

## WEST ST. PAUL PLANNING COMMISSION

The regular meeting of the West St. Paul Planning Commission 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

Commissioners present: Chair Hubert and Commissioners Leuer, Nelson, McPhillips, Kavanaugh, Fernandez, and Ramsay.

### **Absent:**

None.

### **Also Present:**

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

### APPROVE MINUTES

**ON MOTION of Kavanaugh, seconded by Ramsay, RESOLVED to approve the West St. Paul Planning Commission meeting minutes of April 19, 2016 as written.**

Ayes: 7      Nays: 0      Abstain: 0

### PUBLIC HEARINGS

#### CASE # 16-04

#### **Application for an Interim Use Permit To Allow For Outdoor Display/Sale of Fireworks At 1640 Robert St. (Walmart) – TNT Fireworks**

Assistant Community Development Director Boike reviewed the staff memo regarding an application for an Interim Use Permit. Commissioners' packets included the application, letter from Chris Ulmer, Walmart Tenant Access Letter, sales area map and layout, certificate of liability insurance, and a list of products to be sold. Staff recommended approval of the Interim Use Permit subject to the four conditions provided in the staff memo.

Commissioner McPhillips confirmed with Staff there have been no problems with the applicant in the past.

#### **Chris Ulmer, TNT Fireworks, Fargo, North Dakota**

Mr. Ulmer stated it was his fourth year and nothing has changed.

**Chair Hubert opened the Public Hearing at 8:29 p.m.** and seeing no one wishing to speak for or against the application, **Chair Hubert closed the Public Hearing at 8:29 p.m.**

**ON MOTION by Kavanaugh, seconded by Nelson, the Planning Commission recommended approval of Case #16-04, Application an Interim Use Permit to allow for Outdoor Display/Sale of Fireworks at 1640 Robert St. (Walmart) by TNT Fireworks subject to the conditions as detailed in the staff memo.**

Ayes: 7      Nays: 0      Abstain: 0

**CASE # 16-05**

**Application for a Conditional Use Permit To Allow For The Expansion Of An Essential Service Structure (Building Expansion) At 1365 Bidwell St. – St. Paul Regional Water Services**

Attorney Land recommended the Planning Commission continue the Public Hearing to the June 21, 2016 meeting and request the Zoning Administrator send a 60 day extension letter consistent with the action taken by the Committee of Adjustments for the associated Variance request application.

**ON MOTION by Fernandez, seconded by Leuer, the Planning Commission continued the Public Hearing for Case #16-05 to the June 21, 2016 regular meeting of the Planning Commission and requested the Zoning Administrator send a 60 day extension letter.**

Ayes: 7      Nays: 0      Abstain: 0

**CASE # 16-06**

**Application For A Site Plan, Plat, And Conditional Use Permits For The Redevelopment Of 1675, 1701, And 1725 Robert St. – Venture Pass Partners, LLC**

Assistant Community Development Director Boike reviewed the staff memo regarding an application for Site Plan, three Conditional Use Permits, and Preliminary/Final Plat. Commissioners' packets included the Site Plan, Conditional Use Permit, and Platting applications, Memo from City Civil Engineer Darin Rezac, Memo from Fire Marshal Linda McMillan, Letter from Karen Scheffing, Principal Planner, MnDOT, dated May 11, 2016, Memo from Environmental Committee, Notice of Public Hearing, proposed Site, Grading, Erosion, Utility and Landscape Plans, Exterior Elevations, Land Survey, and proposed Preliminary Plat dated 4/22/16, revised 5/6/16. Staff recommended approval of all applications subject to the conditions provided in the staff memo.

Commissioner Fernandez asked whether windows facing Robert St. for the medical building would be clear or spandrel. He also inquired about including West St. Paul community branding on buildings and what the green space along Robert St. would include. Assistant Community Development Director Boike advised that the green space would include shrubbery. Randy Rauwerdink Venture Pass Partners, LLC, advised that the medical use does have donor privacy requirements so they were proposing spandrel glass on the bottom with clear windows above. Assistant Community Development Director Boike added that Cane's would keep their own branding and is being asked to include a window or two on each elevation per Code.

