

## WEST ST. PAUL COMMITTEE OF ADJUSTMENTS

The regular meeting of the West St. Paul Committee of Adjustments was called to order by Chair Hubert on Tuesday, May 17, 2016, at 7:00 p.m. in the Municipal Center Council Chambers, 1616 Humboldt Avenue, West St. Paul, Minnesota, 55118.

### ROLL CALL

Present: Chair Hubert and Commissioners Leuer, Nelson, McPhillips, Kavanaugh, Fernandez (arrived at 7:08 p.m.) and Ramsay.

Absent: None.

### **Also Present:**

Assistant Community Development Director Boike, Civil Engineer Rezac, Council Liaison Bellows, City Attorney Land, and Recording Secretary Dull.

### APPROVE MINUTES

**ON MOTION of Kavanaugh, seconded by McPhillips, RESOLVED to approve the West St. Paul Committee of Adjustments meeting minutes of Tuesday, January 16, 2016 as written.**

Ayes: 6      Nays: 0      Abstain: 0  
(Fernandez was not present for vote)

### PUBLIC HEARINGS

#### CASE # 16-02

**Application for a Variance to Allow a Reduction in Setback to a Residential Property For an Essential Service Structure in an R1 District at 1365 Bidwell St. – St. Paul Regional Water Services**

Assistant Community Development Director Boike reviewed the staff memo regarding a variance request by St. Paul Regional Water Services to reduce the minimum setback of an Essential Service Structure (pump house) from an abutting lot in a Residential District. Included in the commissioners' packets were a draft resolution memorializing the findings of facts should the committee approve the variance, a copy of the application, a letter from St. Paul Regional Water Services dated April 21, 2016, the notice of public hearing, and a copy of the site plans. Additional photographs were also provided to Commissioners at the meeting that were not originally included in the packet. Staff recommended approval of the variance subject to the five conditions provided in the staff memo.

Assistant Community Development Director Boike advised the structure was currently a legal non-conforming use with setback of 17 feet which predates the existing 50 feet setback.

Commissioner Ramsay inquired about noise from the proposed generator. Assistant Community Development Director Boike noted that staff has not been informed as to noise levels to date.

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Commissioner Kavanaugh noted operation during daylight hours and suggested operation between 7 a.m. and 10 p.m. in line with the noise ordinance. Assistant Community Development Director Boike stated that the intent of daylight hours was to be more restrictive but Commission can amend if desired.

Ben Feldman, St. Paul Regional Water Services, was invited to the podium for questions by the Commission.

Commissioner McPhillips confirmed with Mr. Feldman that installation of a generator replaces the need for building a water tower. Mr. Feldman added that the water was sufficient and the issue was the power outages at the station.

Commissioner Ramsay asked why generators weren't being installed all over instead of new water towers. He also inquired about the 6 foot fence, noise levels and alternative options. Mr. Feldman responded that generators weren't as reliable in the past but have made progress so many smaller cities were switching to generator operation. He added that the electrical engineers have advised that sound will be limited as the generator will be located in an enclosure within an enclosure. Mr. Feldman compared the sound outside of the building to that of an idling car and explained that there were other options they could explore for noise minimization inside.

Commissioner McPhillips stated information he received shows noise from exhaust rather than inside and asked Mr. Feldman to respond. Mr. Feldman explained that there were other options such as mufflers for noise and noted that St. Paul Regional Water opted for the highest level sound deafening option on the unit. He added that the unit would run fairly quiet and there was a west side station that sits outside without any complaints to date.

Commissioner Fernandez inquired about exhaust content. Mr. Feldman advised that exhaust was natural gas, the same as any residential home.

Commissioner Kavanaugh asked whether there were other options for location of the generator. Mr. Feldman explained there was no room in the existing building which is why they were requesting an addition. He added that an addition to the north would require clearing of landscape and the least disturbance option was to not remove trees and put the generator in the building rather than free standing outside.

**Chair Hubert opened the Public Hearing at 7:18 p.m.**

**Scott Ploss, Representing mother-in-law at 151 Myrman Ave.**

Mr. Ploss noted that an addition to the back of the building would encroach to 5.5 feet of the property line. Suggested an addition to the north side since there was more room as the addition would be an eye sore for the property behind the building. Mr. Ploss added that he understands that there would be noise but the Menards generators were loud and required muffles and doesn't want that to be the case in a residential setting. Also, it is annoying to have a constant hum. He explained that the construction would take place in the summer causing an entire summer of noise and that it would be a shame to lose the mature oak trees on the lot. Mr. Ploss asked what the proposed addition would do to property values also.

