantage of the additional encroachment due to  
21 impervious surface limitations. The houses along the Penrod block range from 22 feet to 25  
22 feet, with some up to 30 feet in depth. A reduction to 20 feet would not seem to be a  
23 significant change in this area. The Pahl Avenue lots are typically 25 feet to 30 feet in front  
24 yard depth, which the St. Anthony Boulevard homes typically range from 30 feet to 35 feet.  
25 There are exceptions on all blocks to the primary range, and corner side yard setbacks are  
26 almost always reduced in depth. The Penrod area has homes which are closer to the street.  
27 The homes along St. Anthony Boulevard have very few opportunities for expansion.  
28

29 Mr. Grittmann asked the Commission if there was any interest in modifying the setbacks. If  
30 there is interest some code language could be developed and brought back to the next  
31 Planning Commission meeting.  
32

33 Chair Socha asked how much community engagement was there about not being able to  
34 expand. Mr. Grittmann stated staff has not reached out in any way to canvass thoughts from the  
35 community. He does receive some calls asking about expansion plans. Some along Silver  
36 Lake Road were asking about side yard expansions.  
37

38 Commissioner Hendrickson stated last time a number of options were reviewed. She agrees  
39 with Mr. Grittmann that there may be more opportunities for side yard expansion. She would  
40 prefer to see changes to the rear or side setback rather than the front.  
41

42 Commissioner Erickson stated he agrees with Commissioner Hendrickson. He did not have a  
43 chance to drive past the neighborhoods. The impervious requirement would not allow for  
44 large expansions. He would be opposed to changing the front setback.  
45

1 Commissioner Morita stated if changes are not made, residents may be tearing down existing  
2 homes and building very large homes. He is supportive of looking into options of expanding  
3 existing homes. Mr. Grittmann stated there are guidelines as to the height of new construction.  
4  
5 Commissioner Rude stated he would not mind seeing new houses. He agrees expansion in the  
6 rear yard would be acceptable. He is hesitant about the side yards on the more square yards.  
7  
8 Chair Socha stated the total current setback is 15 feet on both sides. It would be 5 feet on one  
9 side and 10 feet on the other side. There is a 15 foot separation between homes.  
10  
11 Commissioner Hendrickson stated the corner lots are where the side setbacks are most  
12 affected. Mr. Grittmann stated on corner lots the front is supposed to be 30 feet and the side is  
13 supposed to be 30 feet. Mr. Grittmann asked if these setbacks could be more flexible.  
14  
15 Commissioner Gaveske stated it would make sense to be more flexible on the corner lots as  
16 that would make a big difference. Commissioner Morita stated he agreed.  
17  
18 Mr. Grittmann stated one thing that was considered on the front setback would be reducing 30  
19 feet to 25 feet as the minimum would not create a big impact. Most of the neighborhoods have  
20 homes up to the 30 feet setback.  
21  
22 Commissioner Gaveske stated it would be nice to allow expansion in the front as a larger  
23 entry.  
24  
25 Chair Socha stated she is not opposed to expansion in the front yard setback. She would like  
26 to gain resident input. She would consider the front yard setback being flexible.  
27  
28 Commissioner Morita stated if adjustments were made and it did not include changes to the  
29 front yard setback, residents could make a variance request if they wanted to expand in the  
30 front yard. Mr. Grittmann stated each case would need to be reviewed. He is supportive of staff  
31 continuing investigation of side and rear setback flexibility.  
32  
33 Commissioner Rude asked why the corner lots were 30 feet. Mr. Grittmann stated the codes  
34 were developed in the 1950's and 1960's. The thought was all houses would be setback 30  
35 feet and all codes were written that way. A number of communities have softened that corner  
36 side setbacks. Commissioner Rude believes on corners there are two front yards. Mr. Grittmann  
37 stated one is a front yard and one is a side yard.  
38  
39 Commissioner Gaveske stated she appreciates the clarification on the corner lots.  
40  
41 Chair Socha stated the consensus of the Commission was interest in being flexible on the  
42 setbacks and requested staff to come back with some proposed language on the rear yard and  
43 side yards.  
44  
45 Mr. Grittmann will develop some code language and show some examples.  
46

1 Commissioner Gaveske asked if the garage setback should be addressed. Mr. Grittmann stated  
2 the plan was to retain the same garage setback.

3

4 **VI. COMMUNITY FORUM.**

5

6 No one appeared to address the Planning Commission.

7

8 **VII. INFORMATION AND ANNOUNCEMENTS.**

9

10 Commissioner Rude stated he read two articles. One was for a food truck ordinance. The other  
11 was in NE Minneapolis where there was a project that was a mess and a lawsuit was brought  
12 against the 2040 plan. There was a push for high density and this would lock lower income  
13 individuals into being renters rather than being able to afford a single family home. Mr.  
14 Grittmann stated it was more an environmental issue. It will be interesting to see what  
15 Minneapolis does with their plan.

16

17 Chair Socha stated she was under the impression that high density helps diversity.

18

19 Commissioner Rude stated the premise was rental does not allow people to build wealth. Mr.  
20 Grittmann stated owners stay in their homes longer than renters which creates community.

21

22 Mr. Grittmann asked the Commission if they would be interested in receiving articles such as  
23 this. Chair Socha stated that would be helpful.

24

25 Mr. Grittmann stated food trucks were discussed in a Council workshop and it was determined  
26 it was in need of further study.

27

28 **VIII. ADJOURNMENT.**

29

30 Motion by Commissioner Morita, seconded by Commissioner Erickson, to adjourn the  
31 meeting at 8:35 p.m.

32

33

**Motion carried 7-0.**

34

35 Respectfully submitted,  
36 Debbie Wolfe  
37 *TimeSaver Off Site Secretarial, Inc.*