Commissioner Nelson inquired about snow removal. David Carlend, Venture Pass Partners, LLC, explained there would be on site storage available but they do remove if necessary.

Commissioner Leuer confirmed with Assistant Community Development Director Boike that 20' parking stalls were City requirement. He then inquired about reducing stall depth to 18 feet to increase the drive aisles. Mr. Rauwerdink noted that a 20 stall is required by the City with a 22 foot drive aisle.

Commissioner Kavanaugh asked about how the entrance median would affect internal traffic flow and expressed concern with cross traffic of Cane's to get to the businesses to the north. He also noted the vast parking with only two designated handicapped stalls. Assistant Community Development Director Boike noted that Code requires 1 handicap stall per 25 parking stalls so the proposed was in line with code. He added that the Commission could request the one-way access from Canes to the north businesses be closed off if desired.

Chair Hubert requested clarification of property line shift for rear yard parking setback and whether the parking lot would then be its own parcel. He also asked about grading at the Lothenbach entrance and requested clarification of the monument signs. Assistant Community Development Director Boike responded that the 10 foot shift to the west would not be a major impact or change since two parking lots are existing. He also noted that the grade would be improved for the access point as the site will be dropped down to be more consistent with Robert St. and that the current proposal shows two monument signs on one parcel so the City is recommending one sign be shifted north to be located on a separate parcel.

Mr. Rauwerdink explained that the condition requiring rooftop mechanical screening would be revised to include a 4-foot high parapet around rooftop mechanicals. Building materials for the medical use will also change to those approved by Code. These are non-problematic. He noted that the building materials issue requiring windows has been forwarded to Cane's so they were aware of the issue and are making the necessary changes. However, Cane's would like to entertain murals on their buildings. Mr. Rauwerdink noted issues with the 5' interior lot line drainage and utility easement requirement given that the proposed buildings have a 0' setback so an easement could not be located under the building foundation. He also requested flexibility for the placement of the City's requested parking islands along the lot lines. Mr. Rauwerdink noted the trash

enclosure for the retail tenant would be at the southwest peninsula and would be reincorporated into the plans and the monument sign would be moved north to fall within Lot 2. He stated they were comfortable with the conditions as provided with the exception of the interior lot line drainage and utility easement that would run under the proposed building foundation.

Commissioner Leuer noted the Code required 106 parking stalls but the proposal had 172 and asked why there were so many more. He also suggested cutting the connecting drive aisle to 15 foot width to discourage potential two-way traffic even though it is proposed to be one-way traffic only and what the impact would be if the pinwheel were closed or not allowed.

Mr. Rauwerdink advised that parking was driven by specific use and users' needs more than by City standards. He also noted that closing the pinwheel would be extremely problematic for the users and by having the 22 foot wide drive aisle, it would allow both parking areas to circulate with less conflict.

Commissioner Kavanaugh suggested adding a cross walk between the two parcels to provide better safety for pedestrians crossing the pinwheel. Mr. Rauwerdink stated they would consider adding a crosswalk after consulting with all parties to determine if it makes sense and where it could be placed.

Commissioner Nelson asked about a retaining wall on the site. Mr. Rauwerdink explained that the proposed Cane's site would be dropping at least two feet to get rid of the slope and that the retaining wall would start at the east end at 0, grow to 6-7 feet, and then decline back to 0.

Chair Hubert asked the applicant if they would entertain a one year sunset date for the access easement requirement. Mr. Carlend noted the site plan with the one-ways was less than optimal to include another access drive to the south property and stated if there is the ability to provide the access easement with the south property, they should be able to get it done in a year but added it depended upon the south property owner working with them to get it done.

Commissioner Fernandez stated he would hate to infringe on the developability of that lot and didn't necessarily see the benefit of the access easement. He added that if connecting the south

properties, there would be more traffic entering the pinwheel.