**Diane Ploss, Representing mother at 151 Myrman Ave.**

Mrs. Ploss explained that she helps her mother with yard work and noise will not be nice when outside. She added that construction of a building addition and a fence will disrupt the gardens She also asserted that she has talked to St. Paul Regional Water in the past regarding property maintenance noting that yard cutters have thrown branches into her mother's yard and weeds are tall. Mrs. Ploss explained that water runoff comes down the hill and is not addressed and when the roof was last tarred/repared, the compound spilled and got on mother's garage, grass, plants, etc. and no one cleaned it up.

Chair Hubert asked Mr. and Mrs. Ploss if they preferred a fence or no fence. Mrs. Ploss stated that a fence in some cases is fine if it is maintained and that currently her mother's property is fenced on three sides, none of which belong to her mother, but no one maintains the fences.

Commissioner Fernandez confirmed with Assistant Community Development Director Boike that a fence would be allowed if the building were turned back into a single family home. He also clarified with Mr. and Mrs. Ploss that the primary concerns were noise and aesthetics. Commissioner Fernandez verified with Mr. and Mrs. Ploss that St. Paul Regional Water did not contact neighbors regarding the proposal prior to the meeting.

**Ed Iago, 12 Langer Circle**

Mr. Iago advised he was in favor of the generator as it was needed but he was also in favor of St. Paul Regional Water being a good neighbor. He explained that noise, litter, and odor were already issues with the site and he has personally contact code

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enforcement a number of time to get the yard cleaned up. Mr. Iago stated that when the pumps go off in the building now, the noise can be heard so sound proofing would need to be substantial. He indicated that it is extremely difficult to get people to change or address issues once the project is built so staff condition four may be difficult to enforce. Mr. Iago asked the Commission to address the odor and noise issues before approving the variance as well as require a noise meter reading. He also suggested that St. Paul Regional Water consider moving the addition as it would be less impact to the neighbors and neighborhood.

### **Chair Hubert closed the Public Hearing at 7:34 p.m.**

Commissioner McPhillips asked Mr. Feldman to respond to comments. Mr. Feldman advised that he is still fairly new to St. Paul Water having been there for only three years but is aware of St. Paul Water making a big push to upgrade all buildings and maintain the lots. He explained that prior to the roof repair there was significant leakage in the building. He stated it is unfortunate the contractor did not clean up the mess and added that he would talk to the head of building and grounds regarding the branches and grass to be better maintained due to public complaints.

Chair Hubert asked Mr. Feldman if extending to the east was an option for St. Paul Water. Mr. Feldman explained that they were trying to stay within zoning requirements. He added that if moving the addition, other significant structural changes would be required. Mr. Feldman stated that locating the generator to the north of the water mains would not be ideal either.

Commissioner McPhillips noted existing issues with water runoff and asked whether the increase in water runoff had been considered. He requested other options for an addition be proposed and more information regarding the structure be provided.

Commissioner Ramsay stated he'd like to see a plan for alternative locations and would like to see roof lines to ensure aesthetics are appropriate for the neighborhood. He added that he could not vote in favor of the application as proposed.

Commissioner Leuer verified with Assistant Community Development Director Boike that side setbacks on residential properties were 15 feet split between the two side yards.

Commissioner Fernandez stated he would vote no due to too much grey area and that St. Paul Regional Water needs to do a better job

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with plans and possibly come back with a request for a different variance as placing additional conditions would be too extensive.

Chair Hubert requested Commissioners provide a list of topics to be addressed by the applicant. The list included regular drawings to show the roof line of the addition, impact to neighborhood, exploration of roof line on opposite end of existing structure, sound level information, exhaust impacts, alternative options for generator placement.

Mr. Feldman noted that the proposed option was the most expensive, had the least disturbance to neighbors, served the electrical replacement needs of St. Paul Water, and that other options were considered. He explained that the replacement of electrical will reduce disturbance to neighbors and the addition will eliminate the need for a generator to run full time and will keep the station operational.

Chair Hubert appreciated that St. Paul Water was trying to keep neighbors considerations in sight but suggested that alternate options be proposed and encouraged additional discussion with neighbors that would be affected. He confirmed with Assistant Development Director Boike that options for the Commission included either continuing the application to the next meeting for more information, deny the application, or approve with conditions.

Attorney Land explained that if the Commission was requesting other options, that would require a different variance application. She suggested continuance to allow the proposed application to be acted upon at the same time other options, if any, are considered. Attorney Land also noted the 60 day rule would expire on June 20<sup>th</sup> and suggested the Commission request the Zoning Administrator send an extension letter to allow for an additional 60 days to further analyze and act upon the application..

**ON MOTION by Leuer, seconded by Ramsay, the Committee of Adjustments continued Case #16-02, Application for a Variance to allow a reduction in Setback to a Residential Property for an Essential Service Structure in an R1 District at 1365 Bidwell St., until the June 21, 2016 meeting and requested the Zoning Administrator send an extension letter to allow an additional 60 days to act upon the application.**

**Ayes: 7      Nays: 0      Abstain: 0**

**CASE # 16-03**

**Application for Two Variances: 1) to Allow Parking (Drive Aisle) in the Front Yard Setback, and 2) to Allow for a Deviation in Front Yard Building Setback, both for the Redevelopment of 1725 Robert St. – Venture Pass Partners, LLC**

Assistant Community Development Director Boike reviewed the staff memo regarding two variance requests by Venture Pass Partners, LLC to allow parking in the front yard setback and allow a deviation in front yard building setback. Included in the commissioners' packets were a draft resolution memorializing the findings of facts should the committee approve the variances, a copy of the application, the notice of public hearing, and a copy of the site plans. Staff recommended approval of the variances subject to the condition that the Variances are contingent upon approval of the corresponding Site Plan, Conditional Use Permit, and Plat applications.

Commissioner Leuer inquired about existing setback of the credit union. Commissioner Kavanaugh asked about other fast food setbacks on Robert St. Assistant Community Development Director Boike explained that the credit union setback was about 80 feet and the proposed redevelopment would be substantially closer and other fast food setbacks were in the 40-50 range which is similar to what was being proposed.

The applicant was invited to the podium for questions by the Commission.

**David Carlend, President of Venture Pass Partners, LLC**

Mr. Carlend introduced his team. He Provided an overview of the proposed redevelopment to combine several properties and the City approvals and encouragement received thus far and explained that traffic circulation within the site would be improved. Mr. Carlend discussed tenants of the redevelopment and a total construction cost of over \$6.5 million with \$130,000 in park dedication funds.

Commissioner McPhillips asked about lease terms from tenants. Mr. Carlend provided initial lease terms of 10- 15 years for tenants.

Commissioner Fernandez inquired about pedestrian entrance from Robert St. and possible conflicts in internal traffic flow. He also asked about sidewalks from Livingston into the development. Mr. Carlend stated there wouldn't be conflicting turning movements and explained options for ingress, egress, and circulation within the site including signal at Lothenbach, right-in – right-out at the north end of the site, and full access onto and from Livingston. He also confirmed his willingness to include sidewalks from Livingston.

**Randy Rauwerdink, Venture Pass Partners, LLC**

Mr. Rauwerdink explained pedestrian traffic from Robert St. bus stop and along sidewalks that will connect people to the front of the buildings. He also explained that doors along Robert St. will likely be emergency exits only.

Commissioner Ramsay requested clarification that the proposal is to run four businesses through one primary driveway. Mr. Carlend explained that MnDOT recommends less curb cuts on Robert St. but that there would be alternative access points on Livingston.

Commissioner McPhillips inquired about traffic engineer analysis of the primary intersection. Mr. Carlend advised that one condition of approval of the Site Plan is a traffic study which will require certification from engineers adding that the merge in traffic as proposed would be less conflict than crossing traffic.

Commissioner Ramsay asked about street parking on Livingston which Assistant Community Development Director Boike responded that he was unsure but didn't think street parking was allowed in the area given the curb cuts.

Commissioner Kavanaugh noted a staff typo in the Findings of Fact Resolution and Boike advised the resolution would be consistent with the staff memo.

Commissioner Fernandez inquired about the traffic light and confirmed with the applicant and staff that internal traffic stacking would be sufficient.

**Chair Hubert opened the Public Hearing at 8:19 p.m.**

Commissioner Fernandez noted email correspondence received by some Commissioners and asked whether it should be part of the record. Attorney Land stated she was unaware of any correspondence received and recommended reading if it warrants being read into the record. After brief discussion by Commissioners, Chair Hubert stated the comments from the email would remain outside the public record.

**Chair Hubert closed the Public Hearing at 8:21 p.m.**

Commissioner Fernandez noted that as redevelopment of Robert St. continues, most businesses are being developed with building backs on Robert Street which is not pedestrian friendly. He suggested addressing that issue as applications are proposed.

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Mr. Carlend noted that interior layouts for the businesses have not been completed and speculated that it may not be possible to have access on Robert but it hasn't been eliminated. However, it is an objective that tenants are aware of but promises cannot be made.

Chair Hubert mentioned that access on Robert St. may be something the City Code could or should address.

**ON MOTION by McPhillips, seconded by Fernandez, the Committee of Adjustments approved Case #16-03, Application for two Variances: 1) to allow parking (drive aisle) in the front yard setback, and 2) to allow for a deviation in front yard building setback, both for the redevelopment of 1725 Robert St. requested by Venture Pass Partners, LLC.**

**Ayes: 7      Nays: 0      Abstain: 0**

**NEW BUSINESS:**

None.

**OLD BUSINESS:**

None.

**OTHER:**

None.

**ADJOURNMENT:**

**ON MOTION of Nelson, seconded by Leuer, the Commissioners ADJOURNED the Committee of Adjustments meeting of May 17, 2016, at 8:25 p.m.**

All Ayes: 7/0.