Assistant Community Development Director Boike advised that staff has been in discuss with the property owners to the south and they would also like to connect to the Lothenbach traffic light.

Commissioner Ramsay noted that Party City enjoyed all access but that 5-8 has one access point and that it would be nice to keep the option for additional access for the south properties.

**Chair Hubert opened the Public Hearing at 9:24 p.m.** and seeing no one wishing to speak for or against the application, **Chair Hubert closed the Public Hearing at 9:24 p.m.**

Commissioner Fernandez agreed that parking and access for south properties could be good if they are interested and the developer is willing to install. He agreed that a sunset date of one year makes sense in the event the southern property owners do not want to negotiate.

Attorney Land interjected that the City has undertaken a communication exercise to obtain temporary cross access easements for those properties for the Robert St. project. Since the City has been able to communicate, dialog should be able to continue.

Chair Hubert inquired about how to add the sunset date and remove the drainage and utility easement. Assistant Community Development Director Boike noted that plats require 10 foot on right of way and 5 foot on lot lines but with a 0 foot setback, plat would not show the easement through the building so staff will coordinate if Commissioners want to request an amendment to engineer condition 4.

**ON MOTION by Fernandez, seconded by Kavanaugh, the Planning Commission recommended APPROVAL of Case #16-06 including:**

- 1. SITE PLAN subject to the 12 conditions detailed in the staff memo, amending condition 7 to include a sunset date of one (1) year from final approval of the Site Plan application, and amending condition 12 referring to the City Civil Engineer recommendations, City Civil Engineer recommendation 4 is amended to state “Add 10’ drainage**

and utility easement where proposed plat abuts the public right-of-way. Add 5' drainage and utility easement around interior property lines except at the area under the proposed building having a 0 foot setback";

2. **CONDITIONAL USE PERMIT** to allow a Medical Clinic subject to the one (1) condition detailed in the staff memo;
3. **CONDITIONAL USE PERMIT** to allow a drive-through lane subject to the two (2) conditions detailed in the staff memo;
4. **CONDITIONAL USE PERMIT** to allow Outdoor Seating subject to the two (2) conditions detailed in the staff memo; and
5. **PRELIMINARY/FINAL PLAT** subject to the four (4) conditions detailed in the staff memo and amending condition 4 referring to the City Engineer recommendations, City Engineer recommendation 4 is amended to state "Add 10' drainage and utility easement where proposed plat abuts the public right-of-way. Add 5' drainage and utility easement around interior property lines except at the area under the proposed building having a 0 foot setback".

Ayes: 7            Nays: 0            Abstain: 0

**CASE # 16-07**  
**Zoning Ordinance**  
**Amendment, Section**  
**153.029 Regarding**  
**Interim Use Permits – City**  
**of West St. Paul**

Assistant Community Development Director Boike reviewed the staff memo regarding a proposed Zoning Ordinance amendment to streamline the process for requesting Interim Use Permits for returning applicants. Commissioners' packets included a proposed ordinance. Staff recommended holding a public hearing and recommending approval of the amendment.

Commissioner Leuer confirmed the amendment would apply to all Interim Use Permits and thanked staff for the proposed streamlined process.

**Chair Hubert opened the Public Hearing at 9:36 p.m.** and seeing no one wishing to speak for or against the amendment, **Chair Hubert closed the Public Hearing at 9:36 p.m.**

**ON MOTION** by **Kavanaugh**, seconded by **Ramsay**, the **Planning Commission** recommended approval of **Case #16-07, Zoning Ordinance Amendment, Section 153.029 regarding Interim Use Permits.**

Ayes: 7            Nays: 0            Abstain: 0

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**NEW BUSINESS:** None.

**OLD BUSINESS:** None.

**OTHER:** None.

**ADJOURNMENT:** **ON MOTION** of Leuer, seconded by Nelson, Commissioners **RESOLVED** to **ADJOURN** the May 17, 2016 regular meeting of the Planning Commission at 9:37 p.m.

All Ayes: 7/0